



Regional Economic Development Councils

AVAILABLE CFA RESOURCES



2021

A Division of Empire State Development

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Introduction

In 2011, Governor Andrew M. Cuomo created ten Regional Economic Development Councils (REDC) and the Consolidated Funding Application (CFA) to advance the administration's efforts to improve New York's business climate and expand economic growth.

New York State drives economic growth by making investments that enforce four interconnecting strategies:

- **Placemaking** - The notion that where investment occurs matters. In order to attract a talented workforce, our built environment must emphasize creating accessible job centers, sustainable infrastructure, and livable communities.
- **Workforce** - The belief that people drive the economy. Targeted job training and education ensures that jobs in high-paying, in-demand, tradeable sectors are filled in an equitable way.
- **Tradeable Sectors** - The industries New York State is targeting to increase export based employment opportunities. They are the industry sectors that are part of a global market like manufacturing, agricultural products, and energy.
- **Innovation** - The strategy of investing in and creating synergies between research and commercialization to drive the economy forward.

Over the past ten years, the Regional Councils have revitalized the state's economy through a bottom-up, community-based, and performance-driven approach to economic development. Through the comprehensive strategic planning process, every region across the state has succeeded in creating private sector jobs, driving private investment, bolstering workforce development, and revitalizing long-neglected cities, towns, and neighborhoods. This year, the expertise of the Councils will be an essential component of the post-COVID recovery.

The unprecedented economic devastation caused by COVID-19 has highlighted the importance of inclusive growth and resilient strategies. Public, private, and civic collaboration has been the cornerstone of this process since its inception and the partnerships forged through the Regional Economic Development Councils will be vital to the recovery of New York's economy. Each region's strategic plan, implementation agenda and progress reports can be found online at www.regionalcouncils.ny.gov

For Round XI, Regional Councils will once again focus on the implementation of each region's strategic plan, and continue to identify and invest in significant economic development projects. Round XI includes core capital and tax-credit funding that will be combined with a wide range of existing agency programs totaling over \$750 million. The core funding includes \$225 million in grants and tax credits to fund high value regional priority projects. The Budget also makes over \$525 million in resources from state agencies available to support community revitalization and business growth consistent with the existing REDC plans through the CFA process.

In order to be responsive to the immediate needs of the development community and as the state is making crucial investments to generate economic activity, the \$150 million in grant funds from Empire State Development will be made available to projects on a continuous and competitive basis this round.

This year, there are over 30 programs available through 9 state agencies, including Empire State Development; NYS Canal Corporation; NYS Energy Research and Development Authority; Environmental Facilities Corporation; Homes and Community Renewal; New York Power Authority; Office of Parks, Recreation and Historic Preservation; Department of State; and Department of Environmental Conservation. In an effort to provide the most appropriate state resources through this process, participating agencies will be able to review and potentially provide funding to a project

that did not specifically apply to that program, if the materials submitted at time of application satisfy the requirements for that program and allow for fair review under the circumstances. In addition, all programs contained in this document will use regional distribution standards to ensure projects are funded throughout the state.

Please be advised that all CFA grants are subject to the New York State Executive Law Article 15-A which requires, where applicable, the establishment of 30% minority-and women-owned business enterprises ("M/WBE") contract goals.

In 2014, the Service-Disabled Veteran-Owned Business Act was signed into law. The new law created the Division of Service-Disabled Veterans' Business Development in Office of General Services to certify, promote and encourage economic development among disabled veterans throughout the state. Project applicants are urged to work with Service-Disabled Veteran-Owned Businesses (SDVOBs) and a directory can be found at <https://ogs.ny.gov/Veterans>.

This document outlines information about each agency's grant programs, including eligibility, scoring criteria, applicant requirements, and agency contact information.

2021 Available Resources

Programs subject to the 4:00 PM July 30 Deadline

Empire State Development: Up to \$29.5 million

- Up to \$2 million for Strategic Planning and Feasibility Studies
- Up to \$15 million for Market New York
- Up to \$12.5 million for Business Incubator & Innovation Hot Spot Support Program

Homes and Community Renewal: Up to \$26.2 million

- Up to \$20 million for New York State Community Development Block Grant Program
- Up to \$6.2 million for New York Main Street Program

Office of Parks, Recreation and Historic Preservation: Up to \$21.4 million

- Up to \$19.5 million for Environmental Protection Fund Grants Program for Parks, Preservation and Heritage (EPF)
- Up to \$1.9 million for Recreational Trails Program

Department of State: Up to \$36.25 million

- Up to \$27.75 million for the Local Waterfront Revitalization Program
- Up to \$3.5 million for the Brownfield Opportunity Area Program
- Up to \$1 million for the Smart Growth Comprehensive Planning Grant Program
- Up to \$4 million for Local Government Efficiency Program

New York State Canal Corporation: Up to \$1 million

- Up to \$1 million for the Canalway Grants Program

New York State Energy Research and Development Authority: Up to \$30 million

- Up to \$15 million for Carbon Neutral Economic Development Program
- Up to \$15 million for Commercial and Industrial (C&I) Carbon Challenge

Department of Environmental Conservation: Up to \$79 million

- Up to \$11 million for the Climate Smart Communities Grant Program
- Up to \$65 million for the Water Quality Improvement Project (WQIP) Program
- Up to \$3 million for the Non-Agricultural Nonpoint Source Planning and Municipal Separate Storm Sewer System (MS4) Mapping Grant Program

Environmental Facilities Corporation: Up to \$17.5 million

- Up to \$15 million for the Green Innovation Grant Program
- Up to \$2.5 million for NYS EFC Wastewater Infrastructure Engineering Planning Grant Program

Open Enrollment Programs

Empire State Development: Up to \$225 million

- Up to \$150 million for ESD Grant Funds
- Up to \$75 million for Excelsior Jobs Program

New York State Energy Research and Development Authority: Up to \$3 million

- Up to \$3 million for Energy Efficiency Programs

New York State Power Authority: Up to 22 Megawatts

- Up to 22 Megawatts for the ReCharge NY Program

Federal Industrial Development Bond Cap: Up to \$300 million

- Up to \$300 million for Industrial Development Bond Cap (IDBC)

Open Enrollment programs will continue to accept applications on an ongoing basis and are not subject to the July 30 deadline

Empire State Development

Empire State Development Grant Funds

Funding Available: Up to \$150 million

DESCRIPTION:

ESD has \$150 million of capital grant funding from the Regional Council Capital Fund available for the State's Regional Economic Development Council Initiative, which helps drive regional and local economic development across New York State in cooperation with ten Regional Economic Development Councils ("Regional Councils").

Capital grant funding is available for capital-based economic development projects intended to create or retain jobs; prevent, reduce or eliminate unemployment and underemployment; and/or increase business or economic activity in a community or Region.

Grant funding will be allocated among the ten regions, each represented by a Regional Council. Funding decisions will be based on each Regional Council's development and implementation of a five-year strategic plan that sets out a comprehensive vision for economic development and specific strategies to implement that vision, coupled with New York State's economic growth priorities. Funding will be allocated to projects, including priority projects identified by the Regional Councils, identified as significant, regionally supported and capable of stimulating economic investment.

In addition, special consideration shall be given to projects supporting the Downtown Revitalization Initiative and Strategic Community Investment, Improving Access to Child Care, and Environmental Justice.

Funding will be awarded by the New York State Urban Development Corporation (d/b/a Empire State Development) at its discretion.

ELIGIBLE TYPES OF APPLICANTS:

Eligible Applicants include but are not limited to: for-profit businesses, not-for-profit corporations*, business improvement districts, local development corporations, public benefit corporations (including industrial development agencies), economic development organizations, research and academic institutions, incubators, technology parks, municipalities, counties, regional planning councils, tourist attractions and community facilities.

* If awarded funding, prior to ESD Directors' approval and execution of a contract with ESD, a not-for-profit corporation must be registered and up-to-date with filings with the New York State Office of the Attorney General's Charities Bureau and the New York State Office of the State Comptroller's VendRep System and must be prequalified in the New York State Grants Gateway.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Applicants applying for ESD Grant Funds should clearly describe the scope and budget for the "project" for which funds are being requested. For example, an Applicant may be planning a larger project that would include multiple phases, such as in the case of a major infrastructure project or redevelopment of a specific geographic area. However, the "project" for which funds are being requested via the CFA might consist of only one phase of the larger project. In such situations, the request for ESD Grant funds should be specific to the phase, NOT the overall multi-phase project.

Assistance generally falls into three categories:

1. Strategic Community Development Investment:

Grant funds may be used to finance strategic community development investments within a downtown, mixed-use commercial district in order to attract new businesses and expand existing businesses, thereby fostering further investment. Strategic community development investments include but are not limited to capital expenditures for infrastructure including transportation, parking garages, water and sewer, communication, and energy generation and distribution. Applicants must demonstrate how the project will result in a benefit to the viability of the area it is located in and how it will lead to increased economic activity. Applicants that propose a project within a specific area where there are other proposed or ongoing projects may be looked upon favorably as a way to redevelop a specific area as opposed to standalone projects without other investments within an area.

Strategic community development investment projects that are able to provide job commitments will be viewed favorably. It is important, however, to note that (1) few strategic community development investment projects are anticipated to be able to provide job commitments and (2) if the employer will be an entity other than the Applicant, a third party guarantee of the Applicant's job commitment must be provided by the prospective employer and both the prospective employer and the third party guarantor must be found by ESD to be creditworthy.

Strategic community development investment projects may also include planning or feasibility studies relating to a specific capital project, site, or downtown, mixed-use district.

2. Business Investment:

Business investments are capital expenditures that facilitate an employer's ability to create new jobs in New York State or to retain jobs that are otherwise in jeopardy. Five-year job commitments will be required of all award recipients because it is by underwriting these job commitments that ESD is best able to forecast the economic benefits of providing assistance to any particular project. Applicants will therefore be required to commit to the number of jobs at risk (of relocation or loss) that will be retained by the proposed project, the number of net new full-time jobs that will be created by the project, and the average salaries of each. Failure to achieve or maintain these employment commitments will subject a funding recipient to potential recapture of assistance.

3. Economic Growth Investment:

An Economic Growth Investment initiative fosters economic growth through cultural activity, higher education activity, agribusiness initiatives, other local or regional initiatives, planning or feasibility studies relating to a specific capital project or site, improvements to facilities in highly distressed areas, commercial revitalization activities in central business districts or commercial strips, or other types of projects that may not have direct job creation goals. Economic Growth Investment projects that are able to provide direct job commitments will be viewed favorably.

GRANT FUNDS MAY BE USED FOR:

- Acquisition of land, buildings, machinery and/or equipment;
- Demolition and environmental remediation;
- New construction, renovation or leasehold improvements;
- Acquisition of furniture and fixtures;
- Soft costs of up to twenty-five percent (25%) of total project costs; and
- Planning and feasibility studies related to a specific capital project or site.

INELIGIBLE ACTIVITIES:

The following types of expenses may be included in budgets but shall not be eligible for reimbursement by grant funds:

- Developer fees;

- Training;
- Residential development, although program funds may only be used for the commercial component of a mixed-use project; and
- Block grant projects or revolving loan funds

PRE-APPLICATION REQUIREMENTS:

Applicants must complete and submit a Consolidated Funding Application (CFA) for review by ESD and the Regional Council for the region in which the proposed project is located.

SUCCESSFUL APPLICANT REQUIREMENTS:

Awards are offered as an incentive to undertake a project. Therefore, the project should not begin, and expenses should not be incurred, before funding awards have been announced. Expenses incurred prior to submission of a CFA should not be included in CFA project budgets, nor should expenses that will be incurred after submission of a CFA but prior to an award announcement.

The amount of an award from ESD is based on a number of factors including, but not limited to, the project’s alignment with the state and regional priorities, as well as the potential for direct and indirect job creation, direct and indirect fiscal benefit to the state and local governments, overall economic activity, community development and private investment. Generally, applicants should not apply for, nor will be considered for, more than twenty percent (20%) of the financing for any particular project based on the eligible total project cost. Typically, awards will be less than 20% of the eligible total project cost and the likelihood of winning an award improves as the percentage of ESD assistance is reduced and private investment or other sources are better leveraged. Exceptions to this limit may be made at the sole discretion of ESD in cases where it is found that a project or projects will have an unusual or extraordinary regional or statewide impact.

ESD requires that the Applicant contribute a minimum of ten percent (10%) of the total project cost in the form of equity contributed after the Applicant’s acceptance of ESD’s incentive proposal. Equity is defined as cash injected into the project by the Applicant or by investors and should be auditable through the Applicant’s financial statements or accounts, if so requested by ESD. Equity cannot be borrowed money secured by the assets in the project or grants from a government source.

The Applicant must always disclose whether it is pursuing or intends to pursue multiple ESD funding sources, including grants, loans and tax incentives.

SELECTION CRITERIA:

In addition to the criteria noted below, ESD shall have the discretion to consider additional factors in determining the relative merits of projects.

Vision and Regional Economic Development Strategies:

- The overall economic impact that the project identified in the application will have on a region, including, but not limited to, the amount of capital investment and the level of increased economic activity from the proposed capital investment;
- The economic and community benefit to the viability of the area in which the project is located in;
- The number and impact of any direct or indirect jobs that will be created;
- The number of new jobs created and/or at-risk jobs that will be retained;
- The likelihood that the project identified in the application would be located outside of New York State or would not occur in New York State but for the availability of state or local incentives.

Public/Stakeholders:

- Whether the project has demonstrated support from local government and private sector leaders in the locality and the region where the project will be located;
- Whether the project will have a significant regional impact or is likely to increase the subject community’s economic and social viability and vitality; and

- The degree of economic distress in the area where the Applicant will locate the project identified in its application, including downtown revitalization and brownfield areas.

Implementation:

- The degree of project readiness and likelihood of completion, including, where applicable for real estate development projects, if there are identified tenants for a completed project; and
- The degree of the Applicant’s financial viability and strength of financials/operating history/ESD credit score.

Leveraged Resources:

- The amount of private financing leveraged; and
- The amount of public financing leveraged.

Performance Measures:

- The estimated return on investment that the project identified in the application will provide to New York State;
- For downtown areas, whether or not the project concerns the preservation of the architectural character of a building or neighborhood;
- Whether, where applicable, there are identified tenants for a completed project;
- The degree to which the project supports the principals of smart growth, energy-efficiency (including but not limited to, the reduction of greenhouse gas and emissions and the Leadership in Energy and Environmental Design [LEED] green building rating system for the project identified in its application), and sustainable development; and
- The degree to which the project identified in the application supports New York State minority- and women-owned business enterprises.

Significant Statewide Programs:

- Proposed projects that are part of the following initiatives will be looked upon favorably:

Downtown Revitalization Initiative and Strategic Community Investment

Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization and strategic place making through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses - creating dynamic neighborhoods where tomorrow’s workforce will want to live, work, and raise a family. Projects should reflect the general principles of smart growth and sustainable development.

Improving Access to Child Care

Despite record investments in child care, many New Yorkers still struggle to access high quality child care. This issue forces families to choose between quality child care and employment or places families in the position to use unlicensed child care providers. Applicants should provide any information about their project that works to improve access to child care.

Environmental Justice

Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As we transition to a greener economy, it is imperative that no subset of the population be marginalized or left behind. Applicants should provide any information about how their project actively works to address these issues.

AWARD CRITERIA DETAILS:

- Notice of a funding award will be given in the form of an incentive proposal outlining the terms of the proposed assistance. The award is subject to approval of the ESD Directors and compliance with applicable laws and regulations. Project funding may only be used for expenses incurred after the date that notice of the funding award is given. Applicants are strongly encouraged to review and countersign ESD's incentive proposal prior to starting the project.
- All Applicants will be requested to certify and agree that any decrease in the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, jobs retained, and jobs created, may result in ESD's reduction of the award, in ESD's sole discretion, in an amount proportionate to any such decrease.
- All Applicants will be requested to certify and agree that any expansion of the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, jobs retained, and jobs created, will not result in the increase of the award by ESD.
- The awarded grants are transferable at the sole discretion of ESD.
- The essential terms for the disbursement of assistance are included in the incentive proposal. Although funding is offered prior to project commencement as an inducement to undertake the project, funds are disbursed in arrears, as reimbursement for eligible project expenditures.
- Grant funds will be subject to pro rata recapture if property is sold within 5 years of disbursement of funds.
- It is expected the project will proceed in the time frame set forth by the Applicant. If the implementation of a project fails to proceed as planned and is delayed for a significant period of time and there is, in the exclusive judgment of ESD, doubt as to its viability, ESD reserves the right to cancel its funding commitment to such project. If awarded, the Incentive Proposal expires two years from the date of acceptance by the Recipient. ESD reserves the right to require Recipient to provide any additional information and/or documentation ESD deems necessary and terminate the project at any point if the applicant fails to provide such documentation in a timely manner.
- For Business Investment projects, partial funding is disbursed upon project completion and interim job creation/retention milestones, with additional funding disbursed upon achievement of job creation/retention milestones. For Infrastructure Investment and Economic Growth Investment projects, funding is typically is disbursed upon project completion.
- Projects generally are presented to the ESD Directors once all project expenditures have been undertaken and disbursement of ESD assistance is sought.
- All required public approvals must be in place prior to the start of construction and approval by the ESD Directors, including State Environmental Quality Review (SEQR) and consultation with the State Historic Preservation Office, if applicable. Physical work on an ESD-funded project may not be started prior to the completion of any necessary environmental, historic and/or smart growth review.
- For projects with job creation and/or retention, job numbers will be verified using the employer's NY-45 and NY-45 ATT and/or payroll reports prior to disbursement of funds and annually thereafter through the required reporting period.

- In accordance with the requirements of Article 15-A of the New York State Executive Law: Participation By Minority Group Members and Women With Respect To State Contracts, projects awarded funding shall be reviewed by ESD's Office of Contractor and Supplier Diversity, which will set business and participation goals for minorities and women. Such goals shall typically be included in the incentive proposal.

Please note that ESD's agency-wide MWBE utilization goal is 30%. Each project will be assigned an individual contract-specific goal, which may be higher or lower than 30%. Should an Applicant receive a funding award, the Applicant shall be required to use good faith efforts to achieve the prescribed MWBE goals assigned to this project. Applicants must maintain such records and take such actions necessary to demonstrate such compliance. Failure to achieve the specified MWBE goal may result in award reduction.

- In 2014, the Service-Disabled Veteran-Owned Business Act was signed into law. The new law created the Division of Service-Disabled Veterans' Business Development in Office of General Services to certify, promote and encourage economic development among disabled veterans throughout the state. Project Applicants are urged to work with Service-Disabled Veteran-Owned Businesses (SDVOBs) and a directory can be found at <https://ogs.ny.gov/Veterans>.
- In accordance with State law, after approval by the ESD Directors, a public hearing will be required if the project involves the acquisition, construction, reconstruction, rehabilitation, alteration or improvement of any property. ESD will schedule a public hearing in accordance with the *New York State Urban Development Corporation Act* ("UDC Act") and will take such further action as may be required by the UDC Act and other applicable law and regulations. The ESD Directors must reconsider the matter if any negative testimony is received at the public hearing. (Generally, this hearing occurs the month after the Directors' initial approval). Approval by the Public Authorities Control Board ("PACB"), New York State Comptroller ("OSC") and the New York State Attorney General ("AG") may then be required. Following approval by the ESD Directors and PACB, OSC and AG approval, if required, the documents for processing the grant award will be prepared by ESD. Notwithstanding the process outlined above, no project shall be funded if sufficient resources are not received by ESD for such project.
- A \$250 Application Fee, payable when funding is documented in an Incentive Proposal, and a one percent (1%) non-reimbursable commitment fee based on the grant amount awarded will be assessed to all awardees. The commitment fee will be due when the Applicant executes documents required for processing the award, after approval by the ESD Directors. The Applicant will be obligated to pay for out-of-pocket expenses incurred by ESD in connection with the project, including, but not limited to, expenses related to attorney fees, appraisals, surveys, title insurance, credit searches, filing fees, public hearing expenses and other requirements deemed appropriate by ESD.
- Grant funds originally awarded to projects that have since been cancelled or terminated will be repurposed for economic development projects by ESD at its discretion in consultation with the REDCs.
- Projects having a hotel as a principal function will be required to demonstrate compliance with Section 2879-b of Public Authorities Law regarding labor peace if funding is awarded. Public Authorities Law Section 2879-b prohibits public authorities from providing financing for any project that includes, as one of the principal functions, a hotel with more than fifteen employees unless a labor peace agreement ("LPA") is entered into with a labor organization representing hotel or convention center employees in the State, for a period of at least five years. An LPA is an agreement between the project developer (or its contractors) and a labor organization prohibiting

the labor organization and its members from engaging in labor activities that disrupt the hotel's operations.

ADDITIONAL RESOURCES:

For more information, eligible Applicants should contact the local Empire State Development Regional Office. A complete list of the ESD Regional Offices can be found at <http://esd.ny.gov/RegionalOverviews.html>

Excelsior Jobs Program

Funding Available: Up to \$75 million

DESCRIPTION: The Excelsior Jobs Program, established in Chapter 59 of the Laws of 2010, provides job creation and investment incentives to firms in targeted industries such as biotechnology, pharmaceutical, high-tech, clean-technology, green technology, financial services, agriculture and manufacturing, not inclusive. Firms in these industries that create and maintain net new jobs or make significant financial investment are eligible to apply for up to five tax credits. The Program encourages businesses to expand in and relocate to New York while maintaining strict accountability standards to guarantee that businesses deliver on job and investment commitments.

Firms in the Excelsior Jobs Program may qualify for five, fully refundable tax credits. Businesses claim the credits over a multi-year period. To earn any of the following credits, firms must first meet and maintain the established job and investment thresholds.

Effective April 3, 2020 an enhanced tax credit was introduced for “green projects” operating in strategic industries inclusive of agriculture, manufacturing, software development, and scientific research and development.

A “green project” means a project that makes products or develops technologies that are primarily aimed at reducing greenhouse gas emissions or supporting the use of clean energy.

"Green project" shall include, but not be limited to, the manufacture or development of products or technologies or supply chain components primarily for renewable energy systems as defined in section sixty-six-p of the public service law, vehicles that use non-hydrocarbon fuels and produce zero or near zero emissions, heat pumps, energy efficiency, clean energy storage and other products that significantly reduce greenhouse gas emissions by minimizing the utilization of depletable resources or by improving industrial efficiency.

“Green project” shall not include a project primarily composed of (i) necessarily local activities such as retail, building construction, or the, deployment or adoption of an energy product or technology at an end user’s site, or (ii) the production of products or development of technologies that would produce only marginal and incremental energy savings or environmental benefits ancillary to the core function of the product or technology.

Effective with the passing of the 2021-2022 budget an enhanced childcare investment tax credit and childcare services tax credit component were introduced for childcare expenses for projects operating in a qualified strategic industry.

“Childcare services” means those services undertaken or sponsored by a participant in this program meeting the requirements of “child day care” as defined in paragraph (a) of subdivision one of section three hundred ninety of the social services law or any child care services in the city of New York whereby a permit to operate such childcare services is required pursuant to the health code of the city of New York.

"Net new childcare services expenditures" means the calculation of new, annual participant expenditures on childcare services whether internal or provided by a third party (including coverage for full or partial discount of employee rates), minus any revenues received by the participant through a third-party operator (i.e. rent paid to the participant by the childcare provider) or employees and may be further defined by the commissioner in regulations. For the purposes of this definition, expenditures for childcare services that a participant has incurred prior to admission to this program shall not be eligible for the credit.

The Excelsior Jobs Tax Credit:

- A credit of up to 6.85 percent of wages per new job to cover a portion of the associated payroll cost
- For “green projects” a credit of up to 7.5 percent of wages

The Excelsior Investment Tax Credit:

- Valued at two percent of qualified investments
- For “green projects”, a credit valued at 5 percent of qualified investments
- For investments in child care a credit up to 5 percent of qualified investments

The Excelsior Research and Development Tax Credit:

- A credit of 50 percent of the Federal Research and Development credit up to 6 percent of eligible research expenditures in NYS
- For “green projects” a credit of 50 percent of the Federal Research and Development credit up to 8 percent of eligible research expenditures in NYS

The Excelsior Real Property Tax Credit:

- Available to firms locating in certain distressed areas and to firms in targeted industries that meet higher employment and investment thresholds (Regionally Significant Project).

The Excelsior Childcare Services Tax Credit:

- A credit of up to 6 percent of net new childcare services expenditures for the operation, sponsorship or direct financial support of a childcare services program.

ELIGIBLE TYPES OF APPLICANTS: For-profit business entities including corporations, limited liability companies, partnerships, sole proprietorships.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Agriculture: agricultural production (establishments performing the complete farm or ranch operation, such as farm owner-operators, tenant farm operators, and sharecroppers) and agricultural support (establishments that perform one or more activities associated with farm operation, such as soil preparation, planting, harvesting, and management, on a contract or fee basis).

Back Office Operations: a business function that may include one or more of the following activities: customer service, information technology and data processing, human resources, accounting and related administrative functions.

Distribution Center: a large-scale facility involving processing, repackaging and/or movement of finished or semi-finished goods to retail locations across a multi-state area.

Entertainment Company: means a corporation, partnership, limited partnership, or other entity principally engaged in the production or post production of (I) motion pictures, which shall include feature-length films and television films, (II) instructional videos, (III) televised commercial advertisements, (IV) animated films or cartoons, (V) music videos, (VI) television programs, which shall include, but not be limited to, television series, television pilots, and single television episodes, or (VII) programs primarily intended for radio broadcast. Entertainment Company shall not include an entity (I) principally engaged in the live performance of events, including, but not limited to, theatrical productions, concerts, circuses, and sporting events, (II) principally engaged in the production of content intended primarily for industrial, corporate or institutional end-users, (III) principally engaged in the production of fundraising films or programs, or (IV) engaged in the production of content for which

records are required under section 2257 of Title 18, United States Code, to be maintained with respect to any performer in such production.

Financial Services: “Financial services data centers or financial services customer back office operations” means operations that manage the data or accounts of existing customers or provide product or service information and support to customers of financial services companies, including banks, other lenders, securities and commodities brokers and dealers, investment banks, portfolio managers, trust offices, and insurance companies.

Life Sciences: means agricultural biotechnology, biogenerics, bioinformatics, biomedical engineering, biopharmaceuticals, academic medical centers, biotechnology, chemical synthesis, image analysis, marine biology, medical devices, medical nanotechnology, natural product pharmaceuticals, proteomics, regenerative medicine, RNA interference, stem cell research, medical and neurological clinical trials, health robotics and veterinary science.

Manufacturing: the process of working raw materials into products suitable for use or which gives new shapes, new quality or new combinations to matter which has already gone through some artificial process by the use of machinery, tools, appliances, or other similar equipment. "Manufacturing" does not include an operation that involves only the assembly of components, provided, however, the assembly of motor vehicles or other high value-added products shall be considered manufacturing.

Music Production: means the process of creating sound recordings of at least eight minutes, recorded in professional sound studios, intended for commercial release. Music Production does not include recording of live concerts, or recordings that are primarily spoken word or wildlife or nature sounds or produced for instructional use or advertising or promotional purposes.

Scientific Research and Development: conducting research and experimental development in the physical, engineering, and life sciences, including but not limited to agriculture, electronics, environmental, biology, botany, biotechnology, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary, and other allied subjects. For the purposes of this article, scientific research and development does not include medical or veterinary laboratory testing facilities.

Software Development: the creation of coded computer instructions and includes new media; the application of information technology to traditional communications outlets, particularly through interactive modes such as the Internet, including video games, web search portals, interactive web-based content, and interactive advertising.

SUCCESSFUL APPLICANT REQUIREMENTS: Because awards are offered as an incentive to undertake a project, the project should not begin, and expenses should not be incurred, before funding award notification. Expenses incurred prior to submission of a CFA should not be included in CFA project budgets.

Excelsior Jobs Program eligibility is based on the predominant activity of the proposed project. The Program is limited to projects making a substantial commitment to growth – either in employment or through investing significant capital in a New York facility.

The Job Growth Track comprises 75% of the Program and includes projects creating net new jobs in New York.

Targeted Activity	Minimum Job Creation Threshold
Agriculture	5
Back Office	25
Distribution	50
Entertainment Company	100

Financial Services	25
Life Sciences	5
Manufacturing	5
Music Production	5
Scientific R&D	5
Software Development	5

The Investment Track comprises 25% of the Program and includes projects with targeted activities that make significant new capital investments in a New York facility but cannot project the minimum job threshold. Applicants with manufacturing activities must retain at least 5 jobs; all other eligible activities must retain at least 25 jobs. Applicants admitted to the Program under the Investment Track must meet a benefit-cost threshold of at least \$10 of investment and new wages for every \$1 of tax credit.

INELIGIBLE ACTIVITIES: A not-for-profit business entity, a business entity whose primary function is the provision of services including personal services, business services, or the provision of utilities, a business entity engaged predominantly in the retail or entertainment industry, other than a business operating as an entertainment company as defined above or a business entity engaged in music production, and a business entity engaged in the generation or distribution of electricity, the distribution of natural gas, or the production of steam associated with the generation of electricity are not eligible to participate in the program.

SELECTION CRITERIA: In addition to the criteria noted below, ESD shall have the discretion to consider additional factors in determining the relative merits of projects.

- The overall economic impact that the project identified in the application will have on a region, including, but not limited to, the number and impact of any direct or indirect jobs that will be created;
- The number of new jobs created and/or at-risk jobs that will be retained;
- The amount of capital investment and the level of increased economic activity from the proposed capital investment;
- The likelihood that the project identified in the application would be located outside of New York State or would not occur in New York State but for the availability of state or local incentives
- Special consideration shall be given to projects supporting Regional Economic Development Council Opportunity Agenda priorities, Veterans' Related Projects and Downtown Revitalization Initiative projects.

AWARD CRITERIA DETAILS: Notice of a funding award will be given in the form of an incentive proposal outlining the terms of the proposed assistance, establishing a schedule of job and investment requirements and tax credit benefits. The award is subject to compliance with applicable laws and regulations. Project funding may only be used for expenses incurred after the date that notice of the funding award from the Commissioner of the NYS Department of Economic Development. Applicants are strongly encouraged to review and countersign ESD's incentive proposal prior to starting the project.

Each participant must submit a performance report annually demonstrating that the applicable job and investment requirements are achieved. A participant may receive benefits under the program based on interim milestones up to the limits established in the formal agreement.

ADDITIONAL RESOURCES: Program Contact: 518/292-5240
<http://esd.ny.gov/BusinessPrograms/Excelsior.html>

Strategic Planning and Feasibility Studies

Funding Available: Up to \$2 Million

DESCRIPTION

ESD's Urban and Community Development Program promotes economic development in the State of New York by encouraging economic and employment opportunities and stimulating development of communities and urban areas. Total program funding of up to \$2 million is available for working capital grants of up to \$100,000 each to support 1) strategic development plans for a city, county, or municipality or a significant part thereof and 2) feasibility studies for site(s) or facility(ies) assessment and planning. Projects should focus on economic development purposes, and preference shall be given to projects located in highly distressed communities. In addition, special consideration shall be given to projects supporting the Regional Economic Development Council Initiative, the Downtown Revitalization Initiative, and Strategic Community Investment projects. Each grant requires a minimum of 50% of total project costs in matching funds, which should include at least 10% of total project costs in the form of cash equity contributed by the Applicant organization. Funding will be awarded by the New York State Urban Development Corporation (d/b/a Empire State Development) at its discretion.

ELIGIBLE TYPES OF APPLICANTS:

- Cities
- Counties
- Municipalities
- Business Improvement Districts
- Local Development Corporations
- Not-for-profit Economic Development Organizations*

* If awarded funding, prior to ESD Directors' approval and execution of a contract with ESD, a not-for-profit corporation must be registered and up-to-date with filings with the New York State Office of the Attorney General's Charities Bureau and the New York State Office of the State Comptroller's VendRep System and must be prequalified in the New York State Grants Gateway.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Assistance is available in the following two categories:

- Preparation and development of strategic development plans for a city, county or municipality or a significant part thereof; and
- Studies, surveys or reports, and feasibility studies and preliminary planning studies to assess a particular site or sites or facility or facilities for any economic development purpose other than residential, though mixed-use facilities with a residential component are allowed.

INELIGIBLE ACTIVITIES: For Site Assessment and Site Planning grants:

- Residential development, although program funds may be used for a study involving a mixed-use project.

PRE-APPLICATION REQUIREMENTS: Applicants must complete and submit a Consolidated Funding Application (CFA) for review by ESD and the Regional Council for the region in which the proposed project is located.

SUCCESSFUL APPLICANT REQUIREMENTS: Because awards are offered as an incentive to undertake a project, the project should not begin, and expenses should not be incurred, before funding awards have been announced. Expenses incurred prior to submission of a CFA should not be included in CFA project budgets, nor should expenses that will be incurred after submission of a CFA but prior to an award announcement.

ESD requires that the Applicant contribute a minimum of ten percent (10%) of the total project cost in the form of equity contributed after the Applicant's acceptance of ESD's incentive proposal. Equity is defined as cash injected into the project by the Applicant or by investors, and should be auditable through the Applicant's financial statements or accounts, if so requested by ESD. Equity cannot be borrowed money secured by the assets in the project or grants from a government source.

The Applicant must always disclose whether it is pursuing or intends to pursue multiple ESD funding sources, including grants, loans and tax incentives.

Projects should focus on economic development purposes, such as increasing viability of existing businesses, stimulating new enterprises, and analyzing potential development opportunities or obstacles to development.

Priority will be given to projects located in Highly Distressed Areas

In determining whether a project is in a highly distressed area, ESD considers whether the area is characterized by pervasive poverty, high unemployment, and general economic distress based on characteristics including but not limited to:

- a former Empire Zone (investment zone areas);
- a poverty rate of at least twenty percent, or if the area does not contain a census tract or tracts, a block numbering area, or a city, town, or village, a poverty rate of at least thirteen percent;
- an unemployment rate of at least 1.25 times the statewide unemployment rate;
- significant job loss from one employer or in a particular industry;
- the United States President declares the area a natural disaster area;
- closure or realignment of a defense or military base or facility;
- contraction or discontinuance of a State hospital or mental hygiene facility;
- population and employment decline, increase in unemployment and public assistance recipients, decline in real property values, decline in per capita income, abandoned property and deteriorated industrial, commercial, and residential properties, a decline in business establishments, obsolescence in plant capacity, loss of markets to foreign competition, the unavailability of expansion financing, poor access to markets, and other indicators of chronic and severe economic distress;
- potential to attract private investment that will employ unemployed or economically disadvantaged persons;
- substantial public and private commitments to a long-term economic revitalization program and the capacity to manage the program;
- a plan that states the area's needs, proposals for meeting such needs, the process for routine periodic evaluation of progress in implementing the plan and compilation of essential information for such evaluation;
- applicable land use laws or regulations allow the use of at least twenty-five percent of the area for commercial or industrial activity; and
- Twenty-five percent or more of the area is vacant, abandoned, or otherwise available for industrial or commercial development.

SELECTION CRITERIA: In addition to the criteria noted below, ESD shall have the discretion to consider additional factors in determining the relative merits of projects.

Vision and Regional Economic Development Strategies:

- The overall economic impact that the project identified in the application will have on a region;
- The project's ability to increase viability of existing businesses, stimulate new enterprises, and analyze potential development opportunities or obstacles to development;
- Whether the project will have a significant regional impact and/or is likely to increase the subject community's economic and social viability and vitality; and

- The degree of economic distress in the area where the applicant will locate the project identified in its application, including downtown revitalization and brownfield areas.

Public/Stakeholders:

- Whether the project has demonstrated support from local government and private sector leaders in the locality and the region where the project will be located; and
- The project's plans for promoting and sharing information, tools or processes related to and resulting from the planning or feasibility study.

Implementation:

- The clarity of the proposed work plan, including description of tasks undertaken by all involved entities and schedule for completion of each task.
- The degree of project readiness and likelihood of completion; and
- The degree to which the Applicant can provide actionable deliverables.

Leveraged Resources:

- The degree to which the project is leveraged with additional resources and funds, including a minimum of 50% of total project costs in matching funds, including at least 10% cash equity.
- The degree to which future funding sources are in place and the amount expected to be committed to implementing the recommendations from the plan or study.

Performance Measures:

- The Applicant's demonstrated organizational capacity and experience in completing strategic development plans, feasibility studies, site assessments, or similar plans or studies, or ability to acquire the expertise through a consultant or another entity;
- The estimated return on investment that the project identified in the application will provide to New York State;
- The project's consistency with existing local, county and regional plans such as a local or county master or comprehensive plan and the Regional Economic Development Council's Strategic Plan;
- For downtown areas, whether or not the project concerns the preservation of the architectural character of a building or neighborhood;
- Whether, where applicable, there are identified tenants or potential tenants for a prospective development project;
- The degree to which the project supports the principals of smart growth, energy-efficiency (including but not limited to, the reduction of greenhouse gas and emissions and the Leadership in Energy and Environmental Design [LEED] green building rating system for the project identified in its application), and sustainable development; and
- The degree to which the project identified in the application supports New York state minority and women business enterprises.

AWARD CRITERIA DETAILS:

- Notice of a funding award will be given in the form of an incentive proposal outlining the terms of the proposed assistance. The award is subject to approval of the ESD Directors and compliance with applicable laws and regulations. Project funding may only be used for expenses incurred after date that notice of the funding award is given. Applicants are strongly encouraged to review and countersign ESD's incentive proposal prior to starting the project.
- All Applicants will be requested to certify and agree that any decrease in the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, jobs retained, and jobs created, may result in ESD's reduction of the award, in ESD's sole discretion, in an amount proportionate to any such decrease.

- All Applicants will be requested to certify and agree that any expansion of the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, jobs retained, and jobs created, will not result in the increase of the award by ESD.
- Awarded grants are **not transferable** and reimbursement payments may only be made to the awardee.
- The essential terms for the assistance are included in the incentive proposal. Although funding is offered prior to project commencement as an inducement to undertake the project, funds are disbursed in arrears, as reimbursement for eligible project expenditures.
- Projects generally are presented to the ESD Directors once all project expenditures have been undertaken and disbursement of ESD assistance is sought.
- It is expected the project will proceed in the time frame set forth by the Applicant. If the implementation of a project fails to proceed as planned and is delayed for a significant period of time and there is, in the exclusive judgment of ESD, doubt as to its viability, ESD reserves the right to cancel its funding commitment to such project. If awarded, the Incentive Proposal expires two years from the date of acceptance by the Recipient. ESD reserves the right to require Recipient to provide any additional information and/or documentation ESD deems necessary and terminate the project at any point if the applicant fails to provide such documentation in a timely manner.
- All required public approvals must be in place prior to the start of construction (should the project result in construction) and approval by the ESD Directors, including State Environmental Quality Review (SEQR) and consultation with the State Historic Preservation Office, if applicable.
- In 2014, the Service-Disabled Veteran-Owned Business Act was signed into law. The new law created the Division of Service-Disabled Veterans' Business Development in Office of General Services to certify, promote and encourage economic development among disabled veterans throughout the state. Project Applicants are urged to work with Service-Disabled Veteran-Owned Businesses (SDVOBs) and a directory can be found at <https://ogs.ny.gov/Veterans>.
- In accordance with the requirements of Article 15-A of the New York State Executive Law: Participation By Minority Group Members and Women With Respect To State Contracts by providing opportunities for MBE/WBE participation, projects awarded funding shall be reviewed by ESD's Office of Contractor and Supplier Diversity, which will set business and participation goals for minorities and women. Such goals shall typically be included in the incentive proposal.

Please note that ESD's agency-wide MWBE utilization goal is 30%. Each project will be assigned an individual contract-specific goal, which may be higher or lower than 30%. Should an Applicant receive a funding award, the Applicant shall be required to use good faith efforts to achieve the prescribed MWBE goals assigned to this project. Applicants must maintain such records and take such actions necessary to demonstrate such compliance.

- Following approval by the ESD Directors, the New York State Comptroller, and the New York State Attorney General, as required, the documents for disbursement of the grant award will be prepared by ESD. Notwithstanding the process outlined above, no project shall be funded if sufficient resources are not received by ESD for such project.
- If applicable, the Applicant will be obligated to pay for out-of-pocket expenses incurred by ESD in connection with the project, which may include, without limitation, expenses related to attorney fees, filing fees, and fees associated with other requirements deemed appropriate by ESD. There are no application fees.

ADDITIONAL RESOURCES: For more information, eligible Applicants should contact the local Empire State Development Regional Office. A complete list of the ESD Regional Offices can be found at <http://esd.ny.gov/RegionalOverviews.html>.

Market New York

Funding Available: Up to \$15 Million

Description

Market New York is a grant program established to strengthen tourism and attract visitors to New York State by promoting destinations, attractions and special events. Funding is available for tourism marketing initiatives, capital/construction projects and the recruitment and/or execution of special events, including meetings, conferences, conventions, festivals, agritourism/craft beverage events, athletic competitions and consumer and industry trade shows. The *Market New York* program and each funded proposal will work to support the long-term strategic plans for economic growth as put forth by the Regional Economic Development Councils (REDCs). For the 2021-2022 Fiscal Year, \$15 million is projected to be available through *Market New York*.

Funding is available for eligible projects that will create an economic impact by increasing tourism throughout the state. Grant funding will be allocated among the ten (10) REDC regions, based on each REDC's five-year strategic plan that sets out a comprehensive vision for economic development and specific strategies to implement that vision. REDC strategic plan information can be found at: <http://regionalcouncils.ny.gov/>.

There are two categories of funding available under *Market New York*, each with varying requirements. \$15 million is projected to be available for the following project categories:

- 1) **Regional Tourism Marketing (Working Capital) - \$7 million (projected);**
(only minimum grant requests of \$50,000 or more will be considered, not including grantee match); and
- 2) **Tourism Capital- \$8 million (projected);**
(only minimum grant requests of \$150,000 or more will be considered, not including grantee match).

*Applicants with projects that include both marketing and capital expenditures will need to meet the requirements and demonstrate separate matches for both funding tracks and clearly indicate this information in their CFA application. Also, select both capital and working capital in the CFA application when requested.

ESD reserves the rights to grant awards lower than the \$50,000 and/or \$150,000 minimum requested amounts based upon availability of funds available.

ELIGIBILITY REQUIREMENTS

Applicants must complete and submit a Consolidated Funding Application (CFA) which will be reviewed by Empire State Development (ESD) and the REDC. Projects that are statewide or multi-regional will be scored by the REDC where the project is mainly located headquartered, or by the REDC sponsoring the project.

Projects must clearly demonstrate in both the CFA application and the project plan that the project is tourism related. Projects that fail to establish a direct tourism impact will be determined ineligible and will not be scored.

Entities that may apply for funding include not-for-profit corporations, municipalities, Tourism Promotional Agencies (TPAs), public benefit corporations and for-profit companies. **Individuals, SUNY schools and NYS agencies are not eligible to apply for this grant.** Not-for-profit corporations are subject to New York State's Not-For-Profit Corporation Law and must have proof

of incorporation (or equivalent document) from the NYS Department of State or NYS Board of Regents, a charities registration number from the NYS Office of the Attorney General and proof of tax-exempt status under the IRS code.

Businesses must be certified in New York State. Business that operate in a state other than New York State are required to submit, as part of your application, a Certificate of Authority provided by New York State Department of State.

Note to Not-For-Profit Organizations:

Not-for-profit organizations who are successful in receiving grants must meet the following requirements prior to ESD Directors' approval and execution of a Grant Disbursement Agreement or Loan Agreement: 1) be prequalified in New York State Grants Gateway; 2) be registered and up-to-date with filings with the New York State Office of the Attorney General's Charities Bureau; and 3) be registered and up-to-date with the New York State Office of the State Comptroller's VendRep System. It is strongly advised that all Not-For-Profit organizations register with Grants Gateway upon application.

ESD's Non-Discrimination & Contractor and Supplier Diversity Policies

In accordance with the requirements of Article 15-A of the New York State Executive Law: Participation by [certified] Minority Group Members and Women with Respect to State Contracts, projects awarded funding shall be reviewed by ESD's Office of Contractor and Supplier Diversity, which may set business and participation goals for minorities and women. Established goals for awarded projects will be designated in the Incentive Proposal.

Please note that ESD's agency-wide MWBE (Minority and Women Owned Business Enterprise) utilization goal is 30 percent (30%). Each project will be assigned an individual contract-specific goal, which may be **higher or lower than 30 percent (30%)**. Should an applicant receive a funding award, the applicant shall be required to use good faith efforts to achieve the prescribed MWBE goals assigned to this project.

Applicants must maintain records and take the necessary actions to demonstrate such compliance, which includes, but is not limited to updating compliance and utilization records in the New York State Contract System. Failure to comply with MWBE requirements may result in award reductions.

In 2014, the Service-Disabled Veteran-Owned Business Act was signed into law. The new law created the Division of Service-Disabled Veterans' Business Development in Office of General Services to certify, promote and encourage economic development among disabled veterans throughout the state. Project Applicants are urged to work with Service-Disabled Veteran-Owned Businesses (SDVOBs) and a directory can be found at <https://ogs.ny.gov/Veterans>.

SIGNIFICANT STATEWIDE PROGRAMS

Proposed projects that are part of the following initiatives will be looked upon favorably:

Downtown Revitalization Initiative and Strategic Community Investment

Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization and strategic place making through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses - creating dynamic neighborhoods where tomorrow's workforce will want to live, work, and raise a family. Projects should reflect the general principles of smart growth and sustainable development.

Improving Access to Child Care

Despite record investments in child care, many New Yorkers still struggle to access high quality child care. This issue forces families to choose between quality child care and employment or places families in the position to use unlicensed child care providers. Applicants should provide any information about their project that works to improve access to child care.

Environmental Justice

Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As we transition to a greener economy, it is imperative that no subset of the population be marginalized or left behind. Applicants should provide any information about how their project actively works to address these issues.

SIGNIFICANT TOURISM INITIATIVES

Proposed tourism projects that focus on one of the following components will be looked upon favorably:

COVID Impacted Tourism Projects, Events and Businesses

Tourism industry businesses, attractions and organization who have been directly impacted by event cancellations, venue closures and other economic hardships due to the coronavirus.

Projects that market/promote/showcase, on at least a regional basis, New York State's:

- Unique, world-class destinations and unique special events;
- Broad array of available activities; and /or
- Strength in creating family memories through activities including but not limited to outdoor recreation, historic sites and museums, food and drink, festivals and the performing arts.

FUNDING CATEGORY INFORMATION

I. Regional Tourism Marketing (Working Capital)

Up to \$7 million

Only minimum requests of \$50,000 or more will be considered, not including the grantee match. Any grant requests under \$50,000 will be found ineligible and will not be scored.

Applications will be accepted for projects that *Market New York State* regional tourism destinations or attractions. Applicants must demonstrate how the tourism marketing project will promote and forward the tourism goals of the corresponding REDC's strategic plan, in addition to increased visitation or increase spending per visitor.

Successful tourism marketing projects will also complement the goals and strategies of I LOVE NY, namely to make New York State the destination of choice for families looking to create meaningful memories and those elements highlighted above in ***Significant Tourism Initiatives***. Special measurement criteria include: increases in room nights, visitor frequency, visitor spending and length of stay. New York State will employ strategies to achieve these goals including television, digital, out-of-home and other advertising, activations at live events, international marketing, public relations efforts, social media engagement and other initiatives.

*Projects developed collaboratively between businesses and tourism promotion agencies (TPA) will be looked upon favorably.

*Please note that it is strongly suggested that applicants include a **project plan** outlining the specifics of the project, the budget and specifically how the grant funds and the grantee equity will be used as well as any other information that the applicant would like to share with the scoring teams. It is also strongly advised that applicants provide information that clearly and specifically addresses the Scoring Criteria listed later in these guidelines. The budget in the project plan should reflect the same total project costs indicated in the budget section of the CFA application.*

Eligible Expenses

Eligible costs that may be covered by a grant include direct costs incurred, by the Grantee only, for the development and delivery of a regionally-based tourism marketing project and must not include organizational costs that would have otherwise been incurred by the applicant (e.g. finance, office related and/ or operational costs).

In general, eligible tourism marketing costs include, but are not limited to, the following:

- purchase of recognized media advertising;
- production costs of print collateral and/or audio/visual;
- licensing/talent fees to ensure ownership of finished product;
- website design/updates;
- fees paid to artists, musicians, performers, special guests & speakers;
- rental of event amenities (e.g. chairs, tents, tables, staging, lighting, fencing, etc.);
- consultation/vendor events services (e.g. security, AV, sound, lighting crews, etc.);
- site expenses & services (e.g. convention center fees, security, shuttle buses, etc.);
- event producer or other consultant costs;
- supplies and materials as approved by ESD;
- administrative costs up to a maximum of 10 percent (10%) of the total project cost as approved by ESD (administrative costs are defined as- staff costs to execute the project/grant program only and must be demonstrated at the time that reimbursement is requested through payroll journals, cashed payroll checks and other sources deemed appropriate by ESD. These costs are not meant to include any general overhead costs of everyday business);
 - Note administrative costs will be eligible toward the grantee's match only and not reimbursed by grant funds; and
- other costs deemed reasonable by ESD.

Ineligible Expenses

Ineligible expenses include, but are not limited to, the following:

- food and / or beverages for consumption, including alcoholic beverages (these costs can be used towards the grantee match ONLY);
- loan, finance, interest and/or tax fees;
- mini-grants or reallocation of funds to other organizations (other than approved subcontractors for the project);
- legal fees, insurance/liability insurances and / or membership fees;
- in-kind, donated, volunteer services (not reimbursable nor can they be used toward the match); any costs incurred for events held outside New York State;
- wayfinding signage;
- fireworks (these costs can be used towards the grantee match ONLY) competition prizes, prize money and monies paid to participants;
- salaries, wages and / or staff time (outside of the 10% administrative cost);

- fringe benefits (such as health insurance, retirement benefits and other non -mandated benefits);
- expenses reimbursed from any other source or agency;
- capital expenditures (e.g. equipment, hardware, vehicles, computers, etc.). For these purposes, “capital expenditures” are defined as: funds spent to acquire/upgrade physical non-consumable fixed assets in order to maintain or increase the scope of operations. (e.g. property, renovations/upgrades, building construction, long term assets, etc.);
- permanent wayfinding signage (signage produced to be placed on city, county, state roads);
- training;
- operational/overhead expenditures (e.g. rent, utilities, office supplies, etc.); and
- other expenses deemed ineligible by ESD.

Note that travel costs (transportation, lodging, mileage, etc.) as well as Administrative Costs (up to 10% of the Total Project Cost), as approved by the Division of Tourism, will be eligible toward the grantee’s match only and not reimbursed by grant funds;

Required Match

25% of Total Project Cost

ESD generally seeks to provide no more than seventy-five percent (75%) of the financing for Regional Tourism Marketing projects. **An actual cash match of at least 25% of the total project cost is required.** In-kind matches and/or staff time are not eligible for the match requirement. Additionally, funds from any other state agency (including I LOVE NY Matching Funds and the ESD Fund) are ineligible to be used for the match. All expenditures, including the matched expenses, are required to be demonstrated that they were expended from the grantee’s account(s). If working with a partner, the partner will need to transfer any cash match into the grantee’s account(s). Match Example: the minimum request of \$50,000 (75%) would require a match of \$16,667 (25%) or more, for a total project cost of \$66,667 or more.

Another example: if your total project cost is \$200,000 you can apply for 75%, which would be \$150,000 grant request, and a required match of \$50,000 (25%) would need to be demonstrated.

Payment Process

The grantee will receive an Award Letter after the grants have been announced. The grantee will be required to submit a final budget to the department upon being awarded, even if the budget hasn’t changed from the CFA. After that time, the grantee will then receive an Award Confirmation Letter outlining the requirements of the grant program, what is expected of the grantee if they choose to accept the grant, and authorizing spending against the grant. The project will then be brought before the ESD Board of Directors for approval. If approval is received, the grantee will be required to enter into a contract (Grant Disbursement Agreement/GDA) with ESD, which will be sent to the grantee after Board approval.

ESD will pay the grantee on a **reimbursement basis**, no more frequently than quarterly, up to 75% of the total eligible costs that are supported by invoices, paid receipts and other documentation as required. (This means that the Grantee will need to show a minimum of 25% of their match for each reimbursement request. Reimbursement forms and requirements will be included in the GDA.) No financial payment of the grant will be made upfront. **The grantee should be prepared to subsidize the project for a term of up to 6 months or more.**

Expenses incurred prior to the award of a CFA grant can not be included in CFA project budgets. Additionally, expenses incurred after submission of a CFA but **prior** to an award announcement are not eligible for reimbursement.

All Regional Tourism Marketing Projects are required to complete projects within two years of the date of the award letter.

Please note: awarded grants are not transferable and project expenditures (grant and match) must be shown to have been expended from the Grantee's accounts.

Fees

There are no fees associated with the Regional Tourism Marketing funding track.

Reporting

All projects will require that a "Project Performance Measure" report and a final report be completed before a final reimbursement will be made. Requests for reimbursement will be outlined with successful awardees in the GDA, and may be submitted no more frequently than quarterly, up to 75% of the total eligible costs. Reimbursements are eligible for request after the successful grantee has a signed/approved grant disbursement agreement (GDA). Please note all MWBE and SDVOB requirements must be in compliance and Grants Gateway accounts in pre-qualified status for non-profit organizations, in order for payments to be processed.

II. Regional Tourism Capital

Up to \$8 million

(only minimum requests of \$150,000 or more will be considered)

Any grant requests under \$150,000 will be found ineligible and will not be scored.

Applications will be accepted for projects that include plans to expand, construct, restore or renovate New York State tourism destinations and attractions. Applicants must demonstrate how the tourism capital project will work to promote and forward the tourism goals of the corresponding REDC's strategic plan, in addition to increased visitation and visitor spending.

Successful tourism marketing projects will also complement the goals and strategies of I LOVE NY, namely, to make New York State the destination of choice for families looking to create meaningful memories and those elements highlighted in **Significant Tourism Initiatives**. Special measurement criteria include increases in room nights, visitor frequency, visitor spending and length of stay. New York State will employ strategies to achieve these goals including television, digital, out-of-home and other advertising, activations at live events, international marketing, public relations efforts, social media engagement and other initiatives.

*Projects developed collaboratively between businesses and tourism promotion agencies (TPA) will be looked upon favorably.

Projects that include a hotel (with more than 15 employees) as a principal function and/or a convention center are required to demonstrate compliance with Section 2879-b of Public Authorities Law regarding labor peace.

*Please note that it is **strongly suggested that applicants include a project plan** outlining the specifics of the project, the budget and specifically how the grant funds and the grantee equity will be used and any other information that the applicant would like to share with the scoring teams. It is also strongly advised that applicants provide information that clearly and specifically addresses the Scoring Criteria listed later in these guidelines. Additionally, the project plan budget should reflect the same expenditures costs and total project costs indicated in the CFA application budget section.*

Eligible Expenses

Eligible projects costs should be associated with the construction of a new tourism destination/attraction or adding on to and/or restoring an existing tourism destination/attraction, and/or with permanent structures or other infrastructure associated with a special event.

In general, eligible tourism capital costs include, but are not limited to, the following:

- acquisition or leasing of land, buildings, machinery and / or equipment;
- pre-development costs;
- remediation costs;
- improve accessibility services;
- purchase of equipment and/or event amenities (ex. permanent staging, fixed assets, etc.)
- acquisition of an existing business and/or assets; and
- new construction, renovation or leasehold improvements.
- Administration- administrative costs up to a maximum of 10 percent (10%) of the total project cost as approved by ESD (administrative costs are defined as- staff costs to execute the project/grant program only and must be demonstrated at the time that reimbursement is requested through payroll journals, cashed payroll checks and other sources deemed appropriate by ESD. These costs are not meant to include any general overhead costs of everyday business);

Ineligible Expenses

Ineligible expenses include, but are not limited to, the following:

- developer fees;
- training;
- recapitalization/refinancing;
- expenses reimbursed from any other source or agency;
- food and/or beverages for consumption, including alcoholic beverages;
- legal fees, insurance/liability insurances and / or membership fees;
- mini-grants or reallocation to other organizations (other than approved subcontractors for the overall project);
- loan, finance, interest and/or tax fees; any costs incurred for capital event costs held outside New York State;
- competition prizes, prize money and monies paid to participants;
- in-kind, donated, volunteer services (not reimbursable nor can they be used toward the match);
- fringe benefits (such as health insurance, retirement benefits and other non-mandated benefits);
- wayfinding signage (signage produced to be placed on city, county, state roads);
- operational/overhead expenditures (e.g. rent, utilities, etc.);
- residential development, although program funds may be used for the commercial component of a mixed-use project; and
- other expenses deemed ineligible by ESD.

Note: Expenses incurred prior to submission of a CFA may not be included in CFA project budgets; anticipated expenses that might be incurred after submission of a CFA but prior to an award announcement will not be reimbursed.

Required Match

80% Match Required

ESD generally seeks to provide no more than twenty percent (20%) of the financing for Tourism Capital projects. **An actual cash match of 80% of the Total Project Cost is required.** In-kind matches and/or staff time is not eligible for the match requirement. Funds from any other state agency (including, but not limited to I LOVE NY Matching Funds and the ESD Grant Fund) are ineligible to be used for the match. Match Example: Match Example: the minimum request of \$150,000 (20%) grant would require a match of \$600,000 (80%) or more, for a total project cost of \$750,000. Another example: if your total project cost is \$1,000,000 you can apply for 20% which would be a \$200,000 grant request, and a required match of at least \$800,000 would need to be demonstrated.

Payment Process

The grantee will receive an Award Letter after the grants have been announced. After that time, the grantee will receive an Incentive Proposal outlining the requirements of the grant program and what is expected of the grantee if they choose to accept the grant. The grantee will then alert their ESD project manager when their capital project is approximately one (1) month from completion. The project will then be brought before the ESD Board of Directors for approval. If approval is received, the project will be set up (by ESD) for a public hearing. The grantee will be invoiced for these associated fees. The project will then be presented for approval to the Public Authorities Control Board (PACB). If approved, the grantee will be required to enter into a contract (Grant Disbursement Agreement/GDA) with ESD, which will be sent to the grantee after Board approval.

ESD will pay the grantee on a **reimbursement basis**, up to the total award amount, and disbursed in a lump sum upon project completion as evidenced by attainment of a certificate of occupancy and/or other documentation verifying project completion as ESD may require, and receipt of documentation verifying project expenditures for the total project cost being expended from the Grantee's accounts only. No financial payment of the grant will be made upfront. Grant funds are not transferable.

Because awards are offered as an incentive to undertake a project, the project should not begin, and expenses cannot be incurred, before funding awards have been announced. Expenses incurred prior to submission of a CFA may not be included in CFA project budgets nor should expenses be incurred after submission of a CFA but prior to an award announcement.

Please note: awarded grants are not transferable and project expenditures (grant and match) must be shown to have been expended from the grantee's account(s).

Fees

The Recipient will provide a \$250 Application Fee, due when this Incentive Proposal is returned and a 1% (of the awarded grant) commitment fee, due after ESD Directors' approval and at the time a Grant Disbursement Agreement is executed. In addition, the recipient will reimburse ESD for any direct expenses incurred in connection with this project, including costs related to holding a public hearing, attorney fees, appraisals, surveys, title insurance, credit searches, filing fees and other requirements deemed appropriate by ESD.

Reporting

All projects will require that a "Project Performance Measure" report and a final report, be completed before a final reimbursement will be made. Requirements for such reports/requests will be outlined in the GDA with successful awardees. Reimbursements may be eligible for request after the successful grantee has a signed and approved grant disbursement agreement (GDA). Please note all Grants Gateway accounts (for non-profit organizations) and MWBE compliance must be up to date in order for payments to be processed.

*****FOR ALL APPLICANTS WHO APPLY FOR FUNDS UNDER EITHER REGIONAL TOURISM MARKETING OR CAPITAL FUNDING SOURCES:**

- Awarded grants are not transferable.
- All project expenditures (grant and match) must be demonstrated to have been expended from Grantees accounts.
- Expenditures made by partners and/or consultants are not eligible unless the grantee can demonstrate that the partner and/or consultant was directly reimbursed by the grantee for the expenses and/or services rendered.
- Reimbursement payments may only be made to the awardee (other than approved subcontractors for the overall project).
- Mini-grants and/or reallocation of funds to other organization will not be eligible to apply.
- Any use of the I LOVE NY logo as part of the funded project must conform to ESD guidelines and be approved in advance by ESD; non-compliance may result in a reduction and/or termination of an award.
- In the event that I LOVE NY / NYS Division of Tourism would choose to record video footage related to the project or grantee for state tourism purposes, have a tourism promotion presence at public events related to the project or put on by the grantee, and/or distribute I LOVE NY marketing materials at sites controlled by the grantee, no further money would be exchanged for these purposes, including but not limited to rights and space fee(s).
- If the information in the application regarding a project match fails to show any demonstrated “match” for the program, the overall project may be deemed ineligible.
- Applicants must demonstrate how *Market New York* funding for these expenses will be used to support the desired outcome of their enhancement project, and how these expenses are expected to stimulate increased visitation and spending in the corresponding region of New York State.
- Being awarded a grant does not imply automatic approval of elements in the submitted marketing plan if they do not comply with local/state/federal laws and/or regulations, including the requirements of the *Market New York* grant program itself.
- *Market New York* grants are meant to initiate new projects and/or provide support to expand a project beyond what an organization can do on its own. Therefore, projects that have been funded in three (3) consecutive rounds may be deemed ineligible. It is also likely that funding for multi-year or ongoing projects will decrease for each year after the first year of funding in order to facilitate self-sufficiency of these tourism projects
- All grantees are fully responsible for being aware of any taxes required to be paid as a part of accepting an awarded grant. Empire State Development is not able to advise on your tax reporting status.
- All projects will require that a Project Performance Measure report (included in the Grant Disbursement Agreement-Exhibit B), a final report, be completed before a final reimbursement will be made.
- Any changes of an awarded project budget (including the match) over 10% or \$1,000, whichever is greater, and/or major changes to the scope of the project may cause a reduction of award amount or termination of your awarded grant.
- Regional Tourism Marketing projects requests must be for \$50,000 or more, projects below this minimum request will be deemed ineligible.
- Regional Tourism Capital projects requests must be for \$150,000 or more, projects below this minimum request will be deemed ineligible
- Both working capital/capital projects will be required to meet all applicable insurance requirements; Applicants selected to receive an award of less than \$10,000 will first be

required to negotiate the budget and work plan with the DEC OCC program manager and supply insurance information as described below under Insurance Requirements.

- *Insurance Requirements*
 - Grantees will be required to carry appropriate insurance as specified in Attachment A-1 Program Specific Terms and Conditions and to agree that each project consultant, project contract, and project subcontractor secures and delivers to the Grantee appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies held by the grantee must name the State of New York and the NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1030 as an additional insured and certificate holder, with appropriate limits, covering Grantee's public liability and property damage insurance, Grantee's contingency liability insurance, "all-risk" insurance, workers' compensation, and disability coverage for the project. Additional insurance or insurance riders may be requested by the Department based on the project work plan.
- Satisfactory progress includes, but is not limited to, timely submission of all necessary documents needed for contract execution, such as, required proofs of insurance, and an M/WBE Utilization Plan.

MARKET NEW YORK SELECTION CRITERIA (Applies to both Regional Tourism Marketing and Capital projects)

ESD will establish an internal technical review committee that will score each eligible application (applications determined to be ineligible will not be scored). Accepted applications will be reviewed by applying the review criteria described below. Reviewers' final scores will be combined to provide a *final average score* for each Proposal.

An Executive Review Team may then also consider additional or subsequent information pertaining to the Proposals that may not have been available for the reviewers to consider and award up to thirty points to each proposal.

Applications will be scored, by the internal technical review team, upon the following criteria and combined with **up to 20 points** to be scored by the REDC.

I.ESD TECHNICAL REVIEW [50 Points Total]

INCREASED TOURISM IMPACT [up to 15 Points]

How well does the project plan demonstrate:

- evidence that the project will increase tourism to and within New York State;
- that the theme and/or scope of this project will support the REDC strategic plan for the affected region(s);
- the project's overall positive economic impact on the region(s);
- if the project relates to one attraction/destination, how the project will economically benefit the region(s).

I LOVE NEW YORK ALIGNMENT [up to 15 Points]

How well does the project plan demonstrate that the proposed project aligns with the goals and strategies of I LOVE NY, increasing the perception and consideration of New York State as a travel destination, increasing visitation and creating a positive economic impact.

For example, how well does the project market/promote/showcase, on at least a regional basis, New York State's:

- Unique, world-class destinations;
- Broad array of available activities; and /or
- Strength in creating family memories through activities including but not limited to outdoor recreation, historic sites and museums, food and drink, festivals and the performing arts.

Additional consideration in this category will be given for:

- Information demonstrating project partnerships, such as how the applicant will collaborate with regional partners on the project, particularly with TPAs; and/or
- Applicants who demonstrate that the project is a part of, or will potentially further a Downtown Revitalization and/or a Strategic Community Investment projects, and/or demonstrates how the project will improve access to child care, and/or demonstrate how the potential project actively works to address Environmental Justice.

BUDGET [up to 10 points]

How well does the project budget demonstrate:

- how the ESD reimbursed funds will be specifically spent;
- how the Grantees Match will be specifically spent;
- an overall clear budget in which all financial figures match throughout the application and project plan.

PROJECT TIMELINE & PERFORMANCE MEASURES/METRICS [up to 5 points]

How well does the project plan demonstrates:

- a timeline for individual project steps;
- performance measures/metrics to quantify the ROI and demonstrate the economic impact.

GRANT MATCH REQUIREMENT [up to 5 points]

How well does the project plan/budget evidence the necessary minimum cash match for total project costs (+ 25% for Region Tourism Marketing projects and/or+ 80% for Capital Tourism projects and projects with any capital components) with information like:

- letter(s) from partners confirming financial support/sponsorship;
- a letter from the grantee committing a specific amount of actual cash to the project;
- or
- a letter from a bank showing a bank loan committed to the project, etc.

*Additional consideration will be given for applications demonstrating additional funding for the proposal outside of the minimum required.

II. ESD EXECUTIVE REVIEW [30 Points Total]

ESD will consider additional factors pertaining to the Proposals, as part of the Executive Review that may not have been available for the reviewers to consider and award **up to 30 points** to each proposal. This review will take into account such factors as:

- Alignment with the mission of the Division of Tourism;
- Past Market New York compliance and contractual history;
- Geographic/regional distribution of projects awarded through the current round of Market New York funding;
- And other mitigating factors as determined by ESD.

Requested award amounts may be reduced for proposals out of proportion to the overall amount of funding available in the current round of Market New York grants.

III. REGIONAL COUNCIL SCORE [20 Points Total]

Regional Economic Development Council scoring teams will score projects from their region up to a maximum of 20 points.

TOTAL POSSIBLE SCORE FOR PROPOSAL – [100 Points Total]

MORE INFORMATION/ASSITANCE

For more information please contact the New York State Division of Tourism staff at RegionalTourism@esd.ny.gov.

New York State Business Incubator and Innovation Hot Spot Support Program

Funding Available: Up to \$12.5 Million

DESCRIPTION

The New York State Business Incubator and Innovation Hot Spots Support Program were enacted initially as part of the 2013-14 State Budget and will provide significant continued financial support for business incubators in the state. This underscores the importance of business incubation and technology transfer to the Governor's overall economic development strategy.

Business incubation is the process of accelerating the development of entrepreneurial companies through a structured array of business support resources and services targeted to the needs of start-up companies. The business incubator is the entity responsible for organizing and managing these support services.

Empire State Development (ESD) is administering the competitive process for the designation of New York State Business Incubators and New York State Innovation Hot Spots. Applications will be received and reviewed through the Consolidated Funding Application (CFA) process by both the Regional Councils and ESD.

In this competition, ESD anticipates making ten NYS Business Incubator designations and five Innovation Hot Spot designations. ESD anticipates that one Innovation Hot Spot will be designated in each of the following economic development regions: Western NY, the Finger Lakes, the Southern Tier, Central NY, and the North Country.

Awardees will receive operating funds from ESD to expand and create services. Designation as an Innovation Hot Spot brings significant state income and sales tax benefits for the start-up companies within the Hot Spot, for a period of five years. These benefits include:

- Being subject only to fixed dollar minimum tax or able to deduct income attributable to operations as part of Hot Spot; and
- Receiving credit or refund for sales tax on related goods and services.

The goal of the program is to improve the quantity and quality of incubator services provided to young companies, thereby enabling these businesses to successfully transition from start-up phase to larger scale commercialization of their products and services. This was one of the strategies laid out by Governor Cuomo more effectively harness our innovation assets and better serve inventors and entrepreneurs. Importantly, this program will provide ESD with valuable information on the companies which are at the early stage of entry into the state's innovation pipeline. ESD will seek to connect these companies with other state programs, such as the NY Innovation Venture Capital Fund and state-funded research assets, to better serve the growth needs of young companies.

ELIGIBILITY

An entity wishing to be designated as a designated NYS Business Incubator must currently be providing a business incubation program which has been in existence for three or more years. Applicants must provide a strategic plan for their incubator and demonstrate that their services align with industry best practices. Applicants must demonstrate how this funding will enable and/or expand services they provide to their tenant clients and demonstrate a

2:1 match of state funds. Applicants are strongly encouraged to demonstrate regional partnerships with incubators or organizations assisting entrepreneurs and early stage companies. Applicants should demonstrate a track record of transitioning academic research to the marketplace.

Any entity seeking designation as a New York State Innovation Hot Spot must meet the requirements of a NYS Business Incubator and must demonstrate a strong affiliation with one or more colleges, universities or independent research institutions by providing a Memorandum of Understanding (MOU) describing such affiliation. Applicants are strongly encouraged to demonstrate regional partnerships with incubators or organizations assisting entrepreneurs and early stage companies. Applicants should demonstrate a track record of transitioning academic research to the marketplace. Only applicants within the New York State economic development regions of Western New York, Southern Tier, Finger Lakes, Central New York, and North Country will be eligible for a New York Innovation Hot Spot Designation in this round.

FUNDING

Successful applicants will be awarded operating grants to expand the services and programs provided to start-up companies served by the incubator.

Up to \$125,000 will be provided annually for five years to entities designated as a New York State Business Incubator. Ten awards are anticipated in this category funding.

Up to \$250,000 will be provided annually for five years to entities designated as a New York State Innovation Hot Spot. Five awards are anticipated in this category for CFA funding.

Successful Applicant Requirements

Entities seeking designation as New York State Business Incubator will be required to:

- Be a not-for-profit organization located in New York State;
- Have operated an incubator for three or more years;
- Have a demonstrated link to regional sources of innovation and expertise;
- Commit to financially and programmatically maintain the incubator for five years from date of designation;
- Commit to best practices of incubation;
- Provide a strategic plan that describes how it intends to positively impact the regional entrepreneurial environment;
- Detail the process it uses to accelerate the development and commercialization of its clients products and services;
- Expand scope of services or provide new services;
- Provide a two-to-one match¹ of the grant funds it receives for the operation of the incubator;
- Submit data as required by ESD on the operations and performance of the incubator including a list of business enterprises currently being served by the incubator.

¹ At least 50% of the match must be cash

SELECTION CRITERIA

The CFA application will be scored by its respective Regional Council. In addition to review and evaluation by the Regional Councils, applications will be reviewed and scored by ESD. The programmatic goal of this solicitation is to have applicants (not-for-profits) focus on services related to one or more industry verticals instead of general business development services. This program is intended to expand, enhance, and improve existing programs and services offered by the entity.

Applications will be evaluated and judged using the following criteria:

- The additional resources which will be leveraged by state grant assistance
- The number of clients served
- Demonstrated success in graduating clients from the incubator
- Alignment with regional strategies, priorities, assets and opportunities
- Type and quality of services provided
- How well the services and programs offered by the incubator conforms to best practices
- Effectiveness in accelerating the growth of start-up companies
- The financial and programmatic support of the institution or communities it serves
- Commitment and support of the business sector
- Demonstrated commitment to growing the entrepreneurial and innovation network

SCORING

Applications will be scored using the following methodology:

- 1). Alignment with Regional Strategy and Priorities scored by the Regional Economic Development Council (REDC) (20 percent)
- 2). Incubation Effectiveness (20 percent)
 - What is the track record of the incubator in accelerating growth of start-ups?
 - Increased jobs, investment, and other metrics determining successful incubation and effectiveness.
 - Graduation rates and illustrative examples
- 3). Expansion of Services (15 percent)
 - What new or expanded programs or services will be provided to start-up companies within the region as are result of the grant funding?
 - Does this application involve a partnership with other incubators, Regional Innovation Hot Spot, or other innovation resources?
- 4). Financial Soundness and Sustainability (20 percent)
 - Does the applicant's operating budget demonstrate financial soundness and strength?
- 5). Regional Incubator Leadership Assistance (15 percent)
 - How does the applicant propose to assist in the growth of the region's entrepreneurial and innovation network?
- 6). Alignment to one or more Significant Statewide Programs (10 percent)

Proposed projects that are part of the following initiatives will be looked upon favorably:

Downtown Revitalization Initiative and Strategic Community Investment

Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization and strategic place making through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses - creating dynamic neighborhoods where tomorrow's workforce will want to live, work, and raise a family. Projects should reflect the general principles of smart growth and sustainable development.

Environmental Justice

Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As we transition to a greener economy, it is imperative that no subset of the population be marginalized or left behind. Applicants should provide any information about how their project actively works to address these issues.

PERFORMANCE MEASUREMENTS

New York State Business Incubators will be required to provide bi-annual performance reports documenting their success in assisting companies to transition from their start-up stage to commercialization of products and services. These reports will include a list of every business served by the Business Incubator and the progress that has been made in growing these companies. These metrics as well as other documentation will be required to receive funds on a reimbursement basis from the state.

New York State Homes and Community Renewal

Community Development Block Grant Program

Funding Available: Up to \$20 million

Description:

The Community Development Block Grant (CDBG) Program is a federally funded program authorized by Title I of the Housing and Community Development Act of 1974. The CDBG Program is administered by the Office of Community Renewal (OCR) under the direction of the Housing Trust Fund Corporation (HTFC). For 2021, the OCR may make up to \$20 million available.

NYS CDBG funds provide communities and counties in New York State with an opportunity to undertake activities that focus on community development needs such as creating or expanding job opportunities, providing safe affordable housing, and/or addressing local public infrastructure and public facilities issues. The primary statutory objective of the CDBG program is to develop viable communities by providing decent housing and a suitable living environment by expanding economic opportunities, principally for persons of low and moderate income. The state must ensure that no less than 70% of its CDBG funds are used for activities that benefit low- and moderate-income persons. A low-and moderate-income person is defined as being a member of a household whose income is less than 80% of the area median income for the household size. A principal benefit to low- and moderate-income persons requires at least 51% of the project beneficiaries to qualify as low- and moderate-income.

Eligible Activities / Program Benefit Requirements:

NYS CDBG applicants must address and resolve a specific community or economic development need within one of the following areas: (1) Public Infrastructure (2) Public Facilities (3) Community Planning.

1) Public Infrastructure

The NYS CDBG Public Infrastructure program consists of two funding activities: drinking water/clean water/stormwater and public works. Eligible projects for NYS CDBG Public Infrastructure may include the repair or replacement of existing systems, construction of new systems, or expansion of existing systems into areas previously unserved that are in compliance with the NYS Smart Growth Public Infrastructure Act (Chapter 433 of the Laws of 2010) and principally benefit low- and moderate-income persons. Under the Public Infrastructure category, the benefit to low- and moderate-income persons is most commonly achieved through an area benefit. For more information regarding National Objective Compliance, refer to the <https://hcr.ny.gov/community-development-block-grant#funding-round-materials> located on the OCR website.

The drinking water/clean water/stormwater activity includes, but is not limited to, water source development, storage, and distribution; sanitary sewage collection and treatment; flood control and storm water drainage. These types of projects *may* also include ancillary public works components such as sidewalks, streets, parking, open space, and publicly owned utilities. Note that ancillary activities, such as homeowner service lateral replacement, should not exceed 10% of the grant amount without formal approval from OCR.

The Public Works activity consists of, but is not limited to, standalone public works components such as streets, parking, open space, and publicly owned utilities. Public works activities should be creatively designed to leverage the availability of other Consolidated Funding Application (CFA) funding sources to the greatest extent possible.

Funding for standalone residential water and sewer lateral connections is not available as part of the CFA. These types of applications may be available separately as part of HCR's Housing Funding Category, which may be announced later this year. For more information please <https://hcr.ny.gov/funding-opportunities> .

OCR may consider certain eligible pre-award costs for water or sewer/stormwater projects only, which may include pre-development costs necessary to complete the environmental review process required for all CDBG projects under the National Environmental Policy Act (NEPA). This will encourage projects that are more "shovel-ready" upon award. These expenses may include, but are not limited to:

- Engineering or design work needed to obtain approval from state or federal agencies
- Administrative costs incurred consulting with state and federal agencies
- Permitting activities needed to complete the Environmental Review Record (ERR) and/or Request for Release of Funds (RROF). This includes addressing State Environmental Quality Review Act (SEQRA) process requirements as applicable

Pre-development costs incurred up to 12 months prior to grant award may be eligible for reimbursement. Eligible costs must still meet all CDBG rules and regulations including federal procurement and civil rights requirements and must be in compliance with 2CFR 200. **Applicants are strongly urged to contact OCR prior to considering incorporating pre-award costs into the project budget to ensure that those costs are eligible.**

2) **Public Facilities**

The NYS CDBG Public Facility program activities include, but are not limited to, structures to house or serve special-needs populations; senior services; child care centers; removal of architectural barriers for the disabled (installing lifts, automatic doors, ramps, etc.); sidewalks; and multi-purpose buildings housing several qualifying activities where benefits are provided principally to low-and moderate-income persons. Removal of architectural barriers is not eligible in new construction. Under the Public Facilities category, the benefit to low- and moderate-income persons is achieved most commonly through a presumed benefit, which is applicable for seniors, the severely disabled, or abused children. National Objective compliance for public facilities can also be met through the Low/Mod Area (LMA) benefit. For more information regarding National Objective Compliance, refer to the OCR website at <https://hcr.ny.gov/community-development-block-grant#funding-round-materials>.

NYS CDBG funds can be used for construction or renovation of facilities, but cannot be used to cover the day-to-day operational costs of an assisted facility, nor can funds be used for buildings that are primarily for the general conduct of government business (e.g. town halls), however, the removal of architectural barriers in a building for the general conduct of government may be eligible. Any public facility funded with NYS CDBG funds must be maintained in the same capacity as funded for a period of five (5) years after the project is formally closed out by OCR. OCR reserves the right to monitor the use of such facilities during the five (5) year period to substantiate compliance.

3) **Community Planning**

The NYS CDBG Planning program consists of two activities: Community Needs Assessments and Preliminary Engineering Reports. Any planning proposal must address an activity which, if implemented, meets at least one of two national objectives under the CDBG program. That is, it must be shown that either 1) at least 51% of the persons who would benefit from implementation of the plan are low- and moderate- income persons, or 2) the plan addresses a slum or blighted area in the community.

The Community Needs Assessment activity must be used by eligible applicants to identify the assets of a community and determine potential concerns that it faces. The needs assessment analysis may focus on one or more of the following: 1) Public Infrastructure, 2) Public Facilities and/or 3) Economic Development.

Eligible planning activities for Public Infrastructure include assisting eligible applicants to develop preliminary engineering reports for a municipality’s drinking water, clean water and/or stormwater needs. The goal of this infrastructure planning grant is to help initiate a planning process that will result in follow-up implementation plans to address these critical infrastructure needs.

Eligible planning activities for Public Facilities includes, but is not limited to Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis, energy conservation plans, building studies, and asset management plans. Comprehensive Plans, Strategic Plans, and Master Plans are not eligible for funding under this round of the CFA.

Market studies and feasibility studies are eligible planning activities for determining economic development needs if performed on behalf of the grant recipient to determine the market for some type of facility or business. Market studies and feasibility studies performed on behalf of a particular business are **not** eligible planning activities. For example, studying the need for a new hotel downtown would be eligible for planning assistance but conducting a study of a specific proposed hotel project would not be eligible for planning assistance.

Successful applicants must propose a Community Needs Assessment or Preliminary Engineering Report activity designed to assist the municipality in seeking future funding opportunities from NYS CDBG or other State and Federal agencies that will result in a benefit to low-and moderate-income persons. Requests for assistance that are not designed to assist the municipality in implementing a specific future project may not be considered.

- NYS CDBG can fund up to 95% of the total project cost, not to exceed the maximum grant amount.
- NYS CDBG Planning funds may be used as match for other CFA funded planning activities when other funding agencies permit the use of CDBG funds as match.

At least 5% of the total project cost must be provided as a cash match through other non-CDBG funding sources. In-kind services, force account and volunteer services cannot be considered as match.

Activity Funding Limits:

<u>Public Infrastructure</u>	<i>Maximum</i>
Counties, Towns, Cities or Villages	\$1,000,000
*With NYS Co-Funding Initiative	\$1,250,000
Joint Applicants	\$1,500,000
*Joint w/Co-Funding Initiative	\$1,750,000
<u>Public Facilities</u>	
Counties, Towns, Cities or Villages	\$300,000
<u>Planning</u>	
Counties, Towns, Cities or Villages	\$50,000

Exceptions to these limits may be made in cases where it is found that a project or projects may have a significant impact that may realize a potential for regional or statewide economic impact.

For Public Infrastructure and Public Facility activities, applicants should only apply for the amount of funding that can be fully expended and propose the type of activities that can be completed within the specified project completion period of twenty-four (24) months. All proposed accomplishments must be completed, and accomplishments reported within the project completion period.

For planning projects, applicants should only apply for funding that can be fully expended and the type of activities that can be completed within the specified project completion period of fourteen (14) months.

***For certain “co-funded” Public Infrastructure projects, single applicants may apply for an amount of funding not to exceed \$1,250,000 (\$1,750,000 for joint applicants).** “Co-funded” projects are those projects that include other State and/or Federal sources including, but not limited to, USDA Rural Development and/or the NYS Environmental Facilities Corporation (EFC). To qualify for this higher funding threshold, the applicant must clearly demonstrate that other co-funded sources are firmly committed and in place at the time of application. At least 20% of total project costs must come from committed and available co-funding sources. Qualifying documentation includes:

- USDA - Preliminary Funding Estimate (PFE)
- NYS EFC - Project listed on Intended Use Plan (IUP) AND financing application has been submitted
- Other Sources – Contact NYS OCR

All qualifying documentation must be submitted as an attachment to the funding application **and is subject to review and approval by the OCR.**

OCR may consider certain eligible pre-award costs for **water, sewer, or storm water projects only**, which may include pre-development costs necessary to complete the environmental review process required for all CDBG projects under the National Environmental Policy Act (NEPA). These expenses may include, but are not limited to:

- Engineering or design work needed to obtain approval from state or federal agencies
- Administrative costs incurred consulting with state and federal agencies
- Permitting activities needed to complete the Environmental Review Record (ERR) and/or Request for Release of Funds (RROF). This includes addressing State Environmental Quality Review Act (SEQRA) process requirements as applicable

Pre-development costs incurred up to 12 months prior to grant award may be included as part of the project budget. Eligible costs must still meet all CDBG rules and regulations including federal procurement and civil rights requirements and must be in compliance with 2CFR 200. **Please contact OCR prior to considering incorporating pre-award costs into the project budget to ensure that those costs are eligible.**

Program Delivery and Administration Costs

Applicants are not required to request NYS CDBG program delivery and administration funds. However, if desired, program delivery and administration funds may be requested at the time of application and must be included within the maximum request amount. Program delivery and administration funds are available on a reimbursement basis and will therefore be reviewed for eligibility prior to disbursement of funds. Disbursement requests for program delivery and administration costs are not eligible for reimbursement until the approval of a Request for Release of Funds by HCR. Additionally, applicants are encouraged to identify alternate sources of funds for

administrative and program delivery expenses. Additional funding commitments for administrative expenses and project delivery strengthen an application.

Public Facilities and Public Infrastructure

Applicants may request up to 18% of the CDBG award in program delivery, administration, and engineering costs combined. Of the 18%, administration must not exceed more than 5% of the total CDBG award.

Community Planning

Community Planning projects do not include an administrative or program delivery component

Eligible Types of Applicants:

Eligible applicants are non-entitlement units of general local government (Villages, Cities, Towns or Counties), excluding metropolitan cities, urban counties and Indian Tribes that are designated entitlement communities. Non-entitlement areas are defined as cities, towns and villages with populations of less than 50,000, except those designated principal cities of Metropolitan Statistical Areas, and counties with populations of less than 200,000. The NYS CDBG program does not provide direct financial assistance to businesses. For a list of eligible communities, please refer to the OCR website at <https://hcr.ny.gov/community-development-block-grant>.

Applicants may submit multiple applications up to the maximum per activity. The total amount requested by the applicant between the two categories of Public Infrastructure and Public Facilities cannot exceed the individual caps listed above for counties, cities, towns and villages, with the exception of single and joint projects that qualify under the higher threshold as described above. Applicants may also request up to the maximum listed for Planning regardless of any other applications submitted for any other categories of assistance. However, as noted above, demonstrated capacity to carry out each grant activity in a timely manner is a factor in the application review process, so funding requests should be determined with this in consideration.

Pre-Application Requirements:

Prior to applying for funding, applicants must comply with citizen participation requirements pursuant to 24 CFR 570.486 and NYS Homes and Community Renewal's Citizen Participation Plan. These require applicants to follow a citizen participation plan providing for a minimum of one public hearing (one in each jurisdiction of a joint application) held **prior** to the submission of an application and making the application available to the public for inspection at the municipal office(s). The public hearing is held to provide an opportunity for citizen feedback on the community and economic development needs of the applicant community and any proposed project(s). When issuing the notice and holding the public hearing, please note the following:

- **Public hearings must be held by a quorum of the legislative body of the eligible applicant, not by a department or arm of the local government, a Subrecipient or other related organization.**
- The notice for the hearing must specifically mention the municipality's intent to apply for NYS CDBG funds, and must identify activities that may be applied for during the current program year;
- Public hearings must be held in a location accessible to persons with disabilities and/or provide reasonable accommodations to allow all interested parties to participate;
- The municipality must provide a minimum seven (7) day period between the publication of the hearing notice and the hearing itself. Note that the date of publication is day "zero"
- The hearing notice must be conspicuously posted in one or more public locations at least seventy-two (72) hours prior to the actual hearing. This may also be accomplished by posting to the municipal website;

- The municipal resolution authorizing the public hearing, the hearing notice, affidavit of publication, documentation for the 72-hour attestation, list of attendees, and hearing minutes, must be included as an attachment to this CFA; and
- A copy of the application must be available for public inspection at the municipal office(s).

Upon award, continued compliance with Citizen Participation is required, which means that a recipient of NYS CDBG funds must issue a public hearing notice and hold a minimum of one additional public hearing during the implementation of the project to report project accomplishments. For planning related activities, the applicant should plan on providing public input opportunities throughout the planning process.

Successful Applicant Requirements:

The HCR application review process includes, but is not limited to, a determination of the project's compliance with a National Objective, feasibility, readiness, and project underwriting, where applicable. Therefore, applications must include the documents listed below as attachments to the CFA. This list is not an exhaustive list of all items required as part of the CFA; HCR also has several required forms that will need to be completed by successful applicants and depending on the specifics of the project, additional information and documentation may be required. Please refer to the OCR website here <https://hcr.ny.gov/community-development-block-grant#forms-and-documents> for more information.

For Public Infrastructure and Public Facilities Applications

Survey Information:

- Survey Methodology.
- Sample Income Survey Instrument.
- Representative Sample of Income Surveys.
- Summary of Income Survey Data.

Evidence of National Objective Compliance

Purchase Agreements (site control)

Maps (as required) Confidential Materials (Materials that identify a specific person, household or address. For example, surveys, applications, photographs, etc.)

Authorization for Joint Applications:

- A cooperation agreement and a resolution authorizing an Applicant to submit an application on behalf of a unit of local government.
- A cooperation agreement and a resolution authorizing a joint application and one of the units of local government as the primary applicant.

Project Budget-Related Documents:

- Financial commitment letter(s) from all other funding sources, including proposed terms or letters of application.
- Third party cost estimates.
- Engineering Report.

Compliance with Citizen Participation requirements:

- Copy of public hearing notice(s) with the Affidavit of Publication.

Civil Rights Materials

- Affirmatively Furthering Fair Housing (AFFH) attachments.

Program Income Report (Required)

For Community Planning Applications

(Community Needs Assessments and Drinking Water and Clean Water Preliminary Engineering)

National Objective Compliance

- Evidence of CDBG National Objective Compliance at the time of plan implementation.

Project Budget-Related Documents:

- Commitment letter from municipality for required 5% cash match.

Compliance with Citizen Participation requirements:

- Copy of public hearing notice(s) with the Affidavit of Publication.

Authorization for Joint Applications:

- A cooperation agreement and a resolution authorizing an Applicant to submit an application on behalf of a unit of local government.
- A cooperation agreement and a resolution authorizing a joint application and one of the units of local government as the primary applicant.

Maps (as applicable)

Confidential Materials (Materials that identify a specific person, household, or address. For example, surveys, applications, photographs, etc.)

Civil Rights Materials

- Affirmatively Furthering Fair Housing (AFFH) attachments.

Program Income Report (Required)

General Requirements

Upon award, all CDBG recipients will be required to comply with all federal, state, and local regulations and statutes as outlined in the certifications required by Title I of the Housing and Community Development Act (HCDA) of 1974, as amended, including, but not limited to compliance with Title VI of the Civil Rights Act, the Fair Housing Act, and compliance with Section 3 of the HCDA. Recipients must ensure compliance with other statutory, regulatory and program requirements including, but not limited to Labor Standards, as applicable, annual reporting, conflict of interest, procurement, A-133 Audit, Civil Rights, and other requirements as outlined in the CDBG Grant Administration Manual found at <https://hcr.ny.gov/community-development-block-grant#grant-administration-manual>.

Applicants should only apply for funding that can be fully expended and the type of activities that can be completed within the specified project completion period. All proposed accomplishments must be completed and reported within the project completion period.

Applicants should not proceed with a project that cannot be completed within the specified timeframe or with the assumption that an extension of the project deadline will be considered. Grant recipients who are unable to satisfy the term of their grant agreement may be unable to secure further OCR funding until such time as the prior grants have been completed or the funds recaptured. Inability to meet the required timeframe may be viewed as an issue of project readiness and/or inadequate local capacity to carry out grant activities in a timely manner and may require significant additional actions on the part of the municipality to ensure that any potential future grants will be completed within the term of the grant agreement.

In addition, all recipients must meet the Environmental Review and Request for Release of Funds requirements prior to submitting any requests for funds. **Costs incurred prior to the completion of the Environmental Review and approval of a Request for Release of Funds are only eligible to be reimbursed by CDBG if the activities are determined to be exempt.** Recipients incur costs prior to the Release of Funds at their own risk. **Please be advised that there may be a gap between submission of the application and the award of projects.** If projects contain activities that are imminent, the CFA may not be the appropriate avenue to pursue funding. Contact HCR for guidance on whether submission of an application through the CFA is advised or if other funding is available to support the project.

Funding Priorities:

Priority will be provided to projects that demonstrate a clearly defined need, address specific community and economic development priorities, meet the objectives of the New York State Community Development Block Grant Program, demonstrate that they have satisfied all administrative and regulatory requirements to proceed immediately upon award, present a project budget that effectively leverages a variety of funding sources, and projects that are recognized as a priority project for the respective Regional Economic Development Council, including Opportunity Agenda initiatives.

Significant Statewide Programs:

Proposed projects that are part of the following initiatives will be looked upon favorably:

Downtown Revitalization Initiative and Strategic Community Investment

Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization and strategic place making through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses - creating dynamic neighborhoods where tomorrow's workforce will want to live, work, and raise a family. Projects should reflect the general principles of smart growth and sustainable development.

Improving Access to Child Care

Despite record investments in childcare, many New Yorkers still struggle to access high quality childcare. This issue forces families to choose between quality childcare and employment or places families in the position to use unlicensed childcare providers. Applicants should provide any information about their project that works to improve access to childcare.

Environmental Justice

Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As we transition to a greener economy, it is imperative that no subset of the population be marginalized or left behind. Applicants should provide any information about how their project actively works to address these issues.

Ineligible Activities:

The State CDBG Program deems any activity that is not included in the Housing and Community Development Act of 1974, as amended, ineligible. Generally, CDBG funding cannot be used for projects that involve buildings used for the general conduct of government business, general government expenses, or political activities with the exception of handicapped accessibility improvements to comply with the Americans with Disabilities Act (ADA). In addition, any project that does not present satisfactory evidence of compliance with a national objective will be considered ineligible and will not be considered for funding.

Public Infrastructure and Public Facilities

Applications within the funding categories of Public Infrastructure and Public Facilities are rated and scored against the factors below. Applications are evaluated and ranked against applications within the same category.

Criteria – 100 Points**Total Vision and REDC Strategies – 20 points**

- The degree that the proposed project aligns with the Regional Council's Strategic Plan.

Project Assessment Points – 80 Points

Applications within the funding categories will be assessed based on the extent to which they meet the category-specific assessment criteria identified below. Scoring will be based on a maximum of 80 points, with the most points being awarded to projects that have demonstrated exceptional compliance with the assessment criteria identified for each category. An application's project assessment score will be determined by averaging the assessment criteria points.

Public Infrastructure:

Need – 15 Points

The degree to which the applicant has demonstrated:

- serious public health, welfare or safety conditions, as attested by third party documentation (e.g. consent orders, engineering reports, test results);
- that NYS CDBG funds are necessary to undertake the project and the community is unable to secure sufficient funding or assistance through other methods or resources, including other public funding.

Impact – 15 Points

The degree to which the applicant has demonstrated:

- that the proposed project is affordable, viable, and sustainable over the long-term, is of appropriate capacity for the demand, and addresses the need;
- the impact of NYS CDBG funds on the reduction of the debt burden, connection fees, and annual water/sewer fees on LMI households;
- that the proposed project supports a “Smart Growth” development strategy in accordance with the New York State Smart Growth Public Infrastructure Act (Chapter 433 of the Laws of 2010).

Financial Capacity – 25 points

The degree to which the applicant has demonstrated:

- that the project cost is financially feasible and includes the cost associated with regulatory compliance;
- that leveraged funds are available and committed including CDBG program income generated from previously funded HUD and NYS CDBG projects, and there are not gaps in funding;
- that the costs of program delivery and administration are reasonable and based on the actual work to be performed as described in the application;
- a financial and administrative plan for future maintenance and operations.

Administrative Capacity – 25 Points

The degree to which the applicant has demonstrated:

- a clear understanding of, and measures to ensure compliance with, all program requirements, including applicable Federal and State regulations, such as environmental, lead-based paint, labor standards, historic preservation, and procurement;
- that no impediments exist, or the degree to which all potential impediments, such as regulatory compliance, community support, site control (i.e. easements, acquisition etc.), and permits and clearances, have been addressed;
- project readiness and the ability to implement the program upon award;
- the ability to complete the proposed project/program within the 24-month term of the grant agreement.

Public Facilities:

Need – 15 Points

The degree to which the applicant has demonstrated:

- a need and market for the project and the services to be provided;
- that NYS CDBG funds are necessary to undertake the project and the community is unable to secure sufficient funding or assistance through other methods or resources, including other public resources.

Impact – 15 Points

The degree to which the applicant has demonstrated that:

- the proposed project has long-term affordability, viability and sustainability, is appropriate in terms of capacity, and addresses the need;
- the project design includes components accommodating mobility, visual, and auditory handicaps where relevant.

Financial Capacity – 25 Points

The degree to which the applicant has demonstrated:

- that the project cost is financially feasible and includes the cost associated with regulatory compliance;
- that leveraged funds are available and committed including CDBG program income generated from previously funded HUD and NYS CDBG projects;
- that the costs of program delivery and administration are reasonable and based on the actual work to be performed as described in the application;
- a financial and administrative plan for future maintenance and operations.

Administrative Capacity – 25 Points

The degree to which the applicant has demonstrated:

- a clear understanding of the program requirements and measures to ensure compliance of the program requirements, including applicable Federal and State regulations, such as environmental, lead-based paint, labor standards, historic preservation, and procurement;
- that no impediments exist, or the degree to which all potential impediments, such as regulatory compliance, community support, site control (i.e. easements, acquisition etc.), and permits and clearances, have been addressed;
- project readiness and the ability to implement the program upon award;
- the ability to complete the proposed project/program within the 24-month term of the grant agreement.

Additional Project Assessment Criteria

Prior Performance

The applicant's prior CDBG performance is considered at the time of application which may include, but is not limited to:

- the successful completion of prior projects as proposed and per the grant agreement;
- the number of project extensions requested and the reasons for extensions;
- monitoring findings and concerns and the timeframe in which they were resolved;
- status of current grants (expenditure rate, suspension of funds, adherence to program schedules);
- the ability to resolve grant administration issues in a timely manner and to address the issues for all grants and Program Years;
- first time applicants and first-time awardees are not negatively impacted by this.

Generally, the criteria noted above shall apply when awarding funding for applications received through the Consolidated Funding Application. In addition to the criteria noted above, HCR shall have the discretion to consider additional factors when determining the relative merits of projects.

Community Planning

Applications within the planning and engineering funding categories are rated and scored against the factors below. Applications are evaluated and ranked against other planning applications. Applications with the highest scores are considered the most competitive and have a greater chance of being awarded.

Criteria-up to 100 Points

Total Vision and REDC Strategies – 20 Points

- The degree that the proposed project aligns with the Regional Council's Strategic Plan.

Demonstrated Need – 20 Points

- Demonstration of need for the Plan and for funding assistance;
- Evidence that key stakeholders share the opinion that the subject of the Plan is critical to addressing identified needs and challenges.

Public Benefit/Impact – 15 points

- The proposed process for identifying development challenges and needs;
- The approach to which an applicant proposes to address community needs criteria (public infrastructure, public facility and economic development);
- Public support and participation.

Implementation – 30 points

- Readiness to proceed upon award;
- NYS CDBG performance history, if any;
- Capacity to complete the planning process in a timely and effective manner;
- Extent to which the needs identified are potential NYS CDBG eligible activities;
- How well the proposed planning activity follows or reinforces local or regional plans.

Leveraged Resources – 15 Points

- Creative leveraging and coordination with other CFA activities;
- Reasonableness of activity costs and evidence of match requirement.

Award Criteria Details:

Eligible Area, City, County Population Limits or Population Target Types:

Projects must be located in non-entitlement areas such as cities, towns and villages throughout New York State, with populations of less than 50,000 and counties with populations of less than 200,000 (excluding metropolitan cities, urban counties, and Indian Tribes that are designated Entitlement communities) and must primarily benefit the population of the non-entitlement area.

Limitations:

The maximum awards are not intended to serve as a target figure for requests for assistance. The amount of CDBG assistance should be based on need, and CDBG funds should not be used to reduce the amount of non-federal financial support for the project.

Projects that commence any construction prior to award are not reimbursable with NYS CDBG funds.

HTFC reserves the right to award all, a portion of, or none of a program's funds based upon funding availability, feasibility of the applications received, the competitiveness of the applications, an applicant's ability to meet HTFC criteria for funding, the applicant's ability to advance the State's housing goals, and HTFC's assessment of cost reasonableness. HTFC reserves the right to award

less than the requested amount, and further reserves the right to review an application requesting project funds as an application for funding under other programs, for which the project is eligible, and to change or disallow aspects of the applications received. OCR may consider certain eligible pre-award costs for eligible costs for **water or sewer/stormwater projects only**, which may include pre-development costs necessary to complete the environmental review process required for all CDBG projects under the National Environmental Policy Act (NEPA). This will encourage projects that are more “shovel-ready” upon award. **Applicants are strongly urged to contact OCR prior to considering incorporating pre-award costs into the project budget to ensure that those costs are eligible.**

Long Range Goals:

Applications will be reviewed in the context of the long-range goals established by New York State for the NYS CDBG program over the five-year period as outlined in the HUD-approved 2021-2025 Consolidated Plan. For the NYS CDBG Public Infrastructure program, the goal is the completion of 100 public infrastructure projects serving 50,000 people. For the NYS CDBG Public Facilities program, the goal is the completion of public facilities projects serving 500 people.

Project Term Completion Dates:

Recipients of CDBG public infrastructure, public facility or microenterprise funding enter into a two-year (24 month) grant agreement in which all funds must be expended, and all accomplishments met. Any funds remaining at the end of the two-year period are subject to de-obligation. Recipients are also obligated to report accomplishments and beneficiary information on an annual basis. This information must demonstrate the progress of the project and compliance with the national objective proposed in the application.

Recipients of CDBG Planning assistance enter into a 14-month grant agreement in which all funds must be expended, and a final plan submitted to OCR. Any funds remaining at the end of the 14-month period are subject to de-obligation. Recipients are also obligated to report accomplishments and beneficiary information on an annual basis. This information must demonstrate the progress of the project and compliance with the national objective proposed in the application.

Matching Fund Requirements / Deadlines:

For Public Infrastructure and Public Facility projects, a match is not required; however, bringing leveraged funds to a project may make the application more competitive. Planning requires a minimum 5% cash match in non-CDBG sources. In-kind services, force account labor, and volunteer services cannot be used as demonstration of match.

Other CDBG Funding

CDBG Economic Development Funding

All Economic Development, Small Business, and Microenterprise Applications will be available through an Open Round process and completed through the CFA portal. The Open Round applications require the completion of a Pre-Submission Form. The Pre-Submission Form will be reviewed by The Office of Community Renewal and if accepted, the applicant will receive an invitation to apply and will have 60 days to complete a full application within the CFA portal.

The CDBG Economic Development, Small Business, and Microenterprise applications are not subject to the 2021 CFA deadline. These open round applications may be submitted at any time. Please note, an applicant must submit a standalone CDBG open round application. The application cannot request other CFA resources in the same project application. More information is available online, here: <https://hcr.ny.gov/community-development-block-grant-economic-development-program>

CDBG-CV Funding

The Coronavirus Aid, Relief, and Economic Security Act (CARES) provided funding to the NYS CDBG program to assist communities across the state undertake activities that prevent, prepare for, and respond to COVID-19. Eligible applicants include non-entitlement Villages, Towns, Cities or Counties throughout New York State, and all metropolitan cities and urban counties that are HUD designated Entitlement communities.

If a CFA applicant has unmet needs related to the COVID-19 pandemic, CDBG CARES funds may be available to support. More information, including application materials, is available at <https://hcr.ny.gov/community-development-block-grant#cdbg-cares-funding>. Questions may be submitted to CDBGCARES@nyshcr.org.

Additional Resources:

For more information, applicants should contact the Office of Community Renewal at New York State Homes and Community Renewal, 38-40 State St, Albany, New York 12207, call (518) 474-2057, email HCR_CFA@nyshcr.org or visit the NYS CDBG website at <https://hcr.ny.gov/community-development-block-grant>

New York Main Street Program

Funding Available: Up to \$6.2 million

Description:

The New York Main Street (NYMS) Program was created by the Housing Trust Fund Corporation (HTFC) in 2004 to provide resources to assist New York's communities with Main Street and downtown revitalization efforts. Article XXVI was added to NYS Private Housing Finance Law in 2009 to formally establish the New York Main Street Program in statute. The NYMS Program is administered by the Office of Community Renewal (OCR) under the direction of the Housing Trust Fund Corporation.

NYMS provides resources to invest in projects that provide economic development and housing opportunities in downtown, mixed-use commercial districts. A primary goal of the program is to stimulate reinvestment and leverage additional funds to establish and sustain downtown and neighborhood revitalization efforts.

Eligible Types of Applicants:

Eligible applicants for NYMS program applications are:

- Units of Local Government; *or*
- Organizations incorporated under the NYS Not-for-Profit Corporation Law that have been providing relevant service to the community for at least one year prior to application.

Eligible Target Area:

All NYMS activities must be located in an eligible target area. Applicants must clearly identify how the target area meets each of the three components of the statutory definition of an eligible target area. Applications that do not address each of the three statutory criteria, or do not provide clear source documentation will be deemed ineligible. Please note, based on the statutory criteria there are areas within NYS that are not eligible; therefore, vague or unclear responses cannot be interpreted to present an eligible target area.

Article XXVI of the Private Housing Finance Law indicates that an eligible target area shall mean an area:

(i) that has experienced sustained physical deterioration, decay, neglect, or disinvestment;
(ii) has a number of substandard buildings or vacant residential or commercial units;
and (iii) in which more than fifty percent of the residents are persons whose incomes do not exceed ninety percent of the area median income for the county or metropolitan statistical area (MSA) in which the project is located, or which is designated by a state or federal agency to be eligible for a community or economic development program.

Applicants are encouraged to identify well-defined Main Street areas to maximize the impact that the funds will have on the community. The proposed activities must be carried out in a program target area of generally no more than three contiguous blocks which has experienced sustained physical deterioration, decay, neglect, or disinvestment, and has a number of substandard buildings or vacant residential or commercial units.

Applicants are required to include a Target Area Map to identify the location of the proposed target area and source documentation to demonstrate how the target area meets eligibility criteria.

Pre-Application Requirements:

Municipal Resolution

Each municipality in which the proposed program or project will function must approve a formal resolution supporting an application for the proposed NYMS program or project. The resolution must be passed prior to the application deadline and attached in the documents section of the application.

- The resolution must be on official stationery and should hold the official seal. Applicants within New York City must obtain the resolution from the Community Board with jurisdiction over the project target area.
- Draft or proposed resolutions are not acceptable.
- Support letters do not meet this requirement.
- The resolution must be for the current 2021 funding round and the specific NYMS project.
- If the municipality or Community Board provides only a summary letter without the full text of the resolution, a copy of the meeting minutes must be provided to document the vote and formal board resolution.

This requirement applies to all NYMS application types. Applications without a Municipal Resolution, as described above, will be deemed ineligible.

Eligible Activities

Applicants may propose **one** activity for a 2021 New York Main Street (NYMS) application. Four NYMS activities are available in the 2021 CFA New York Main Street application:

1. Technical Assistance Project

Applicants may request up to \$20,000 to complete a project that improves community or property owner readiness to participate in a future New York Main Street renovation activity. Examples of eligible NYMS-TA activities include, but are not limited to, the projects described below. Please contact the Office of Community Renewal at HCR_CFA@nyshcr.org to discuss project eligibility prior to applying.

- **Building Reuse or Feasibility Analysis** - Analysis of rehabilitation or adaptive re-use options for downtown, mixed-use building(s) to provide property owners with the resources necessary to make informed decisions regarding the feasibility of rehabilitation projects. These studies may include: historic and architectural analysis; building condition assessment; building code analysis; structural engineering study; proposed uses for the building including opportunities for upper story apartments; plan drawings; green technology potential; cost estimates; funding strategies, including historic tax credits; and pro-forma analysis.
- **Design Guidelines** - The importance of preserving downtown architecture must not be overlooked in repairing and renovating buildings for new occupants and uses. Design Guidelines should be an educational tool for property owners and provide technical assistance and practical recommendations for repairing and renovating downtown, potentially historic, building facades and storefronts. Proposals to produce Design Guidelines must provide clear community support, and a plan for formal adoption and implementation once produced.
- **Economic Development Planning** - Economic resilience and sustainability is important to preserving and expanding the downtown or main street business community, so resources are available to support future building renovation projects. These studies may

include market analyses, business development plans, and plans for continuity of business operations.

Examples of completed NYMS-TA Projects are available for review online, here: <https://hcr.ny.gov/new-york-main-street-technical-assistance-nyms-ta-completed-projects>

2. **Traditional NYMS Target Area Building Renovation Project**

Applicants may request between \$50,000 and \$500,000 for Target Area Building Renovation Activities. Requests must not exceed an amount that can be reasonably expended in the identified target area, within a 24-month term.

- **Building Renovation:** Matching grants available for renovation of mixed-use buildings. Recipients of NYMS funds may award matching grants of up to \$50,000 per building, not to exceed 75% of the total project cost, in a designated target area. Renovation projects that provide direct assistance to residential units may be awarded an additional \$25,000 per assisted residential unit, up to a per-building maximum of \$100,000, not to exceed 75% of the total project cost.
- **Streetscape Enhancement:** Applicants may request up to \$15,000 in grant funds for streetscape enhancement activities, such as: planting trees, installing street furniture or public art or other activities to enhance the NYMS target area.

Applicants may request a higher amount, up to \$25,000, if the additional requested funds directly alleviate COVID related impacts and further economic recovery and neighborhood and community revitalization (e.g. creation of shared outdoor dining space, public space improvements to improve access and use of outdoor space, mechanicals necessary to use outdoor public spaces, etc.). Projects that specifically create paid work for artists or support the artist community will also receive favorable consideration.

The project and budget should be clearly defined at the time of application and include a detailed description of the proposed Streetscape project, how the proposed project enhances the planned building renovation projects, and contributes to other downtown revitalization efforts underway. If more than \$15,000 will be requested, the plan should also identify how the project will alleviate COVID related impacts.

- Streetscape enhancement grant funds will be awarded only for activity ancillary to a traditional NYMS building renovation project and cannot be applied for on its own. NYMS Downtown Anchor or Downtown Stabilization applicants may not request Streetscape funds.
- Streetscape enhancement activities must be reviewed for eligibility and approved by HTFC prior to commencement of construction or installation.
- Streetscape activities must be completed within the proposed target area.
- **Administration:** Applicants may request up to 7.5% of the grant amount for salaries and other costs associated with the administration of the grant. The administrative funds must be requested at the time of application, and must be included within the maximum request amount.
- **Soft Costs:** Applicants may request funds to cover architectural and engineering work, required environmental testing and clearances, and filing fees. These expenses must be included in the per-building activity funding limits, require matching funds and may not exceed 18% of the NYMS renovation funds for a specific project. Project costs incurred

for work on buildings that eventually prove infeasible and do not receive other investments will not be reimbursed with NYMS funds. Funds for Soft Costs must be requested at the time of application, and must be included within the maximum request amount.

Funds for Administration and Soft Costs are available on a reimbursement basis, and will therefore be reviewed for eligibility prior to disbursement of funds. Applicants are not required to request NYMS program funds for Administration or Soft Costs, but are encouraged to identify alternate sources of funds for administrative expenses and soft costs. Additional funding commitments for administrative expenses and soft costs strengthen an application.

Example NYMS Target Area Building Renovation Application Request:

\$250,000	2021 NYMS Request Amount
\$210,000	Building Renovation Funds: to renovate five buildings
\$15,000	Streetscape Enhancement Funds: install bike racks, benches
\$10,000	Soft Costs: to hire environmental firm to complete five site specific reviews
\$15,000	Administration: hire consultant to administer grant

3. **NYMS Downtown Anchor Project:**

Applicants may request between \$100,000 and \$500,000 for a standalone, single site, “shovel ready” renovation project. NYMS Downtown Anchor Project funds are intended to help establish or expand cultural, residential or business anchors that are key to local downtown revitalization efforts through substantial interior and/or exterior building renovations. The NYMS Downtown Anchor Project funds may not exceed 75% of the Total Project Cost.

Applicants for NYMS Downtown Anchor Project funds must:

- Document a compelling need for substantial public investment and justify how the project qualifies as a Downtown Anchor.
 - Document project readiness, as evidenced by funding commitments, developer site control, pre-development planning completed, and local approvals secured;
 - Provide cost estimates to substantiate the request amount;
 - Identify source(s) of available construction financing and matching funds;
 - Demonstrate the importance of the project for the neighborhood, community and region;
 - Provide a Business Plan and Market Analysis to demonstrate project viability.
- Administration: Applicants may request up to 5% of the grant amount for salaries and other costs associated with the administration of the Downtown Anchor Project grant. The administrative funds must be requested at the time of application and must be included within the maximum request amount.
 - Soft Costs: Applicants may request funds to cover architectural and engineering work, required environmental testing and clearances, and filing fees. These expenses must be included in the per-building activity funding limits, requires matching funds and may not exceed 18% of the NYMS renovation funds for the project. Funds for Soft Costs must be requested at the time of application, and must be included within the maximum request amount.

Funds for Administration and Soft Costs are available on a reimbursement basis, and will therefore be reviewed for eligibility prior to disbursement of funds. Applicants are not required to request NYMS program funds for Administration or Soft Costs, but are encouraged to identify alternate sources of funds for administrative expenses and soft

costs. Additional funding commitments for administrative expenses and soft costs strengthen an application.

Example NYMS Downtown Anchor Project Application Request:

\$250,000	2021 NYMS Downtown Anchor Project Request Amount
\$227,500	Building Renovation Funds: to renovate one building
\$10,000	Soft Costs: to hire firm to complete environmental review
\$12,500	Administration: staff time to administer grant

4. NYMS Downtown Stabilization Project

Applicants may request \$100,000 to \$500,000 to complete a Downtown Stabilization Project. Funds are available to assist with environmental remediation and associated construction costs, as well as other innovative approaches to stabilizing and developing a downtown, mixed-use project. NYMS Downtown Stabilization Project funds may not exceed 75% of the total project cost.

NYMS Downtown Stabilization Project funds are available for projects that meet the goals identified above and, include, but are not limited to: asbestos management (surveys, abatement design plans, air monitoring, etc.), soil vapor intrusion testing and mitigation, building stabilization construction activities (e.g. roof stabilization in conjunction with asbestos remediation) or other projects that identify or mitigate risks associated with other hazardous materials or remove obstacles to future redevelopment. Applicants must demonstrate local support, financial commitments and a compelling need for substantial public investment.

Please contact the Office of Community Renewal at HCR_CFA@nyshcr.org to discuss project eligibility prior to submitting an application.

COVID Relief Activities

In conjunction with Target Area Building Renovation Activities or a Downtown Anchor Project, applicants may request to use funds to alleviate the impacts of the COVID-19 Pandemic. Requests must be specifically outlined in the application. COVID Relief activities must be directly related to a building renovation activity and awarded on a per project basis. Funds will be awarded only for activity ancillary to a traditional NYMS building renovation or Downtown Anchor project and cannot be applied for on its own. NYMS Downtown Stabilization applicants may not request to use funds for these activities. Program administrators will be required to document:

- Impact of COVID on participating business or property owner;
- Need for funding;
- Confirmation that funds do not duplicate other available resources and;
- Explanation for how the investment impacts the sustainability and resiliency of the business or property. Small projects are unlikely to demonstrate long term viability.

Funds may be used for:

- Reconfiguration of existing facilities to encourage reduced density;
- Redesign and updates for air filtering or ventilation systems;
- Equipment or software required to increase business capacity and efficiency in a post-COVID climate, e.g. online sales, POS systems. One-time only purchases, subscription or membership fees are not eligible for reimbursement;
- Fixtures and equipment to partition customers, guide social distancing or provide contact-less sales opportunities;
- Interior and exterior improvements to support adjusted business practices, e.g. pick-up windows, outdoor seating areas.

Ineligible expenses include:

- Inventory, rent or lease expenses, working capital or other undefined expenses, general or disposable supplies;
- Other expenses that do not sustain business operations.

Applicants requesting to use funds for COVID Relief activities in conjunction with a NYMS Downtown Anchor project must specifically identify the amount allocated for these activities in the budget and budget table attachment as well as describe the specific use in the budget narrative question.

Applicants requesting to use NYMS funds for COVID Relief activities must confirm that funds will not duplicate other available resources. Award of NYMS funds does not confirm eligibility of all activities included in an application proposal. All activities must be reviewed for eligibility and approved by HTFC prior to commencement.

New York Main Street (NYMS) Program Ineligible Activities

Please note: An applicant is encouraged to focus its efforts on one project type. For this reason, applicants may propose only one NYMS activity in an application.

Ineligible uses of NYMS funds include, but are not limited to: demolition; new construction; improvements to structures owned by religious or private membership organizations; improvements to municipally-owned buildings used for municipal purposes; the purchase of non-permanent fixtures, such as furnishings, appliances, electronics, and business equipment; general organizational operating expenses; capitalizing a revolving loan fund; site work or ancillary activities on a property, including septic systems and laterals, grading, parking lots, sidewalks, landscaping, fences, free standing signs, and general maintenance. General planning activities are not eligible under the four NYMS program activities.

Costs that are not adequately justified or that do not directly support the project are not eligible for reimbursement with NYMS funds. Contact the Office of Community Renewal prior to submitting an application to discuss project eligibility, and review the NYMS Program Guide for more detailed guidance on NYMS program rules: <https://hcr.ny.gov/new-york-main-street>

NYMS Selection Criteria – up to 100 Points

Total Vision and REDC Strategies –20 points

The Regional Council rates the degree with which the proposed project aligns with the Regional Council's Strategic Plan.

Need - 10 points

Measures the severity of need for the proposed Main Street activities, based on the analysis of existing commercial and residential conditions in the target area. The needs described must correspond to the proposed activities and the extent to which the activity resolves or addresses the identified need. Applications should include data and a relevant examination of that data to demonstrate substantial need. The application must provide a clear statement about the need for public investment in the proposed target area and specific need for the NYMS program funds to receive maximum points.

Impact - 10 Points

Measures the extent to which the project described in the application will have a positive public benefit and sustainable positive impact on the commercial and residential conditions in the target

area and surrounding community and neighborhoods. Applications should provide clear explanations of the anticipated impact of the proposed program, including but not limited to: enhancement of existing assets in the target area and community, expansion of economic opportunities, ability to spur investment of private resources, improvement of aesthetics, and preservation and creation of affordable housing in the upper floors of mixed-use buildings. Applications determined to have the greatest impact on increasing the availability of quality, affordable housing and the greatest impact on business conditions, when compared to other applications, will receive the highest scores.

Leveraging & Financing Plan - 20 Points

Measures the quality and completeness of the proposed project budget and status of funding commitments, specifically:

- Clarity of project budget including eligible use of funds and substantiated request amount;
- Status of funding commitments for required match and construction financing;
- Extent to which the NYMS resources will result in additional investments including private sources beyond the required matching funds (leveraging);
- Plan for use of funds for soft costs and administrative expenses.

Implementation Capacity and Readiness - 40 Points

Measures the extent to which the applicant has organized the proposed project and has assembled sufficient resources to complete the project, and achieve the goals and objectives of the program in a manner that is timely, effective and on-budget. Applications submitted by current awardees with open, on-going contracts may be negatively impacted if substantial expenditures or funding commitments have not been achieved. An applicant's past and current performance in other state programs and contracts will be considered in rating and ranking its application.

- Program Experience - Points for performance history are available to applicants that are administering an open NYMS or other Office of Community Renewal program contracts where substantial expenditure or funding commitments have been achieved and sufficient progress has been made. Points are also available to applicants that have successfully and effectively completed previous NYMS or other Office of Community Renewal program contract obligations. Applicants that have not previously participated in the NYMS program but have a successful record of achievement within the community where the proposed Main Street target area is located, and have assembled a team with experience in community development, housing rehabilitation, or commercial revitalization in mixed-use districts on a scale comparable to the proposed program or projects will also be eligible for points.
- Implementation Capacity - Proposals that have identified specific projects, clearly substantiated the request amount, obtained local approvals, have demonstrated a clear understanding of NYMS administrative procedures, and have necessary organizational structures in place to implement the proposed projects, without delay, will receive the most points.
- Program Support - Evaluates local support and linkages between the proposed project and local planning and development efforts. Rates the degree to which the proposal relies on building consensus and cooperation among groups and individuals who have a role in the revitalization process.
- Design - Applicants must outline the plan for a coordinated design review process. The highest scores will be awarded to proposals in communities that have existing design standards and have identified the necessary resources to work with building owners to enhance the physical appearance of the commercial area by preserving historic buildings and implementing sensitive design plans.
- Business Strategy - Applications must demonstrate a viable strategy for retaining and assisting existing businesses, attracting new customers, potential investors and residents,

and finding new commercial uses for traditional buildings in the district. Downtown Anchor applications must present a viable strategy for establishing or expanding a cultural, residential or business anchor that is key to local revitalization efforts. Priority consideration will be given to applicants that demonstrate a strong understanding of current economic conditions in the district, identify opportunities for market growth, and clearly demonstrate how the proposed project contributes to improving economic conditions. Projects that demonstrate capacity to grow the district's existing economic base, while meeting the challenges of commercial sprawl, will receive the highest scores.

Funding Priorities:

- Ready to go or “shovel ready” projects. Project readiness is best demonstrated by clear funding commitments for permanent and construction financing, documented site control, completed pre-development planning work, local approvals, and administrative capacity.
- A proposed NYMS service area should include a mix of uses, such as residential, commercial, and civic buildings. Individual assisted buildings are not required to include both residential and civic or commercial spaces; however, applications should propose a comprehensive approach to strengthen both the commercial and residential sectors. Affordable housing in upper-floor spaces and on adjacent streets helps to strengthen the social and economic vitality of the business district. Incorporating residential units on the upper floors is strongly encouraged and those projects will receive priority consideration.
- For NYMS there is a preference for funding proposals where contiguous buildings will be assisted, maximizing the impact of the investment.
- Applicants able to successfully demonstrate broad local support and linkages between the proposed project and local planning and development efforts, and applicants documenting high percentages of committed matching and leveraged funds will receive the highest scores.

Significant Statewide Programs:

Proposed projects that are part of the following initiatives will be looked upon favorably.

- **Downtown Revitalization Initiative and Strategic Community Investment**
Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization and strategic place making through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses - creating dynamic neighborhoods where tomorrow's workforce will want to live, work, and raise a family. Projects should reflect the general principles of smart growth and sustainable development.
- **Improving Access to Child Care**
Despite record investments in child care, many New Yorkers still struggle to access high quality child care. This issue forces families to choose between quality child care and employment or places families in the position to use unlicensed child care providers. Applicants should provide any information about their project that works to improve access to child care.
- **Environmental Justice**
Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As we transition to a greener economy, it is imperative that no subset of the population be marginalized or left behind.

Applicants should provide any information about how their project actively works to address these issues.

Award Criteria Details:

- HTFC reserves the right not to issue an award or contract to any applicant if it has been determined that the applicant is not in compliance with existing state contracts and has not taken satisfactory steps to remedy such non-compliance. Not-for-profit organizations applying for NYMS program funds must submit a Vendor Responsibility Questionnaire (VRQ) with the application. Projects that commence prior to contract execution and environmental review will not be eligible for reimbursement.
- HTFC reserves the right to award all, a portion of, or none of a program's funds based upon funding availability, feasibility of the applications received, the competitiveness of the applications, an applicant's ability to meet HTFC criteria for funding, the applicant's ability to advance the State's housing goals, and HTFC's assessment of cost reasonableness. HTFC reserves the right to award less than the requested amount, and further reserves the right to review an application requesting project funds as an application for funding under other programs for which the project is eligible, and to change or disallow aspects of the applications received.
- Award of NYMS funds does not confirm eligibility of all activities included in an application proposal, and HTFC reserves the right to change or disallow aspects of the applications received and may make such changes an expressed condition of its commitment to provide funding to a project.
- HTFC will consider regional distribution in the determination of awards, to the extent practicable.

Limitations:

The list below identifies several program requirements, and limitations, but applicants are advised to review the [NYMS Program Guide](#) for additional detail related to activity eligibility and grant administration:

<https://hcr.ny.gov/new-york-main-street#forms-and-documents>

Environmental Review

Prior to the commitment or expenditure of NYMS program funds, the environmental effects of each activity must be assessed in accordance with the State Environmental Quality Review Act (SEQRA). Environmental Compliance areas evaluated for each project include, but are not limited to: Historic and Cultural Resources, Floodplains, Zoning, Site Contamination, Lead Based Paint, Asbestos Containing Materials, Radon, Endangered Species, and Smart Growth. Please review the NYMS Program [Environmental Compliance Handbook](#) for additional information:

<https://hcr.ny.gov/new-york-main-street#forms-and-documents>

Funding Commitments

NYMS Downtown Anchor and Stabilization Projects must be ready to commence upon award, grant agreement execution and environmental review. HTFC will not execute a grant agreement with applicants unable to present evidence of site control and construction financing commitments sufficient to undertake the proposed project following award of NYMS funds.

Procurement & Bidding

All NYMS activities including contracting, professional services, and administration require a minimum of two bids or proposals to be solicited and accepted by the applicant organization to establish reasonableness of cost.

Regulatory Term

The owner of a property improved with NYMS funds must agree for a minimum of five years to: maintain the property in good operating order and condition; to make available and maintain the affordability of residential housing units to persons of low income (90% Area Median Income) by signing and filing a Property Maintenance Declaration with the County in which the building is located.

Project Term Completion Dates:

Projects must not commence prior to award, and grant agreement execution. Costs incurred prior to award and grant agreement execution will not be eligible for reimbursement. NYMS-Technical Assistance project awardees enter into a one-year grant agreement. NYMS Target Area Building Renovation, Downtown Anchor and Downtown Stabilization awardees enter into a two-year grant agreement.

Applicants should not submit applications if they do not expect to initiate the project within a reasonable time after receiving an executed contract or will not be able to complete the project within the term. Funds remaining at the end of the term are subject to de-obligation and reallocation.

Matching Fund Requirements:

Each of the NYMS activities require matching funds, and only funds directly invested in eligible project activities are eligible as the required match. In kind match is not eligible, and costs incurred for ineligible activities or prior to award and contract execution are not eligible.

- New York Main Street Technical Assistance Project
NYMS-TA funds may reimburse up to 95% of the project cost, not to exceed \$20,000. The remaining 5% must be provided as a cash match, in kind match will not be accepted. A total project cost of at least \$21,053 must be presented to request a \$20,000 NYMS-TA grant.
- New York Main Street Building Renovation Project
The NYMS Program operates as a reimbursement program and the NYMS Program Guidelines require matching funds for each participating building project. NYMS funds may reimburse up to 75% of total, eligible project costs for general building renovations up to a maximum of \$50,000 per building, or up to \$100,000 for a building renovation project involving direct assistance to a minimum of two residential units.
- New York Main Street Downtown Anchor Project
NYMS Downtown Anchor Project funds are available to reimburse up to 75% of a total, eligible project cost not to exceed \$500,000 in NYMS Downtown Anchor Project funds. The minimum NYMS Downtown Anchor request amount is \$100,000.
- New York Main Street Downtown Stabilization Project
NYMS Downtown Stabilization funds are available to reimburse up to 75% of a total, eligible project cost not to exceed \$500,000. The minimum NYMS Downtown Stabilization Project request is \$100,000.

Additional Resources:

For more information, applicants should contact the Office of Community Renewal at New York State Homes and Community Renewal, 38-40 State St, Albany, New York 12207, call (518) 474-2057, email HCR_CFA@nyshcr.org or visit the NYMS website: <https://hcr.ny.gov/new-york-main-street#funding-round-materials>

Office of Parks, Recreation & Historic Preservation

Environmental Protection Fund Grants Program for Parks, Preservation and Heritage (EPF)

Funding Available: Up to \$19.5 million

DESCRIPTION:

Title 9 NYCRR (sections 439.1 – 443.4) implements the Environmental Protection Fund (EPF) Act of 1993 (Title 9 of Article 54 of the Environmental Conservation Law), which created OPRHP's program for Parks, Preservation and Heritage Grants.

EPF Parks, Preservation and Heritage grant funding is available for the acquisition, planning, development, and improvement of parks, historic properties, and heritage areas located within the physical boundaries of the State of New York. Grants can fund up to 50% of the total eligible project cost; up to 75% if the project is located in a high-poverty area as defined below. Grant awards are capped at \$500,000. If the total project cost is greater than \$4,000,000, up to \$750,000 may be requested.

ELIGIBLE TYPES OF APPLICANTS:

- Municipalities
- State Agencies
- Public Benefit Corporations
- Public Authorities
- Not-for-profit Corporations that have tax-exempt status under the IRS code, are current with pertinent federal and state filings, and are pre-qualified in the Grants Gateway (see <https://grantsmanagement.ny.gov/resources-grant-applicants>).

The applicant must have an ownership interest in the project property:

- Where the applicant is not the property owner:
 - If the project is for planning only, the owner must grant the applicant any access necessary to complete the project.
 - If the project involves acquisition of the property, the application must include documentation of the owner's intent to sell, donate or transfer the property.
 - If the project involves improvement/development of the property, the owner must agree to sign the project agreement and any long-term protection document.
- If there are additional parties with an ownership interest in the property, including lien holders, all parties must agree to sign the project agreement and all lien holders must subordinate their interests to those of the State.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT AND LONG-TERM PROTECTION

REQUIREMENTS: Funding under the EPF Parks, Preservation and Heritage Grants program is available for the activities and programs described below. An application will be evaluated in all categories for which it qualifies. Applicants should be alert to the requirements for each category for which they wish the application to be considered.

To ensure the public benefit from the investment of State funds, properties acquired or developed with grant funds will receive long-term protections, either through parkland alienation law, conservation easements, public access covenants or preservation covenants recorded against the deeds.

- **Parks Program** - for the acquisition, development or planning of parks and recreational facilities to preserve, rehabilitate or restore lands, waters or structures for park, recreation or conservation purposes and for structural assessments and/or planning for such projects. Examples of eligible projects include playgrounds, courts, rinks, community gardens, and facilities for swimming, boating, picnicking, hunting, fishing, camping or other recreational activities.
 - Public access covenants will be conveyed to the State for all park development projects undertaken by not-for-profit corporations.
 - Conservation easements will be conveyed to the State for parkland acquisition projects undertaken by not-for-profit corporations.
 - Parkland acquired or improved by a municipality must remain parkland in perpetuity. Information is available in the “Handbook on the Alienation and Conversion of Municipal Parkland,” located at <https://parks.ny.gov/publications/>, under Other Publications.

- **Historic Preservation Program** - to acquire, improve, protect, preserve, rehabilitate or restore properties listed on the State or National Register of Historic Places and for structural assessments and/or planning for such projects. All work must conform to the Secretary of the Interior’s Standards for the Treatment of Historic Properties and professional qualifications as defined in “Historic Preservation Terms and Professional Qualifications” available at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>.
 - Properties not currently listed but scheduled for nomination review at the State Board for Historic Preservation meeting of either June 10, 2021 or September 9, 2021, are eligible to apply for funding. Questions about, or proposals for, listing on the State or National Register should be directed to the OPRHP National Register Unit at (518) 268-2213.
 - Preservation covenants or conservation easements will be conveyed to the State for all Historic Preservation grants.
 - Grant funds cannot be used for constructing contemporary additions on a historic property unless that work will provide universal access and/or eliminate code deficiencies for access/egress, such as an elevator or stair tower.
 - Multi-purpose additions to historic buildings and free-standing new construction on historic properties are not eligible for this grant program.
 - The expense of packing/storing of furnishings and artwork is allowed when required to complete an awarded project for grant-assisted interior work, such as installation of a fire suppression system, or plaster/decorative finishes.
 - For projects on sectarian properties, grant assistance can fund only costs necessary for historically accurate restoration to restore and preserve the historic integrity of the historic property, and only to the extent that those costs exceed the cost of basic rehabilitation. Information and instructions on how to structure/present a sectarian project can be found at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>

- **Heritage Area Program** - for projects to acquire, preserve, rehabilitate or restore lands, waters or structures identified in the approved management plans for Heritage Areas designated under section 35.03 of the Parks, Recreation and Historic Preservation Law, and for structural assessments or planning for such projects where an active management entity has endorsed the project. For additional information about active Heritage Areas with approved management plans, including exact heritage areas boundaries and Heritage Area Contacts, go to <https://parks.ny.gov/grants/heritage-areas/default.aspx>.

- To ensure a public benefit from the investment of state funds, all Heritage Area grants will receive appropriate long-term protections either through parkland alienation law, or in the form of public access covenants, preservation covenants or conservation easements conveyed to the State.

ALLOWABLE COSTS:

All expenditures under these grants must be for goods and services procured in a manner so as to assure the prudent and economical use of public money in the best interests of the taxpayers of the State of New York, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against nepotism, favoritism, improvidence, extravagance, fraud and corruption. Such procedures may include, but are not limited to, competitive bidding, the solicitation of three price quotes, written requests for proposals, etc. (see Successful Applicant Requirements below for additional information).

Eligible budget items include:

Pre-Development Planning and Design

- **Design Fees** and other **Professional Fees** are allowed for the preparation of construction documents and to satisfy other pre-construction requirements. **Pre-development** costs must be incurred during the project term or in the three years prior to the application deadline. In general, pre-development costs **should not exceed fifteen percent (15%) of the construction costs**.
- **Archeology** includes field work, report writing, curation of artifacts and interpretation. If your project includes any ground-disturbing activity (e.g., trenching, grading, demolition, new construction, etc.), it is very likely that an archeological survey will be required unless you can provide adequate documentation of prior ground disturbance. Your budget should take into account the need for an archeological survey. Contact your regional grants administrator (RGA) (at <https://parks.ny.gov/grants/contact.aspx>) or the archeology representative for your county (at <https://parks.ny.gov/shpo/contact/>), to determine the need and anticipated costs for archeology.
- **Project planning** is eligible for stand-alone funding in all three programs. This funding is intended for project-specific planning, such as preparing site designs and specifications, schematic drawings and conducting specific project-related environmental reviews (i.e., for rehabilitation of a historic property or structural assessment of a dock for public fishing), not for planning or environmental review processes of comprehensive Open Space, Management or Master Plans.

Construction

- Capital costs can include labor, materials and other necessary costs for permanent capital improvements to the property that are directly related to the recreational, conservation, historic preservation, and/or heritage development purposes of the grant program. The budget should be broken down by categories of expenditure, such as utilities/infrastructure, site preparation, landscaping, carpentry, etc.
- The budget may include purchase of permanent equipment necessary to achieve the project purposes (e.g., playground equipment, interpretive kiosks), but cannot include operational or maintenance equipment such as mowers or automotive equipment.

- The budget may include costs to undertake construction, such as rent/lease of heavy equipment, but cannot offset overhead and operating expenses, such as office rental.
- For historic preservation projects on sectarian properties grant assistance can fund only costs necessary for historically accurate restoration to restore and preserve the historic integrity of the historic property, and only to the extent that those costs exceed the cost of basic rehabilitation. Information and instructions on how to structure/present a sectarian project can be found at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>.

Acquisition

- The application must identify each parcel proposed for acquisition, the type of interest to be acquired (fee simple, lease, easement, etc.) and method of acquisition (purchase, donation or transfer from another use), number of acres and estimated fair market value of the parcel(s) documented by a written appraisal valuation (desktop appraisal or exterior only appraisal) by a qualified appraiser. Acquisition costs must be incurred during the project term or up to one year prior to the application deadline.
- Associated acquisition costs, such as the cost of **appraisals** (one appraisal is required for any parcel valued under \$300,000; two appraisals are required for any parcel valued at \$300,000 or more), **surveys, title search, legal fees, title insurance (required for this grant)** and, where a conservation easement is required, the cost of **title continuation and recordation** are eligible costs.
- In the case where multiple parcels owned by the same entity are to be valued, the appraiser will first determine the highest and best use of the parcels. The highest and best use analysis will determine if the parcels should be marketed as one unit or whether they would have a higher value if marketed separately. If the parcels should be marketed separately, then each one will require its own valuation. Under no circumstances should parcels owned by different entities be valued in the same appraisal.

Administration

- **Construction Supervision** costs are those associated with the coordination, supervision and scheduling of work to ensure projects are completed in conformance with design standards, construction contract documents, plans and specifications, and may be provided by a qualified member of the applicant's staff, the design professional who prepared the construction documents, or a clerk of the works.
- **Grant Administration** costs include expenses associated with administering the grant after it is awarded, such as preparing the project agreement, affirmative action, solicitation of Minority and Women-owned Business Enterprises (MWBES), and payment request documentation. In general, these costs **should not exceed ten percent (10%) of the grant amount**. The cost of preparing this application is **NOT** eligible.
- **Procurement Costs** include costs for assuring competitive pricing, such as costs for distributing Requests for Proposals and for public advertising for bids, including the cost of advertising in specialty publications, such as minority newspapers and appropriate construction publications.
- **Audit:** An accounting of grant expenditures and revenues is required. Generally, this is accomplished by detailed auditing of every payment request. Depending upon the grant award and complexity, the State may require an Agreed Upon Procedure Review

(AUPR) performed by a representative of the State or a Certified Public Accountant prior to the final reimbursement.

- **Project Sign:** All grant-funded projects, except for those funding planning only, must have a project sign noting the funding assistance. Signs are available for purchase through the State for approximately \$57.

INELIGIBLE COSTS (will be eliminated from the total project costs in the grant application):

- Work completed prior to award is not eligible for reimbursement or for match. There are two exceptions:
 - Professional services and materials purchased or donated, but not installed, up to three years prior to the application deadline may be applied toward the matching share.
 - Acquisition costs retroactive no more than one year prior to the application deadline are eligible costs.
- Comprehensive Planning/Master Planning/Management Plans/Open Space Plans.
- Application preparation.
- Contingencies, training, travel, OJT wages, working capital, marketing, taxes, interest, purchase of operational or maintenance equipment, salaries and wages, indirect costs, overhead or operating expenses, rent/lease are ineligible unless noted otherwise above.
- Fundraising events/expenses.
- Bond interest and associated fees. The interest associated with a Bond or Bond Anticipation Note (BAN) cannot be calculated into project cost, whether for reimbursement or local match.
- Lobbying expenses.
- Costs that are not adequately justified or that do not directly support the project.

MATCHING SHARE (APPLICANT SHARE) REQUIREMENTS:

This grant program is administered on a reimbursement basis. **Successful applicants will be expected to fund project expenditures upfront, then submit for reimbursement.**

Applicants must plan their financial arrangements accordingly.

Successful applicants are reimbursed for up to 50% of their eligible expenditures. For projects located in impoverished areas (as defined by 10% or more of the population below the poverty level according to the most recent Census data as provided in the "Poverty Level Table by ZIP Code Tabulation Area (ZCTA)" at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>), the reimbursement can be up to 75% of the eligible project cost.

All applicants are expected to raise their share within one year of the award, or risk cancellation of the grant.

Principal types of applicant share are:

- **Cash:** Includes grants other than this grant request.
 - Other Environmental Protection Fund grants (i.e., Climate Smart Communities, Water Quality Improvement Project, Local Waterfront Revitalization Program, Greenway Conservancy Trail Grant Program, etc.) cannot be used as match.
 - State and Municipal Facilities Program (SAM) funding cannot be used as a required match or be considered a local share but can be used to pay for additional

project costs that are over and above the award and required local match.

- **Force Account:** Applicant's payroll expenses itemized according to job title or job assignment on project. Grant recipients will be required to document time worked, tasks, pay ratio and payment (including components and percentage of fringe benefit rate).
- **Professional Services:** The value of services provided by professional and technical personnel and consultants. Three-year retroactivity applies.
- **Supplies and Materials:** The fair market value of items warehoused (not yet installed). Three-year retroactivity applies; use value current at time items were obtained.
- **Volunteer Labor:** Skilled and professional labor can be computed at the job rate. The value for labor (unskilled labor and work performed by professionals or skilled laborers in an area outside of their area of expertise) of an adult (18 and over) donating time to a project may be computed up to the amount identified as the Value of Volunteer Time for New York State
at https://independentsector.org/resource/vovt_state_2021/ (scroll down to the US map and click on/hover over NYS). For example, a lawyer donating legal services may compute the value based on the standard billing rate, but the value for the same lawyer donating time painting walls will be computed up to the amount identified as the Value of Volunteer Time for New York State.
- **Equipment Usage:** Valued according to its fair market rental cost in the project location.
- **Real Property:** The value of all property acquired, donated or converted from other purposes. One-year retroactivity applies to all three categories. For real property owned by the applicant and converted from other purposes, the value of such property may be included under the EPF budget, provided it has not been previously designated as parkland or otherwise used for purposes related to this project.

FUNDING PRIORITIES: Priority projects are those that clearly demonstrate and document:

- **Impact:** For park projects, the importance of the project to the community in terms of population served and need for facilities. For historic preservation, the extent to which the project will contribute to preservation of a historically significant property and its features. For Heritage Areas, the extent to which the project will enhance the visitor experience and address the resources and goals of the local Heritage Area.
- **Planning Initiatives:** For all projects, community support; consistency with state/region/community plans, including and especially the Statewide Comprehensive Outdoor Recreation Plan (SCORP); advancement of the general principles and goals of downtown revitalization, strategic community investment and/or environmental justice practices.
- **Reasonableness of Cost:** For all projects, sound administrative infrastructure/reasonableness of costs, including demonstration of project planning, administrative structures and a budget that reflects fiscal prudence and readiness to proceed.
- **OPRHP Commissioner Priorities for 2021:**
 - Projects that restore or conserve the natural communities where land meets water. Priority projects would focus environmental stewardship efforts on this interface zone, including but not limited to wetland restoration, natural or nature-based shorelines, fish and wildlife habitat, and riparian buffers.
 - Projects designed to enhance inclusion by removing barriers, providing accommodation, and expanding the visitor experience to provide welcoming

access for new visitors, including those previously marginalized. Examples include: enhanced gateways to parks and trails, multi-lingual and/or pictorial wayfinding signage; recreational and interpretive facilities serving people of diverse abilities; ADA compliance; private unisex bathroom facilities; reopening (i.e., modernize, rehabilitate, restore) shuttered recreational facilities in distressed neighborhoods, etc.

- Projects that enhance and/or create opportunities for walkable public spaces for recreation, fitness, community gardens and open space in underserved neighborhoods (i.e., build green space, revitalize existing athletic and recreational facilities, create and enhance amenities at community gardens and schoolyards).
- Projects that advance and/or complement transformational projects across the State, especially in disadvantaged communities, to address and prepare for the impacts of climate change. Priority projects would enhance outdoor recreation while: preserving open space; restoring natural communities, implementing climate resilient infrastructure, and reducing flood risk.
- Projects that are undertaken by OPRHP Friends organizations or other partner groups that occur in State Parks or Historic Sites.

Applicants are encouraged to use the online layered “Grants Map for CFA” accessed via <https://parks.ny.gov/grants/consolidated-funding-app.aspx> to help answer application questions in the CFA, including questions concerning how to identify the appropriate Regional Economic Development Council, ZIP Code Tabulation Area (ZCTA) and Poverty data, save and print or upload a 1:24,000 scale topographic or planimetric map, etc. for the project location. The instruction document, “Using the Grants Map for CFA,” outlines how to use the features of the layered map.

APPLICATION REQUIREMENTS:

The following documentation will be required with the application. **Applications lacking these attachments (or an acceptable explanation) are considered incomplete, and may cause the application to be deemed ineligible, or adversely affect the rating points assigned.** Depending upon the particular circumstances of your project, other attachments may be required. Still other attachments, while not required, may be essential to support rating points. All documents should be current to this grant cycle. See the **ADDITIONAL RESOURCES** section at the end of this document, and the Attachment Checklist at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>, for additional guidance on required documents as well as supporting documentation that is requested but not required.

For All Applicants:

- **State Environmental Quality Review Act (SEQR) compliance documentation:**
 - Not-for-profits must fill out the “Environmental Review Form” available at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>.
 - Municipalities must document or describe where they are in the SEQR process.
- **Photos** showing the project area
- **Schematic Site Plan**
- 1:24,000 scale **topographic or planimetric map** with the **subject property circled**

For All Not-for-Profit Applicants:

Pre-qualification in the Grants Gateway is required. Grant proposals received from nonprofit applicants that are not Prequalified in the Grants Gateway by the application

due date and time will not be evaluated. Such proposals will be disqualified from further consideration. Keep in mind the status may expire during the evaluation period, so it is a best practice to double check the status before the application deadline. Further information is available from the Grants Gateway at (518) 474-5595.

Disclaimer: New York State reserves 5-10 business days from the receipt of complete Prequalification applications to conduct its review. If supplementary information or updates are required, review times will be longer. Due to the length of time this process could take to complete, it is advised that nonprofits Prequalify as soon as possible. Failure to successfully complete the Prequalification process early enough may result in a grant application being disqualified.

For Not-for-Profit Applicants applying for a project under the Parks Program:

Except for projects on State lands, a resolution of municipal endorsement, passed by the governing body of the municipality in which the project is located, which stipulates the approval/endorsement of the application. For projects involving multiple municipalities, the endorsement is required from the municipality with planning jurisdiction (e.g., the county) and all municipalities owning affected property. See a sample of an acceptable resolution of “Municipal Endorsement” at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>.

For Historic Preservation Applicants:

Documentation of State/National Register listing or scheduled nomination review.

For Heritage Area Applicants:

Written approval/endorsement of the project by the local heritage area management entity, if it is not the project sponsor, is required with the application. The letter should reference the appropriate Heritage Area management plan and relevant Heritage Area resources and goals. For information about active Heritage Areas with approved management plans, including exact heritage areas boundaries and Heritage Area Contacts, go to <https://parks.ny.gov/grants/heritage-areas/default.aspx>.

For Applicants proposing to undertake work in a State Park or Historic Site:

Letter(s) of support from the **Regional Director AND Capital Facilities Manager.** One letter of support may be provided with both signatures.

For Applications including Acquisition (purchase, donation or transfer from another use):

- **Evidence of the owner’s intent** to sell, donate or transfer the property.
- **A written appraisal valuation** (desktop appraisal or exterior only appraisal) by a qualified appraiser for all property that will be acquired or used as match as part of the proposal.

For Applications where Parkland is being Alienated:

If the project is located in a public park facility, all or part of which is being sold, leased, exchanged, donated, disposed of or used for other than public park purposes, a copy of the **proposed or enacted legislation authorizing the alienation.**

Attachments listed in the **APPLICATION REQUIREMENTS** section of the guidance document are required of every application as indicated. Following is additional guidance on required attachments. All documents should be current to this grant cycle.

State Environmental Quality Review Act Compliance (SEQR)

NOT-FOR-PROFIT CORPORATIONS: Complete the “Environmental Review Form” available online at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>. Also include with your application clear drawings, maps, or plans of existing and proposed natural and man-made conditions on the site and the areas immediately adjacent to the site.

MUNICIPALITIES: The municipality will be responsible for providing a completed SEQR review. The municipality will be the SEQR lead agency if OPRHP is the only other agency involved or will be responsible for initiating lead agency designation procedures if there are other involved agencies (e.g., the Department of Environmental Conservation (DEC) via a required permit). The lead agency is required to classify projects under SEQR, and make a determination of significance as follows:

- If your project is Type II, it is not subject to SEQR. If this is the case, provide a statement as to the classification of your project and the reason. If any permits are required, list them in your statement.
- If your project is subject to SEQR, consult SEQR regulations to determine if it is classified Unlisted or Type I.
 - If it is Unlisted, submit a completed Short Environmental Assessment Form (EAF) (Parts I-III).
 - If the project is classified Type I, submit a completed Full Environmental Assessment Form and either a negative declaration or a Final Environmental Impact Statement (FEIS) and SEQR Findings.
- If the project's impacts have been previously reviewed under SEQR, supporting documentation must be submitted (e.g., FEIS and SEQR Findings Statement).

Photos

Provide images (scanned photographs or born-digital; photocopies are not acceptable substitutes) showing the overall project area and documenting existing conditions. Include photos of any structures more than 50 years old within, or immediately adjacent to, the project area. Provide views to these features from the project site, as well as views of the project site from them. Photographs must reflect current conditions. Images that are freely available on the internet may not show current, actual conditions. Key all images to a schematic site plan (see below). For an optimal review of the project, photography tips and guidance can be found here <https://parks.ny.gov/grants/consolidated-funding-app.aspx>.

Schematic Site Plan

Provide a document that connects the narrative, photos, budget, and for a historic property the work detail, together pictorially.

For parks, a site plan that identifies the boundary of the park that is the subject of the application as well as how it relates to the surrounding areas (properties adjoining the site, roadways, water bodies, public access), what facilities are currently existing on the proposed site (arrows or legend to indicate type - baseball fields, playgrounds, pavilions, parking areas, public access to the site, links to surrounding areas via trails, etc. and location of those facilities within the park), and what facilities are being proposed (type and location); these would then be linked to photos showing the subject area and surrounding areas, the narrative describing the work being contemplated, and the budget showing estimated costs.

With historic properties, two dimensional plans or elevations which identify the areas of the structure or site with the conditions as they currently exist that are the subject of the application (i.e., arrows to mortar joints, cracks, bricks); these would have a legend or some other way to link back to photos which show the areas of concern, the narrative and work detail which describe both existing conditions and the proposed work to correct issues, and the budget showing the estimated costs to accomplish the work.

Map

Submit a 1:24,000 scale USGS or DOT planimetric map with the subject property circled. An 8½" x 11" section, copy, or printout is acceptable, so long as it shows at least 1:24,000 scale and is clearly marked as to scale and source, including Quad Name and/or Code. We recommend using the online, layered "Grants Map for CFA," accessed via <https://parks.ny.gov/grants/consolidated-funding-app.aspx> and the instruction document, "Using the Grants Map for CFA." Another source for downloadable, printable maps is the NYS GIS Clearinghouse <http://gis.ny.gov/gisdata/quads/>. In addition, you may submit any other site map that is available which will help to locate the specific project site.

Federal, Statewide, Regional and Local Planning Documents

Provide clearly marked excerpts in support of the project narrative AND documentation that the plans cited reflect current need (e.g., a copy of the resolution adopting or reaffirming the local plan if it is 5 years or older).

Community Support

Documentation of community support may include an official resolution by the governing body of the applicant, approving and/or endorsing the project and affirming public and community support for it; evidence of public participation, public outreach plan, press releases/announcements, public meetings, events, fundraising campaign plans. Provide copies of official project endorsements, partnerships and letters of support (especially those from people directly impacted by the project).

Planning Grants

To justify the proposed consultant costs, two estimates are required. For planning budgets involving just the preparation of plans and specifications, provide at least two professional estimates for the preparation of these documents or provide two professional estimates of the proposed construction costs or submitted construction bids and identify the percentage of the professional fee to prepare plans and specifications. For other planning projects (condition studies, Historic Structures Report, Cultural Landscape Report, feasibility study, etc.), submit two estimates and documentation of consultants' qualifications and/or licenses (for historic preservation professionals, see "Historic Preservation Terms and Professional Qualifications" available at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>).

Alienation Legislation

If parkland is being alienated (projects located in a public park facility, all or part of which is being sold, leased, exchanged, donated, disposed of or used for other than public park purposes), provide a copy of the proposed or enacted legislation authorizing the alienation.

SUPPORTING DOCUMENTATION:

Depending upon the particular circumstances of your project, other attachments may be required. Still other attachments, while not required, may be essential to support rating points.

All documents should be current to this grant cycle. See below for a list of supporting documentation.

- Evidence of local historic preservation or landmark designation
- Clearly marked excerpts from federal, statewide, regional or local planning documents
- Written documentation clearly identifying community need and involvement; if the local plan which identifies the need for the project is 5 years or older, provide evidence that the plan reflects current need (i.e., a copy of the resolution adopting or reaffirming the local plan)
- Documentation from State agencies regarding remediated brownfields, protected species, habitats, etc.
- Documentation of pre-construction planning, procurement of services, consultant qualifications, etc.
- Ground disturbance documentation
- All official project endorsements, partnerships and letters of support
- For stand-alone planning projects, justification of budget estimate

ATTACHMENTS TO SUPPORT APPLICATION:

As outlined above, your application requires you to upload supporting documents. Before you begin to prepare the supporting documents, go to the Documents tab within the Consolidated Funding Application to review size limits and acceptable file formats, including how to combine multiple files into a single file. *It is also advisable to use short naming conventions when labeling each file; longer named attachments may prevent the file from being opened.*

You may proceed with your application without uploading these documents. However, since supporting documents are required, you must return to the Documents section and upload the required documents before you can finalize and submit your online application.

For assistance scanning your documents, please contact the Regional Grants Administrator for your County at <https://parks.ny.gov/grants/contact.aspx>.

ADDITIONAL RESOURCES:

Go to <https://parks.ny.gov/grants/consolidated-funding-app.aspx> to view forms and resources containing additional instructions concerning attachments to the application. For more information, contact the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) Regional Grants Administrator (RGA) for your county (<https://parks.ny.gov/grants/contact.aspx>), or NYSOPRHPGrants@parks.ny.gov.

GRANT SELECTION CRITERIA: Each application will be reviewed for eligibility and, if determined eligible, will be rated according to the Grant Selection Criteria. Applications will be evaluated to assess the degree to which they meet the elements of each criterion below. A successful grant proposal is not expected to meet all of these criteria. Within each region, applications are ranked according to project category, competing only against others in their region and category. The Grant Selection Criteria are:

I. Project Impact (up to 30 points)

For Parks Projects:

- A. Need, as determined by a statewide assessment (0-5):
 - For recreation projects: SCORP Relative Index of Needs

- For open space/conservation projects: NYS Open Space Conservation Plan

B. Community Impact and Need (0-25). The application should document both the extent of a need and how the project will address that need.

Population Served: Assess whether the project will primarily serve a densely populated area, an area where a substantial proportion of the population is of low income, and/or a population that is otherwise disadvantaged or underserved with respect to existing recreational opportunities. For example, will it meet the needs of an aging population, encourage participation by youth and teens, respond to population and social changes in the community, and/or ensure open and reasonable access to persons of various abilities.

Need for Facilities: Assess the degree to which local recreation, conservation or open space deficiencies will be addressed by the project. Evidence of need can include documentation of:

- For recreation projects: number of similar facilities in the service area; level of use of existing facility and anticipated level of use of proposed facility; condition of facilities, including evidence of physical deterioration, decay, neglect or disinvestment; emergencies, mandates or development pressure;
- For open space/conservation projects: protection of watershed, aquifer, animal or plant species, significant natural communities, or other natural, scenic or open space resources that are unique, rare, or of statewide or regional significance; wetlands, shorelines, unique areas, biodiversity areas, wildlife habitats, forested wildlife, flood plains; improved access to water or public fishing rights, trails or greenways; increased land for active recreation in existing or new parklands, buffer zone/viewshed to enhance or protect existing recreational or environmental resources; or a recognized brownfield site for park development.

For Historic Preservation Projects:

A. Level of Significance (0-15). Points are awarded based on the level and area(s) of significance of the property (as recorded in the State/National Register nomination or in the National Historic Landmark documentation), consideration of the significance of the specific feature(s) of the property to be addressed in the proposed project (e.g., a primary contributing resource versus a secondary contributing resource), and the extent to which the project protects, enhances or impacts that property and feature(s).

B. Severity/Immediacy of Threat (0-15). Points are awarded based on the type (e.g., deterioration, damage, demolition, inappropriate development), extent (e.g., isolated, widespread, accelerated), severity, immediacy, and degree (e.g., recent, on-going, imminent) of threat to the property from negligence, development pressure, inappropriate treatment, etc., and the degree to which the project addresses that need and ensures the long-term preservation of the property.

For Heritage Area Projects:

A. Addresses significant Heritage Area resources (0-5). Points are awarded based on how well the project contributes to the preservation, restoration or enhancement of natural, historic or cultural resources related to the Heritage Area's interpretive theme(s) as established in its approved management plan.

B. Addresses Heritage Area goals (0-15). Points are awarded based upon how the project addresses the Heritage Area goals of preservation/conservation, education/interpretation, recreation, and economic revitalization. At a minimum, a Heritage Area project will address one Heritage Area goal, but a typical Heritage Area project addresses two or more. Therefore, points should reflect both the number of goals met and how well they are met.

C. Enhances the Heritage Area Experience (0-10). Points are awarded based upon the degree to which the project directly serves or benefits heritage area visitors and users, enhances the function and visual quality of the heritage area, and/or contributes to the local economy.

II. Planning Initiatives (up to 10 points):

A. Community Support: Points are based on evidence of community support of and involvement in the project, including efforts to publicize and/or engage the community in project planning, such as:

- letters of support, especially those from people directly impacted by the project
- official project endorsements/partnerships and other evidence that the project is supported by local elected officials and community groups, such as Land Trusts, recreation committees, environmental councils, preservation boards, Friends groups, local activists
- press releases/announcements/publicity
- plans for public outreach or fundraising campaign
- news articles
- records of public meetings including project-specific meetings (such as press event), official government reviews (e.g., Community Board, Planning Board, etc.) and presentations to a group such as a neighborhood association or interest group

B. Consistent with Plans: In determining whether the project relates or contributes to documented plans, examine documents cited and submitted. For planning documents more than five years old, look for evidence that the plans are current and applicable. Relevant documents include, but are not limited to:

- NYS Open Space Conservation Plan as a priority project
- New York State Historic Preservation Plan
- New York Statewide Trails Plan/New York Statewide Greenway Trails Plan
- State or National Heritage Area Management Plans
- Local Waterfront Revitalization Program (LWRP)
- Recognized local Open Space Plan
- Local historic preservation ordinance/designations
- Community participation in the Certified Local Government (CLG) Program
- Other state/federal/local plans, such as Preserve America designation, Path Through History, etc.
- Community comprehensive or master plans or other local plans
- Project implements a prior Planning grant

C. Project aligns with, reflects and/or advances the general principles and goals of downtown revitalization, strategic community investment and/or environmental justice practices.

III. Reasonableness of Cost (0-20). Project planning, administrative structures and budget demonstrate fiscal prudence and readiness to proceed. Is there a logical justification for all expenses? Does the budget narrative include an explanation for each budget line and clearly support the applicant's need for additional financial resources to achieve project outcomes? Does the budget include the required matching funds? Does the proposal describe how the grant recipient will monitor expenditures during the life of the project to ensure that the project stays on schedule and within budget?

A. Budget

- Budget in the application is complete, detailed, computed correctly and contains no extraneous or ineligible expenses.
- The budget is based on a cost estimate from a reliable source.
- Matching funds are on hand and/or application evidences a reasonable expectation that matching funds will be available as and when needed.

B. Readiness

- Necessary project planning and document preparation has been completed.
- Qualified project professionals, properly procured/hired, are on hand.
- Proposed project/work is appropriate and conforms to accepted professional standards.
- Application evidences viable strategy and resources for implementing/operating and maintaining the project in the future.

C. Feasibility

- Administrative structures are in place to handle grants.
- Applicant has proven experience in projects of similar scale and/or scope.
- Timeframe presented in application is reasonable to accomplish all aspects of the work and grant administration (including any necessary fundraising).

IV. OPRHP Commissioner Priorities for 2021 (0-10)

A. Projects that restore or conserve the natural communities where land meets water. Priority projects would focus environmental stewardship efforts on this interface zone, including but not limited to wetland restoration, natural or nature-based shorelines, fish and wildlife habitat, and riparian buffers.

B. Projects designed to enhance inclusion by removing barriers, providing accommodation, and expanding the visitor experience to provide welcoming access for new visitors, including those previously marginalized. Examples include: enhanced gateways to parks and trails, multi-lingual and/or pictorial wayfinding signage; recreational and interpretive facilities serving people of diverse abilities; ADA compliance; private unisex bathroom facilities; reopening (i.e., modernize, rehabilitate, restore) shuttered recreational facilities in distressed neighborhoods, etc.

C. Projects that enhance and/or create opportunities for walkable public spaces for recreation, fitness, community gardens and open space in underserved neighborhoods (i.e., build green space, revitalize existing athletic and recreational facilities, create and enhance amenities at community gardens and schoolyards).

D. Projects that advance and/or complement transformational projects across the State, especially in disadvantaged communities, to address and prepare for the impacts of climate change. Priority projects would enhance outdoor recreation while: preserving open space; restoring natural communities, implementing climate resilient infrastructure, and reducing flood risk.

E. Projects that are undertaken by OPRHP Friends organizations or other partner groups that occur in State Parks or Historic Sites.

V. Regional Economic Development Council Assessment (0-20)

VI. Statewide Assessment “Commissioner Points” (0-10)

A. Geographic Distribution. Consideration may be given to projects in areas that have or have not received funding in recent cycles or where funding is not commensurate with the population of the area. This will be based on the proximity to other funded sites and the diversity of projects being funded on a regional and local basis, as well as the service area of the developed or planned facilities.

B. Maximize Use and Accessibility. Consideration may be given to projects where funding will allow underutilized facilities to be accessed or to develop underutilized resources for public use. This will be based on the resources offered by the facility, the use of those resources and whether the proposed project will help the facility expand and enhance its public use.

C. Special Engineering, Environmental, Preservation Benefits. Consideration may be given to develop particularly significant resources and facilities or to develop innovative approaches to preserve valuable resources. This will be based on the type of resource being developed or rehabilitated; its rarity on a local, regional, statewide and national basis; the ability of an innovative technology to address an emergency or mitigate future problems; how well a technology can be “exported” for use on other properties and resources; and how/if the project will allow public access that would not otherwise be available.

D. Past Performance. Consideration may be given to how timely an applicant completed previous projects, including its reporting requirements; how successful it was in outreach, especially to minority- and woman-owned businesses; the ongoing upkeep and maintenance of the property; and its cooperation in allowing OPRHP to complete inspections and other follow-up activities.

TOTAL (0-100)

VII. Project in a Hudson River Greenway Compact Community (5% bonus).

Award points if the proposed project is located in a Hudson River Valley Greenway **Compact** Community, and the application documents that the project is consistent with the Greenway criteria of natural and cultural resource protection, regional planning, economic development, heritage and environmental education, and/or public access to the Hudson River (for information, go to: <https://hudsongreenway.ny.gov/community-planning> or the Greenway map at <https://hudsongreenway.ny.gov/system/files/documents/2018/09/greenway-mapsept-2018.pdf>).

AWARD CRITERIA DETAILS

- **ELIGIBLE AREA, CITY, COUNTY, POPULATION LIMITS OR POPULATION TARGET TYPES:**
Not less than \$10 million of the \$19.5 million appropriation must be awarded to projects located in densely populated and/or underserved areas. (Note: \$2,200,000 of the appropriation is directed to specific line items, leaving \$17,300,000 available for the competitive award program.)
- **LIMITATIONS:** While applicants may apply for more than one grant category funded under OPRHP'S EPF Program, no project will receive more than one grant award in any funding year. There is no statutory limit on the number of grants one property, or one applicant may receive, but in the interest of equity and fairness and in consideration of applicant capacity, applicants that have three or more open grants with OPRHP should not receive additional awards. **There is an administrative cap of \$500,000. If the total project cost is greater than \$4 million, up to \$750,000 may be requested.** Should project costs increase post-award, the grant award **will not** be adjusted upward.
- **LONG RANGE GOALS:** Special consideration should be given to projects that are referenced in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) or included in other state and local planning initiatives.
- **PROJECT TERM COMPLETION DATES:** Once all conditions of award are met (see **SUCCESSFUL APPLICANT REQUIREMENTS** below) and a contract is executed with the State, it is anticipated that acquisition and planning projects will be completed within one year and construction projects within two years; projects must be completed within five years from the date of the award of the grant. OPRHP will monitor the progress of project work and will recapture awarded funds if significant progress is not made.

SUCCESSFUL APPLICANT REQUIREMENTS:

Successful applicants are advised NOT to begin work until a project contract with the State has been fully executed. Proceeding without advance OPRHP approval will jeopardize grant reimbursement.

Certain conditions of award must be met to the satisfaction of OPRHP before a contract can be executed with the applicant/grantee. These will include, but are not limited to:

- Submission of a signed authorizing resolution that names the official(s) authorized to accept the grant funds and enter into and execute a contract (as well as long-term protection documents and other certifications, if required) with the State.
- Submission of a signed Prevention of Sexual Harassment in the Workplace Policy certification. The grantee's Authorized Official shall certify that the grantee (1) has and has implemented a written policy addressing sexual harassment prevention in the workplace and such policy meets the minimum requirements of section two hundred one-g of the labor law and (2) provides annual sexual harassment prevention training to all its employees. In addition, the grantee's Authorized Official shall certify the grantee

will make best efforts to retain contractors and/or sub-contractors for grant-related work that also meet the provisions of (1) and (2) above. Alternatively, if the grantee cannot certify the foregoing, the grantee's

Authorized Official shall so state and shall furnish a signed statement which sets forth in detail the reasons therefore. NOTE: Information, including model policy and training standards, is available on the New York State Department of Labor's website at: <https://www.ny.gov/combating-sexual-harassment-workplace/employers>.

- Submission of a signed Non-Discrimination certification. The grantee's Authorized Official shall certify that the grantee does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sexual orientation, gender identity, military status, sex, marital status, disability, or other protected basis. In addition, the grantee's Authorized Official shall certify that the grantee will make best efforts to retain contractors and/or sub-contractors for grant-related work that do not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sexual orientation, gender identity, military status, sex, marital status, disability, or other protected basis. Alternatively, if the grantee cannot certify the foregoing, the grantee's Authorized Official shall so state and shall furnish a signed statement which sets forth in detail the reasons therefore.
- Enrollment in New York State's electronic payment program for vendors. Information on how to enroll can be found here: <https://www.osc.state.ny.us/vendors/index.htm>
- Registration in the Grants Gateway.
- For not-for-profit grantees:
 - Maintenance of pre-qualification status in the Grants Gateway.
 - Documentation of current coverage or exemption for Workers' Compensation and Disability Insurance
 - Being current with pertinent filings under Section 501 of the United States Internal Revenue Code and the following New York State Laws, as applicable: Article 7-A of the Executive Law; Section 8-1.4 of the Estates, Powers and Trusts Law; Section 1508 of the Not-for-Profit Corporation Law; or Section 215 of the Education Law.
 - Valid New York State Vendor Responsibility Questionnaire.
- Evidence of ownership interest, including:
 - For development projects:
 - Property deed and affidavit of title or opinion of municipal counsel.
 - If the grantee does not own the property in fee, documentation of the ownership interest, such as a lease, management agreement, or memorandum of agreement.
 - For stand-alone planning grants where the grantee does not have any ownership interest in the property: the owner's written permission for the applicant to access the property as necessary to complete the project.
- Environmental and historic preservation reviews (including archeological review).
- Documentation of all necessary approvals to undertake the project.

Grant contracts will require that prior to commencement of project work, certain procedures must be followed, and documentation provided to and approved by OPRHP including, but not limited to:

- For any project involving ground disturbance (trenching, grading, demolition, new construction, etc.), prior ground disturbance documentation or an archeological investigation will be required.
- Acquisition projects require certification of clear title by the State.
- Any permits required from agencies such as the NYS Department of Environmental Conservation (DEC) or the US Army Corps of Engineers (COE) must be filed with the State before construction begins.
- OPRHP must accept/approve plans and specifications, bidding documents, competitive bidding, and solicitation of MWBEs, etc.
- All EPF projects are subject to New York State Education Law (Articles 145, 147 & 148) regarding the preparation of plans and specifications. Plans which include the design of buildings and/or structures, such as bridges, tunnels, and scenic overlooks, must be stamped, signed and dated by a Licensed Professional, as defined in New York State Education Law.

Project costs will be eligible for reimbursement only if the specified grant work is included in the approved contract, meets State standards and the expenditures are made in compliance with State requirements, including, but not limited to:

- Pursuant to Article 15A of the Executive Law, Minority and Women-owned Business Enterprises/Equal Employment Opportunity, grant recipients will be required to solicit MWBEs before commencing work and to document efforts involving MWBEs during the project term.
- Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money.
- All reimbursements for projects on property eligible or listed on the National or State Registers of Historic Places must be satisfactorily documented so that the State Historic Preservation Office can ensure work was done in conformance with the Secretary of the Interior Standards.
- At the discretion of the State, an Agreed Upon Procedure Review may be required by the State, performed by a representative of the State or a Certified Public Accountant.

Failure to comply with these requirements could jeopardize full reimbursement.

OPRHP staff will conduct periodic inspections, including a final inspection of the project, and may conduct post completion inspections as warranted to ensure the public benefit is maintained.

Recreational Trails Program (RTP)

Funding Available: Up to \$1.9 million

DESCRIPTION:

The **Recreational Trails Program** (RTP) provides funds to the States to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses. The RTP is an assistance program of the U.S. Department of Transportation's Federal Highway Administration (FHWA). In New York State, the RTP is administered by the Office of Parks, Recreation and Historic Preservation (OPRHP).

The RTP is a reimbursement program, meaning that the applicant must finance the project while requesting periodic reimbursements. RTP grants provide Federal funding of up to 80 percent of the total project cost with a minimum 20 percent matching share.

The RTP funding is authorized in phases by the Federal Highway Administration. Project budgets and schedules must account for phased authorizations to comply with State and Federal requirements including but not limited to the National Environmental Policy Act (NEPA), State Environmental Quality Review Act (SEQRA), the "Uniform Act", and "Buy America" requirements.

Projects must be legally and physically accessible to the public or be a portion of an identified trail project which, when completed, will be legally and physically accessible to the public.

- All applicants **must** read the *RTP Guide* available online at <https://parks.ny.gov/grants/recreational-trails/default.aspx> for a detailed description of the RTP grant administration procedures.

ELIGIBLE APPLICANTS:

- Municipalities
- Pre-Qualified Not-for-Profit Corporations (<https://grantsmanagement.ny.gov/get-prequalified>)

PROJECT PHASE AUTHORIZATIONS

All projects will require phased Federal Authorizations. Project expenses are not eligible for reimbursement until the Federal Highway Administration has authorized that phase. All project activities must progress by project phase and only as authorized. Each phase must be completed before obtaining authorization for the next phase. Project managers should anticipate project costs, funding sources and reimbursement schedule when budgeting for project expenses. The OPRHP Regional Grant

Administrator will notify the grantee when they have received Federal authorization for each phase. Below is an overview of each phase (See the [RTP Guide](#) for more detailed information):

1. **Preliminary Design:** Defines the general project location and design concepts. Identifies the project elements in relation to property boundaries and existing features. Includes but is not limited to the preparation of the [RTP Design Report](#), environmental surveys and NEPA approval. The applicant's project manager is responsible for completion of the Design Report. Any work which falls outside the scope of the RTP funded project should be excluded from the Design Report. Design Report documents and project approvals are progressed through the OPRHP. OPRHP will obtain necessary approvals through FHWA.
2. **Final Design:** Includes the preparation of final construction plans and specifications for the performance of construction work. All necessary permits should be secured during

the Final Design Phase. Projects that do not include acquisition of real property may receive Right-of-way approval in Final Design Phase.

All RTP projects are subject to New York State Education Law (Articles 145, 147 & 148) regarding the preparation of plans and specifications. Plans which include the design of buildings and/or structures, such as bridges, tunnels, and scenic overlooks, must be stamped, signed and dated by a Licensed Professional, as defined in New York State Education Law.

- 3. **Right-of-way:** A Right-of-Way Clearance Certificate is required for every RTP project, which certifies that the project sponsor has the legal right to construct, maintain and operate the recreational trail for its intended use. It is the sponsor's responsibility to provide proof of these property rights and demonstrate that all proposed work will occur within the project limits. Evidence to support the current right-of-way status is required with the RTP application.

All RTP projects must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended. The acquisition of additional right-of-way itself does not need to utilize Federal funds for the rules to apply. When Federal funds are present anywhere in the project, the rules of the Uniform Act apply. This applies to donations as well as purchases.

- 4. **Construction:** Allows the project to proceed to construction. Project sponsors must use their own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations. Adequate supervision and inspection must be provided by the project sponsor to ensure projects are completed in conformance with design standards, construction contract documents, plans and specifications. OPRHP Regional Grant personnel will oversee administration of the project in accordance with applicable Federal laws, regulations and guidance during construction.

ELIGIBLE RTP PROJECTS:

All applicants must link their proposed project to one, or more, of the following categories:

- **Maintenance and restoration of existing trails** may include any kind of trail maintenance, restoration, rehabilitation, or relocation. This category may include maintenance and restoration of trail bridges or appropriate signage along a trail.
- **Development and rehabilitation of trailside and trailhead facilities and trail linkages** for recreational trails may include development or rehabilitation of any trailside or trailhead facility. Trailside and trailhead facilities must have a direct relationship with a recreational trail.
- **Purchase and lease of recreational trail construction and maintenance equipment** includes purchase or lease of any trail construction or maintenance equipment, including lawn mowers and trail grooming machines, provided the equipment is used primarily to construct and maintain recreational trails.
- **Construction of new recreational trails** may include construction of new trail bridges or installation of appropriate signage along a trail. Separate guidelines and approvals apply to the construction of trails on Federal land.
- **Acquisition of easements and/or fee simple title to real property** may include acquisition of old road or railroad bridges to be used as recreational trail bridges. However, 23 USC 206(g)(1) prohibits condemnation of any kind of interest in property (e.g. eminent domain). Therefore, acquisition of any kind of interest in property must be from a willing landowner or seller.

- **Assessment of trail conditions for accessibility and maintenance** authorizes specific projects to assess trails to determine the level of accessibility for people who have disabilities, and to assess trails for current or future maintenance needs.

TRAIL USE CATEGORIES

The RTP legislation requires that States use 30% of funds for non-motorized recreation, 30% for motorized recreation, and 40% for diverse recreational trail use. To provide flexibility in RTP project selection, the following categories are recognized for meeting this requirement:

- **Non-motorized use project:** A project primarily intended to benefit non-motorized recreational trail use, such as pedestrian, equestrian, or mountain biking. A project may be classified in this category if the project serves one or more mode of non-motorized recreational use. RTP projects serving various pedestrian uses (such as walking, hiking, wheelchair use, running, bird- watching, nature interpretation, backpacking, etc.) constitute a single use for the purposes of this category.
- **Motorized use project:** A project primarily intended to benefit motorized use. A project may be classified in this category if the project serves only one mode of motorized recreational use or more than one mode of motorized recreational use. A project may be classified in this category if the project also benefits some non-motorized uses (it is not necessary to exclude non- motorized uses), but the primary intent must be for the benefit of motorized use.
- **Diverse use project:** A project primarily intended to benefit more than one mode of recreational use, such as pedestrian and bicycling, or pedestrian and equestrian. A diverse use project may also include both motorized and non-motorized uses where motorized use is not the predominant use or when the motorized and non-motorized uses are separated by season, such as equestrian use in summer and snowmobile use in winter. Other examples include: a common trailhead project serving separate ATV and bicycle trails; or purchasing a machine to groom both snowmobile and cross-country ski trails.

PROJECT COST:

The applicant's funding request must not exceed 80% of the total eligible project cost including donated value of materials and labor. Grant funding will not be increased after an award is made.

The minimum and maximum funding guidelines are as follows:

- **Minimum** Federal funding request for maintenance, restoration, rehabilitation, development, construction, acquisition, and assessment projects: **\$25,000** (\$31,250 minimum total project cost).
- **Minimum** Federal funding request for equipment purchase-only projects: **\$5,000** (\$6,250 minimum total project cost).
- **Maximum** Federal funding request for all projects: **\$250,000** (\$312,500 minimum total project cost).

ELIGIBLE COSTS:

The total cost of each project may only include eligible costs. Eligible costs must be necessary and reasonable for the performance of the Federal award and be allowable under the principles outlined in the *Grant Management Cost Principles* outlined in the Code of Federal Regulations (CFR), Title 2: Grants and Agreements – Part 200 (2 CFR 200) Subpart E and Appendices. Refer to www.ecfr.gov for the full text.

INELIGIBLE COSTS:

Grantees may not use RTP funds to carry out any of the following activities.

- Condemnation of any kind of interest in property;
- Condemned Land as Matching Value: An RTP project may be located on land condemned with funds from other sources. However, it is not permissible to use the value of condemned land toward the match requirement for an RTP project;
- Planning and design-only project proposals, gap analysis studies, feasibility studies;
- Law Enforcement;
- Railroads: RTP projects will not be approved on railroad right-of-way on which the railroad tracks are in place, if trail users will traverse on or between the railroad tracks, except for providing railroad crossing in coordination with the railroad owner, operator, or State agency with jurisdiction over railroads;
- Roads: RTP funds may not be used for improvements to roads and/or bridges intended to be generally accessible by low clearance passenger vehicles (regular passenger cars), unless those roads/bridges are specifically designed for recreational use by the managing agency;
- Sidewalks: unless needed to complete a missing link between other recreational trails;
- Construction of any recreational trail on National Forest System land for any motorized use unless the land has been designated for uses other than wilderness by an approved forest land and resource management plan, or has been released to uses other than wilderness by an Act of Congress; and the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;
- Construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land has been designated for uses other than wilderness by an approved Bureau of Land Management resource management plan, or has been released to uses other than wilderness by an Act of Congress; and the construction is otherwise consistent with the management direction in the approved management plan;
- Upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by non-motorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.

INDIRECT COSTS:

Costs *not* directly attributable to the project, i.e. “indirect costs”, are *not* generally eligible for reimbursement (i.e. expenditures for the general operating or capital overhead of the Sponsor’s organization). In certain instances, indirect costs can be approved for reimbursement if the Sponsor’s indirect cost rates are approved by the Federal cognizant agency.

MATCHING SHARE REQUIREMENTS:

At a minimum, a local match is required for 20% of the total eligible project costs.

Contributions to the Matching Share must be necessary and reasonable for the accomplishment of the project and comply with the requirements of 2 CFR 200.306. Eligible Sources of Matching Share include cash, donations, eligible matching grant funds, force account (payroll of applicant), professional services, supplies and materials, volunteer labor, equipment usage/donation, and real property. The project sponsor is responsible for any increases in the total cost of the project. Grant awards will not be increased.

The RTP funds may be matched with funds available under other Federal funding programs, if the project is also eligible for funding under the other Federal program. Federal funds received by any project sponsor from another Federal program may be credited as if they

were the non-Federal share and may be used to match the RTP project funds up to 100 percent of the project cost. However, other Federal programs may require a non-Federal share, which must be adhered to as part of grant administration (see [RTP Guide](#) for examples).

CONTRACTING REQUIREMENTS:

OPRHP is responsible for contracting with the grantee. Federal authorization is required prior to OPRHP signing the New York State Master Contract for Grants. The earliest date of Federal Authorization serves as the start date for all RTP projects. All RTP construction contracts and sub-contracts must include the *RTP Federal Construction Contract Requirements*. When Federal, State and Local laws and regulations conflict, OPRHP must be contacted for consultation with the FHWA.

PROGRESS REPORTS:

Project sponsors must submit quarterly progress reports providing the status of the trail project. It is the responsibility of the project sponsor to submit progress reports to OPRHP. Failure to submit reports may result in withholding of reimbursements or repayment of previously reimbursed funds.

PROJECT MANAGEMENT:

One person should be assigned as the Project Manager (PM). This person will schedule the progression of activities, ensure timely completion of project tasks and address any problems or inquiries which may develop. The Project Manager will be the primary contact person for the submission of necessary reports, approvals, or requests for payments. The Project Manager *must* work closely with the OPRHP Regional Grants Administrator (RGA) to ensure proper interpretation of all project requirements. The Project Manager is responsible for providing adequate supervision and inspection, including materials inspection and quality assurance to ensure projects are completed in conformance with the construction contract documents, plans and specifications. The project budget should account for the costs associated with this requirement.

The grantee's Responsible Local Official (RLO) has ultimate oversight and responsibility for the project and is typically assigned the role of "Grantee Contract Signatory" in the Grants Gateway. The RLO may assign a Project Manager (PM) to be in responsible charge of the project. The Project Manager will report to the Responsible Local Official. The PM and the RLO may be the same individual, if the RLO has project management experience.

CONSULTANT SELECTION:

The selection of consultants and contractors is regulated by 40 USC 11 (The Brooks Act), which requires the award of Federally funded architectural/engineering contracts on the basis of fair and open competitive negotiations, demonstrated competence, and professional qualifications. 23 CFR 172 details the requirements of a Qualifications-Based Selection process. Article 9 Section 136-a of the State Finance Law contains provisions for the selection of consultants which is similar to the Brooks Act.

PROCUREMENT:

In accordance with 2 CFR 200.318, RTP project sponsors are expected to adhere to their own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations.

Project sponsors and their contractors must also adhere to the *RTP Federal Construction Contract Requirements*, including but not limited to, Buy America requirements (23 CFR 635.410).

REIMBURSEMENT PROCESS:

This is a reimbursement program; therefore, the grant recipient must pay 100% of the cost of any item before submitting a request for reimbursement of eligible expenses. Each request for reimbursement must not exceed 80% of the total eligible costs incurred. Only expenses incurred after obtaining Federal authorization and during the contract period are eligible for reimbursement.

Reimbursements will be made only for those items that were approved in the contract and cost estimate. OPRHP requires verification and justification of all expenditures including proof of payment, labor, materials, supplies and services. All reimbursement requests require documentation suitable for audit, which verify expenditures for work performed in accordance with contract documents and proof of payment accompanied by a signed certification from the project sponsor. Failure to submit necessary payment documentation may prevent approval of reimbursement.

OPRHP will only reimburse the final 10% of the approved maximum grant amount to the project sponsor after all required close-out documentation has been submitted, OPRHP has completed a final on-site inspection and the close-out documentation has been approved by OPRHP.

A minimum payment amount of no less than \$500, should be submitted for reimbursement every six (6) months. Failure to submit regular payments for reimbursement, or demonstrate progress, may result in termination of project funding and repayment of previously reimbursed Federal funds.

APPLICATION REQUIREMENTS:

The following documentation must be submitted, as applicable. Applications lacking these attachments, or an acceptable justification, are considered incomplete and may be deemed ineligible.

- **ALL APPLICANTS:**
 - **State Environmental Quality Review Act (SEQRA) compliance documentation**
 - **Not-for-profit corporations** must complete the *Environmental Review Form* available at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>
 - **Municipalities** must document compliance with SEQRA or provide status of SEQRA.
 - Type II – statement and justification.
 - Unlisted – Short Environmental Assessment Form (SEAF) – Parts I – III. <https://www.dec.ny.gov/permits/6191.html>
 - Type I – Full Environmental Assessment Form (FEAF) and either a negative declaration or Final Environmental Impact Statement (FEIS) and SEQRA Findings. <https://www.dec.ny.gov/permits/6191.html>
 - **Photos** showing the project area and/or the type of equipment to be purchased.
 - **Maps** at an appropriate scale to identify the project location and identify projects located in potential environmental justice areas. 1:24,000 scale topographic or planimetric maps are recommended. See:
 - Grants Map for CFA at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>
 - 1:24,000 Quad Maps at <http://gis.ny.gov/gisdata/quads/>
 - Potential Environmental Justice Area maps at: <https://www.dec.ny.gov/public/911.html>

- **APPLICANTS PROPOSING TO UNDERTAKE WORK IN A STATE PARK OR HISTORIC SITE:**
 - Letters of support from the Regional Director AND the Capital Facilities Manager. One letter of support may be provided with both signatures.
- **CONSTRUCTION, REHABILITATION, RESTORATION AND MAINTENANCE PROJECTS:**
 - A conceptual plan that identifies the project elements in relation to property boundaries and existing features.
- **WORK ON PUBLIC LANDS:**
 - Applicants submitting proposals for work on lands owned by a public entity are required to enter into a separate legal agreement with that public entity to undertake the work described in the RTP application. A copy of this agreement must be included with the RTP application. If the agreement is pending, then the draft agreement must be included.
- **WORK ON PRIVATE LANDS:**
 - Applicants submitting proposals for work on privately owned land must submit documentation of their property rights (e.g., deed, lease or easement).
 - If the applicant does *not* have all necessary property rights secured at the time of application, see “Property Acquisition and Easement Acquisition Projects” below.
- **PROPERTY ACQUISITION AND EASEMENT ACQUISITION PROJECTS:**
 - A copy of the letter delivered to all property owners describing the RTP project, which includes language that eminent domain will not be utilized should negotiations to purchase fail (*Sample RTP Notice to Owner Letter available online at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>*).
 - A copy of letter(s) from the property owner(s) indicating willingness and intent to sell, donate or transfer the property to the applicant.
 - Documentation of the status of the property acquisition. Any property acquired specifically for an RTP project must be “Uniform Act” compliant.
- **PURCHASE OR LEASE OF EQUIPMENT:**
 - A brochure or price quote of the *general type* of equipment to be purchased or leased.
 - The equipment referenced in the application *may or may not* be the exact equipment purchased. A competitive procurement process is required after Federal funding is authorized.
 - A signed statement from the Responsible Local Official that all landowner permissions have been obtained (*Landowner Permission Attestation*).
 - For projects involving the purchase of motorized grooming or trail maintenance equipment for use on New York State lands: A signed statement by the agency of jurisdiction certifying that the use of such equipment is consistent with the policies and management plan for such properties.
- **CONSTRUCTION OF TRAILS ON FEDERAL LANDS:**
 - A signed letter of support from the Federal Agency having jurisdiction.
- **CONSTRUCTION OF MOTORIZED TRAILS ON NATIONAL FOREST SYSTEM LANDS:**
 - A signed statement certifying that the lands have been allocated for uses other than wilderness by the approved agency resource management plan or have been released to uses other than wilderness by an Act of Congress, and such construction

is consistent with the resource management plan.

- **INDIRECT COSTS**

- A copy of the Indirect Cost Rate Approval Letter from Federal Cognizant Agency.

APPLICATION SELECTION CRITERIA:

When award recommendations are finalized, OPRHP submits recommended projects to the Federal Highway Administration for approval. Grant awards are contingent upon Federal approval. The Grant Selection Criteria are listed below. The maximum total score is 100 points.

- A. Project provides for corridor sharing for motorized and/or non-motorized use (Maximum 4 points).
Key Consideration: The most important concern is that two or more trail use types are able to utilize the same trail corridor.
(4) Project involves motorized and non-motorized concurrent uses.
(2) Project involves two or more concurrent uses, either motorized or non-motorized.
(1) Project only accommodates a single trail use.
- B. Project provides for multiple uses in multiple seasons. (Maximum 4 points).
(4) Project provides for *concurrent multiple* uses in *multiple seasons*.
(2) Project provides for a singular use in multiple seasons.
(1) Project provides for a singular use in a singular season.
- C. Project provides new trails and trail connections in potential Environmental Justice areas and promotes downtown revitalization and strategic community investment (Maximum 6 points).
Key Considerations: The project is in a potential Environmental Justice area and promotes or advances downtown revitalization and strategic community investment.
(3) Project provides new trails or trail connections in potential Environmental Justice areas.
(3) Project demonstrates advancement of downtown revitalization and/or strategic community investment.
- D. Project is identified as a component of a statewide or national trail system or furthers a specific goal of the Statewide Comprehensive Outdoor Recreation Plan (SCORP), OPRHP Statewide Trails Plan, Statewide Greenway Trails Plan, or a local trail plan (Maximum 5 points).
Key Consideration: The degree to which the project is clearly identifiable as a priority for action, ties in with specific goals, priorities and implementation strategies, and/or complies with identified needs of the area.
(5) Project is a component of a statewide or national trail system as identified in the SCORP (e.g., National Scenic, Historic, Heritage Area or Recreational Trails, Empire State Trail, Canalway Trail).
(4) Project furthers a specific goal of the Statewide Trails Plan, Statewide Greenway Trails Plan, or State Snowmobile Plan.
(3) Project furthers a specific goal of, or is identified in, a regional or local transportation plan or other planning document.
(0) Project does not further the goals of any trails plan.
- E. Index of Need – based on the “Relative Index of Needs” table in the SCORP (Maximum 5 points).

Key Consideration: The project satisfies county recreation needs based on a statewide supply and demand assessment.

(0 – 5) points based on the average Relative Index of Need for pertinent trail activities.

F. Documentation of community support for the project (Maximum 5 points).

Key Consideration: The major concern is that this project is responding to community-identified needs and shows evidence of community support.

(0 - 5) Citizens or community groups where the project is located have participated in the planning of the project, demonstrated support for the project and/or will be involved in project implementation.

G. Project ties into other trails, greenways, scenic corridors, natural, cultural, historical or recreational areas (Maximum 6 points).

Key Considerations:

(a) Project is a component of or connects into the Empire State Trail, Hudson River Greenway, or other recognized state or national trail corridor.

(b) Project ties into a designated scenic corridor of National, State or regional significance.

(c) Project connects into other trails.

(d) Project links natural, cultural, historic or recreation areas or resources.

(6) Project meets at least three of the above criteria.

(4) Project meets only two of the above criteria.

(2) Project meets only one of the above criteria.

(0) Project does not meet any of the above criteria.

H. Project planning, design and schedule demonstrate an understanding of the program requirements and an ability to progress through the necessary phases and approvals appropriately (Maximum 6 points).

Key Consideration: The major concern is that the project is planned and designed in compliance with State and Federal requirements and will proceed efficiently through the necessary steps upon receiving Federal authorization for the applicable phases. There is no statutory limit on the number of grants one property or one applicant may receive, but in the interest of equity and fairness and in consideration of applicant capacity, applicants that have three or more open grants with OPRHP should not receive additional awards.

(3 – 6 points) Project schedule is clear, well planned and logical. Applicant has clearly demonstrated an understanding of the program requirements and an approach to implement the project in a timely, efficient and effective manner.

(0 – 3 points) Project planning and schedule is unclear, under-developed or unrealistic, either overly ambitious or under-achieving, based upon the information provided.

Applicant demonstrates a lack of understanding of the program requirements.

I. Project will utilize existing corridors, such as existing trail corridors, railroad right-of-way, canal towpath, utility lines, and parkways where the applicant clearly demonstrates their legal right to construct, maintain and operate the recreational trail for its intended use. (Maximum 4 points).

Key Consideration: The major concern is to maximize the use of existing corridors where the applicant has the legal right to implement the proposed project.

(4) The project will utilize an existing corridor, and the applicant has demonstrated clear legal property rights. Additional right-of-way is *not* required.

(2) The project will utilize an existing corridor, but the applicant does *not* possess sufficient legal property rights. Additional right-of-way *will be* required.

(0) The project will not utilize an existing corridor.

J. Project will improve the continuity of a trail system (Maximum 4 points).

Key Consideration: The concern is to encourage the expansion and integration of trails.

NON-MOTORIZED USE (Non-Motorized and Diverse Categories):

(4) Project is part of a trail system over 10 miles in length.

(3) Project is part of a trail system 5-10 miles in length.

(2) Project is part of a trail system less than 5 miles in length.

MOTORIZED USE (Motorized and Diverse Categories):

(4) Project is part of a trail system over 20 miles in length.

(3) Project is part of a trail system 5-20 miles in length.

(2) Project is part of a trail system less than 5 miles in length.

K. Project budget is reasonable, justified and cost-effective (Maximum 15 points).

Key Consideration: Points are determined by assessing the completeness of the project budget, the eligibility, necessity and cost-effectiveness of the cost items, and the availability of matching share.

(10 - 15 points) A detailed budget has been provided which contains only eligible and necessary costs. Estimates are justified, cost-effective and based on sound principles and experience. Matching share is identified and will be available for the project term.

(5 - 10 points) A complete budget has been provided but the basis for cost estimates is unclear or not cost-effective. Matching share is identified and will be available for the project term.

(0 - 5 points) A budget has been provided but contains ineligible costs or lacks the necessary details to determine eligibility, cost-effectiveness or matching share requirements.

L. Project addresses State and Federal program initiatives (Maximum 6 points, minimum 0 points).

(a) Project utilizes Qualified Youth Conservation or Service Corps.

(b) Project specifically provides enhanced recreational access for persons with disabilities.

(c) Project provides for the redesign, reconstruction, nonroutine maintenance, or relocation of recreational trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

M. Regional Economic Development Council Assessment (Maximum 20 points)

N. Statewide Assessment Factors (Maximum 10 points)

The Commissioner may award up to ten (10) points for any of the following factors. All applications will be reviewed for their relevance to these factors:

- **Geographic Distribution.** Consideration may be given to projects in areas that have or have not received funding in recent cycles or where funding is not commensurate with the population of the area. This will be based on the proximity to other funded sites and the diversity of projects being funded on a regional and local basis, as well as the service area of the developed or planned facilities.
- **Maximize Use and Accessibility.** Consideration may be given to projects where funding will allow underutilized facilities to be accessed or to develop underutilized

resources for public use. This will be based on the resources offered by the facility, the use of those resources and whether the proposed project will help the facility expand and enhance its public use.

- **Special Engineering, Environmental, Preservation Benefits.** Consideration may be given to develop particularly significant resources and facilities or to develop innovative approaches to preserve valuable resources. This will be based on the type of resource being developed or rehabilitated; its rarity on a local, regional, statewide and national basis; the ability of an innovative technology to address an emergency or mitigate future problems; how well a technology can be “exported” for use on other properties and resources; and how/if the project will allow public access that would not otherwise be available.
- **Past Performance.** Consideration may be given to how timely an applicant completed previous projects, including its reporting requirements; how successful it was in outreach, especially to minority- and woman-owned businesses; the ongoing upkeep and maintenance of the property; and its cooperation in allowing OPRHP to complete inspections and other follow-up activities.

SUCCESSFUL APPLICANT REQUIREMENTS:

Successful applicants are advised NOT to begin work until Federal Authorization for the applicable project phase has been granted and a project contract with the State has been fully executed. Proceeding without FHWA and OPRHP approval will jeopardize grant reimbursement. Certain conditions of award must be met before a contract can be executed.

These include:

- Submission of a signed authorizing resolution that names the Responsible Local Official authorized to accept grant funds and execute a contract with the State.
- Documentation of compliance with the State Environmental Quality Review Act (SEQRA);
- And for not-for-profit organizations:
 - o Documentation of coverage or exemption for Workers’ Compensation and Disability Insurance;
 - o Current filings under Section 501 of the United States Internal Revenue Code and the following New York State Laws, as applicable: Article 7-A of the Executive Law; Section 8-1.4 of the Estates, Powers and Trusts Law; Section 1508 of the Not-for-Profit Corporation Law; or Section 215 of the Education Law; and
 - o [Valid New York State Vendor Responsibility Questionnaire \(VRQ\).](#)

ADDITIONAL RESOURCES:

Go to <https://parks.ny.gov/grants/> for additional information, including the *Recreational Trails Program Guide*, which contains an overview of RTP grant procedures. For more information, contact the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) Regional Grants Administrator for your county (<https://parks.ny.gov/grants/contact.aspx>), or NYSOPRHPGrants@parks.ny.gov.

Department of State

Local Waterfront Revitalization Program

Funding Available: Up to \$27.75 million

I. INTRODUCTION:

The Department is soliciting applications through the New York State Consolidated Funding Application (CFA) under Title 11 of the Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) from eligible villages, towns, cities located along New York's coasts or designated inland waterways or counties (with the consent and acting on behalf of one or more eligible villages, towns, cities) to advance the preparation or implementation of strategies for community and waterfront revitalization through the following grant categories:

- Preparing or Updating a Local Waterfront Revitalization Program (LWRP)
- Preparing an LWRP Component, including a Watershed Management Plan
- Updating an LWRP to Mitigate Future Physical Climate Risks
- Implementing a Local Waterfront Revitalization Program or a completed LWRP Component

The Local Waterfront Revitalization Program, at its core, provides for more sustainable and resilient waterfront communities and as such can serve to support our communities' economic development efforts to restart and continue the progress made before the impacts of COVID-19. The Department encourages eligible applicants whose coastal economies were impacted, or where a lack of public access to outdoor recreation created a challenge for communities, to submit projects that will support developing and strengthening these assets. Projects that create dynamic public areas, improve community parks and trails, and enhance recreational opportunities can provide a significant stimulus for the local economy and set the stage for community resiliency. Public investment in these types of projects can not only increase public access and enjoyment of the waterfront, but also spur private investment, create jobs, and grow the economy.

Applications to prepare or update an LWRP or LWRP Component may only include one LWRP per application. Applications for implementation projects should include one implementation project per application however, applications may include multiple implementation projects if the projects are similar in type/scope and clearly address a common critical issue identified in a relevant LWRP or LWRP Component funded by the Department. Separate grant applications should be submitted for a proposed planning project and a proposed implementation project. Applicants may submit more than one grant application.

The EPF LWRP is a reimbursement program. State assistance awarded and paid shall not exceed 75% of the total eligible project costs set forth in the application and as approved by the Department, except where the proposed project is located in an environmental justice community, in which case state assistance awarded and paid shall not exceed 85% of the total eligible project costs set forth in the application and as approved by the Department. Applicants must identify the amount, type and source of eligible local match, and demonstrate that it has been secured; failure to do so may result in a reduced award amount for qualifying applications.

Applicants are required to demonstrate that projects are ready to move forward. A contract period will not exceed five years. Special consideration for extensions due to extreme

extenuating circumstances will only be granted on a case-by-case basis and only if significant progress has been demonstrated. Only applications for projects that can be completed within five years will be considered. Applicants will be required to prepare and submit a project work schedule and timeline that includes major tasks and milestones with completion dates for each.

This Request for Applications is available on the Department's website:
<https://dos.ny.gov/funding-bid-opportunities>.

Proposed projects that are part of the following initiatives will be looked upon favorably:

Downtown Revitalization Initiative and Strategic Community Investment

Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization and strategic place making through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses - creating dynamic neighborhoods where tomorrow's workforce will want to live, work, and raise a family. Projects should reflect the general principles of smart growth and sustainable development.

Environmental Justice

Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As we transition to a greener economy, it is imperative that no subset of the population be marginalized or left behind. Applicants should provide any information about how their project actively works to address these issues.

II. ELIGIBLE APPLICANTS:

Eligible applicants are:

- A village, town, or city located along New York's coasts or inland waterways as designated pursuant to Executive Law, Article 42.
- A county with the consent and acting on behalf of one or more eligible villages, towns or cities.

An eligible applicant may apply for general planning needed to advance any of the eligible activities listed below in Section V.

Applicants may partner with counties or other organizations; however, only applications from eligible applicants will be evaluated for funding. Only the eligible applicant will be awarded a contract. Applications submitted by not-for-profit organizations and for-profit organizations are ineligible and will not be scored.

For applications submitted by a county, with the consent and acting on behalf of one or more villages, towns, or cities, the county is required to attach either a letter or resolution from each eligible municipality participating in the project which demonstrates their consent and support for the application.

III. FUNDING OPPORTUNITY:

The Department is making approximately \$27,750,000 available to fund applications for the Local Waterfront Revitalization Program grants, up to \$4 million of which is available for updates to existing LWRPs to mitigate future physical climate risks. Approximately \$18 million of the

available funding will be awarded for projects which are in, or primarily serve, areas where demographic and other relevant data demonstrate that the areas are:

- densely-populated and have sustained physical deterioration, decay, neglect, or disinvestment; or
- where a substantial proportion of the residential population is of low income, or is otherwise disadvantaged and is underserved with respect to the existing recreational opportunities

IV. NEW YORK STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

Awards made through this grant program shall be consistent with the State's Smart Growth Public Infrastructure Policy Act (Environmental Conservation Law, Article 6), where applicable.

V. ELIGIBLE ACTIVITIES:

New York State's approach to managing waterfront areas recognizes that while State government can promote development and provide protection for critical resources and environments, municipalities are in the best position to determine their own waterfront objectives and to adapt statewide approaches to meet specific local needs. Accordingly, the Department, pursuant to the State Waterfront Revitalization and Coastal Resources Act, has encouraged waterfront communities to prepare Local Waterfront Revitalization Programs (LWRPs).

An LWRP is a comprehensive land and water use plan that expresses a vision for a community's waterfront area, addresses State Coastal Policy to reflect local or regional needs, and outlines the organizational structure, local laws, and projects necessary to implement the program. The State Coastal Policies, set forth in the State of New York Coastal Management Program are enforceable coastal policies for managing the State's coastal resources by preserving and using coastal resources in a manner that balances natural resource protection and the need to accommodate economic development.

New York communities are faced with increased risks related to climate change, such as more intense and frequent rain events and greater coastal storm flooding. The development of LWRPs provide the opportunity for communities to address risks from flooding, sea level rise, and storm surge through the incorporation of resilience measures such as the preservation and use of natural protective features and local laws that can guide appropriate land use to better avoid impacts of these natural hazards.

By preparing an LWRP, community stakeholders have the opportunity to evaluate local waterfront resources, develop goals and a comprehensive strategy for the best use of those resources, propose future projects, and adopt a local program that will guide appropriate development. Development of LWRPs can also provide a regional framework to cooperatively address revitalization issues and advance ongoing and emerging state initiatives including, but not limited to, regional economic development, community resilience and sustainability, smart growth, public health outcomes and environmental justice.

The benefits of preparing, and implementing an LWRP include development of a consensus-driven, unified vision for the community; technical assistance from the Department; increased chances for obtaining financial assistance from public and private funding sources; and, coordinated review between federal, State, and local agencies as appropriate for proposed projects and government actions within the LWRP boundary.

For project-specific planning, feasibility, design, and/or marketing needed to advance eligible activities, an eligible applicant must be currently preparing an LWRP or LWRP Component or have an approved LWRP or LWRP Component. The proposed project must be located within the LWRP boundary or LWRP Component boundary.

For construction of projects needed to advance eligible activities, an eligible applicant must have an approved or substantially completed LWRP or relevant LWRP Component. For the purpose of this solicitation, a substantially complete LWRP at a minimum must include complete draft LWRP Sections 1-4 which the public has been given two opportunities to review and comment on. The proposed project must be located within the LWRP boundary or LWRP Component boundary.

The list of coastal waterbodies and designated inland waterways is defined in NYS Executive Law, Article 42, Section 911 available at <https://www.nysenate.gov/legislation/laws/EXC/911>.

Preparing or Updating a Local Waterfront Revitalization Program (LWRP)

An LWRP is a comprehensive land and water use program that expresses a vision for the waterfront and addresses local conditions through State coastal policies to reflect local or regional needs and objectives and allow them to be enforced at the local level. Preparation of an LWRP is a principal means of implementing the State's Coastal Management Program and plays a significant role in addressing relevant issues for a given region or place, bringing to bear the resources and authorities of local governments and engaging the public in the management and use of resources having an ecological, physical, social, visual, or economic relationship to the waterfront.

The LWRP must plan for long term land and water uses for the local waterfront area and specify the legal techniques for implementation. Any of the local land use controls used in New York State, such as zoning, subdivision review, site plan review, cluster, historic preservation, planned unit development, and environmental regulation, may be used to implement the program. It is required that local governments adopt a local consistency review law to require that local agencies carry out their actions in a manner consistent with the approved LWRP. When estimating the budget to prepare an LWRP, it is recommended that adequate resources are included to complete all tasks in the generic work plan, potential new or revised zoning/land use regulations necessary to implement the LWRP, and legal review.

The Guidance Manual for Preparing Local Waterfront Revitalization Program in the Coastal Area is available at: <https://dos.ny.gov/system/files/documents/2020/02/lwrppreparationguidancemarch2019.pdf>, the State coastal policies are available at: <https://dos.ny.gov/system/files/documents/2020/02/coastalpolicies.pdf> and the LWRP generic work plan which describes the tasks necessary to prepare a LWRP is available at: <https://dos.ny.gov/funding-bid-opportunities>.

Communities with an approved LWRP are encouraged to regularly update their LWRP to reflect changes in local conditions and community goals. An LWRP update can include a revision of all LWRP sections; focus on a specific section or issue; amend the LWRP boundary; reflect changes in land use; or identify new project proposals. An update to the LWRP will ensure the plan is current and well-connected to short and long-range community objectives.

Applicants may apply for funding to prepare, complete, or update an LWRP, using the LWRP Preparation Guidance, which may include:

- developing public consensus on a vision for the future of a region or a community through community visioning, public meetings and workshops, focus groups, charrettes, etc.
- identifying regional and local assets, potential risks, opportunities, and issues within the defined waterfront area with regard to: development and infrastructure; fish and wildlife habitats and resources; flooding and erosion hazards; resiliency; public access and recreation; historic and scenic resources; agricultural lands; energy and ice management; wetlands, water and air resources; and other social, cultural, economic and environmental interests
- developing goals that strike a balance between economic development and preservation to advance State coastal policies
- addressing and incorporating all applicable State coastal policies commensurate with local conditions and circumstances into a new or existing waterfront revitalization strategy or plan
- determining appropriate land and water uses to implement community goals and objectives for the waterfront
- recommending public and private projects to implement the LWRP
- providing the local organizational and legal structure, including the adoption of necessary zoning and local laws to implement the LWRP
- incorporating a NY Rising Community Reconstruction Plan or NY Rising Countywide Resiliency Plan, Long Term Community Recovery Plan or other resiliency plan

Preparing a Local Waterfront Revitalization Program Component

Preparation of an LWRP is a principal means of implementing the State's Coastal Management Program at the local level. While we encourage communities to complete a full LWRP inclusive of the consideration of all enforceable State coastal policies and local waterfront geographical areas, for some communities it may be appropriate to advance toward a complete LWRP in stages to address the most time sensitive and geographically significant priorities and policies.

LWRP Components will provide local governments with increased flexibility to better manage their coastal resources, help to develop local and regional capacity to effectively address revitalization issues through the LWRP process, and will further strengthen the NYS Coastal Management Program's and the Department's ability to work in partnership with local governments.

An LWRP Component focuses on one or more topic(s) or section(s) of an LWRP or its waterfront, provided that the program constitutes a discrete and cohesive, yet comprehensive, treatment of the subject or subjects addressed, which may be related to environmental, social, regional growth management, or economic conditions. An LWRP Component may focus on one or more State coastal policies that are relevant to the particular conditions and priorities in the municipality, address a significant geographic portion of the municipality's waterfront, or both.

The State coastal policies are available at:

<https://dos.ny.gov/system/files/documents/2020/02/coastalpolices.pdf> and the LWRP generic work plan for reference is available at: <https://dos.ny.gov/funding-bid-opportunities>.

Applicants may apply for funding for planning activities to prepare a component LWRP using the LWRP Preparation Guidance, which may include:

- addressing select State coastal policies commensurate with local conditions and circumstances,
- determining appropriate land and water uses to implement community goals and objectives for the waterfront in support of furthering select State coastal policies
- developing public consensus on a vision for the future of a region or a community through community visioning, public meetings and workshops, focus groups, charrettes, etc.
- identifying regional and local assets and potential risks, and opportunities and issues within the defined waterfront area with regard to one or more of the following, as appropriate: development and infrastructure; fish and wildlife habitats and resources; flooding and erosion hazards; resiliency; public access and recreation; historic and scenic resources; agricultural lands; energy and ice management; wetlands, water and air resources; and other social, cultural, economic and environmental interests that address one or more of the coastal policies
- developing goals that strike a balance between economic development and preservation to advance State coastal policies
- incorporating applicable State coastal policies into a prior waterfront revitalization strategy or plan
- recommending public and private projects to implement the component LWRP, including public access projects and/or environmental protection projects
- providing the local organizational and legal structure, including the adoption of zoning and local laws to implement the component LWRP and advance the feasibility of future completion of an LWRP

Updating an LWRP to Mitigate Physical Climate Risks

Climate change, sea level rise, drought, increased frequency and intensity of storms, and the resultant effects from these weather related changes challenge communities and impact services on which residents and tourists depend. The health of communities rests on their ability to reduce or avoid harm and rebound from those impacts when they occur. Communities can move forward successfully only when they are prepared to respond quickly and strategically to changing conditions. An emphasis should be placed on regional strategy development.

Applicants with an adopted and approved, or partially completed, LWRP may apply for grant funding to update their LWRP, which may include updating coastal policies and projects, to mitigate physical climate risks. As part of updating an existing LWRP, an eligible community may consider planning activities including but not limited to the examples below:

- incorporation of an NY Rising Community Reconstruction Plan or NY Rising Countywide Resiliency Plan, Long Term Community Recovery Plan or other resiliency plan;
- assessment of risks associated with coastal/riverine flooding and erosion including impacts to wetlands, habitats, and other natural resources
- assessment of risks to critical infrastructure and systems such as water supply, sewage treatment plants, combined sewer overflows, electric utilities, transmission lines, dams, shoreline stabilization infrastructure and other in-water structures, and transportation systems

- assessment of potential impacts to economic sectors including recreation, tourism and agriculture
- assessment of relevant landscape attributes such as impervious surface area, vegetated stream buffers, water storage capacity, and forested land cover to improve resilience
- identification of strategies related to climate change/drought/sea level rise adaptation that can be implemented through both public and private actions
- identification of severe weather mitigation measures to reduce economic risk associated with or attributable to inaction
- identification of strategies to make health and social services more resilient on a daily basis and responsive during an emergency event
- identification of strategies/projects that will reduce the vulnerability of infrastructure to severe weather events
- identification of opportunities for modifying existing or developing new laws, regulations, policies and practices to reduce a community's vulnerability to natural hazards and climate change impacts and improve emergency preparedness, pre-weather event management or response protocols
- creation of development tools that optimize land use patterns to meet the needs of vulnerable populations and future growth demands
- identification of public education efforts concerning potential long term effects from severe weather event damage such as mold, desiccation, contaminated soils and aquifer impacts
- incorporating New York State sea level rise projections into local plans and projects
- consider issues such as risk assessment, combined benefits, critical facilities, value to the community, public health outcomes, and coordination of timing with other improvements within a regional context

Additional climate change and resilience resources are available at:
<http://opdgig.dos.ny.gov/#!/focus/resilience>.

Implementing a Local Waterfront Revitalization Program or Local Waterfront Revitalization Program Component

Applicants may apply for implementation funding for activities on publicly-owned property including but not limited to:

- construction projects necessary to implement an LWRP or LWRP Component
- site-specific community, waterfront redevelopment, and resiliency projects including design, construction and/or implementation activities related to identified projects in a comprehensive redevelopment program:
 - existing conditions analysis;
 - preparation of concept plans, site redevelopment strategies and RFP for redevelopment projects;
 - project-specific design, cost estimating, construction and permitting documentation;
 - site preparation and construction of public amenities and infrastructure; trails, launch sites and directly related infrastructure and improvements;
 - creation, expansion, or improvement of accessible parks, public gathering spaces and entertainment amenities;

- adaptive reuse of underutilized and abandoned buildings in public ownership;
- acquisition due diligence (e.g., title work, appraisals, surveys);
- development of design guidelines and standards;
- streetscape and gateway improvements, including but not limited to: pedestrian walkways, sidewalks, bike lanes and multi-use trails; crosswalks and other pedestrian safety enhancements, directional, informational signage; lighting, street trees, benches, planters, bicycle racks, trash receptacles, landscaping, and building facades;
- installing or ensuring access to secure bike or car parking near transit hubs or shuttle services;
- project-specific planning, feasibility, design, marketing or education (Scope of work for design projects should include completion of final design, permitting and bid documents.)
- developing regional, intermunicipal, or local Geographic Information Systems to improve management of coastal areas and resources, and improve impact prediction and assessment and mitigation and adaptation planning
- marketing, promotion, and economic feasibility and resiliency studies including marketing campaigns, brochures, website design;
- establishment of cultural, historic, arts, and entertainment districts
- implementation of priority actions to improve community resilience and reduce risks associated with sea level rise, erosion, storm surge and flooding
- amendment or adoption of local land and water use controls to improve community resilience to storm events and sea level rise
- incorporate climate resilience vision, goals and strategies into local plans and projects
- development of educational outreach/training materials and programs to improve community resilience to severe weather and sea level rise impacts
- engineering, design, and/or construction of projects to make public facilities more resilient to potential severe weather and sea level rise impacts
- projects for the conservation, restoration, and enhancement of natural protective features and processes such as flood plains, wetlands, vegetated buffers, living shorelines, dunes and sediment transport
- green infrastructure projects that address water quality and stormwater management such as rain gardens, bioretention areas, and porous pavement
- advancement of projects related to building or improving community resilience that advance LWRP policies.
- advancement of projects which celebrate the Bicentennial of the Erie Canal by creating new waterfront public access sites or improving and/or expanding existing sites along the NYS Canal System.

Applications to fund design and construction of wastewater treatment infrastructure or herbicide application are not eligible for funding and will not be scored.

The generic work plan which describes the tasks necessary to implement design and construction projects is available at: <https://dos.ny.gov/funding-bid-opportunities>. Approved LWRPs are listed at: <https://dos.ny.gov/local-waterfront-revitalization-program>

LWRP Component: Watershed Management Plan (Planning or Implementation)

A watershed management plan is a type of LWRP Component that produces a comprehensive plan to protect and restore specific waterbodies and their watersheds by identifying and prioritizing land uses and capital projects to reduce point and nonpoint source pollution, and protect or restore water quality, tributary corridors and aquatic habitats. As significant contributing areas surrounding and draining into a waterbody generally lie within more than one municipal jurisdiction, the preparation of cooperative, intermunicipal plans for a specific watershed can be an effective way to achieve local, regional and statewide goals. These plans can form the factual basis for the LWRP inventory and supports policy explanations dealing with water quality and water resources.

Local business, recreation, tourism, agriculture, industry, and economic development are dependent on high-quality water resources. Often, for communities surrounding a lake or embayment or those bordering a river or stream, good water quality significantly contributes to their economy. Regions are similarly dependent on their natural assets. Guiding activities to protect and promote natural and economic assets on an intermunicipal, watershed basis can be an effective way to make the most of human and financial resources to address concerns and to achieve shared goals. Networking with experienced local governments, agencies, and organizations leads to efficiencies that minimize the costs of protecting and restoring natural assets. The Department's guidebooks on waterfront revitalization and watershed planning are available at <https://dos.ny.gov/library>

Funds are being made available for the preparation and implementation of intermunicipal plans that identify and assess key assets, problems, threats, and municipal land use development controls and practices, emphasizing water quality improvement, protection, and restoration. Projects funded under this category are expected to have significant regional benefits.

Planning

Applicants may apply for grant funding to prepare or update an LWRP Component focusing on watershed management, that includes:

- identify connections between water quality protection, waterfront revitalization, and climate change mitigation and adaptation
- conducting public participation to develop consensus on issues and actions needed to advance revitalization and water quality goals
- inventorying, analyzing and characterizing the watershed including land cover, land and water uses, and infrastructure
- identifying and assessing key natural, cultural and economic assets
- identifying problems, impairments, and threats including nonpoint and source water impairments, invasive species, chronic flooding, harmful algal bloom, etc. and assessing their causes
- assessing and modeling of nonpoint source pollution to identify impairments including onsite waste water treatment systems and stormwater
- assessing land and water use controls (laws, programs and practices) to protect water quality and guide appropriate development
- quantifying the benefits of high water quality to local areas and the regional economy
- identifying issues and opportunities
- preparing strategies to protect water quality and promote sustainable economic development and community revitalization

- identifying local, state and other technical and financial resources needed for implementation of proposed projects and actions
- planning for the protection and promotion of natural assets on an intermunicipal watershed basis
- prioritizing projects and actions on an intermunicipal basis to improve and protect water quality
- developing systems to track implementation and measure and report on success
- preparing of a Health Impact Assessment to identify and evaluate public health outcomes of a strategy, approach, or project(s) contained in an existing Watershed Management Plan or one under preparation

Implementation

Applicants may apply for implementation funding for activities including but not limited to:

- implementation of priority actions to protect and restore water resources
- amendment or adoption of local land and water use controls to provide coordinated watershed management for protecting water quality
- development of education, outreach/training materials and programs to reduce causes of impairments and threats to water quality including the ecological and financial costs of nonpoint and source water impairments, invasive species, chronic flooding, and harmful algal blooms
- advancement of projects that preserve or restore natural landscapes that protect water quality and catalyze waterfront revitalization including advancing green infrastructure projects that lead to the preservation or restoration of natural landscapes, such as forests, floodplains and wetlands, and/or the reduction of watershed imperviousness and preservation of groundwater infiltration
- feasibility analysis, design or construction water quality projects
- public access projects
- environmental protection projects

Applications to fund design and construction of wastewater treatment infrastructure or herbicide application are not eligible for funding and will not be scored.

VI. REQUIREMENTS FOR IMPLEMENTATION AND CONSTRUCTION PROJECTS

For design and construction projects, the applicant must identify the current legal owner(s) of the site where improvements will be implemented. Grant funded design and construction work must be performed on public property or where a permanent public interest, such as an easement (e.g. public access, conservation) has been established, and the predominant purpose is to provide a public benefit. The applicant must attach proof of site control and/or permanent public interest. Applications that do not include this documentation will be found ineligible and will not be scored.

Construction projects must be in compliance with zoning and other applicable land use regulations. Property where improvements are made must remain available to the public and provide direct public benefit for the intended useful life of the project. Projects intended to be open to the public must be open to the general public and not limited to residents of the municipality receiving a grant. Signage to this effect must be provided at these sites. Where improvements are made to a building, access must remain available to the general public and provide a direct public benefit tied to waterfront revitalization.

Property improved with EPF LWRP grants that are sold or transferred out of public ownership and control prior to expiration of the intended useful life will require that grant funds be returned to the Department.

It is required that project design and construction be undertaken under the supervision of an architect and/or engineer licensed to practice in the State of New York. In addition, proper certification from a licensed architect or engineer, as appropriate to the task, will be required for the preparation of designs and specifications and for the submission of as-built plans upon completion of the project.

In addition to responsibility for compliance with local regulations, the grant recipient is responsible for complying with applicable State and Federal laws and regulations, including, but not limited to:

- State Environmental Quality Review Act;
- State Freshwater and Tidal Wetlands Acts;
- US Army Corps of Engineer permits;
- Coastal Erosion Hazards Areas Act;
- Floodplain Management criteria;
- State and Federal laws and regulations for Historic Preservation; and
- Coastal Zone Management Act (federal)
- Waterfront Revitalization of Coastal Areas and Inland Waterways (NYS Executive Law Article 42)

For construction only projects, the applicant is required to submit draft or final design documents with the grant application. Construction projects located within the New York State Coastal Area boundary must be consistent with State Coastal Policies or LWRP coastal policies if the LWRP has been adopted by the municipality and approved by the New York State Secretary of State.

Prior to the start of construction, the successful applicant will be required to install a sign satisfactory to the Department identifying the Department's funding of the project. The project sign will need to remain in place for the intended useful life of the improvements undertaken.

VII. FUNDING AND BUDGET GUIDANCE

Determining Total Eligible Project Cost and State Funding Request

When estimating the total eligible project cost, the applicant should calculate the cost to complete each task included in the project scope of work which may include costs associated with project management and grant administration. As a reference, DOS generic work plans which describe tasks necessary to prepare an LWRP and implement design and construction projects are available at: <https://dos.ny.gov/funding-bid-opportunities>. The budget may only include eligible costs described below which directly support the project scope of work. Applicants are encouraged to obtain initial project quotes from a consultant with relevant professional experience and background to inform the budget.

Total Eligible Project Cost * % State Funding (either 0.75 or 0.85) = State Funds Requested

For example, if the total eligible project cost is \$200,000, the State Funds Requested would be \$150,000 and the Local Match would be \$50,000.

$\$200,000 * 0.75 = \$150,000$ State Funds Requested

$\$200,000 * 0.85 = \$170,000$ State Funds Requested for projects meeting Environmental Justice criteria (see below)

The minimum State assistance request per grant application is \$50,000 and the maximum State assistance request is \$5 million. Applications requesting under \$50,000 will be disqualified and will not be scored.

Eligible Costs

Costs must be adequately justified and directly support the scope of work for the proposed project. Proposed total project costs, including match components, must be essential to project completion. All costs will be paid on a reimbursement basis and must be documented.

Grant funds may be used for the following costs associated with the scope outlined in the application:

Personal Services – including direct salaries, wages, and fringe benefits for activities related to project work by municipal employees, including project management, capacity building, and grant administration. Fringe benefits must be outlined in the application and include the organizations' documented rate.

Non-Personal Services – including supplies and materials, travel, equipment, consultant/contractual services for direct project related costs, project management, capacity building, limited grant administration, and other goods and services.

Equipment –Equipment purchases will only be considered as an eligible cost if the equipment is essential to accomplish tasks included in project scope of work and is demonstrated to be more cost-effective than renting or leasing the equipment. The application should list each piece of equipment to be purchased with an estimated cost and how it will be used to accomplish project tasks. Equipment purchased with EPF LWRP grant funding cannot be sold without prior approval from the Department. If equipment purchased with EPF LWRP funds is sold without DOS approval, the Department may require that grant funds be returned to the Department. Equipment usage may only be used as local match.

Project management activities may include oversight and coordination of tasks needed to produce contract deliverables, coordination of Project Advisory Committee activities, consultant procurement and oversight, public outreach and providing technical assistance.

Capacity building may include: investment in existing staff, such as training, or automating systems that will improve a community's ability to carry out projects and/or deliver programs funded under this RFA; or developing sustainable organizational capacity, such as through creating and recruiting new positions or enlisting external professional assistance to oversee revitalization efforts. Allowable activities under capacity building shall be within the scope of the RFA and undertaken in direct furtherance of the purpose of the grant application.

Grant administration activities may include preparation of reports, vouchers, contract related administration and compliance with grant record keeping and reporting

requirements. Grant administration may not exceed 15% of the award amount or \$50,000, whichever is less.

Land acquisition – land acquired (e.g., purchase or donation) may only be used as local match for projects that include construction and where the construction occurs on the acquired property. Land must be acquired within three years prior to the contract start date or within the executed contract term. Land acquisition is not eligible for match for projects involving only design and engineering. A map identifying the property, and if available, a current appraisal report documenting the property value and a copy of the recorded deed conveying title and ownership must be submitted with the application.

Ineligible Costs

The following costs will neither be accepted as the required local match nor reimbursed with grant funds:

Indirect or overhead costs of the municipality such as rent, telephone service, general administrative support, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.

Salaries and other expenses of elected officials

Fund raising events/expenses

Federal funding

Other Environmental Protection Fund awards

Land acquisition (except as noted above)

Taxes, insurance, fines, deficit funding

Bond interest and associated fees. The interest associated with a Bond or Bond Anticipation Note (BAN) cannot be calculated into project cost, whether for reimbursement or local match.

Contingency costs

Lobbying expenses

Cost incurred prior to the contract start date

Costs that are not adequately justified or that do not directly support the scope of work for the proposed project

Failure to adequately justify direct project costs will render costs ineligible. Ineligible costs will be eliminated from the total project costs in the grant application.

Local Match

State assistance awarded and paid shall not exceed 75% of the total eligible cost for the project, except where the proposed project is located in an environmental justice community, in which

case state assistance awarded and paid shall not exceed 85% of the total eligible cost for the project. The total eligible cost of the project is the total of costs set forth in the grant application, less any federal assistance and other state assistance from the Environmental Protection Fund. In addition, the Environmental Protection Fund grants provided under this program may not be used as the local match for any federal or State grants without explicit written permission from the Department. Local match must be outlined in the application for consideration. State assistance payments will be made to grant recipients based on actual expenditures for eligible costs up to the amount of the grant awarded.

Volunteer services included in the local match are limited to those that are required to complete project tasks. Volunteer services must be listed in the application. Documented volunteer services (non-professional or administrative) may be valued at up to \$15.00 per hour. Credit for project related volunteer services requires submission of detailed accurate records using Department approved forms to account for volunteer services to be included as local match. Failure to do so will result in non-approval of accrued volunteer hours for documented match.

Paid and unpaid donated professional services included in the local match are limited to those that are required to complete project tasks and only when services provided are in direct relation to the profession of the individual providing these services. Donated professional services must be listed in the application. Professional or technical services, such as engineering, legal, design, planning, and project management services will be valued at a rate of \$60.00 per hour. Construction and other labor services will be valued at the prevailing wage rate set for the locality where the work is performed. Applicants must provide a description of the work to be undertaken by each individual and the reason for using a donated professional services rate rather than the volunteer services rate in the grant application.

Donated services that are not directly related to a profession will be considered as local match at the volunteer services rate. In all cases, detailed accurate records must be kept using Department approved forms to account for services to be included as local match.

Land acquisition – As detailed above, land acquired (e.g., purchase or donation) may only be used as local match for projects that include construction and where the construction occurs on the acquired property.

Environmental Justice

NYS Environmental Conservation Law § 54-1101 and NYS Executive Law § 42-918 dictate the local match requirements for the Department's Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) grants. These laws stipulate that state assistance awarded and paid shall not exceed 75% of the total eligible project costs set forth in the application and as approved by the Department, except where the proposed project is located in an environmental justice community, in which case state assistance awarded and paid shall not exceed 85% of the total eligible project costs set forth in the application and as approved by the Department.

For the purposes of determining local match rates for EPF LWRP awards funded under this solicitation, reference Potential Environmental Justice Area mapping created by the Department of State, Office of Planning, Development, and Community Infrastructure available on <https://dos.ny.gov/funding-bid-opportunities>. This mapping includes Potential Environmental Justice Areas delineated by the NYS Department of Environmental

Conservation using criteria described in DEC Commissioner Policy 29 on Environmental Justice and Permitting (CP-29) and additional areas delineated by the NYS Department of State, closely following the criteria described in CP-29, using the 2017 American Community Survey 5-Year Estimates.

Listed below is the Department policy used to determine if a CFA applicant is eligible to receive state assistance at a rate of 85% of the total eligible project cost:

- The Project Funding and Program Budget section in the CFA should clearly indicate the applicant is seeking State funding from the Local Waterfront Revitalization Program in the amount equal to 85% of the total project cost. This should also be clearly indicated in the LWRP Budget Summary & Detail spreadsheet, submitted as an CFA attachment.
- For applications to prepare or update an LWRP for one municipality, a portion of the LWRP boundary area must meet the environmental justice criteria for the grant to receive state assistance of 85% of the total project cost.
- For applications for design and construction projects, a portion of the project must be located within an Environmental Justice Area for the grant to receive state assistance of 85% of the total project cost.
- For applications that include multiple municipalities, every municipality must meet the Environmental Justice criteria for the grant to receive state assistance of 85% of the total project cost.
- Department GIS analysis must confirm the project is located within a Potential Environmental Justice Area as mapped by the Department on <https://dos.ny.gov/funding-bid-opportunities>. Confirmation will be determined during the application review.

Sub-contracts

Sub-contracts should be competitively procured based on the applicable provisions of New York State General Municipal Law. Bids should be inclusive of all costs related to the project, or portion thereof. Bids can be structured as deliverable based or line item (reimbursement) costs. Bid formats cannot be a mixed format.

VIII. AWARD METHODOLOGIES

Each application will be reviewed for eligibility and, if determined eligible, will be scored according to the application evaluation criteria. Applications deemed ineligible will not be scored.

A total score of 100 points is possible for any application, of which up to 80 points is derived from program criteria and 20 points from the Regional Economic Development Council (REDC) endorsement. An application must score a minimum of 50 program criteria points out of a possible 80 points from the Department of State review to receive an award. REDC points are based on regional economic priorities and are assigned by the REDCs.

Approximately \$27,750,000 million is anticipated for award for this procurement, with up to \$4 million dedicated for updates to existing LWRPs to mitigate future physical climate risks. Approximately \$18 million of the available funding will be awarded for projects which are in, or primarily serve, areas where demographic and other relevant data demonstrate that the areas are:

- densely-populated and have sustained physical deterioration, decay, neglect, or disinvestment; or
- where a substantial proportion of the residential population is of low income, or is otherwise disadvantaged and is underserved with respect to the existing recreational opportunities

Award Methodology for Applications for Updating an LWRP to Mitigate Future Physical Climate Risks

Applications received for updating existing LWRPs for the purpose of mitigating future physical climate risks, will be scored within this grant category and funds will be awarded to eligible projects in rank order. Any remaining funds from this grant category will be utilized to fund applications received for other grant categories.

Award Methodology for Applications for Other Grant Categories

Applications received under other grant categories - preparing or updating a LWRP; preparing an LWRP Component, including a Watershed Management Plan; or Implementing an LWRP or completed LWRP Component – will be scored and funds will be awarded in rank order, to applications which receive a minimum of 50 program criteria points from the Department of State review, until available funds are exhausted.

The Department may make an award under the RFA in whole or in part and may offer partial funding if a particular phase of a project is not ready to move forward. The Department may offer partial funding to an applicant if its application cannot be fully funded within the funds remaining; if the applicant declines the partial funding, funding may be awarded to the next highest-scoring unfunded application. In the event that an awardee fails to satisfactorily negotiate a proper contract within a reasonable amount of time, that funding may be awarded to the next highest-scoring unfunded application.

In the event that another NYS agency fully funds a high scoring project through the CFA process, the awardee will receive funding from only one state agency. The Department will work with other NYS agencies to ensure that duplication of funding does not occur. In the event that an applicant receives full funding from another agency, the Department reserves the right to award full or partial funding to the next highest scoring unfunded application.

The opportunity to be debriefed will be provided, upon request, to unsuccessful applicants. Requests must be made in writing within 15 business days of notification of status of award.

In the event unsuccessful bidders wish to protest the award resulting from this RFA, bidders should follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the Guide to Financial Operations (GFO), available on-line at: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>.

IX. APPLICATION EVALUATION CRITERIA

Applications will be reviewed according to the specific criteria presented below.

Minimum Criteria

Eligible applicants are villages, towns, cities located along New York’s coasts or designated inland waterways or counties with the consent and acting on behalf of one or more eligible

villages, towns, or cities. Applications will also be assessed to determine if the proposed project is an eligible activity and to ensure that the applicant has documented the ability to provide the required local match.

For project-specific planning, feasibility, design, and/or marketing needed to advance eligible activities, an eligible applicant must be currently preparing LWRP or LWRP Component or have an approved LWRP or LWRP Component. The proposed project must be located within the LWRP or LWRP Component boundary.

For construction of projects needed to advance eligible activities, an eligible applicant must have an approved or substantially completed LWRP or relevant LWRP Component. The proposed project must be located within the LWRP boundary or LWRP Component boundary.

Grant funded design and construction work must be performed on public property or where a permanent public interest, such as an easement (e.g. public access, conservation) has been established, and the predominant purpose is to provide a public benefit. The applicant must attach proof of site control and/or permanent public interest. Applications that do not include this documentation will be found ineligible and will not be scored.

Failure to meet these criteria will result in immediate disqualification of the application, which will not be further evaluated.

Program Criteria (maximum of 80 points)

Applications will be evaluated to assess the degree to which they meet the elements of each criterion.

The program criteria (with total available points) and elements are:

Local Waterfront Revitalization Program Implementation (maximum of 8 points)

- Project will implement a Local Waterfront Revitalization Program or an LWRP Component including design and/or construction projects that create dynamic public areas, improve community parks and trails, and enhance recreational opportunities.

Public Engagement and Partnerships (maximum of 4 points)

- Describes an effective approach and process that will be followed to ensure ongoing public participation and engagement during project development, including the involvement of partnering municipalities and the general public
- Demonstrates that the public and stakeholders who would be affected by, or who can advance the project, will be engaged in project planning and implementation
- Demonstrates support from stakeholder(s) directly impacted by project
- Creates or advances regional, intermunicipal, intergovernmental, public, private, or not-for-profit partnerships

Local Capacity and Previous Performance (maximum of 4 points)

- Demonstrates that an effective organizational structure exists to advance and complete the project
- Previously demonstrated capacity and effective organizational structure to manage more than one EPF LWRP project (Only pertains to applicants which have one or more open EPF LWRP contracts)

- Demonstrated high quality performance under previous EPF LWRP contracts, timely submission of contract deliverables, status reports and payment requests (Only pertains to applicants which have had previous EPF LWRP contracts)
- Demonstrated successful completion of EPF LWRP or other State grant awards (Only pertains to applicants which have had previous EPF LWRP or other State grant awards)

Public Benefit (maximum of 20 points)

Regional Significance (*maximum of 4 points*)

- Improves or protects natural, cultural or economic resources of regional significance
- Consistent with State coastal policies
- Ensures an appropriate balance between development, open space and natural resource protection within the regional context
- Advances efforts to resolve shared issues through creative intermunicipal partnerships
- Redevelops and/or revitalizes a regional center
- Provides a public facility of greater than local importance that will attract visitors within the region
- Advances the completion or implementation of a plan or strategy that addresses critical issues and opportunities of regional significance
- Advances regional strategies addressing carbon reduction/abatement, energy efficiency or renewable energy

Local Significance (*maximum of 4 points*)

- Advances an approved or substantially completed LWRP, or LWRP Component
- Creates or advances long-term community revitalization goals and capitalizes on assets, or identifies opportunities for addressing problems documented in an existing LWRP, LWRP Components, or Designated Brownfield Opportunity Area Plans where applicable
- Advances completion of a new phase of a project previously funded by EPF LWRP
- Creates or implements a plan for community resiliency
- Protects, preserves, enhances or restores archeological, historic and/or cultural resources
- Implements a public amenity that is an identified priority for a community
- Addresses environmental justice issues
- Advances the completion or implementation of a plan or strategy that addresses critical issues and opportunities of local significance

Public Value (*maximum of 4 points*)

- Improves or expands water dependent or water-enhanced public recreation opportunities or facilities
- Incorporates and advances pedestrian, bicycle and paddling trails that connect people to parks, nature and public spaces; and accessible neighborhood parks
- Improves or expands visual/physical access to public waterfront resources, provides new/enhanced public spaces, or enhances community character/visual environment
- Advances the completion of a plan or strategy that enhances the quality and availability of public resources within a community or region, including improving, protecting, and restoring water quality
- Ensures predictability in land use regulations and procedures or facilitates the siting of water dependent uses and facilities

- Promotes or implements access strategies that include integration of all income, ethnic and age groups
- Promotes positive public health outcomes and/or avoids or mitigates negative public health outcomes

Resiliency & Sustainability (*maximum of 4 points*)

- Improves community resiliency to a changing climate, including both adaptation and mitigation strategies to proactively address risks and reduce vulnerabilities and seeks solutions that provides multiple benefits and addresses multiple goals
- Incorporates and advances the benefits of nature through preservation and restoration of natural landscapes, and/or the use of green infrastructure and green infrastructure policies that reduce watershed imperviousness, and preserve groundwater infiltration
- Utilizes non-structural or natural-based measures approaches to promote shoreline resiliency. Only utilizes structural measures where non-structural or nature-based alternative measures have been proven to be inadequate to protect the principal use.
- Ensures that governmental decision-making is based on sound science and considers cumulative effects
- Promotes a mix of land uses and concentrates new development in urban centers where infrastructure and public services are adequate
- Provides a framework that encourages sustainable development or redevelopment of communities in appropriate locations outside of flood prone areas
- Incorporates consideration of sea-level rise, storm surge and flooding in project design to make public facilities more resilient
- Incorporates and advances carbon reduction/abatement, energy efficiency or renewable energy

Natural Resources (*maximum of 4 points*)

- Promotes conservation and protection of ecosystem integrity
- Protects, enhances or restores habitats including designated significant coastal fish and wildlife habitat, or natural protective features (wetland, floodplain, active river area, beach, dune)
- Protects, enhances or restores a scenic area of local or statewide significance
- Protects agricultural land as a resource that provides for farmland uses and open space
- Implements New York State's Coastal Nonpoint Pollution Control Program, or otherwise protects groundwater or surface water quality and hydrology
- Advances the completion of a plan or strategy that protects, restores, or enhances natural resources

Economic Value (*maximum of 6 points*)

- Generates economic activity, creates immediate and future jobs, offers realistic economic development potential, or contributes to restoration of municipalities' tax bases
- Advances the completion of a plan or strategy that enhances economic vitality in a community or region
- Provides for downtown/hamlet revitalization
- Supports water-dependent commercial and industrial uses, tourism development or agriculture
- Offsets municipal expenses by protecting ecosystem services
- Supports economic development to offset COVID-19 economic impacts

- Complements related activities and projects, and leverages funding under the Environmental Protection Fund, other New York State grant programs, federal grant programs, or other sources of public, not-for-profit and private funds
- Makes efficient use of/protects public investment in resources and infrastructure

Implementation (maximum of 18 points)

Scope of Work (maximum of 6 points)

- Clearly defines what is to be done, where and how it will be done, who will do it, and when it will be completed
- Identifies a set of clear and discrete tasks that show a logical approach for project completion
- Demonstrates sufficient experience and ability of key project personnel to successfully carry out the project
- Project deliverables are clearly defined and consistent with program objectives

Time Frame (maximum of 6 points)

- Demonstrates how the project will be completed within a maximum of five years or less
- Presents a clear and realistic schedule and timeline that includes major tasks, milestones and completion dates

Project Readiness (maximum of 6 points)

- Demonstrates the ability to proceed with project upon award
- Demonstrates preliminary work needed to advance the proposed project has been completed (for example, if a construction project, designs have been prepared, permits and/or other approvals obtained, or at least submitted, to facilitate construction)
- Identifies current legal owner(s) of site where improvements will be implemented
- Demonstrates site control has been established, if applicable (i.e. easements, acquisition etc.)

Evaluation of Budget and Cost (maximum of 20 points)

Applications will also be evaluated to assess the degree to which they meet the elements of each criterion below.

- Application describes and documents how the budget and cost were determined. Identifies the person(s) responsible for compiling the budget including relevant experience and background of all parties and the method/approach used to arrive at estimates **(maximum of 5 points)**
- Budget clearly demonstrates amount, type, and source of eligible local match and demonstrates identified eligible match sources have been secured. **(maximum of 5 points)**
- Budget includes adequate detail for all project components involved, is cost-effective, presents necessary and realistic costs, and does not contain extraneous or ineligible expenses. Budget is accurate and thorough. Budget narrative includes an explanation for the estimate of each budget line and clearly supports the applicant's need for financial resources requested to achieve project outcome. Budget narrative describes how the grant recipient will monitor expenditures during the life of the project to ensure that the project stays on schedule and within budget. **(maximum of 10 points)**

Note: Detailed and clear demonstration of local match is required at the time of application. Awards may be reduced or not made if applicant fails to document sufficient, eligible match.

Regional Economic Development Council Endorsement (maximum of 20 points)

Each application will be scored by the Regional Economic Development Council in which the proposed project is located. Regional Councils will review applications to assess the degree to which the project helps implement the Regional Strategic Plan. The Regional Council will score applications based on a set of standards, referred to as “endorsement standards,” and will assign each project a single score of 20, 15, 10, 5 or 0 (no fractions) based on merit. Regional Strategic Plans and endorsement standards can be found at <https://regionalcouncils.ny.gov/>.

X. CONTRACT REQUIREMENTS

New York State Grants Gateway

Grant applicants are encouraged to register through the New York State Grants Gateway. To register, log on to <http://grantsreform.ny.gov>.

Standard Cost Reimbursement Contract

Each successful applicant must enter into a standard cost reimbursement contract with the Department which includes an agreed upon work plan, any other attachments or exhibits, and the standard clauses required by the NYS Attorney General for all state contracts including Attachment A along with Article 15-A of the New York Executive Law. The contract will: 1) be subject to approval by the Attorney General and State Comptroller; 2) require submission of final products in both hard copy and electronic format; 3) be subject to payment only upon proper documentation and compliance with reimbursement procedures; and all other contractual requirements. A copy of a standard contract along with Attachment A and Article 15-A is available from the Department.

To ensure that funds are awarded to applicants that are ready to move forward, the Department reserves the right to rescind an award if the state contract is not signed and returned within a reasonable amount of time. There will be no contract advance available to grantees. Expenses incurred prior to the start date of the state contract cannot be reimbursed.

Compliance with Procurement Requirements

All contracts by municipalities for service, labor, and construction involving not more than \$35,000 and purchase contracts involving not more than \$20,000 are subject to the requirements of General Municipal Law §104-b, which requires such contracts to comply with the procurement policies and procedures of the municipality involved. All such contracts shall be awarded after and in accordance with such municipal procedures, subject to the Minority or Women-Owned Business Enterprise (MWBE) requirements as set forth below and any additional requirements imposed by the State as set forth in Attachment C of the Master Contract.

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify to the Department that applicable public bidding procedures of General Municipal Law §103 were followed for all service, labor, and construction contracts involving more than \$35,000 and all purchase contracts involving more than \$20,000. In the case of contracts by municipalities service, labor, and construction contracts involving not more than \$35,000 and purchase contracts involving not more than \$20,000, the municipal attorney, chief legal officer or financial administrator shall certify that the procedures of the municipality established pursuant

to General Municipal Law §104-b were fully complied with, in addition to the MWBE requirements.

The municipal attorney, chief legal officer or financial administrator for the municipality shall certify to the Department that alternative proposals and/or quotations for professional services were secured by use of written requests for proposals through a publicly advertised process. This certification will verify that the procurement requirements were met and ensure the prudent and economical use of public funds for professional services of maximum quality at reasonable cost.

Record Retention and Audits

The successful applicant shall establish and maintain, in paper or electronic format, complete and accurate books, records, documents, receipts, accounts, and other evidence directly pertinent to its performance under the Master Contract with the Department. Payment requests may be subject to periodic reviews. The successful applicant will be required to agree to produce and retain for the balance of the term of the Master Contract, and for a period of six years from the later of the date of (i) the Master Contract and (ii) the most recent renewal of the Master Contract, any and all Records necessary to substantiate upon audit, the proper deposit and expenditure of funds received under the Master Contract. Such records may include, but not be limited to, original books of entry (e.g., cash disbursements and cash receipts journal), and the following specific records (as applicable) to substantiate the types of expenditures noted (i) personal service expenditures: cancelled checks and the related bank statements, time and attendance records, payroll journals, cash and check disbursement records including copies of money orders and the like, vouchers and invoices, records of contract labor, any and all records listing payroll and the money value of non-cash advantages provided to employees, time cards, work schedules and logs, employee personal history folders, detailed and general ledgers, sales records, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (ii) payroll taxes and fringe benefits: cancelled checks, copies of related bank statements, cash and check disbursement records including copies of money orders and the like, invoices for fringe benefit expenses, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (iii) non-personal services expenditures: original invoices/receipts, cancelled checks and related bank statements, consultant agreements, leases, and cost allocation plans, if applicable, (iv) receipt and deposit of advances and reimbursements: itemized bank stamped deposit slips, and a copy of the related bank statements.

Minority and Women-Owned Business Enterprise Utilization (MWBE)

Applicants must submit the MWBE Compliance Form with their application confirming their understanding of the MWBE requirement and agreeing to show due-diligence and make good faith efforts to provide meaningful participation by MWBE's, whenever possible, if awarded the contract.

Contract Period

Subject to the continued availability of funds in the budget, the contract period shall not exceed five years from the start of the project. No extensions are anticipated. The earliest start date of contracts is April 1, 2021. Upon request by the grant recipient, with a showing of good cause, the contract start date may be set to a date in the future not to exceed 12 months beyond the contract execution date. Special consideration for extensions due to extreme extenuating circumstances will only be granted on a case-by-case basis.

Amendments

Amendments will not be made to the original contracted scope of work, for example, applicants that receive funding for general planning or for project-specific planning, feasibility, design, and/or marketing projects may use this funding for these purposes only.

XI. SATISFACTORY PROGRESS

It is imperative that the grant recipient complete the project as set forth in the agreed upon work plan and individual monitoring plan. Failure to render proof of satisfactory progress or to complete the project to the satisfaction of the State may be deemed an abandonment of the project and may cause the suspension or termination of any obligation of the State. Satisfactory progress toward implementation includes, but is not limited to, executing contracts and submitting status reports and payment requests in a timely fashion, retaining consultants, written certification of compliance with procurement requirements, completing plans, designs, permit applications, reports, or other tasks identified in the work plan within the time allocated for their completion. The Department may recapture awarded funds if satisfactory progress is not being made on the implementation of a grant project. Applicants should not submit applications if they do not expect to initiate the project within a reasonable time period after receiving an executed contract and will not be able to complete the project within the time period cited in the application.

XII. GENERAL SPECIFICATIONS

1. By signing the “Application Form” each applicant attests to its express authority to sign on behalf of the applicant and to the accuracy of the information contained therein. Applications containing false or inaccurate information may be disqualified upon verification of information by the Department.
2. Contractors will possess, at no cost to the State, all qualifications, licenses and permits to engage in the required business as may be required within the jurisdiction where the work specified is to be performed. Workers to be employed in the performance of this contract will possess the qualifications, training, licenses and permits as may be required within such jurisdiction.
3. Submission of any application indicates the applicant’s acceptance of all conditions and terms contained in this RFA, including the terms and conditions of the contract.
4. Provisions upon default:
 - a. The services to be performed by the applicant shall be at all times subject to the direction and control of the Department as to all matters arising in connection with or relating to the contract resulting from this RFA
 - b. In the event that the applicant, through any cause, fails to perform any of the terms, covenants or promises of any contract resulting from this RFA, the Department acting for and on behalf of the State, shall thereupon have the right to terminate the contract by giving notice of the fact and date of such termination to the applicant
 - c. If, in the judgment of the Department, the applicant acts in such a way which is likely to or does impair or prejudice the interests of the State, the Department acting on behalf of the State, shall thereupon have the right to terminate any contract resulting from this RFA by giving notice of the fact and date of such termination to the contractor. In such case, the contractor shall receive equitable compensation for such services as shall, in the judgment of the Department, have been satisfactorily performed by the contractor up to the date of the termination of this agreement, which such compensation shall not exceed the total cost incurred for the work in which the contractor was engaged at the time of such termination, subject to audit by the State Comptroller.

5. The Department reserves the right, including but not limited, to:
 - a. Reject any or all applications received in response to this RFA;
 - b. Withdraw the RFA at any time, at the agency's sole discretion;
 - c. Make an award under the RFA in whole or in part;
 - d. Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA;
 - e. Seek clarifications and revisions of applications;
 - f. Use application information obtained through site visits, management interviews and the State's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or information submitted by the applicant in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFA;
 - g. Prior to the application due date, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available;
 - h. Prior to the application due date, direct applicants to submit application modifications addressing subsequent RFA amendments;
 - i. Change any of the scheduled dates;
 - j. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective applicants;
 - k. Waive any requirements that are not material;
 - l. Negotiate with applicants responding to this RFA within the scope of the RFA to serve the best interests of the State;
 - m. If unsuccessful in negotiating a state contract with the selected applicant within an acceptable time frame, the Department may begin state contract negotiations with the next ranked qualified applicant(s) in order to serve and realize the best interests of the State;
 - n. Utilize any and all ideas submitted in the applications received;
 - o. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an application and/or to determine an applicant's compliance with the requirements of the solicitation;
 - p. Waive or modify minor irregularities in applications received;
 - q. Make awards based on geographic distribution;
 - r. Not to fund an application that fails to submit a clear and concise work plan or budget;
 - s. Adjust or correct cost figures with the consent of the applicant if errors exist and can be documented to the satisfaction of the Department;
 - t. Award more than one contract resulting from this RFA;
 - u. In its sole discretion, determine the total number of awards to be granted pursuant to this RFA
 - v. Offer partial or no funding to any applicant if its application cannot fulfill its proposed program within the funding restrictions herein;
 - w. Make additional awards if funding becomes available;
 - x. Require reporting on forms designed for use solely for this procurement;
 - y. Not to make any awards pursuant to this RFA. This RFA does not commit the Department to award any contracts, to pay the costs incurred in the preparation of a response to this RFA, or to procure or contract for services; and
 - z. Make awards based on disadvantaged and underserved community status.

Appendix 1

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK STATE-CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES, EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN, AND SERVICE-DISABLED VETERAN-OWNED BUSINESSES

I. MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES PARTICIPATION

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations the Department is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of Department contracts.

Business Participation Opportunities for MWBEs

The Department’s New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) utilization goal is 30%. For purposes of this solicitation, the specific MWBE goal and the breakdown between the Minority-owned Business Enterprise (“MBE”) and the Women-owned Business Enterprise (“WBE”) utilization goals shall be established post award and set forth in the Department contract, in the Attachment B “Budget” (based on the current availability of MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFA, the respondent agrees that the Department may withhold payment pursuant to any Contract awarded as a result of this RFA pending receipt of the required MWBE documentation.

The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com/frontend/vendorsearchpublic.asp>. For guidance on how the Department will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the broker’s contract.

FOR CONSTRUCTION CONTRACTS – The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60 percent of the total value of the supplier’s contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE.

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a

Contract resulting from this RFA, such finding constitutes a breach of contract and Department may withhold payment as liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Department . As a contractor of New York State, you have a responsibility to utilize certified minority- and/or women-owned businesses in the execution of your contracts, per the MWBE percentage goals stated in your solicitation, proposal or contract documents. Through the NYSCS you will submit utilization plans, request subcontractors, record payments to subcontractors, and communicate with your project manager throughout the life of your awarded contracts.

Applicants are required to submit the MWBE Compliance Form with their application.

Additionally, successful applicants will be required to submit the following documents and information within ten (10) business days after the applicant receives notice from the Department that the grant is being awarded as evidence of compliance with the foregoing:

An MWBE Utilization Plan (**Form D**) or a Certification Letter (**Form D-1**) stating their commitment to show due-diligence to comply with the MWBE goals and requirements. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to the Department for review and approval.

The Department shall review the submitted MWBE Utilization Plan or Certification Letter and issue a written notice of acceptance or notice of deficiency within 20 days of receipt of utilization plan or certification letter.

If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the Department , at the address provided below, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by the Department to be inadequate, the Department shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the proposal.

Please see details under “**Additional Notices and Explanations Regarding the MWBE Program and this Request for Applications.**”

Department may disqualify a respondent as being non-responsive under the following circumstances:

- a) If a respondent fails to submit an MWBE Utilization Plan or certification letter;
- b) If a respondent fails to submit a written remedy to a notice of deficiency;
- c) If a respondent fails to submit a request for waiver; or
- d) If Department determines that the respondent has failed to document good faith efforts.

Successful applicant(s) will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to the Department, but must be made no later than prior to the submission of a request for final payment on the Contract.

Successful applicant(s) will be required to submit a quarterly M/WBE Contractor Compliance & Payment Report to the Department, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

Equal Employment Opportunity Requirements

By submission of a proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of the New York State Master Grant Contract, Section IV (J) - Equal Employment Opportunities for Minorities and Women. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

Additionally, successful applicants will be required to submit the following documents and information within ten (10) business days after the applicant receives notice from the Department that the grant is being awarded as evidence of compliance with the foregoing:

- A. Submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement (**Form A**) to the Department.
- B. Submit a Workforce Utilization Report (**Form C**) and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by the Department on a quarterly basis during the term of the Contract, to the Bureau of Fiscal Management at: Email: dos.sm.mwbe@dos.ny.gov

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Additional Notices and Explanations Regarding the MWBE Program and Successful Applications to this Request for Applications:

If your project is selected for an award, you will be required to show due diligence to comply with all the MWBE contractual requirements, including meeting the goals for certified MWBE firms participation as stated in your Contract and in accordance with NYS Executive Law Article 15-A.

If an applicant chooses to move forward with a project prior to any award announcement, they are responsible for meeting MWBE requirements established by the State of New York. The requested plan, as described herein, is intended to help an applicant think about how to comply with the regulations and provide information showing their due-diligence to comply with the MWBE requirements.

Successful applicants notified by the NYS Contract System (System) that a record for the submission of the utilization plan has been created, must comply with this requirement by entering the Utilization Plan data in the System through the Statewide Utilization Management Plan (SUMP) module.

If you are unable to comply with the MWBE goals, you must request a waiver of these requirements by submitting to the Department the REQUEST FOR WAIVER FORM E, found on the Department funding page, for processing. Please note that the following information will be required to secure the waiver (all items may not apply to your case, but provide information and documentation for those that apply):

1. A DETAILED statement with the project description (any special characteristics, needs, specifications, etc.), and an explanation setting forth your basis and justification for requesting a partial or total waiver of the MWBE goals.
2. The names of general circulation, trade association, and MWBE-oriented publications in which you solicited certified MWBEs for the purposes of complying with your participation goals related to this Contract.
3. A list identifying the date(s) that all solicitations for certified MWBE participation were published in any of the above publications.
4. A list of all certified MWBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified MWBE participation levels.
5. Documentation of your search in the NYS Directory of Certified Firms (e.g.: Printouts, screenshots).
6. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation, if an identical solicitation was made to all certified MWBEs. Any information and/or documentation to support the efforts to follow up with the MWBEs.
7. Copies of responses to your solicitations received by you from certified MWBEs
8. A description of any contract documents, plans, or specifications made available to certified MWBEs for purposes of soliciting their proposals and the date and manner in which these documents were made available.
9. Documentation of any negotiations between you and the MWBEs undertaken for purposes of complying with the certified MWBE participation goals.
10. Any other information you deem relevant which may help us in evaluating your request for a waiver.
11. The name, title, address, telephone number, and email address of your representative authorized to discuss and negotiate this waiver request.

12. Copy of notice of application receipt issued by Empire State Development (ESD), if subcontractors are not certified MWBE, but an application has been filed with ESD.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

II. SERVICE-DISABLED VETERAN-OWNED BUSINESSES PARTICIPATION

Article 17-B of the Executive Law, enacted in 2014, authorized the creation of the Division of Service-Disabled Veterans' Business Development to promote participation of Service-Disabled Veteran-Owned Businesses (SDVOBs) in New York State contracting. The Service-Disabled Veteran-Owned Business Act recognizes the veterans' service to and sacrifice for our nation, declares that it is New York State's public policy to promote and encourage the continuing economic development of service-disabled veteran-owned businesses, and allows eligible Veteran business owners to become certified as a New York State Service-Disabled Veteran-Owned Business (SDVOB), in order to increase their participation in New York State's contracting opportunities. To this effect, the Department has implemented a Veteran-Owned Businesses (SDVOB) Program, as mandated by Article 17-B.

To comply with the SDVOB Program goals of 6%, the Department strongly encourages grantees to make every effort, to the maximum extent possible, to engage certified SDVOBs in the purchasing of commodities, services and technology in the performance of their contracts with the Department. If SDVOB utilization is obtained, a quarterly SDVOB utilization report should be submitted to the Department with information of the utilization percentage achieved during that quarter. Contractor Reporting Forms are found at: <https://ogs.ny.gov/Veterans/>.

The Division of Service-Disabled Veterans' Business Development (DSDVBD) is housed within the New York State Office of General Services (OGS), and maintains a directory of the NYS Certified SDVOBs. For assistance with engaging SDVOB vendors in your contracts, please contact the Division of Service-Disabled Veterans' Business Development at the following email address: VeteransDevelopment@ogs.ny.gov, or the DOS Bureau of Fiscal Management – SDVOB Program at dos.sm.sdvob@dos.ny.gov. The directory of certified SDVOB vendors can be found at: https://ogs.ny.gov/Veterans/Docs/CertifiedNYS_SDVOB.pdf

Brownfield Opportunity Area Program

Funding Available: Up to \$3.5 million

I. INTRODUCTION

The Department of State (Department) is soliciting applications through the New York State Consolidated Funding Application (CFA) from eligible municipalities, community-based not-for-profit organizations, and NYC Community Boards to complete: (1) a Brownfield Opportunity Area (BOA) Nomination for a community affected by known or suspected brownfields, (2) pre-development activities within a BOA where a Nomination forms the basis for a designation by the Secretary of State (referred to here as a State-Designated BOA), and (3) Phase II Environmental Site Assessments (SA) within a State-Designated BOA.

Brownfields include real properties where a contaminant is present at levels exceeding the soil cleanup objectives or where levels exceed other health-based or environmental standards, criteria, or guidance adopted by New York State Department of Environmental Conservation. The applicability of these regulations is based on the reasonable, anticipated use of the property. Known or suspected site contamination of real property can impede investment and redevelopment, making such property an economic and environmental drain on localities. Through the New York State Department of State Brownfield Opportunity Area (BOA) Program, these known and suspected brownfields are transformed from liabilities to community assets that generate businesses, jobs and revenues for local economies and provide new housing and public amenities.

The BOA program applies a neighborhood or area-wide approach, rather than the traditional site-by-site approach, to the assessment and redevelopment of known or suspected brownfields and other vacant or abandoned properties. The neighborhood approach enables communities to comprehensively assess existing economic and environmental conditions associated with brownfield blight and impacted areas; identify and prioritize community supported redevelopment opportunities; and attract public and private investment. The types of areas where program resources are being applied include industrial/manufacturing zones, commercial corridors, mixed-use neighborhoods, downtowns and waterfronts.

Through the BOA Program, communities are empowered to:

- Address a range of problems posed by multiple known or suspected brownfield sites;
- Build community consensus on the future uses for the area with an emphasis on strategic sites that are known or suspected brownfields;
- Establish sustainable goals and objectives for area-wide revitalization and for redevelopment of strategic sites;
- Identify and establish the multi-agency and private-sector partnerships necessary to leverage assistance and investments to revitalize downtowns, neighborhoods, and communities;
- Address environmental justice concerns and promote environmental equity in areas that may be burdened by negative environmental consequences; and
- Engage in activities to implement the community's vision after BOA designation by Department of State.

It is expected that BOA Nominations developed locally through this program will then be submitted to the Secretary of State in support of a request for BOA designation. BOA designation conveys certain benefits to an area that promotes redevelopment consistent with the vision, goals and

objectives outlined and reported in the BOA Nomination. Applications for pre-development and environmental site assessment activities are expected to implement the vision, goals and objectives of the State-Designated BOA.

The BOA Program is a reimbursement program. State assistance awarded and paid through the BOA Program shall not exceed 90% of the total eligible project costs set forth in the application and approved by the Department. Upon execution of a state-assistance contract, BOA Program grantees may request an advance payment of up to 25% of the total grant. Such advance payment requests are subject to the Department's approval and the availability of funds.

This Request for Applications is available at <https://dos.ny.gov/funding-bid-opportunities>.

Proposed projects that are part of the following initiatives will be looked upon favorably by the Regional Economic Development Councils:

Downtown Revitalization Initiative and Strategic Community Investment

Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization and strategic place making through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses - creating dynamic neighborhoods where tomorrow's workforce will want to live, work, and raise a family. Projects should reflect the general principles of smart growth and sustainable development.

Improving Access to Child Care

Despite record investments in child care, many New Yorkers still struggle to access high quality child care. This issue forces families to choose between quality child care and employment or places families in the position to use unlicensed child care providers. Applicants should provide any information about their project that works to improve access to child care.

Environmental Justice

Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As we transition to a greener economy, it is imperative that no subset of the population be marginalized or left behind. Applicants should provide any information about how their project actively works to address these issues.

II. ELIGIBLE APPLICANTS

Eligible applicants are municipalities, community-based organizations and New York City community boards, as defined below:

Municipality – A municipality is defined as a city, village, town, county, local public authority, public benefit corporation, school district, or special improvement district, or an Indian nation or tribe recognized by New York State or the United States with a reservation wholly or partially within the boundaries of New York State.

Community Based Organization - A community-based organization must be a not-for-profit corporation under Section 501(c)(3) of the Internal Revenue Code at the time of application. In addition, its stated mission must be to promote reuse of brownfield sites or community revitalization within the geographic area in which the community-based organization is located; it

must have 25 percent or more of its Board of Directors residing in the community in such area; and it must represent a community with a demonstrated financial need.

Community Board – A Community Board is unique to New York City and is defined and described in Section 2800 of the New York City Charter.

Joint Applications

Two or more eligible applicants are encouraged to work in partnership and jointly apply for funding for a BOA project that would improve an area of mutual interest or concern. Joint applicants should identify the municipality, community-based organization, or community board that the Department should recognize as the primary applicant for all purposes, including contract award.

III. FUNDING OPPORTUNITY

The Department is making approximately \$3,500,000 available for BOA Program grants for the eligible activities identified in Section IV, below.

State assistance awarded and paid to a grant recipient shall not exceed 90% of the total eligible project cost.

The maximum for each grant awarded under this solicitation is \$300,000. There is no minimum State assistance request.

IV. ELIGIBLE ACTIVITIES

Three types of activities are eligible for funding as BOA projects:

- (1) Development of a BOA Nomination,
- (2) Undertaking Pre-Development Activities within a State-Designated BOA.
- (3) Phase II Environmental Site Assessments within a State-Designated BOA.

An application may include multiple projects, however they must all be for the same type of activity as listed above. Eligible applicants wishing to apply for more than one type of activity should submit separate applications, one for each activity type.

(1) Development of a BOA Nomination

A BOA Nomination is a study that consists of a community vision, goals and strategies for revitalization of an area affected by a concentration of known or suspected brownfields. A full Nomination provides an in-depth and thorough description and analysis -- including an economic and market trends analysis -- of existing conditions, opportunities, and re-use potential for properties located in the proposed Brownfield Opportunity Area with an emphasis on the identification and reuse potential of strategic brownfield sites that may be catalysts for revitalization. An integral part of a Nomination is a description of key findings and recommendations to promote area-wide revitalization and redevelopment of strategic sites, including specific projects, initiatives, regulations, and other actions. Nominations may also include, as appropriate, detailed analyses and recommendations to advance redevelopment of strategic sites such as conceptual site design, cost estimation, artist renderings, development of pro formas, and marketing strategies.

Achieving revitalization goals requires broad community support, strong partnerships, and sufficient local and regional capacity to overcome obstacles. Therefore, the preparation of a BOA Nomination is expected to include robust community and stakeholder engagement as well as specific actions to develop partnerships and build the local capacity necessary to realize implementation of the plan.

Applicants may apply for funding to prepare or complete a BOA Nomination that contains all the elements necessary to support a request for designation of the BOA by the Secretary of State and must commit to making such a request when the BOA Nomination is deemed complete by the Department of State.

Nomination elements required for designation of a BOA can be found in the BOA Designation Guidance, which is available on the Department's website at <https://dos.ny.gov/system/files/documents/2020/09/boa-designation-guidance-fact-sheet.pdf>

A generic BOA work plan which describes the tasks necessary to prepare a BOA Nomination is also available at <https://dos.ny.gov/funding-bid-opportunities>

(2) Undertaking Pre-Development Activities within a State-Designated BOA

Applicants may apply for funding for pre-development activities within a BOA that has been designated by the Secretary of State. These activities should advance the goals and priorities for revitalization and redevelopment of the area as expressed in the BOA Nomination completed for the State-designated BOA. A list of State-designated BOAs is available on the Department website: <https://dos.ny.gov/brownfield-redevelopment>

Eligible pre-development activities include:

- a) Development and implementation of marketing strategies;
- b) Development of plans and specifications;
- c) Real estate services;
- d) Building conditions studies;
- e) Infrastructure analyses;
- f) Zoning and regulatory updates;
- g) Environmental, housing and economic studies, analyses and reports; and
- h) Public outreach.

Pre-development activities should be well-defined with each activity, or set of related activities, being organized as a separate project component in the proposed scope of work. Each component shall have clearly defined deliverables and a detailed budget.

(3) Undertaking of Phase II Environmental Site Assessments within a State-Designated BOA

The purpose of a Phase II Environmental Site Assessment (SA) is to gather reliable information about a property's environmental condition in order to guide the grantee in making an informed land use decision under the BOA Program. The ASTM standard for Phase II Environmental Site Assessments does not include the level of technical specificity required to select and design a remedy for the property, but it does provide flexibility in determining the level of assessment and is appropriate for the land use planning stage of the redevelopment process.

Applicants may apply for SA funding within a State-designated BOA. A list of State-designated BOAs is available on the Department website: <https://dos.ny.gov/brownfield-redevelopment>.

For purposes of a SA, a site is defined around one or more areas of environmental concern and may include more than one contiguous tax parcel. The site must have definitive and identifiable boundaries. Each site for which SA funding is being sought must meet the criteria and conditions set forth herein. The completion of an environmental site assessment must advance the goals and priorities for revitalization and redevelopment of the BOA area. Phase II Environmental Site Assessments must meet the criteria established in the *Phase II Application for Site Assessment Supplement* and the following conditions.

To be eligible for a Phase II Environmental Site Assessment in the BOA Program, a site;

- cannot be on the Federal National Priority List;
- cannot be listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites as a Class 1 or 2 Site;
- cannot be a permitted Resource Conservation and Recovery Act site under ECL Article 27, Title 9. Interim status sites, however, are eligible;
- cannot be subject to an order for cleanup under Article 12 of the Navigation Law or Title 10 of Article 17 of the Environmental Conservation Law. If the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement;
- cannot be subject to an enforcement action under a State or Federal remedial program;
- must be owned by party that is not responsible for site contamination. The owner must be either a **volunteer** or a **municipality**, as defined below:
 - o **volunteer** (as defined in the Brownfield Cleanup Program, 6NYCCR 375-3.2): an applicant other than a participant, including without limitation a person whose liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants, provided however, such person exercises appropriate care with respect to contamination found at the facility by taking reasonable steps to:
 - (i) stop any continuing release;
 - (ii) prevent any threatened future release; and
 - (iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination;
 - o **municipality** (as defined in the Environmental Restoration Program, 6NYCCR 375-4.2 and 4.3(b)(1)): a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or tribal nation recognized by the state or the United States with a reservation wholly

or partly within the boundaries of New York State, or any combination thereof. Such term shall not refer to a municipality that generated, transported, or disposed of, arranged for, or that caused the generation, transportation, or disposal of hazardous substance located at the proposed site.

A municipality is not considered a generator, transporter, or arranger:

- (i) for having rendered care, assistance, or advice in the course of an incident creating a danger to public health or welfare or to the environment as a result of any release of a contaminant or the threat of same; or
- (ii) for having leased a site to another party that generated, transported or disposed of, or that arranged for or caused the generation, transportation or disposal of, any contaminant on such site unless such municipality knew that such other party generated, transported or disposed of, or arranged for or caused the generation, transportation or disposal of, such contaminant and failed to take any action to remediate, or cause the remediation of such contaminant;

- must be accessible to the applicant in order to perform the site assessment;
- must be located within a State designated BOA.
- must have been determined a “brownfield” by DOS during Step 2 of the BOA process. A “brownfield” is defined as any real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant;
- must require additional environmental information to determine technically and economically viable land uses for the BOA; and
- may be contaminated as a result of an on-site or off-site source.

In determining site eligibility, the State will not consider the following:

- contamination of structures located at the site, due to stored materials, electrical appurtenances, lead paint, or asbestos, etc; or
- material not constituting “contaminants” as defined in 6NYCCR 375-1.2 (e.g. construction and demolition debris, abandoned consumer goods or material disposed at the site otherwise defined as solid waste as set forth in regulation).

Costs associated with the assessment of asbestos or lead paint inside a structure may be eligible if this information is required to determine technically and economically viable land uses for the BOA. However, if the scope of the site assessment is almost exclusively the assessment of indoor asbestos or lead paint, the proposed site assessment will not be eligible. In addition, no other costs associated with the assessment of indoor conditions (e.g. soil vapor) are eligible.

Department of State guidance on Phase II Environmental Site Assessments is found in the BOA *Site Assessment Supplement Package* which is available at <https://dos.ny.gov/funding-bid-opportunities>

Phase II Environmental Site Assessments (SA) applications will be evaluated on a pass/fail basis for eligibility and then evaluated per the scoring criteria outlined in Application Evaluation Criteria below.

Site eligibility for a SA in the BOA Program does not guarantee site eligibility in the New York State Brownfield Cleanup Program.

V. ELIGIBLE AND INELIGIBLE COSTS

Eligible Costs

Costs must be adequately justified and directly support the project. Proposed costs must be essential to project completion. Eligible costs include the following:

- (a) **Personal Services** – Personal services include direct salaries, wages, and fringe benefits of grantee employees for activities related to project work, including project management and grant administration. Fringe benefits must be outlined in the application and include the organization’s documented rate.
- (b) **Non-Personal Services** – Non-personal services include consultant/contractual services for direct project related costs, project management, and limited grant administration; project-related supplies and materials; necessary travel; and other goods and services required to complete the project.

Notes:

Project management activities may include, but are not limited to, oversight and coordination of tasks needed to produce contractual deliverables, coordination of steering committee activities, consultant procurement and oversight, public outreach, and developing or providing local and/or regional capacity to advance revitalization goals.

Grant administration may include, but is not limited to, activities undertaken to comply with grant budgeting, record keeping and reporting requirements, such as preparation and submission of payment vouchers and other documents required under the grant. Grant administration may not exceed 15% of the award amount or \$50,000, whichever is less.

Sub-contracts for consultant/contractual services should be competitively procured based on the applicable provisions of New York State General Municipal Law and additional requirements as described in this RFA.

Ineligible Costs

Ineligible costs include the following:

- (a) Indirect or overhead costs, such as rent, telephone service, general administrative support, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.

- (b) Salaries and other expenses of elected officials.
- (c) Costs incurred outside of the contract term.
- (d) Costs that are not adequately justified or that do not directly support the project.

Notes:

Ineligible costs will be eliminated from the total project costs in the grant application.

VI. PRE-SUBMISSION REQUIREMENTS

Requirements for all Applications

All applicants must submit a resolution adopted by the applicant's governing authority that authorizes submission of the application and identifies the title of the applicant's authorized representative. A standard resolution template is available on the Department website at the following address: <https://dos.ny.gov/funding-bid-opportunities>

Requirements for all Applications for Development of a BOA Nomination

Applicants requesting funding to develop a BOA Nomination must comply with the following minimum community participation activities prior to submitting an application: (1) provide a public comment period of at least thirty (30) days on a draft application; and (2) hold a public meeting on the draft application. Documentation demonstrating compliance must be submitted with the application, including a copy of a public notice for the comment period and meeting, a record of comments received, and the public meeting attendance list and minutes or summary of the meeting.

Requirements for all Applications requesting Phase II Environmental Site Assessment in a State Designated BOA

Applicants requesting funding for Phase II Environmental Site Assessments within a State designated BOA must submit a completed *Site Assessment Supplement* form and related attachments for each site for which funding is being requested.

Requirements for all Applicants from a Community-Based Organization

A Community-Based Organization must register and be pre-qualified through the NYS Grants Gateway on or before the application due date. Such applicants will be required to submit documentation of registration and pre-qualification with the NYS Grants Gateway, to include: (1) the Document Vault Identifier (i.e., GDV-XXXXX-XXXX); and (2) the State Pre-Qualification Application Status Report. Information on this process is available at: <http://www.grantsreform.ny.gov/Grantees>

An application submitted by a Community-Based Organization for funding to develop a BOA Nomination must include a resolution of support from the city, town or village with planning and land use authority over the proposed BOA, except that in New York City, the resolution of support must be from the community board or boards for the district or districts in which the proposed BOA is located.

VII. AWARD METHOD

A total score of 100 points is possible for any application (see VIII. Application Evaluation Criteria for more information).

The Department will fund the highest scoring applications until the allocated funds are exhausted. Approximately \$3,500,000 is anticipated for awards for 2021 BOA Program grants.

The Department may make an award in whole or in part and may offer partial funding if a particular component is ineligible or not ready to move forward. The Department may offer partial funding to an applicant if its application cannot be fully funded within the funds remaining; if the applicant declines the partial funding, funding may be awarded to the next highest-scoring unfunded application. In the event that an awardee fails to satisfactorily negotiate a proper contract within a reasonable period of time, that funding may be awarded to the next highest-scoring unfunded application.

In the event that another NYS agency fully funds a high scoring project through the CFA process, the awardee will receive funding from only one state agency. The Department will work with other NYS agencies to ensure that duplication of funding does not occur. In the event that an applicant receives full funding from another agency, the Department reserves the right to award full or partial funding to the next highest scoring unfunded application.

The opportunity to be debriefed will be provided, upon request, to unsuccessful applicants. Requests must be made in writing within 15 business days of notification of status of award.

In the event unsuccessful applicants wish to protest the award resulting from this RFA, the applicants should follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the Guide to Financial Operations (GFO), available on-line at: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>.

VIII. APPLICATION EVALUATION CRITERIA

Applications will be reviewed according to the specific criteria presented below.

Threshold Criteria

- a) The application must be submitted by an eligible applicant as previously defined.
- b) The application must be for an eligible activity as previously defined.
- c) Pre-submission requirements, as detailed in Section VI of this RFA, have been met.
- d) BOA Site Assessment Supplement (SA) Applications will be evaluated on a pass/fail basis for eligibility. SA applications that fail eligibility will not be evaluated under the Program Criteria and will be disqualified.

Applications submitted by ineligible applicants or where all eligible activities are ineligible will result in immediate disqualification of the application and the application will not be evaluated further.

Program Criteria (maximum 100 points)

Applications meeting the threshold criteria will be evaluated to assess the degree to which they meet all program criteria. “BOA project” or “project” used herein means the eligible activity or activities proposed for funding in an application.

(1) Applications to prepare a BOA Nomination: Presence and Impact of Known or Suspected Brownfields (maximum 12 points)

- Extent to which the area demonstrates presence of known or suspected brownfields, including vacant, underutilized, deteriorated and abandoned properties.
- Extent to which evidence is presented of economic distress, risk to public health, or other negative impacts of the known or suspected brownfields on the proposed BOA.
- Extent to which area contains known or suspected brownfields that present strategic opportunities to stimulate economic development, community revitalization or the siting of public amenities.

OR

(1) Applications for pre-development projects and phase II environmental site assessments within a State-Designated BOA: Community Vision and Strategic Opportunities (maximum 12 points)

- Extent to which the proposed project will advance the vision and goals of the BOA program as defined by the community in the BOA Nomination for the area.
- Extent to which the project is consistent with the objectives, desired redevelopment and priorities for investment stated in the BOA Nomination.
- Extent to which the project relates to strategic opportunities presented by brownfields to stimulate economic development, community revitalization or the siting of public amenities.

(2) Indicators of Economic Distress (maximum of 6 points)

The State-Designated BOA or the proposed brownfield opportunity area is characterized by one or more of the following:

- Poverty rate over 15 percent.
- Median family income less than 50 percent of the surrounding area’s median income.
- Unemployment rate 125 percent or greater than the statewide unemployment rate.
- 25 percent or more of the area is vacant, abandoned, or otherwise available for industrial or commercial development.
- Located in a federally-designated Opportunity Zone or an Environmental Zone (En-Zone) as defined by the New York State Department of Environmental Conservation.
- Demonstrated disparity compared to the surrounding community when comparing income, property values, vacancy rates, or other relevant indicators of distress.

(3) Local Capacity & Partnerships (maximum of 6 points)

- An effective organizational and staffing structure exists to advance and complete the project.
- Support of the project by multiple entities, including but not limited to municipalities, community-based organizations, and/or NYC Community Boards is demonstrated.
- Project will be carried out jointly by a municipality and a community-based organization and/or NYC Community Boards in partnership.

(4) Public and Stakeholder Support *(maximum of 6 points)*

- Local leadership supports and is committed to the goals of the BOA project.
- Evidence is provided of public support for the project.
- Evidence is provided of support from stakeholder(s) directly impacted by the BOA project.

(5) Economic Value *(maximum of 8 points)*

- The project identifies explicit opportunities to assist the community with economic recovery from the impacts of the COVID-19 disaster.
- An ability to support small businesses with long-term economic recovery from the COVID-19 disaster is demonstrated.
- The project offers strategic opportunities to stimulate economic development through redevelopment of known or suspected brownfields.
- The project has potential to generate new and expanded economic activity in the proposed or State-Designated BOA and in the surrounding region.
- The project has potential to increase housing choice for new and existing residents.
- The project has potential to expand job opportunities and eliminate barriers to employment, especially in distressed and high-need areas.
- Planned or actual efficient use or protection of public investment in resources and infrastructure is described.
- Leverage or potential leverage of direct or indirect private investment is demonstrated.

(6) Environmental Value *(maximum of 6 points)*

- The project will promote positive public health outcomes and/or avoid or mitigate negative public health outcomes, especially in underserved and distressed communities, through the clean-up of significant brownfield sites and other activities.
- Proposed actions have the potential to mitigate the impacts of climate change through reduction of carbon emissions and/or increase in community resiliency.
- The project includes the potential to enhance, protect or restore natural resources and promote green infrastructure.

(7) Public Value *(maximum of 6 points)*

- The project supports a mix of land uses and concentration of new development in urban centers where infrastructure and public services are adequate.
- Potential to expand access to public open space, historic and cultural resources, and other public amenities in underserved areas is described.
- Dynamic, diverse neighborhoods may result from creating opportunities for development of transformative housing, transportation and community projects that include integration of all income, ethnic and age groups, including new Americans (immigrants and refugees) and veterans.

(8) Scope of Work *(maximum of 10 points)*

- A list of project deliverables is included, that is consistent with program objectives.
- The scope of work clearly defines what is to be done; where and how it will be done; who will do it; and when it will be completed.
- The application includes a realistic schedule and timeline that includes major tasks, milestones, and completion dates.
- An effective approach and process that will be followed to ensure ongoing and inclusive public participation and engagement during project development is described.

- Demonstrates that the public and stakeholders who would be affected by, or who can advance the project, will be engaged in project planning and implementation.

(9) Evaluation of Budget and Cost (*maximum of 20 points*)

- The application describes and documents how the budget and cost were determined and identifies the person(s) responsible for compiling the budget including the relevant experience and background of all parties and the method/approach used to arrive at estimates. (*Maximum of 5 points.*)
- The budget narrative clearly demonstrates amount, type, and source of eligible local match and demonstrates identified eligible match sources have been secured. (*Maximum of 5 points.*)
- The budget includes adequate detail for all project components involved, is cost-effective, presents necessary and realistic costs, and does not contain extraneous or ineligible expenses. Budget is accurate and thorough. Budget narrative includes an explanation for the estimate of each budget line and clearly supports the applicant's need for financial resources requested to achieve project outcome. Budget narrative describes how the grant recipient will monitor expenditures during the life of the project to ensure that the project stays on schedule and within budget. (*Maximum of 10 points.*)

(10) Regional Support (*maximum of 20 points*)

- The REDC for the region in which the project is located, and which is comprised of local experts and stakeholders from business, academia, municipal, and non-governmental organizations, will rate the degree to which the project advances the regional strategic plan and aligns with regional priorities.

IX. NEW YORK STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

Awards made through this grant program shall be consistent with the State's Smart Growth Public Infrastructure Policy Act (Environmental Conservation Law, Article 6), where applicable.

X. CONTRACT REQUIREMENTS

Standard Cost Reimbursement Contract

Each successful applicant must enter into a standard cost reimbursement contract with the Department, which includes this Request for Applications, the successful applicant's proposal, an agreed upon work program, any other attachments or exhibits, and the standard clauses required by the NYS Attorney General for all state contracts including Attachment A along with Article 15-A of the New York Executive Law.. The contract will be: 1) subject to approval by the Attorney General and State Comptroller; 2) required to submit final products in both hard copy and electronic format; 3) subject to payment only upon proper documentation and compliance with reimbursement procedures; and 4) subject to all other contractual requirements. (A copy of a standard contract along with Attachment A and Article 15-A is available from the Department.)

To ensure that funds are awarded to applicants that are ready to move forward, the Department of State reserves the right to rescind an award if the state contract is not signed and returned within a reasonable period of time. Expenses incurred prior to the start date of the state contract cannot be reimbursed.

Compliance with Procurement Requirements

Municipalities

All contracts by municipalities for service, labor, and construction involving not more than \$35,000 and purchase contracts involving not more than \$20,000 are subject to the requirements of General Municipal Law §104-b, which requires such contracts to comply with the procurement policies and procedures of the municipality involved. All such contracts shall be awarded after and in accordance with such municipal procedures, subject to the Minority or Women-Owned Business Enterprise (MWBE) requirements as set forth below in Appendix 1 and any additional requirements imposed by the State as set forth in Attachment C of the Master Contract.

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify to the Department of State that applicable public bidding procedures of General Municipal Law §103 were followed for all service, labor, and construction contracts involving more than \$35,000 and all purchase contracts involving more than \$20,000. In the case of contracts by municipalities for service, labor, and construction contracts involving not more than \$35,000 and purchase contracts involving not more than \$20,000, the municipal attorney, chief legal officer or financial administrator shall certify that the procedures of the municipality established pursuant to General Municipal Law §104-b were fully complied with, in addition to the MWBE requirements.

The municipal attorney, chief legal officer or financial administrator for the municipality shall certify to the Department of State that alternative proposals and/or quotations for professional services were secured by use of written requests for proposals through a publicly advertised process. This certification will verify that the procurement requirements were met and ensure the prudent and economical use of public funds for professional services of maximum quality at reasonable cost.

Not-for-Profit Community-Based Organizations

The chief legal officer or financial administrator of the community-based organization, which is a grant recipient and serves as State Contractor, shall certify to the State that alternative proposals and quotations for professional services were secured by use of written requests for proposals through a publicly advertised process satisfactory to meet the MWBE requirements set forth below and to ensure the prudent and economical use of public funds for professional services of maximum quality at reasonable cost.

Community Boards (in New York City)

Chapter 70 of the New York City Charter provides for the creation of community boards for each community district that has been established in the City. Such community boards do not exist outside of New York City.

Each community board in New York City must comply with all laws, regulations, rules and procedures that govern each such board's procurement of contracts, goods and services, and shall certify compliance with such laws, regulations, rules and procedures to the State. Community boards must also certify to the State that all applicable MWBE requirements, including those that are set forth below, have been met.

Record Retention and Audits

The successful applicant shall establish and maintain, in paper or electronic format, complete and accurate books, records, documents, receipts, accounts, and other evidence directly pertinent to its performance under the Master Contract with the Department of State. Payment requests may be subject to periodic reviews. The successful applicant will be required to agree to produce and retain for the balance of the term of the Master Contract, and for a period of six years from the later of the date of (i) the Master Contract and (ii) the most recent renewal of the Master Contract, any and all records necessary to substantiate upon audit, the proper deposit and expenditure of funds received under the Master Contract. Such records may include, but not be limited to, original books of entry (e.g., cash disbursements and cash receipts journal), and the following specific records (as applicable) to substantiate the types of expenditures noted (i) personal service expenditures: cancelled checks and the related bank statements, time and attendance records, payroll journals, cash and check disbursement records including copies of money orders and the like, vouchers and invoices, records of contract labor, any and all records listing payroll and the money value of non-cash advantages provided to employees, time cards, work schedules and logs, employee personal history folders, detailed and general ledgers, sales records, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (ii) payroll taxes and fringe benefits: cancelled checks, copies of related bank statements, cash and check disbursement records including copies of money orders and the like, invoices for fringe benefit expenses, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (iii) non-personal services expenditures: original invoices/receipts, cancelled checks and related bank statements, consultant agreements, leases, and cost allocation plans, if applicable, (iv) receipt and deposit of advances and reimbursements: itemized bank stamped deposit slips, and a copy of the related bank statements.

Minority and Women-Owned Business Enterprise Participation

Applicants must submit the MWBE Compliance Form with their application confirming their understanding of the MWBE requirement and agreeing to show due-diligence and make good faith efforts to provide meaningful participation by MWBE's, whenever possible, if awarded the contract.

Contract Period

Subject to the continued availability of funds in the budget, the contract period shall not exceed five years from the start of the project. No extensions are anticipated. The earliest start date of contracts is April 1, 2021. Upon request by the grant recipient, with a showing of good cause, the contract start date may be set to a date in the future not to exceed 12 months beyond the contract execution date. Special consideration for extensions due to extreme extenuating circumstances will only be granted on a case-by-case basis.

XI. SATISFACTORY PROGRESS

Grant recipients must sign and return to the Department the BOA state assistance contract within a reasonable time after notification of funding award and receipt of the contract. In addition, the grant recipient must complete the project as set forth in the agreed upon work program for the contract. Failure to render proof of satisfactory progress in signing and returning the contract or to complete the project to the satisfaction of the State may be deemed an abandonment of the project and may cause the suspension or termination of any obligation of

the State. Satisfactory progress toward implementation includes, but is not limited to, executing contracts and submitting status reports and payment requests in a timely fashion, retaining consultants, written certification of compliance with procurement requirements, completing plans, designs, reports, or other tasks identified in the work program within the time allocated for their completion. The Department may recapture awarded funds if satisfactory progress is not being made on the implementation of a grant project. Applicants should not submit applications if they do not expect to initiate the project within a reasonable time period after receiving an executed contract and will not be able to complete the project within the time period cited in the application.

XII. GENERAL SPECIFICATIONS

1. By signing the "Application Form" each applicant attests to its express authority to sign on behalf of the applicant(s) and to the accuracy of the information contained therein. Applications containing false or inaccurate information may be disqualified upon verification of information by the Department.
2. Contractors will possess, at no cost to the State, all qualifications, licenses and permits to engage in the required business as may be required within the jurisdiction where the work specified is to be performed. Workers to be employed in the performance of this contract will possess the qualifications, training, licenses and permits as may be required within such jurisdiction.
3. Submission of any application indicates the applicant's acceptance of all conditions and terms contained in this RFA, including the terms and conditions of the contract between the applicant(s) and the Department acting for and on behalf of the State.
4. Provisions upon default:
 - a) The services to be performed by the applicant shall be at all times subject to the direction and control of the Department as to all matters arising in connection with or relating to the contract resulting from this RFA.
 - b) In the event that the applicant, through any cause, fails to perform any of the terms, covenants or promises of any contract resulting from this RFA, the Department acting for and on behalf of the State, shall thereupon have the right to terminate the contract by giving notice of the fact and date of such termination to the applicant.
 - c) If, in the judgment of the Department, the applicant acts in such a way which is likely to or does impair or prejudice the interests of the State, the Department acting on behalf of the State, shall thereupon have the right to terminate any contract resulting from this RFA by giving notice of the fact and date of such termination to the contractor. In such case, the contractor shall receive equitable compensation for such services as shall, in the judgment of the Department, have been satisfactorily performed by the contractor up to the date of the termination of this agreement, where such compensation shall not exceed the total cost incurred for the work in which the contractor was engaged at the time of such termination, subject to audit by the State Comptroller.
5. The Department reserves the right, including but not limited, to:
 - a) Reject any or all applications received in response to this RFA.
 - b) Withdraw the RFA at any time, at the agency's sole discretion.
 - c) Make an award under the RFA in whole or in part.
 - d) Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA.
 - e) Seek clarifications and revisions of applications.

- f) Use application information obtained through site visits, management interviews and the State's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or information submitted by the applicant in response to the Department's request for clarifying information in the course of evaluation and/or selection under the RFA.
- g) Prior to the application due date, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available.
- h) Prior to the application due date, direct applicants to submit application modifications addressing subsequent RFA amendments.
- i) Change any of the scheduled dates.
- j) Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders.
- k) Waive any requirements that are not material.
- l) Negotiate with applicants responding to this RFA within the scope of the RFA to serve the best interests of the State.
- m) If unsuccessful in negotiating a state contract with the selected applicant within an acceptable time frame, the Department may begin state contract negotiations with the next ranked qualified applicant(s) in order to serve and realize the best interests of the State.
- n) Utilize any and all ideas submitted in the applications received.
- o) Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an application and/or to determine an applicant's compliance with the requirements of the solicitation.
- p) Waive or modify minor irregularities in applications received.
- q) Make awards based on geographic distribution.
- r) Not to fund an application that fails to submit a clear and concise work plan or budget.
- s) Adjust or correct cost figures with the consent of the applicant if errors exist and can be documented to the satisfaction of the Department.
- t) Award more than one contract resulting from this RFA.
- u) In its sole discretion, determine the total number of awards to be granted pursuant to this RFA.
- v) Offer partial or no funding to any applicant if its application cannot fulfill its proposed program within the funding restrictions herein.
- w) Make additional awards if funding becomes available.
- x) Require reporting on forms designed for use solely for this procurement.
- y) Not to make any awards pursuant to this RFA. This RFA does not commit the Department to award any contracts, to pay the costs incurred in the preparation of a response to this RFA, or to procure or contract for services.

Appendix 1

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK STATE-CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES, EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN, AND SERVICE-DISABLED VETERAN-OWNED BUSINESSES

I. MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES PARTICIPATION

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations the Department of State (Department) is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of Department contracts.

Business Participation Opportunities for MWBEs

The Department’s New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) utilization goal is 30%. For purposes of this solicitation, the specific MWBE goal and the breakdown between the Minority-owned Business Enterprise (“MBE”) and the Women-owned Business Enterprise (“WBE”) utilization goals shall be established post award and set forth in the Department contract, in the Attachment B “Budget” (based on the current availability of MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFA, the respondent agrees that the Department may withhold payment pursuant to any Contract awarded as a result of this RFA pending receipt of the required MWBE documentation.

The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com/frontend/vendorsearchpublic.asp>. For guidance on how the Department will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the broker’s contract.

FOR CONSTRUCTION CONTRACTS – The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60 percent of the total value of the supplier’s contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE.

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFA, such finding constitutes a breach of contract and Department may withhold payment as liquidated damages. Such liquidated damages shall be calculated as

an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Department. As a contractor of New York State, you have a responsibility to utilize certified minority- and/or women-owned businesses in the execution of your contracts, per the MWBE percentage goals stated in your solicitation, proposal or contract documents. Through the NYSCS you will submit utilization plans, request subcontractors, record payments to subcontractors, and communicate with your project manager throughout the life of your awarded contracts.

Applicants are required to submit the MWBE Compliance Form with their application.

Additionally, successful applicants will be required to submit the following documents and information within ten (10) business days after the applicant receives notice from the Department that the grant is being awarded as evidence of compliance with the foregoing:

An MWBE Utilization Plan (**Form D**) or a Certification Letter (**Form D-1**) stating their commitment to show due-diligence to comply with the MWBE goals and requirements. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to the Department for review and approval.

The Department shall review the submitted MWBE Utilization Plan or Certification Letter and issue a written notice of acceptance or notice of deficiency within 20 days of receipt of utilization plan or certification letter.

If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the Department, at the address provided below, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by the Department to be inadequate, the Department shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the proposal.

Please see details under “**Additional Notices and Explanations Regarding the MWBE Program and this Request for Applications.**”

Department may disqualify a respondent as being non-responsive under the following circumstances:

- a) If a respondent fails to submit an MWBE Utilization Plan or certification letter;
- b) If a respondent fails to submit a written remedy to a notice of deficiency;
- c) If a respondent fails to submit a request for waiver; or
- d) If Department determines that the respondent has failed to document good faith efforts.

Successful applicant(s) will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to the Department, but must be made no later than prior to the submission of a request for final payment on the Contract.

Successful applicant(s) will be required to submit a quarterly M/WBE Contractor Compliance & Payment Report to the Department, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

Equal Employment Opportunity Requirements

By submission of a proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of the New York State Master Grant Contract, Section IV (J) - Equal Employment Opportunities for Minorities and Women. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

Additionally, successful applicants will be required to submit the following documents and information within ten (10) business days after the applicant receives notice from the Department that the grant is being awarded as evidence of compliance with the foregoing:

- A. Submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement (**Form A**) to the Department.
- B. Submit a Workforce Utilization Report (**Form C**) and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by the Department on a quarterly basis during the term of the Contract, to the Bureau of Fiscal Management at: Email: dos.sm.mwbe@dos.ny.gov

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Additional Notices and Explanations Regarding the MWBE Program and Successful Applications to this Request for Applications:

If your project is selected for an award, you will be required to show due diligence to comply with all the MWBE contractual requirements, including meeting the goals for certified MWBE firms participation as stated in your Contract and in accordance with NYS Executive Law Article 15-A.

If an applicant chooses to move forward with a project prior to any award announcement, they are responsible for meeting MWBE requirements established by the State of New York. The requested plan, as described herein, is intended to help an applicant think about how to comply with the regulations and provide information showing their due-diligence to comply with the MWBE requirements.

Successful applicants notified by the NYS Contract System (System) that a record for the submission of the utilization plan has been created, must comply with this requirement by entering the Utilization Plan data in the System through the Statewide Utilization Management Plan (SUMP) module.

If you are unable to comply with the MWBE goals, you must request a waiver of these requirements by submitting to the Department the REQUEST FOR WAIVER FORM E, found on the Department funding page, for processing. Please note that the following information will be required to secure the waiver (all items may not apply to your case, but provide information and documentation for those that apply):

1. A DETAILED statement with the project description (any special characteristics, needs, specifications, etc.), and an explanation setting forth your basis and justification for requesting a partial or total waiver of the MWBE goals.
2. The names of general circulation, trade association, and MWBE-oriented publications in which you solicited certified MWBEs for the purposes of complying with your participation goals related to this Contract.
3. A list identifying the date(s) that all solicitations for certified MWBE participation were published in any of the above publications.
4. A list of all certified MWBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified MWBE participation levels.
5. Documentation of your search in the NYS Directory of Certified Firms (e.g.: Printouts, screenshots).
6. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation, if an identical solicitation was made to all certified MWBEs. Any information and/or documentation to support the efforts to follow up with the MWBEs.
7. Copies of responses to your solicitations received by you from certified MWBEs
8. A description of any contract documents, plans, or specifications made available to certified MWBEs for purposes of soliciting their proposals and the date and manner in which these documents were made available.
9. Documentation of any negotiations between you and the MWBEs undertaken for purposes of complying with the certified MWBE participation goals.
10. Any other information you deem relevant which may help us in evaluating your request for a waiver.
11. The name, title, address, telephone number, and email address of your representative authorized to discuss and negotiate this waiver request.

12. Copy of notice of application receipt issued by Empire State Development (ESD), if subcontractors are not certified MWBE, but an application has been filed with ESD.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

II. SERVICE-DISABLED VETERAN-OWNED BUSINESSES PARTICIPATION

Article 17-B of the Executive Law, enacted in 2014, authorized the creation of the Division of Service-Disabled Veterans' Business Development to promote participation of Service-Disabled Veteran-Owned Businesses (SDVOBs) in New York State contracting. The Service-Disabled Veteran-Owned Business Act recognizes the veterans' service to and sacrifice for our nation, declares that it is New York State's public policy to promote and encourage the continuing economic development of service-disabled veteran-owned businesses, and allows eligible Veteran business owners to become certified as a New York State Service-Disabled Veteran-Owned Business (SDVOB), in order to increase their participation in New York State's contracting opportunities. To this effect, the Department has implemented a Veteran-Owned Businesses (SDVOB) Program, as mandated by Article 17-B.

To comply with the SDVOB Program goals of 6%, the Department strongly encourages grantees to make every effort, to the maximum extent possible, to engage certified SDVOBs in the purchasing of commodities, services and technology in the performance of their contracts with the Department. If SDVOB utilization is obtained, a quarterly SDVOB utilization report should be submitted to the Department with information of the utilization percentage achieved during that quarter. Contractor Reporting Forms are found at: <https://ogs.ny.gov/Veterans/>.

The Division of Service-Disabled Veterans' Business Development (DSDVBD) is housed within the New York State Office of General Services (OGS), and maintains a directory of the NYS Certified SDVOBs. For assistance with engaging SDVOB vendors in your contracts, please contact the Division of Service-Disabled Veterans' Business Development at the following email address: VeteransDevelopment@ogs.ny.gov, or the DOS Bureau of Fiscal Management – SDVOB Program at dos.sm.sdvob@dos.ny.gov. The directory of certified SDVOB vendors can be found at: https://ogs.ny.gov/Veterans/Docs/CertifiedNYS_SDVOB.pdf.

Smart Growth Comprehensive Planning Grant Program **Funding Available: Up to \$1 million**

I. INTRODUCTION:

The Department is soliciting applications through the New York State Consolidated Funding Application (CFA) under the Environmental Protection Fund Smart Growth Program from eligible villages, towns, cities, counties, regional planning entities, and not-for-profit organizations to advance the preparation of municipal comprehensive plans to establish land use policies which support smart growth and clean energy principles for the community.

The comprehensive plan is one of the central land use planning tools for local governments in New York State. The comprehensive plan is most often a written document that articulates the community vision and goals for land use and economic development. State law requires zoning regulations (i.e., local law, ordinance) to be adopted in accordance with a comprehensive plan in towns and villages and in accordance with a well-considered plan in cities. A comprehensive plan should form the legal justification for zoning regulations and all other land use regulations adopted by a municipality and those regulations should be designed to implement the goals and policies set forth in the plan. Lack of a comprehensive plan, or an outdated comprehensive plan that no longer reflects the conditions and wishes of the community, can put a local government at risk of legal challenges to planning and zoning decisions.

A Comprehensive Plan is a short- and long- term planning document that sets forth land use policies that express a vision for the future as well as goals and actions to achieve that vision. The benefits of a Comprehensive Plan include:

- Providing a process for identifying community resources, long range community needs, and commonly held goals
- Providing a process for developing community consensus
- Providing a blueprint for future governmental actions

By preparing a Comprehensive Plan that addresses Smart Growth Principles, community stakeholders have the opportunity to evaluate local resources, develop goals and a comprehensive strategy for the best and most efficient use of those resources, propose future projects, and adopt a local plan that will guide appropriate development and promote Smart Growth.

An effective Comprehensive Plan should:

- include a strong public participation process to develop public consensus on a vision for the future through community visioning, public meetings and workshops, focus groups, charrettes, etc.
- identify regional and local assets, potential risks, and opportunities with regard to: development and infrastructure; natural resources; flooding and erosion hazards; resiliency; public access and recreation; historic and scenic resources; agricultural and forest lands; energy – including opportunities to develop solar and other clean energy at a variety of scales; water and air resources; and other social, cultural, economic and environmental interests
- determine appropriate land uses to implement community goals and objectives

- provide local organizational and legal structure, including the adoption of necessary zoning and land use regulations (i.e., ordinance, local laws)

Smart Growth encourages community planning and development in priority development areas where water and sewer infrastructure are available, encourages redevelopment of existing community centers, protects important historic and natural resources, including water quality, and promotes the siting and development of community clean energy sources. Comprehensive plans should incorporate Smart Growth principles to make the most efficient use of community resources, reduce the property tax burden and promote sustainable economic development.

New York communities are faced with increased risks related to climate change, such as more intense and frequent rain events, increased and extended droughts, greater coastal storm flooding, and prolonged increased temperatures. As a result, New York has passed the nation-leading Climate Leadership and Community Protection Act (Climate Act) to empower every New Yorker to fight climate change at home, at work, and in their communities. Comprehensive plans provide a mechanism for local governments to address climate risks on a local level while also planning for appropriate economic development. The Comprehensive Plan can set a course for clean, affordable, and reliable energy and transportation; safe and energy efficient businesses; protection of farmland and forestlands to avoid conversion of lands; and overall healthy communities. Thus, the comprehensive plan should support Climate Act goals, smart growth principles, consider asset risk assessments, and incorporate and advance carbon reduction/abatement, energy efficiency and renewable energy strategies.

Applications to prepare or update a municipal comprehensive plan may only include one plan per application. A comprehensive plan should address a wide range of planning issues including, but not limited to, appropriate physical development, economic development, transportation patterns, natural and built resource inventories, and population trends.

The Smart Growth Comprehensive Planning Grant is a reimbursement program. State assistance awarded and paid through the Smart Growth Comprehensive Planning Grant Program shall not exceed 90% of the total eligible project costs set forth in the application and approved by the Department.

Applicants are required to demonstrate that projects are ready to move forward. A contract period will not exceed three years. Special consideration for extensions due to extreme extenuating circumstances will only be granted on a case-by-case basis and only if significant progress has been demonstrated. Only applications for projects that can be completed within three years will be considered. Applicants will be required to prepare and submit a project work schedule and timeline that includes major tasks and milestones with completion dates for each.

This Request for Applications is available on the Department's website:
<https://dos.ny.gov/funding-bid-opportunities>.

Proposed projects that are part of the following initiatives will be looked upon favorably:

Downtown Revitalization Initiative and Strategic Community Investment

Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization and strategic place making through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses - creating dynamic neighborhoods where tomorrow's workforce will want

to live, work, and raise a family. Projects should reflect the general principles of smart growth and sustainable development.

Environmental Justice

Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As we transition to a greener economy, it is imperative that no subset of the population be marginalized or left behind. Applicants should provide any information about how their project actively works to address these issues.

Improving Access to Child Care

Despite record investments in child care, many New Yorkers still struggle to access high quality child care. This issue forces families to choose between quality child care and employment or places families in the position to use unlicensed child care providers. Applicants should provide any information about their project that works to improve access to child care.

II. ELIGIBLE APPLICANTS:

Eligible applicants are:

- Villages, towns, and cities;
- Counties and regional planning entities on behalf of a village, town or city;
- Eligible not-for-profit organizations on behalf of a village, town, or city. To be eligible for this grant opportunity, a not-for-profit organization must be :
 - Incorporated pursuant to New York State Not-For-Profit Corporation Law and
 - Approved for tax-exempt status under the Internal Revenue Service code on or before December 31, 2020.

An eligible applicant may apply for general planning needed to advance any of the eligible activities listed below in Section V.

Applicants may partner with counties or other organizations; however, only applications from eligible applicants will be evaluated for funding. Only the eligible applicant will be awarded a contract.

For applications submitted by a county, regional planning entity or non-profit organizations with the written consent and acting on behalf of a village, town, or city, the application must include a letter or resolution from each eligible municipality participating in the project which demonstrates the municipal consent and support for the application.

III. FUNDING OPPORTUNITY:

The Department is making approximately \$1,000,000 available to fund applications for the Smart Growth Comprehensive Planning Grant Program.

IV. NEW YORK STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

Awards made through this grant program shall be consistent with the State's Smart Growth Public Infrastructure Policy Act (Environmental Conservation Law, Article 6), where applicable.

V. ELIGIBLE ACTIVITIES:

Eligible activities include those needed to develop a new Comprehensive Plan or a Comprehensive Plan update that is consistent with the Smart Growth Principles described in Section VI, below.

Applicants may apply for funding to prepare, complete, or update a Comprehensive Plan that integrates Smart Growth principles as described in section VI below. Pursuant to Town Law, §272-a, Village Law, §7-722 or General City Law, §28-a , such Comprehensive Plan may include the following topics:

- (a) General statements of goals, objectives, principles, policies, and standards upon which proposals for the immediate and long-range enhancement, growth and development of the town are based.
- (b) Consideration of regional needs and the official plans of other government units and agencies within the region.
- (c) The existing and proposed location and intensity of land uses.
- (d) Consideration of agricultural uses, historic and cultural resources, coastal and natural resources and sensitive environmental areas.
- (e) Consideration of population, demographic and socio-economic trends and future projections.
- (f) The location and types of transportation facilities.
- (g) Existing and proposed general location of public and private utilities and infrastructure.
- (h) Existing housing resources and future housing needs, including affordable housing.
- (i) The present and future general location of educational and cultural facilities, historic sites, health facilities and facilities for emergency services.
- (j) Existing and proposed recreation facilities and parkland.
- (k) The present and potential future general location of commercial and industrial facilities.
- (l) Specific policies and strategies for improving the local economy in coordination with other plan topics.
- (m) Proposed measures, programs, devices, and instruments to implement the goals and objectives of the various topics within the comprehensive plan.
- (n) All or part of the plan of another public agency.
- (o) Any and all other items which are consistent with the orderly growth and development of the town.

Communities with an adopted Comprehensive Plan are encouraged to regularly update their plan to reflect changes in local conditions and community goals and to integrate Smart Growth Principles. An update to the Comprehensive Plan will ensure the plan is current and well-connected to short and long-range community objectives and Smart Growth Principles.

The following activities related to comprehensive planning are eligible for reimbursement:

- Surveys, assessments, maps, charts, studies, and other research-oriented activities related to the Comprehensive Plan;
- Writing, illustrating, and producing the Comprehensive Plan;
- Holding and facilitating community forums and other costs related to public outreach and engagement;

- Coordinating with other governmental entities;
- SEQR and environmental review; and
- Project management, comprehensive plan committee coordination, and other activities needed to complete a Comprehensive Plan that addresses Smart Growth Principles.

Resources for preparing a Comprehensive Plan include:

- Zoning and the Comprehensive Plan, James A. Coon Local Government Technical Series:
<https://dos.ny.gov/system/files/documents/2019/05/zoningandthecomprehensiveplan.pdf>
- Creating the Community You Want, James A. Coon Local Government Technical Series:
<https://dos.ny.gov/system/files/documents/2019/05/creatingthecommunityyouwant.pdf>
- New York State Comprehensive Plan Development A Guidebook for Local Officials 2015 by Environmental Finance Center of Syracuse University: <https://efc.syr.edu/wp-content/uploads/2015/03/ComprehensivePlanning.pdf>

VI. REQUIREMENTS FOR SMART GROWTH PRINCIPLES

Comprehensive Plans funded under this grant program should contain strategies/projects that will be consistent with the following general Smart Growth Principles:

1. **Mixed Land Uses:** A mix of land uses can convey substantial fiscal and economic benefits by placing commercial uses near residential areas as critical component of achieving viable places to live for those who use and depend upon the area's commerce.
2. **Range of Housing Opportunities and Choices:** Provide quality housing with efficient access to jobs, resources and amenities for people of all income levels, ages and races.
3. **Development and Redevelopment in Existing Communities:** Smart Growth directs development towards existing communities already served by infrastructure, seeking to utilize the resources that existing neighborhoods offer, and to conserve open space and irreplaceable natural resources on the urban and metropolitan fringe.
4. **Distinctive, Attractive Communities with a Strong Sense of Place:** Smart Growth encourages communities to set standards for development and construction that respond to community values of architectural aesthetics, neighborhood-friendly design and human-scale planning, as well as expanded choices in housing and transportation.
5. **Density:** Compact communities are more land- and energy-efficient; provide the critical mass for neighborhood retail, commercial development and mass transit; protect natural resources; and promote walkability. Concentrating and directing growth in designated centers reduces the demand for sprawling development of greenfields on the metropolitan fringe, thus saving open space and farmland and protecting natural resources. Growth in centers maximizes the use of existing infrastructure, avoiding costly municipal expenditures on the extension and maintenance of new infrastructure.
6. **Clean Energy:** The inclusion of clean energy siting and development into planning, zoning, building and infrastructure, including, but not limited to, solar, wind, geo-thermal and micro-grids.

7. **Climate Change:** Concentrating residential, commercial, office and recreational land uses provides the density and critical mass necessary to sustain mass transit, reducing automobile dependency, vehicle miles travelled and transport-based greenhouse gas emissions. Denser communities are also more energy- efficient.
8. **Resiliency:** Land use, development and infrastructure that is adaptive to climate change impacts and is resilient and resistant to extreme storm events.
9. **Green Infrastructure:** Smart Growth incorporates green buildings – energy conservation measures, renewable energy, sustainable site location and maintenance, locally produced materials and food – well- maintained and well-placed parks, trails, linked open spaces, child accessible, environmental and ecological education areas, sustainable storm-water management and urban forestry.
10. **Social Diversity and Integration:** Communities designed on Smart Growth principles allow people of diverse ages, incomes, races and physical abilities to interact more regularly, easily and safely by encouraging walkable communities, accessible public spaces and a variety of age-, income- and race/ethnic-integrated housing opportunities.
11. **Regional Planning and Coordination:** We conduct our daily lives on a regional, multi-jurisdictional basis—in many cases living in one local government, working in another and recreating in yet another. And economic, ecological and transportation systems also operate regionally. It is therefore imperative that municipal planning also align and coordinate with regional objectives, systems and plans, as represented, for example, in NYSERDA Regional Sustainability Plans, REDC Strategic Plans, countywide plans and plans developed by Regional Planning Councils. Regional planning and coordination allow stakeholders to more effectively collaborate across jurisdictional lines to leverage resources and achieve mutual goals and objectives—environmental, social and economic.
12. **Walkable/Bikeable Neighborhood Design:** Walkable/bikeable communities make pedestrian activity possible by mixing land uses, building densely and connecting streets in a gridded pattern, thus expanding transportation options and creating streetscapes that better serve a range of users, including pedestrians, bicyclists, transit riders, and automobiles.
13. **Variety of Mobility Choices:** Providing people with efficient and varied mobility choices - walking, biking, public transit - fosters greater community opportunities for housing, shopping, and jobs compliant with Smart Growth principles.
14. **Well-Planned and Well-Placed Public Spaces:** The public realm plays a prominent role in the Smart Growth paradigm. Smart public spaces increase walkability, social interaction, livability, a sense of place and neighborhood aesthetics.
15. **Community and Stakeholder Collaboration in Planning:** Collaborative efforts can lead to creative resolutions of development issues and greater community understanding of the importance of good planning and investment which results in great places to live, work, shop and play.

VII. FUNDING AND BUDGET GUIDANCE

State assistance awarded and paid to a grant recipient shall not exceed 90% of the total eligible project cost as described below.

The maximum State assistance request per grant application is \$100,000. There is no minimum State assistance request requirement. Applications requesting over \$100,000 will be disqualified and will not be scored.

Eligible Costs

Costs must be adequately justified and directly support the project. Proposed costs, including match components, must be essential to project completion. All costs will be paid on a reimbursement basis and must be documented. Eligible costs include the following:

- (a) **Personal Services** – Personal services include direct salaries, wages, and fringe benefits of grantee employees for activities in direct relation to or in support of project work, including project management and grant administration. Fringe benefits must be outlined in the application and include the organization's documented rate.
- (b) **Non-Personal Services** – Non-personal services include consultant/contractual services for direct project related costs, project management, and limited grant administration; project-related supplies and materials; necessary travel; and other goods and services required to complete the project.

Notes:

Project management activities may include, but are not limited to, oversight and coordination of tasks and activities needed to produce contractual deliverables, consultant procurement and oversight, public outreach, and technical assistance.

Grant administration may include, but is not limited to, activities undertaken to comply with grant budgeting, record keeping and reporting requirements, such as preparation and submission of payment vouchers and other documents required under the grant. Grant administration may not exceed 15% of the award amount.

Sub-contracts for consultant/contractual services should be competitively procured based on the applicable provisions of New York State General Municipal Law and additional requirements as described in this RFA.

Ineligible Costs

Ineligible costs include the following:

- (a) Indirect or overhead costs, such as rent, telephone service, general administrative support, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.
- (b) Salaries and other expenses of elected officials.
- (c) Costs incurred outside of the contract term.

(d) Costs that are not adequately justified or that do not directly support the project.

Notes:

Ineligible costs will be eliminated from the total project costs in the grant application.

Failure to adequately justify direct project costs will render costs ineligible. Ineligible costs will be eliminated from the total project costs in the grant application.

VIII. AWARD METHODOLOGIES

Each application will be reviewed for eligibility and, if determined eligible, will be scored according to the application evaluation criteria. Applications deemed ineligible will not be scored.

A total score of 100 points is possible for any application, of which up to 80 points is derived from program criteria and 20 points from the Regional Economic Development Council (REDC) endorsement. An application must score a minimum of 50 program criteria points out of a possible 80 points from the Department of State review to receive an award. REDC points are based on regional economic priorities and are assigned by the REDCs.

Approximately \$1,000,000 is anticipated for award for this procurement.

The Department may make an award under the RFA in whole or in part and may offer partial funding if a particular phase of a project is not ready to move forward. The Department may offer partial funding to an applicant if its application cannot be fully funded within the funds remaining; if the applicant declines the partial funding, funding may be awarded to the next highest-scoring unfunded application. In the event that an awardee fails to satisfactorily negotiate a proper contract within a reasonable amount of time, that funding may be awarded to the next highest-scoring unfunded application.

In the event that another NYS agency fully funds a high scoring project through the CFA process, the awardee will receive funding from only one state agency. The Department will work with other NYS agencies to ensure that duplication of funding does not occur. In the event that an applicant receives full funding from another agency, the Department reserves the right to award full or partial funding to the next highest scoring unfunded application.

The opportunity to be debriefed will be provided, upon request, to unsuccessful applicants. Requests must be made in writing within 15 business days of notification of status of award.

In the event unsuccessful bidders wish to protest the award resulting from this RFA, bidders should follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the Guide to Financial Operations (GFO), available on-line at: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>.

IX. APPLICATION EVALUATION CRITERIA

Applications will be reviewed according to the specific criteria presented below.

Minimum Criteria

Eligible applicants are villages, towns, and cities; or counties, regional planning entities and not-for-profits with the consent and acting on behalf of one or more eligible villages, towns or cities.

Applications will also be assessed to determine if the proposed project is an eligible activity.

Failure to meet these criteria will result in immediate disqualification of the application, which will not be further evaluated.

Program Criteria (maximum of 80 points)

Applications will be evaluated to assess the degree to which they meet the elements of each criterion.

The program criteria (with total available points) and elements are:

Demonstration of Need and Indicators of Economic Distress (maximum of 6 points)

- Applicant is a community with a Median Household Income (MHI)¹ less than 80% of the 2017 Statewide MHI (i.e., MHI less than \$50,212) *(6 Points)*
- Applicant is a community with a MHI less than the 2017 Statewide MHI but not less than 80% of the 2017 MHI (i.e., MHI greater than or equal to \$50,212 but less than \$62,765) *(3 Points)*
- Applicant is not a financial-hardship community, as defined above *(0 Points)*

¹ Median Household Income (MHI) may be established using publicly available census data and does not require detailed demographic and economic data from the municipality. Per the U.S. Census American Community Survey (<https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2017/>), the 2017 Statewide MHI for total households in New York State is \$62,765.

Public Engagement and Commitment (maximum 10 points)

- Describes an effective approach and process that will be followed to ensure ongoing public participation and engagement during planning process and an approach to enabling and encouraging participation from populations who are frequently underrepresented, including but not limited to immigrants, refugees, and minorities *(up to 5 points)*
- Demonstrate committed local leadership and strong support from community residents *(up to 5 points)*

Integration of Smart Growth Principles (maximum of 24 points)

- Describes an approach to integrating Smart Growth Principles into the Comprehensive Plan and demonstrates understanding of how the principles are applicable to the specific conditions of the community.
 - Provides a clear and complete approach to integrating Smart Growth Principles *(16-24 points)*
 - Provides a general approach to integrating Smart Growth Principles *(8-15 points)*
 - Provides limited approach to integrating some of the Smart Growth Principles *(0-7 points)*

Implementation (maximum of 20 points)

Scope of Work (maximum of 10 points)

- Clearly defines what is to be done how it will be done, who will do it, through identifying a set of clear and discrete tasks that show a logical approach for project completion (*up to 5 points*)
- Clearly describes preliminary work that has been completed to advance the proposed project including previous planning efforts, committee development, etc. (*up to 5 points*)

Time Frame (maximum of 5 points)

- Presents a clear and realistic schedule and timeline to complete the planning process within a maximum of three years or less that includes major tasks, milestones and completion dates

Local Capacity (maximum of 5 points)

- Demonstrates that an effective organizational structure exists to advance and complete the project and there is sufficient experience and ability of key project personnel to successfully carry out the project

Evaluation of Budget and Cost (maximum of 20 points)

Applications will also be evaluated to assess the degree to which they meet the elements of each criterion below.

- Application describes and documents how the budget and cost were determined. Identifies the person(s) responsible for compiling the budget including relevant experience and background of all parties and the method/approach used to arrive at estimates (*maximum of 5 points*)
- Budget clearly demonstrates amount, type, and source of eligible local match and demonstrates identified eligible match sources have been secured. (*maximum of 5 points*)
- Budget includes adequate detail for all project components involved, is cost-effective, presents necessary and realistic costs, and does not contain extraneous or ineligible expenses. Budget is accurate and thorough. Budget narrative includes an explanation for the estimate of each budget line and clearly supports the applicant's need for financial resources requested to achieve project outcome. Budget narrative describes how the grant recipient will monitor expenditures during the life of the project to ensure that the project stays on schedule and within budget. (*maximum of 10 points*)

Regional Economic Development Council Endorsement (maximum of 20 points)

Each application will be scored by the Regional Economic Development Council in which the proposed project is located. Regional Councils will review applications to assess the degree to which the project helps implement the Regional Strategic Plan. The Regional Council will score applications based on a set of standards, referred to as “endorsement standards” and will assign each project a single score of 20, 15, 10, 5 or 0 (no fractions) based on merit. Regional Strategic Plans and endorsement standards can be found at <https://regionalcouncils.ny.gov/>.

X. CONTRACT REQUIREMENTS

New York State Grants Gateway

Grant applicants are encouraged to register through the New York State Grants Gateway. To register, log on to <http://grantsreform.ny.gov>. Not-for-profits and Regional Planning Boards must register and be pre-qualified through the NYS Grants Gateway on or before the application due date. Such applicants will be required to submit documentation of registration and pre-qualification with the NYS Grants Gateway, to include: (1) the Document Vault Identifier (i.e., GDV-XXXXX-XXXX); and (2) the State Pre-Qualification Application Status Report. Information on this process is available at: <http://www.grantsreform.ny.gov/Grantees>

Standard Cost Reimbursement Contract

Each successful applicant must enter into a standard cost reimbursement contract with the Department, which includes this Request for Applications, the successful applicant's proposal, an agreed upon work program, any other attachments or exhibits, and the standard clauses required by the NYS Attorney General for all state contracts including Attachment A along with Article 15-A of the New York Executive Law. The contract will be: 1) subject to approval by the Attorney General and State Comptroller; 2) required to submit final products in both hard copy and electronic format; 3) subject to payment only upon proper documentation and compliance with reimbursement procedures; and 4) subject to all other contractual requirements. (A copy of a standard contract along with Attachment A and Article 15-A is available from the Department.)

To ensure that funds are awarded to applicants that are ready to move forward, the Department of State reserves the right to rescind an award if the state contract is not signed and returned within a reasonable period of time. Expenses incurred prior to the start date of the state contract cannot be reimbursed.

Compliance with Procurement Requirements

Municipalities

All contracts by municipalities for service, labor, and construction involving not more than \$35,000 and purchase contracts involving not more than \$20,000 are subject to the requirements of General Municipal Law §104-b, which requires such contracts to comply with the procurement policies and procedures of the municipality involved. All such contracts shall be awarded after and in accordance with such municipal procedures, subject to the Minority or Women-Owned Business Enterprise (MWBE) requirements as set forth below in Appendix 1 and any additional requirements imposed by the State as set forth in Attachment C of the Master Contract.

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify to the Department of State that applicable public bidding procedures of General Municipal Law §103 were followed for all service, labor, and construction contracts involving more than \$35,000 and all purchase contracts involving more than \$20,000. In the case of contracts by municipalities for service, labor, and construction contracts involving not more than \$35,000 and purchase contracts involving not more than \$20,000, the municipal attorney, chief legal officer or financial administrator shall certify that the procedures of the municipality established pursuant to General Municipal Law §104-b were fully complied with, in addition to the MWBE requirements.

The municipal attorney, chief legal officer or financial administrator for the municipality shall certify to the Department of State that alternative proposals and/or quotations for professional services were secured by use of written requests for proposals through a publicly advertised process. This certification will verify that the procurement requirements were met and ensure the prudent and economical use of public funds for professional services of maximum quality at reasonable cost.

Not-for-Profit Organizations and Regional Planning Entities

The chief legal officer or financial administrator of the not-for-profit or regional planning entity which is a grant recipient and serves as State Contractor, shall certify to the State that alternative proposals and quotations for professional services were secured by use of written requests for proposals through a publicly advertised process satisfactory to meet the MWBE requirements set forth below and to ensure the prudent and economical use of public funds for professional services of maximum quality at reasonable cost.

Record Retention and Audits

The successful applicant shall establish and maintain, in paper or electronic format, complete and accurate books, records, documents, receipts, accounts, and other evidence directly pertinent to its performance under the Master Contract with the Department. Payment requests may be subject to periodic reviews. The successful applicant will be required to agree to produce and retain for the balance of the term of the Master Contract, and for a period of six years from the later of the date of (i) the Master Contract and (ii) the most recent renewal of the Master Contract, any and all Records necessary to substantiate upon audit, the proper deposit and expenditure of funds received under the Master Contract. Such records may include, but not be limited to, original books of entry (e.g., cash disbursements and cash receipts journal), and the following specific records (as applicable) to substantiate the types of expenditures noted (i) personal service expenditures: cancelled checks and the related bank statements, time and attendance records, payroll journals, cash and check disbursement records including copies of money orders and the like, vouchers and invoices, records of contract labor, any and all records listing payroll and the money value of non-cash advantages provided to employees, time cards, work schedules and logs, employee personal history folders, detailed and general ledgers, sales records, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (ii) payroll taxes and fringe benefits: cancelled checks, copies of related bank statements, cash and check disbursement records including copies of money orders and the like, invoices for fringe benefit expenses, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (iii) non-personal services expenditures: original invoices/receipts, cancelled checks and related bank statements, consultant agreements, leases, and cost allocation plans, if applicable, (iv) receipt and deposit of advances and reimbursements: itemized bank stamped deposit slips, and a copy of the related bank statements.

Minority and Women-Owned Business Enterprise Utilization (MWBE)

Applicants must submit the MWBE Compliance Form with their application confirming their understanding of the MWBE requirement and agreeing to show due-diligence and make good faith efforts to provide meaningful participation by MWBE's, whenever possible, if awarded the contract.

Contract Period

Subject to the continued availability of funds in the budget, the contract period shall not exceed three years from the start of the project. No extensions are anticipated. The earliest start date of contracts is April 1, 2021. Upon request by the grant recipient, with a showing of good cause, the contract start date may be set to a date in the future not to exceed 12 months beyond the contract execution date. Special consideration for extensions due to extreme extenuating circumstances will only be granted on a case-by-case basis.

Amendments

Amendments will not be made to the original contracted scope of work, for example, applicants that receive funding for general planning or for project-specific planning, feasibility, design, and/or marketing projects may use this funding for these purposes only.

XI. SATISFACTORY PROGRESS

It is imperative that the grant recipient complete the project as set forth in the agreed upon work plan and individual monitoring plan. Failure to render proof of satisfactory progress or to complete the project to the satisfaction of the State may be deemed an abandonment of the project and may cause the suspension or termination of any obligation of the State. Satisfactory progress toward implementation includes, but is not limited to, executing contracts and submitting status reports and payment requests in a timely fashion, retaining consultants, written certification of compliance with procurement requirements, completing plans, designs, permit applications, reports, or other tasks identified in the work plan within the time allocated for their completion. The Department may recapture awarded funds if satisfactory progress is not being made on the implementation of a grant project. Applicants should not submit applications if they do not expect to initiate the project within a reasonable time period after receiving an executed contract and will not be able to complete the project within the time period cited in the application.

XII. GENERAL SPECIFICATIONS

1. By signing the "Application Form" each applicant attests to its express authority to sign on behalf of the applicant and to the accuracy of the information contained therein. Applications containing false or inaccurate information may be disqualified upon verification of information by the Department.
2. Contractors will possess, at no cost to the State, all qualifications, licenses and permits to engage in the required business as may be required within the jurisdiction where the work specified is to be performed. Workers to be employed in the performance of this contract will possess the qualifications, training, licenses and permits as may be required within such jurisdiction.
3. Submission of any application indicates the applicant's acceptance of all conditions and terms contained in this RFA, including the terms and conditions of the contract.
4. Provisions upon default:
 - a. The services to be performed by the applicant shall be at all times subject to the direction and control of the Department as to all matters arising in connection with or relating to the contract resulting from this RFA
 - b. In the event that the applicant, through any cause, fails to perform any of the terms, covenants or promises of any contract resulting from this RFA, the Department acting for and on behalf of the State, shall thereupon have the right to terminate the contract by giving notice of the fact and date of such termination to the applicant
 - c. If, in the judgment of the Department, the applicant acts in such a way which is likely to or does impair or prejudice the interests of the State, the Department acting on behalf of the State, shall thereupon have the right to terminate any contract resulting from this RFA by giving notice of the fact and date of such termination to the contractor. In such case, the contractor shall receive equitable compensation for such services as shall, in the judgment of the Department, have been satisfactorily performed by the contractor up to the date of the termination of this agreement, which such compensation shall not exceed the

total cost incurred for the work in which the contractor was engaged at the time of such termination, subject to audit by the State Comptroller.

5. The Department reserves the right, including but not limited, to:
 - a. Reject any or all applications received in response to this RFA;
 - b. Withdraw the RFA at any time, at the agency's sole discretion;
 - c. Make an award under the RFA in whole or in part;
 - d. Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA;
 - e. Seek clarifications and revisions of applications;
 - f. Use application information obtained through site visits, management interviews and the State's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or information submitted by the applicant in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFA;
 - g. Prior to the application due date, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available;
 - h. Prior to the application due date, direct applicants to submit application modifications addressing subsequent RFA amendments;
 - i. Change any of the scheduled dates;
 - j. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective applicants;
 - k. Waive any requirements that are not material;
 - l. Negotiate with applicants responding to this RFA within the scope of the RFA to serve the best interests of the State;
 - m. If unsuccessful in negotiating a state contract with the selected applicant within an acceptable time frame, the Department may begin state contract negotiations with the next ranked qualified applicant(s) in order to serve and realize the best interests of the State;
 - n. Utilize any and all ideas submitted in the applications received;
 - o. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an application and/or to determine an applicant's compliance with the requirements of the solicitation;
 - p. Waive or modify minor irregularities in applications received;
 - q. Make awards based on geographic distribution;
 - r. Not fund an application that fails to submit a clear and concise work plan or budget;
 - s. Adjust or correct cost figures with the consent of the applicant if errors exist and can be documented to the satisfaction of the Department;
 - t. Award more than one contract resulting from this RFA;
 - u. In its sole discretion, determine the total number of awards to be granted pursuant to this RFA
 - v. Offer partial or no funding to any applicant if its application cannot fulfill its proposed program within the funding restrictions herein;
 - w. Make additional awards if funding becomes available;
 - x. Require reporting on forms designed for use solely for this procurement; and
 - y. Not make any awards pursuant to this RFA. This RFA does not commit the Department to award any contracts, to pay the costs incurred in the preparation of a response to this RFA, or to procure or contract for services.

Appendix 1

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK STATE-CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES, EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN, AND SERVICE-DISABLED VETERAN-OWNED BUSINESSES

I. MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES PARTICIPATION

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations the Department is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of Department contracts.

Business Participation Opportunities for MWBEs

The Department’s New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) utilization goal is 30%. For purposes of this solicitation, the specific MWBE goal and the breakdown between the Minority-owned Business Enterprise (“MBE”) and the Women-owned Business Enterprise (“WBE”) utilization goals shall be established post award and set forth in the Department contract, in the Attachment B “Budget” (based on the current availability of MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFA, the respondent agrees that the Department may withhold payment pursuant to any Contract awarded as a result of this RFA pending receipt of the required MWBE documentation.

The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com/frontend/vendorsearchpublic.asp>. For guidance on how the Department will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the broker’s contract.

FOR CONSTRUCTION CONTRACTS – The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60 percent of the total value of the supplier’s contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE.

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFA, such finding constitutes a breach of contract and Department

may withhold payment as liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Department . As a contractor of New York State, you have a responsibility to utilize certified minority- and/or women-owned businesses in the execution of your contracts, per the MWBE percentage goals stated in your solicitation, proposal or contract documents. Through the NYSCS you will submit utilization plans, request subcontractors, record payments to subcontractors, and communicate with your project manager throughout the life of your awarded contracts.

Applicants are required to submit the MWBE Compliance Form with their application.

Additionally, successful applicants will be required to submit the following documents and information within ten (10) business days after the applicant receives notice from the Department that the grant is being awarded as evidence of compliance with the foregoing:

An MWBE Utilization Plan (**Form D**) or a Certification Letter (**Form D-1**) stating their commitment to show due-diligence to comply with the MWBE goals and requirements. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to the Department for review and approval.

The Department shall review the submitted MWBE Utilization Plan or Certification Letter and issue a written notice of acceptance or notice of deficiency within 20 days of receipt of utilization plan or certification letter.

If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the Department , at the address provided below, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by the Department to be inadequate, the Department shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the proposal.

Please see details under “**Additional Notices and Explanations Regarding the MWBE Program and this Request for Applications.**”

Department may disqualify a respondent as being non-responsive under the following circumstances:

- a) If a respondent fails to submit an MWBE Utilization Plan or certification letter;
- b) If a respondent fails to submit a written remedy to a notice of deficiency;
- c) If a respondent fails to submit a request for waiver; or
- d) If Department determines that the respondent has failed to document good faith efforts.

Successful applicant(s) will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to the Department, but must be made no later than prior to the submission of a request for final payment on the Contract.

Successful applicant(s) will be required to submit a quarterly M/WBE Contractor Compliance & Payment Report to the Department, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

Equal Employment Opportunity Requirements

By submission of a proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of the New York State Master Grant Contract, Section IV (J) - Equal Employment Opportunities for Minorities and Women. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

Additionally, successful applicants will be required to submit the following documents and information within ten (10) business days after the applicant receives notice from the Department that the grant is being awarded as evidence of compliance with the foregoing:

- A. Submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement (**Form A**) to the Department.
- B. Submit a Workforce Utilization Report (**Form C**) and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by the Department on a quarterly basis during the term of the Contract, to the Bureau of Fiscal Management at: Email: dos.sm.mwbe@dos.ny.gov

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Additional Notices and Explanations Regarding the MWBE Program and Successful Applications to this Request for Applications:

If your project is selected for an award, you will be required to show due diligence to comply with all the MWBE contractual requirements, including meeting the goals for certified MWBE firms participation as stated in your Contract and in accordance with NYS Executive Law Article 15-A.

If an applicant chooses to move forward with a project prior to any award announcement, they are responsible for meeting MWBE requirements established by the State of New York. The requested plan, as described herein, is intended to help an applicant think about how to comply with the regulations and provide information showing their due-diligence to comply with the MWBE requirements.

Successful applicants notified by the NYS Contract System (System) that a record for the submission of the utilization plan has been created, must comply with this requirement by entering the Utilization Plan data in the System through the Statewide Utilization Management Plan (SUMP) module.

If you are unable to comply with the MWBE goals, you must request a waiver of these requirements by submitting to the Department the REQUEST FOR WAIVER FORM E, found on the Department funding page, for processing. Please note that the following information will be required to secure the waiver (all items may not apply to your case, but provide information and documentation for those that apply):

1. A DETAILED statement with the project description (any special characteristics, needs, specifications, etc.), and an explanation setting forth your basis and justification for requesting a partial or total waiver of the MWBE goals.
2. The names of general circulation, trade association, and MWBE-oriented publications in which you solicited certified MWBEs for the purposes of complying with your participation goals related to this Contract.
3. A list identifying the date(s) that all solicitations for certified MWBE participation were published in any of the above publications.
4. A list of all certified MWBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified MWBE participation levels.
5. Documentation of your search in the NYS Directory of Certified Firms (e.g.: Printouts, screenshots).
6. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation, if an identical solicitation was made to all certified MWBEs. Any information and/or documentation to support the efforts to follow up with the MWBEs.
7. Copies of responses to your solicitations received by you from certified MWBEs
8. A description of any contract documents, plans, or specifications made available to certified MWBEs for purposes of soliciting their proposals and the date and manner in which these documents were made available.
9. Documentation of any negotiations between you and the MWBEs undertaken for purposes of complying with the certified MWBE participation goals.
10. Any other information you deem relevant which may help us in evaluating your request for a waiver.
11. The name, title, address, telephone number, and email address of your representative authorized to discuss and negotiate this waiver request.

12. Copy of notice of application receipt issued by Empire State Development (ESD), if subcontractors are not certified MWBE, but an application has been filed with ESD.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

II. SERVICE-DISABLED VETERAN-OWNED BUSINESSES PARTICIPATION

Article 17-B of the Executive Law, enacted in 2014, authorized the creation of the Division of Service-Disabled Veterans' Business Development to promote participation of Service-Disabled Veteran-Owned Businesses (SDVOBs) in New York State contracting. The Service-Disabled Veteran-Owned Business Act recognizes the veterans' service to and sacrifice for our nation, declares that it is New York State's public policy to promote and encourage the continuing economic development of service-disabled veteran-owned businesses, and allows eligible Veteran business owners to become certified as a New York State Service-Disabled Veteran-Owned Business (SDVOB), in order to increase their participation in New York State's contracting opportunities. To this effect, the Department has implemented a Veteran-Owned Businesses (SDVOB) Program, as mandated by Article 17-B.

To comply with the SDVOB Program goals of 6%, the Department strongly encourages grantees to make every effort, to the maximum extent possible, to engage certified SDVOBs in the purchasing of commodities, services and technology in the performance of their contracts with the Department. If SDVOB utilization is obtained, a quarterly SDVOB utilization report should be submitted to the Department with information of the utilization percentage achieved during that quarter. Contractor Reporting Forms are found at: <https://ogs.ny.gov/Veterans/>.

The Division of Service-Disabled Veterans' Business Development (DSDVBD) is housed within the New York State Office of General Services (OGS), and maintains a directory of the NYS Certified SDVOBs. For assistance with engaging SDVOB vendors in your contracts, please contact the Division of Service-Disabled Veterans' Business Development at the following email address: VeteransDevelopment@ogs.ny.gov, or the DOS Bureau of Fiscal Management – SDVOB Program at dos.sm.sdvob@dos.ny.gov. The directory of certified SDVOB vendors can be found at: https://ogs.ny.gov/Veterans/Docs/CertifiedNYS_SDVOB.pdf

Local Government Efficiency Program

Funding Available: Up to \$4 million

DESCRIPTION:

The Local Government Efficiency (LGE) program provides reimbursement grants to local governments to incentivize new actions to modernize the delivery of local services to reduce the cost of municipal operations and limit the growth in property taxes. Applicants must demonstrate significant commitment to project completion and clearly illustrate through financial estimates and performance measures what the long-term benefit will be to New York residents.

Projects can include local government reorganization and consolidation, shared services, city or county charter revisions that include functional consolidation, and the establishment of regional service delivery mechanisms.

ELIGIBLE APPLICANTS:

Counties, cities, towns, villages, special improvement districts, fire districts, public libraries, association libraries, public library systems - if they advance a joint application on behalf of member libraries, water authorities, sewer authorities, regional planning and development boards, school districts, and Boards of Cooperative Educational Services (BOCES) only to the extent they advance certain joint applications.

ELIGIBLE ACTIVITIES / PROGRAM FUNDING:

Local governments may apply for planning and implementation projects.

- The maximum funding for planning is \$12,500 for each local government involved in the project, not to exceed \$100,000.
- The maximum funding for implementation is \$200,000 for each local government involved in the project, not to exceed \$1,000,000. (This funding limit applies to an existing LGE award that includes a new phase of development but does not include new partners.)

Applicants are required to provide cash local matching funds for all projects.

- Implementation awards **require** local cash matching funds equal to at least 10% of the total project cost.
- Planning awards **require** local cash matching funds equal to at least 50% of planning costs.
- In the event an applicant is implementing a project that the applicant developed through a successfully completed planning grant funded under the Local Government Efficiency grant program or the Shared Municipal Services Incentive grant program, the local matching funds required shall be credited by the local matching funds required by such successfully completed planning grant up to the amount of local matching funds required for the implementation grant. To be considered a successfully completed planning grant, the grant must be completed and paid in full by October 1, 2021.

All grants are reimbursement grants. To receive full funding, awardees must demonstrate that the project has received all appropriate public consideration and referenda where required.

PRE-APPLICATION REQUIREMENTS:

None

SUCCESSFUL APPLICANT REQUIREMENTS:

The Department of State requires that all successful applicants enter into a contract with the State of New York. The contract will be a fixed five-year term agreement and starting no earlier than January 1,

2022. The Department of State may cancel an award if the state contract is not returned in a timely manner.

If an applicant is awarded a grant, the contract must be returned to the Department of State within ninety (90) days from the date DOS sends the complete contract package to the awardee to ensure that funds go to applicants that are ready to move forward. All projects must be managed in accordance with the terms and conditions of the state contract and follow state and local procurement policies.

Failure to render satisfactory progress or to complete the project to the satisfaction of the state may be deemed an abandonment of the project and may cause the suspension or termination of any financial obligation of the state. Satisfactory progress includes, but is not limited to, execution of the state contract and submission of all necessary documents for execution by the state, submitting timely payment requests in accordance with the payment schedule in the state contract, completing satisfactory work products, and other tasks negotiated and agreed to in the executed state contract.

Expenses incurred after January 1, 2022 are eligible for reimbursement. Recipients of grants must submit project status reports along with every request for payment. Project close-out requires completion of terms and activities outlined in the state contract, including all deliverables identified in the work plan.

The New York Department of State Division of Local Government Services (DLGS) staff will monitor each grant and will make site visits during project completion to determine the rate and quality of progress. Notification of contract related meeting schedules and other media events must be provided to the DLGS project manager before they occur. In addition, some projects may be selected for more extensive review and inclusion in the Local Government Efficiency Annual Report submitted to the Governor and Legislature and may be used as a resource for providing technical assistance.

INELIGIBLE ACTIVITIES:

For this application, projects shall not include the development of a plan or study for a local government re-organization eligible to receive funding pursuant to the New York Department of State Local Government Citizens Re-Organization Empowerment Grant (CREG). CREG assists local governments with planning and implementation actions for consolidation or dissolution pursuant to General Municipal Law 17-A. Applications for CREG funding can be submitted monthly. (For more information about eligibility under the CREG program please contact the Division of Local Government Services at 518-473-3355.)

PROJECT SELECTION CRITERIA:

An application is eligible to receive a total final score of 100, of which 80 percent is derived from program review criteria and 20 percent is allocated to the applicable Regional Economic Development Council (REDC) for concurrency of the project with the regional priorities.

LGE Program Scoring Criteria (Up to 80 points)

Priorities (Possible 15 points)

- The project implements a planning project completed with prior LGE funding. (5 points)
- The project is part of an adopted County-Wide Shared Services Plan or will be included in the 2021 Plan. (5 points)
- The project is included in a long-term financial, including capital investments, cash flow and cost savings (5 points)

Project Need (Possible 5 points)

- Description of the project need based upon existing conditions, including financial challenges, requirements to modify existing services, changes in the municipal workforce or other local government management.

Return on Investment (Possible 10 points)

- Description of the potential financial impact on the property tax levy or user rates from the implementation of the project. (Applicants must use the Fiscal Impact Worksheet provided in the Request for Application.)

Project Scale (Possible 5 points)

- Description of the geographic footprint of the project across the municipalities.

Project Scope (Possible 5 points)

- Description of the complexity of the project in terms of the number of municipal services and functions involved.

Organizational Impact (Possible 5 points)

- Description of the impact the project will have on the management and operational structure of the project partners.

Project Management Capacity (Possible 5 points)

- Description of the applicant(s) capacity for the timely completion of potential award.

Municipal Readiness (Possible 5 points)

- Description of the applicants' preparedness to work together to implement the project.

Public Engagement (Possible 5 points)

- Description of the process to be used to ensure transparency, public participation and stakeholder engagement during project development and implementation.

Work Plan Detail (Possible 10 points)

- Evaluation of the clarity and detail of work plan tasks, including timelines, performance measures/deliverables and the narrative.

Budget Detail (Possible 10 points)

- Evaluation of how funding will be used and the sufficiency to complete individual tasks for all work plan objectives.

ADDITIONAL RESOURCES: <https://dos.ny.gov/funding-bid-opportunities>

New York State Canal Corporation

Canalway Grants Program

Funding Available: Up to \$1 million

DESCRIPTION:

The “Canalway Grants Program” includes up to \$1.0 million in competitive grants available to eligible municipalities, and 501(c)(3) non-profit organizations along the New York State Canal System for canal related capital projects. The minimum grant request amount is \$25,000. The maximum grant request is \$150,000. Grant administration and pre-development costs shall not exceed 10% of the grant award amount. These costs may be used as part of the applicant match though, with no cap. This grants program is administered by the NYS Canal Corporation, a subsidiary of the New York Power Authority (NYPA).

FUNDING PRIORITIES:

Projects proposed for Canal funding should demonstrate how they will achieve some or all of the following for the NYS Canal System including the Canalway Trail: expand public access, increase visitation and recreational use, stimulate private investment, improve services and amenities for Canalway land and water trail users, and enhance the connections between the canal and the corresponding region consistent with the Reimagine the Canals initiative <https://www.ny.gov/programs/reimagine-canals-initiative> as well as the Regional Economic Development Councils Strategic Plans <http://regionalcouncils.ny.gov/>.

Priority in this round will be given to projects that encourage economic development, spur the use of the Empire State Trail and other canal tourism, stimulate private investment in tourism infrastructure, and promote resiliency against environmental challenges.

Priority will also be given to projects that enhance physical accessibility, employ principles of universal design, and promote social inclusion.

Applicants are also encouraged to explore additional state agency funding sources for tourism marketing projects and/or programs, waterfront development, recreational access and historic preservation

Consistency with the following state wide initiatives are also considered part of the application review process:

Downtown Revitalization Initiative and Strategic Community Investment

Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization and strategic place making through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses - creating dynamic neighborhoods where tomorrow’s workforce will want to live, work, and raise a family. Projects should reflect the general principles of smart growth and sustainable development

Environmental Justice

Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and

enforcement of environmental laws, regulations, and policies. As we transition to a greener economy, it is imperative that no subset of the population be marginalized or left behind. Applicants should provide any information about how their project actively works to address these issues

ELIGIBLE TYPES OF APPLICANTS:

- Municipalities
- Not-for-profit Corporations

Not-for-profit corporations are covered under New York State's Not-For-Profit Corporation Law. In order to apply under this program, a not-for-profit corporation must have proof of incorporation (or equivalent document) from the NYS Department of State or NYS Board of Regents, a charities registration number from the NYS Office of the Attorney General, and proof of tax-exempt status under the Internal Revenue code.

ELIGIBLE ACTIVITIES /

Eligible canal capital project expenses include, but may not be limited to: constructing new buildings, trail sections, trail connections or structures; substantial renovations or preservation of existing buildings, trail segments, or other structures, including reconfigurations (removal or construction of walls, ceilings and flooring, windows, window frames, hulls); site preparation and improvements associated with a project (excavation, demolition, roadways, sidewalks, exterior lighting, sprinkler systems, utility hook-ups); acquisition of furnishings, fixtures, machinery and equipment with a useful life in excess of five years including signs and interpretive exhibits, constructing or rehabilitating docks or bulkheads for the purpose of public access to and from the Canal System; hazardous waste clean-up associated with a project, and retrofitting for energy efficiency.

PRE-APPLICATION REQUIREMENTS:

Boundary Eligibility: Projects must be located along one of the four canals of the Canal System (Erie, Champlain, Oswego and Cayuga-Seneca), trail linkages or connections to existing Canalway Trail segments, or the historic canal alignment.

Applicants must demonstrate a minimum of 50% matching funds. Eligible matching funds include federal, local, private and **other agency** state funding (Canal Corporation/NYPA funds may not be used towards matching funds). Eligible match also includes the value of in-kind services and donations. See Award Criteria for more details on eligible match.

The applicant is responsible for obtaining all required permits and approvals from federal, state, and local agencies, such as the U.S. Army Corps of Engineers, NYS Department of Environmental Conservation and NYS State Office of Parks, Recreation and Historic Preservation, and any others that may be required by the NYS Canal Corporation.

Please note that the New York State Canal Corporation is subject to the State Smart Growth Public Infrastructure Act (Chapter 433 of the Laws of 2010) and must, to the extent possible, make funding decisions consistent with the provisions of that Act.

SUCCESSFUL APPLICANT REQUIREMENTS:

For projects proposed by a municipality, the municipality will be lead agency for purposes of the State Environmental Quality Review Act (SEQRA) or will be responsible for initiating lead agency designation procedures, if there are other involved agencies. For new projects initiated after receipt of the grant award letter, the Canal Corporation shall be an involved agency. The municipality shall meet the procedural and substantive requirements of SEQRA and all other

state, federal or local law, rules, regulations, ordinances, codes and requirements. For non-profit organizations, the Canal Corporation will determine whether it will proceed as lead agency, initiate the lead agency designation process, or refer lead agency to the local municipality. If the project is a Type I or Unlisted Action, the Environmental Assessment Form will be required prior to contract for award. If a Determination of Significance has been established, documentation will be required prior to contract for award.

Grant funds will be provided on a reimbursement basis **ONLY**. Receipts, invoices and other documentation must meet the requirements of the Canal Corporation. Reimbursement will only be provided for projects or portions of a project initiated **after** the date of the grant award letter from the Canal Corporation. Projects may be initiated prior to receipt of the award letter, and ***matching expense*** documentation will be accepted for expenses up to one year prior to the date of the award letter, but reimbursement will **only** be provided for portions of the project initiated **after** the date of the award letter. Reimbursement payments **will not** be issued prior to final contract execution.

INELIGIBLE ACTIVITIES:

- Use of grant funds for land acquisition is prohibited (however the costs of acquisition may be used as a local match)
- Grant funds cannot be used to cover operating expenses

SELECTION CRITERIA

Each project will be rated with the following evaluation criteria. Criteria #1, Regional Council Endorsement will carry 20% weight and an independent weighting committee will assign weights for criteria #2 through #13. Final ranking of project applications will be based on a weighted score.

<u>Vision, Regional and Statewide Strategies</u>
➤ <i>Is the project endorsed by the corresponding Regional Economic Development Council?</i>
➤ <i>Is the project consistent with the Reimagine the Canals Task Force Report http://www.canals.ny.gov/reimagine/TaskForceReport.pdf, the NYS Department of State Local Waterfront Revitalization Program (LWRP), the Erie Canalway National Heritage Corridor Management Plan https://eriecanalway.org/resources/preserve-plan or other regional and local plans?</i>
➤ <i>Does the project connect to, or enhance the Empire State Trail Initiative, meeting at least one of the six targeted goals of this initiative?</i>
<u>Public/ Stakeholders:</u>
➤ <i>Is widespread support from residents and other canal stakeholders demonstrated in the application?</i>
<u>Financial Viability</u>
➤ <i>Are the project costs reasonable and clearly defined both in the Budget sheet and in the supporting documents?</i>
➤ <i>Is viable and accessible match clearly demonstrated in the grant budget?</i>
<u>Innovation/Effectiveness</u>
➤ <i>Will the project draw new visitors to the canal and/or encourage multi-day stays?</i>

➤ <i>Are the project goals consistent with the principles of universal design/social inclusion?</i>
➤ <i>Does the project protect or enhance historic and/or natural resources of the Canal System?</i>
➤ <i>Does the project align with one or more of the following goals of Reimagine the Canals?</i>
▪ <i>Promoting resiliency against environmental challenges</i>
▪ <i>Economic development to promote active recreation, tourism, and revitalization in canalside communities</i>
▪ <i>Enhancing connectivity between the Empire State Trail, the canal waterway, and canal waterfronts</i>
▪ <i>Celebrating the canal system as a 21st century waterway for future generations</i>
<u>Implementation</u>
➤ <i>Does the project proposal reflect a reasonable and achievable timeframe for completion of the grant funded project including project milestones including identification of parties responsible for project oversight?</i>
➤ <i>Does the project proposal define a reasonable and achievable strategy for the long term operation and maintenance of the project?</i>

AWARD CRITERIA DETAILS

A 50% match will be required on all grants and must be fully documented according to the requirements of the Canal Corporation and the Office of the State Comptroller.

Principal types of applicant share are:

- **Cash:** Includes grants other than this grant request.
- **Force Account** (Payroll of applicant): Itemize according to job title or job assignment (on project). At the time of the reimbursement request, grant recipients will be required to document time worked, tasks, pay ratio and payment (including components and percentage of fringe benefit rate).
- **Professional Services:** The value of services provided by professional and technical personnel and consultants. Three-year retroactivity applies.
- **Supplies and Materials:** The current market value of items warehoused (not yet installed). Three-year retroactivity applies; use value current at time items were obtained.
- **Volunteer Labor:** Skilled and professional labor can be computed at the job rate. The value for labor (unskilled labor and work performed by professionals or skilled laborers in an area outside of their area of expertise) of an adult (18 and over) donating time to a project may be computed up to the amount identified as the Value of Volunteer Time for New York State at http://www.independentsector.org/volunteer_time (For example, a lawyer donating legal services may compute the value based on the standard billing rate, but the value for the same lawyer donating time painting walls will be computed up to the amount identified as the Value of Volunteer Time for New York State).
- **Equipment Usage:** Compute the value according to its fair market rental value in project location.
- **Real Property:** The value of all property acquired, donated or converted from other purposes should be included in the project schedule. One year retroactivity applies to all three categories.

Canal Corporation assistance toward the costs of the project shall not exceed 50% of the approved project cost. The Canal Corporation shall not be responsible for any increases in the total project costs beyond the grant approval amount indicated in the award letter from the Canal Corporation. Qualifying match types include in-kind services, federal funding, other state funding, donated services or volunteer labor, force account (paid labor), supplies, materials and land acquisition (however, grant funds CANNOT be used for land acquisition). Donated professional services should be valued at the prevailing hourly rate with overhead costs.

Maintenance and operation of facilities receiving grants will be the responsibility of the applicant. All successful applicants will be required to enter into a formal contract and agree to other legal documents with the Canal Corporation to ensure the long term protection of the property and also restrict changes in the use of the property. A preservation covenant or conservation easement must be conveyed for work involving historic resources.

The liability for projects constructed, owned and maintained by awardees on real property not under the jurisdiction of the Canal Corporation will remain with the grant awardees. Projects on Canal Corporation real property must be designed and constructed with Canal Corporation approval and in accordance with engineering and design standards of the Canal Corporation. Projects must provide for public safety and must not interfere with canal operations or navigation. Projects will be required to meet all applicable insurance requirements. Projects on Canal Corporation real property may require the purchase, lease or permitting of the real property from the Canal Corporation, in accordance with all applicable laws and regulations and the Canal Corporation's "Canal Real Property Management Policy" and standard operating procedures.

Project plans must be reviewed and approved by the Canal Corporation before advertisement or contract letting. Every project must comply with all applicable local, state and federal laws, rules, regulations, requirements, ordinances and codes.

ADDITIONAL RESOURCES

For more information, eligible applicants should contact the New York State Canal Corporation, 30 South Pearl Street, Albany NY 12207 www.canals.ny.gov
<http://www.canals.ny.gov/community/grant.html>
procurement@canals.ny.gov

New York State Energy Research and Development Authority

Energy Efficiency Programs

Funding Available: Up to \$3 million available

NYS Energy Research and Development Authority - Flexible Technical Assistance (FlexTech)

DESCRIPTION:

Program provides eligible New York State commercial, industrial, multifamily and institutional end users with objective and customized engineering analysis to help make informed energy decisions.

ELIGIBLE TYPES OF APPLICANTS:

FlexTech is funded on a first-come, first-served basis until funds are exhausted. Eligible Applicants are New York State electricity distribution customers of a participating utility company, who pay into the System Benefits Charge (SBC). The SBC may be a line item on the customer's utility bills.

Eligible Applicants include, but are not limited to:

- Commercial Facilities
- Industrial Facilities
- Multifamily Facilities (5+ Units)
- Colleges and Universities
- Healthcare Facilities
- Agricultural Facilities
- Municipalities (Local Government)
- State Agencies & Government
- Not-for-profit Corporations
- Public and Private P-12 schools

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Customers who are in need of a service provider may choose from NYSERDA's FlexTech Consultant list comprised of firms under NYSERDA contract who have been competitively selected to provide technical services across the state. The current list of FlexTech Consultants is available on NYSERDA's website at www.nyserda.ny.gov/flextech. Alternatively, customers may select their own service provider. Potential service providers include, but are not limited to: ESCOs, energy consultants, and engineering companies.

Eligible study categories include:

- Energy efficiency technical analyses
- Creation of a long-term energy plan
- Investigation of deep energy savings
- Investigation of Clean Heating and Cooling Systems including Air Source Heat Pumps, Ground Source Heat Pumps, Variable Refrigerant Flow, and Solar Heating and Cooling
- Investigation of distributed energy resources

Please refer to the FlexTech Program Opportunity Notice (PON) for a comprehensive list of eligible study categories: <https://www.nyserda.ny.gov/flextech>

PRE-APPLICATION REQUIREMENTS:

Customers must be contributing to the SBC. Work conducted prior to scope of work receipt is not eligible for cost-sharing.

SUCCESSFUL APPLICANT REQUIREMENTS:

Successful Applicants will work with NYSERDA staff, their NYSERDA FlexTech Consultant, or chosen service provider, to develop a detailed and site-specific scope of work. This scope of work will then be reviewed and approved by NYSERDA. Please contact NYSERDA for scope of work requirements.

Upon NYSERDA approval of the scope of work, NYSERDA will issue a Purchase Order for the project. Applicants may begin study execution upon NYSERDA's receipt of the scope of work at their own risk. Cost-share funds are not committed until the application and scope of work are approved and a Purchase Order is issued.

The draft final report will then be developed and submitted to NYSERDA for review and comment. Please contact NYSERDA for final report requirements. Upon NYSERDA approval of the final report, final payment may be issued.

FUNDING PRIORITIES:

Eligible applications are accepted on a first-come, first-served basis until funds are exhausted.

INELIGIBLE ACTIVITIES:

- New facilities or those that have undergone substantial renovations, which have not been occupied for more than one year are not eligible for energy efficiency study funding.
- Whole building, new construction, and new equipment commissioning is not eligible for energy efficiency study funding under this program.
- Detailed engineering design is not eligible for funding under this program.
- Applications seeking funding for single family and Publicly Assisted Housing are not eligible under this program but may apply under one of NYSERDA's other residential programs.
- Applications seeking funds to support the sale or distribution of energy are not eligible for funding under this program except as defined in NYSERDA's CHP requirements. Equipment purchases are not eligible for funding under this program, except for metering equipment, software costs, and other data collection hard costs. To be eligible for funding, the equipment must be a necessary component of the funded study.
- No service provider may apply for more than 25% of the funds available under this program. Power quality, power factor, and power conditioning studies are not eligible for funding under this program.
- Utility billing error analysis is not eligible for funding under this program.
- Organizations that generate, transmit, or distribute energy for sale are not eligible for funding under this component of the program.

SELECTION CRITERIA:

FlexTech provides funding on a first-come, first-served basis until funds are exhausted.

AWARD CRITERIA DETAILS

- **ELIGIBLE AREA, CITY, COUNTY POPULATION LIMITS OR POPULATION TARGET TYPES:** Customers must be contributing to the System Benefits Charge (SBC) on their electric utility bill in order to be eligible. Distribution customers of the six major New York State

electric utilities (Central Hudson Gas & Electric Corporation, Consolidated Edison, New York State Electric & Gas Corporation, National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation) may contribute to the SBC.

- **LIMITATIONS:**
 - For most applications, NYSERDA will contribute fifty percent (50%) of the eligible share the costs of most eligible studies study costs, up to the lesser of either \$500,000 or ten percent (10%) of the Applicant's annual energy costs, based on an approved Scope of Work.
 - New Independent Service Providers and FlexTech Consultants are limited to five (5) open applications at any given time until they have demonstrated the ability to meet program requirements.
 - Unless otherwise negotiated, all work funded under this program must be completed within two (2) years of issuance of the Purchase Order. Service provider travel costs are limited to 3% of the total project cost.
 - An independent third-party consultant is required for all projects.
- **LONG RANGE GOALS:** FlexTech's goal is to increase productivity and economic competitiveness of participating facilities by identifying and encouraging the implementation of cost-effective energy efficiency.
- **PROJECT TERM COMPLETION DATES:** Individual study schedules vary. Unless otherwise negotiated, all work funded under this program must be completed within two (2) years of issuance of the Purchase Order.
- **MATCHING FUND REQUIREMENTS / DEADLINES:** If the customer chooses to work with a NYSERDA FlexTech Consultant, NYSERDA's contribution, up to 50% of the total project cost, will be paid directly to the Consultant, provided the work is acceptable to the customer and NYSERDA. The customer will pay the remaining percentage of the total project cost of the Consultant fees directly to the Consultant under terms and conditions to be negotiated by the customer and the consultant.

If the customer chooses to work with an independent service provider, the customer will pay 100% of the total project cost directly to the independent service provider under terms and conditions to be negotiated by the Applicant and the independent service provider. NYSERDA will reimburse the customer, up to 50% of their contribution to the total eligible project cost, provided the work is acceptable to the customer and NYSERDA.

All projects must include cost-sharing in the form of matching cash support from the customer. In-kind contributions of any type are not allowed as matching funds.

FlexTech funding is available on a first-come, first-served basis until funds are exhausted.

ADDITIONAL RESOURCES:

FlexTech Main Page: www.nyserda.ny.gov/flextech

1-866-NYSERDA

NYS Energy Research and Development Authority – Commercial New Construction Program

DESCRIPTION:

The Commercial New Construction Program (CNCP) provides technical and financial support to evaluate energy efficiency options and to promote the installation of energy-efficient electric equipment in new and substantially renovated all-electric commercial and industrial buildings.

ELIGIBLE TYPES OF APPLICANTS:

- State and local governments, businesses, not-for-profit and private institutions, public and private K-12 schools, colleges and universities, and health care facilities in New York State that are electricity customers of a participating utility company, and that pay, or will pay, into the System Benefits Charge, are eligible for incentives.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

- Projects for which an architect or engineer is preparing and certifying construction documents, including:
 - New buildings, or space within a new building.
 - Substantial renovations to existing buildings where the space has been, or will be, vacant for at least 30 consecutive days; or where there is a change of use (e.g. warehouse to office).

PRE-APPLICATION REQUIREMENTS

- None.

SUCCESSFUL APPLICANT REQUIREMENTS:

- Submit a Consolidated Funding Application (CFA).
- Working with NYSERDA, identify, analyze and document potential energy efficiency measures and incentives. Technical support services during this phase may require cost-sharing between NYSERDA and the applicant, with the applicant's prior approval.
- Purchase and install equipment after receiving an incentive offer from NYSERDA.*

* NYSERDA may elect to inspect projects prior to final approval. If requested by NYSERDA the applicant must also provide access to the site for post-occupancy measurement and verification.

FUNDING PRIORITIES:

- Funding is available on a first-come, first-served basis until funds are exhausted;
- All applications to the CNCP are given equal consideration; and
- To ensure eligibility to participate in all services available through the CNCP and to maximize CNCP benefits, NYSERDA recommends that applications be submitted in the early schematic design phase or sooner.

INELIGIBLE ACTIVITIES:

- Applicants may not obtain incentives for the same energy efficiency measures through other NYSERDA programs or from programs offered by their local utility, unless specifically identified as acceptable in the PON;
- Ineligible projects include renovations and equipment upgrades at existing facilities where the facility will remain occupied during construction;
- Applicants who do not, or will not, pay into the System Benefits Charge through their local utility company at the site where the work is occurring are ineligible for participation in the program;

- Applicants may not obtain incentives for energy efficiency measures installed before an application is submitted and a CNCP incentive offer is issued by NYSERDA; and
- Energy-efficiency measures must be cost effective.

SELECTION CRITERIA:

- The program is open enrollment, advertised as a Program Opportunity Notice (PON), and is offered on a first-come, first-served basis subject to funding availability as of the date of the program offer letter.
- Incomplete or unauthorized applications will be returned.

AWARD CRITERIA DETAILS:

- **ELIGIBLE AREA, CITY, COUNTY POPULATION LIMITS OR POPULATION TARGET TYPES:** State and local governments, businesses, not-for-profit and private institutions, public and private schools, colleges and universities, and health care facilities in New York State that are electricity customers of a participating utility company, and that pay, or will pay, into the System Benefits Charge, are eligible for incentives.
- **LIMITATIONS:** Each PON is offered with defined technical assistance and incentive rates and caps. Refer to the current PON for details.
- **LONG RANGE GOALS:** The CNCP offers technical and financial support to effect a permanent transformation in the way buildings are designed and constructed for energy efficiency in New York State with a focus on replicable, deep energy savings and zero net energy projects.
- **PROJECT TERM COMPLETION DATES:** Financial incentives are based upon the predicted performance of building energy efficiency improvements as compared to a designated baseline. NYSERDA will provide written pre-approval of custom measure and whole building design applications qualified for financial incentives. This pre-approval authorizes the applicant to proceed with the specification, purchase and installation of specific equipment and building features described in the approved application. NYSERDA will hold the necessary incentive funds for the applicant until the building is completed. The applicant will be asked to provide written certification that the equipment and building features have been installed. Upon NYSERDA review and approval of the completed installation and any technical reports, a check will be issued to the applicant. NYSERDA may elect to inspect any and all projects prior to final approval and the applicant must provide site access to NYSERDA staff or contractors after project completion for possible measurement and verification.
- **MATCHING FUND REQUIREMENTS / DEADLINES:** Technical assistance is offered on a cost-shared basis and will be invoiced after delivery of the technical assistance report approved by NYSERDA or upon cancellation of the technical assistance services. Payment of the applicant's portion of the cost share is due within 30 days of the invoice date.

ADDITIONAL RESOURCES:

More information is available at <http://www.nyserderda.ny.gov/new-construction>.
1-866-NYSERDA

Carbon Neutral Economic Development Program

Funding Available: Up to \$15 million

DESCRIPTION

The New York State Energy Research and Development Authority (NYSERDA) has \$15 million of incentives available to support economic development projects in New York State. All projects must demonstrate that the project will achieve carbon neutral or net zero energy performance. Projects should also demonstrate how they will help achieve the goals of the Regional Economic Development Council's (REDC's) Strategic Plan or State Priority Issue Areas. Projects located in Long Island are not eligible for this funding.

Only sites that pay into the System Benefits Charge ("SBC") are eligible to apply. To be an SBC eligible project, the project must be a New York State electricity distribution customer of one of the following utilities: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation. Projects located in Long Island are not eligible for this funding.

Projects may qualify under one of the two following categories:

Category A:

The Carbon Neutral Economic Development Program provides eligible New York State commercial, industrial, institutional and mixed-use applicants with incentives on a competitive basis, for the construction of, or renovation to existing, buildings designed to achieve carbon neutral or net zero energy performance. Projects must demonstrate as part of their proposal how the project is replicable to a large number of similar buildings and how the approach is cost effective and reliable.

Incentives are available for the incremental cost of planning, design, construction, and installation of all technologies (as compared to the cost to build/renovate to a code compliant standard) utilized to achieve carbon neutral or net zero energy performance. Project awards will be up to 75 percent of eligible costs or \$2,000,000, whichever is less.

Category B:

The Carbon Neutral Economic Development Program provides eligible communities and owners of large real estate portfolios in New York State (e.g., communities, neighborhoods, campuses or large-scale private developers) with incentives on a competitive basis, for the planning, energy modeling and design necessary to convert the proposed building portfolio to achieve carbon neutral or net zero energy performance. There is no restriction for building types eligible under this category.

Incentives are available for the cost of planning, energy modeling, design, technical analysis, and other soft costs as approved by NYSERDA, of community-level, campus, or large private developer projects to achieve carbon neutral or net zero energy performance. Project awards will be up to 75 percent of the eligible costs, with a minimum project award amount of \$1,000,000 and a maximum project award amount of \$5,000,000. To qualify for this Category, projects must include at least 1 million square feet (of new construction or rehabilitation), or a total project implementation cost of at least \$50 Million.

APPLICATION SUBMISSION

No communication intended to influence this procurement is permitted except by contacting the designated contact Lori Borowiak at (518) 862-1090, ext. 3004 or by e-mail LoriNC@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Elsyda Sheldon at (518) 862-1090, ext. 3232 or ElsydaSolicitations@nyserda.ny.gov. Contacting anyone other than the Designated Contacts (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

ELIGIBLE TYPES OF APPLICANTS

Eligible Applicants include, but are not limited to:

- Commercial Facilities
- Warehouses and Distribution Centers
- Restaurants, Breweries, Vineyards, and Distilleries
- Retail (must show alignment with Regional Priorities)
- Food Processing Facilities
- Colleges and Universities
- Healthcare Facilities
- Agricultural Facilities
- Municipalities (Local Government)
- State Agencies & Other State Government
- Not-for-profit Corporations
- Private Developers
- Mixed Use Facilities

The eligible Applicant for Category A projects is defined as the Site Owner. The eligible applicant for Category B projects is defined as the Site Owner when the entire project site is owned by a single entity. However, for Category B projects that have multiple Site Owners, the eligible Applicant may be the municipality, a business district, community organization, or other entity that can represent the combined interests of the site owners within the community. To be accepted as an aggregator of multiple site owners within the community, the aggregator must have letters of commitment from the site owners being represented.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS

Category A:

Carbon neutral performance, for Category A projects is defined as a building that is highly efficient, has no use of fossil fuels (excluding emergency generation) and its operation does not contribute to carbon emissions. For Category A projects choosing to pursue net zero energy performance, project performance will be defined as a highly energy-efficient, all-electric facility where the actual annual energy used on-site is less than or equal to the on-site renewable energy produced. The use of fossil fuels on site will result in a project not achieving carbon neutral or net zero energy performance, however, if fossil fuels must be utilized for a project due to energy requirements for an industrial process or for unregulated loads, NYSERDA may consider an exemption at its sole discretion. To be considered, the Applicant must explain the rationale for continuing to use fossil fuels and demonstrate that there is not an all-electric process that can replace the fossil fuel usage. In this instance, NYSERDA will consider the project's use of the US Department of Energy's publication of [A Common Definition for Zero Energy Buildings](#) in determining eligibility based on off-setting carbon-emitting fuels with additional renewable energy production. If the project is seeking to meet the net zero energy level of performance and the site cannot accommodate some or all of the renewable energy required for the project, the eligible Applicant may propose to utilize long-

term contracts for off-site renewable electricity generation (the electricity generated as part of these contracts must end up in the New York Control Zone to be considered eligible). Electric vehicle (EV) charging stations are strongly encouraged to be included in projects. However, it is not required that loads related to EV charging be included in the determination of net zero energy performance.

Incentives will be paid for the incremental cost to design and build the project to carbon neutral or net zero energy performance above the cost of building or renovating to the applicable New York State Energy Conservation Construction Code (e.g., the cost of installing a ground source heat pump to heat and cool the building, less the cost of installing a code-minimum heating and cooling system, etc.). The calculation of incentives will include all design and technologies that contribute to the building achieving carbon neutral or net zero energy performance (e.g., energy efficiency, renewable energy, battery storage, electric vehicle charging infrastructure, etc.), less incentives for clean heating or renewable energy systems provided by NYSERDA or utility programs. Applicants selected for award under this opportunity, will be ineligible to apply for other NYSERDA or utility energy-related incentives for new construction or energy analysis measures. Applicants applying for NYSERDA's Carbon Neutral Economic Development Program incentives must clearly describe the scope, schedule and budget for the project. The proposal should also include description of how the balance of the project will be funded or financed.

While NYSERDA may at its discretion consider some design costs that occur prior to award to be eligible, all physical work conducted to make capital improvements to the facility prior to a award will not be eligible for cost-sharing. Costs associated with work conducted to submit a proposal to this program are not eligible for reimbursement.

Applicants must commit to marketing and public awareness efforts regarding the carbon neutral attributes of their project. As such, the applicant is required to submit a marketing plan that will be implemented by the proposer, if selected, and explain how the plan will generate public interest in and demand for advanced clean energy and climate resilient buildings beyond and in addition to NYSERDA's promotional activities. Selected proposers are expected to cooperate with NYSERDA in the development of other promotional materials, such as but not limited to website, magazine articles, books, blogs, or videos. NYSERDA credits the project name, site owner(s) in all promotional material. Awardees are expected to participate in presentations. NYSERDA reserves the right to brand and market the winning projects as NYS Carbon Neutral Economic Development projects or a similar reference.

Category B:

Carbon neutral performance, for Category B projects is defined as highly energy efficient all-electric facilities, which have no use of fossil fuels (excluding emergency generation) and the operation of the facilities do not contribute to carbon emissions. For Category B projects choosing to pursue net zero energy performance, project performance will be defined as highly energy-efficient all-electric facilities within a project boundary where the actual annual energy used within the project boundary is less than or equal to the renewable energy produced within the project boundary. If fossil fuels must be utilized for a facility within the boundary due to energy requirements for an industrial process or for unregulated loads, the Applicant must explain the rationale for continuing to use fossil fuels and demonstrate that there is not an all-electric process that can replace the fossil fuel usage. In this instance, it is expected that the project will include a study of renewable energy measures in accordance with the project's use of the US Department of Energy's Common Definition of Zero Energy Buildings based on off-setting carbon-emitting fuels with additional renewable energy

production. If the project site cannot accommodate some or all of the renewable energy for the project loads within the project boundary, the Applicant is encouraged to propose to utilize long-term contracts for off-site renewable electricity generation (the electricity generated as part of these contracts must end up in the New York Control Zone to be considered as part of the project).

Electric vehicle (EV) charging stations are strongly encouraged to be included in communities, campuses, and large portfolio developments. However, it is not required that loads related to EV charging be included in the determination of net zero energy performance.

Incentives will be paid for the incremental cost to plan and/or design a Community, Campus, or large real estate portfolio project to achieve carbon neutral or net zero energy performance. It is expected that all projects that receive planning and design funds through Category B of this program will apply to NYSERDA and utility programs at a future date for incentives to co-fund the actual installation costs of project measures. However, projects shall not apply to NYSERDA or utility programs for planning, design, or analysis work included in the scope of work through this program, if selected. Applicants applying for NYSERDA's Carbon Neutral Economic Development Program incentives must clearly describe the scope, schedule and budget for the project. The proposal should also include description of how the balance of the project will be funded or financed.

Applicants must commit to marketing and public awareness efforts regarding the carbon neutral attributes of their project. As such, the applicant is required to submit a marketing plan that will be implemented by the proposer, if selected, and explain how the plan will generate public interest in and demand for advanced clean energy and climate resilient buildings beyond and in addition to NYSERDA's promotional activities. Selected proposers are expected to cooperate with NYSERDA in the development of other promotional materials, such as but not limited to website, magazine articles, books, blogs, or videos. NYSERDA credits the project name, site owner(s) in all promotional material. Awardees are expected to participate in presentations. NYSERDA reserves the right to brand and market the winning projects as NYS Carbon Neutral Economic Development projects or a similar reference.

It is expected that Applicants applying for Category B funding shall make a public commitment to decarbonize their community, campus, or large real estate portfolio, to publicize their pursuit of a carbon neutral goal, if the project is awarded through this program.

GRANT FUNDS MAY BE USED FOR COSTS ASSOCIATED WITH THE FOLLOWING CATEGORIES

Category A:

- Planning, Design, Energy Modeling and Integrated Project Delivery
- Energy Efficiency Improvements
- Upgrades and Appliances Necessary for Electrification
- On-site Renewable Energy Systems (photovoltaics, wind, or solar thermal), less applicable program incentives
- Advanced Controls to Enable Building-Grid Interactivity
- Ground-Source or Air-Source Heat Pumps, less applicable program incentives
- Electric Vehicle Charging Stations, less applicable program incentives
- Battery and Thermal Storage Systems, less applicable program incentives

- Commissioning
- Or other efficiency or renewable energy technologies, as determined by NYSERDA.

Category B:

- Master/Comprehensive/Site Plan as it pertains to design and energy performance
- Design as it pertains to energy performance or other work necessary to achieve a carbon neutral site
- Energy Modeling, Benchmarking and Technical Analysis
- Development of Zoning Ordinances
- Creation of Bid Documents
- Technical Guidelines & Training for overseeing the installation of energy efficiency measures, renewable energy, energy storage and electric vehicle charging infrastructure
- Case Studies

All Applicants:

At NYSERDA's sole discretion, NYSERDA may determine additional costs to be eligible if the Applicant is able to demonstrate to NYSERDA's satisfaction that these additional cost categories were specifically necessary to achieve net zero energy or carbon neutral performance as compared to what would have been necessary to complete a project that complied with New York State Energy Conservation Construction Code, or otherwise result in significant CO₂ savings at the site.

SUCCESSFUL APPLICANT REQUIREMENTS

Successful Applicants will work with NYSERDA to develop a detailed and site-specific scope of work, schedule and project budget.

Category A:

The Scope of Work will need to provide detailed information on the proposed comprehensive design to accommodate all building systems, unregulated energy loads, and renewable energy systems that will result in carbon neutral or net zero energy performance. Expenses incurred on upgrades made to existing buildings prior to submission of a Consolidated Funding Application (CFA) are not eligible expenses in the CFA project budget, however design-related expenses may be considered.

Proposed projects must be comprehensive in nature, and proposals of a nature that are single system or limited in scope may be deemed as ineligible if existing NYSERDA or utility programs are intended to support that single system project.

Category A: Scope of Work must include the following:

- Description of Facility:* New construction, change of use, or existing building; building use; energy demands; and the status of design. If the project will be completed in phases for multiple buildings or sections within a building, provide a description of each project phase.
- Carbon Neutral or Net Zero Energy Performance:* provide a description of the comprehensive scope that will be undertaken to achieve carbon neutral or net zero energy performance, including the all-electric building systems, all energy efficiency measures of the project, water conservation strategies, renewable energy systems, storage, electric vehicle charging equipment, etc. Applicants should describe how energy modeling will be used to inform the design of the project.
- Project Budget:* the project budget must identify the costs of carbon neutral or net zero energy performance as it relates to section B, inclusive of design, engineering, energy modeling, installation and commissioning. The project budget must clearly identify the

- incremental cost of getting to carbon neutral or net zero energy, above standard building practices, as well as available incentives for clean heating and renewable energy systems.
- D. *Project Timeline*: anticipated date for construction documents, construction start date, and construction complete date. If the project will be phased, provide a timeline for start and completion of each phase.
 - E. *Project Marketing Plan*: The proposer should describe how they intend to market and promote the project, including the sharing of information that could be useful to the industry. Additional and relevant information may include but should not be limited to information about the project design, the construction and operational processes, strategies to reduce costs, project costs that are either absolute or comparative, financing strategies, additional construction details, or lessons learned.

Category B:

The Scope of Work will need to identify the site boundary for the project, and provide the goals for the community, campus, or large private development project, inclusive of how those goals will be publicly committed to. The scope of work will need to identify how the carbon neutral or net zero energy aspect of the project will be planned and implemented, identify the building types that are anticipated to be included in the project (new and existing buildings), as well as the existing and anticipated renewable energy systems for the project. The project budget for this category must identify the carbon neutral or net zero energy related planning costs of the project.

Category B: Scope of Work must include the following:

- A. *Description of Campus/Community/Large Portfolio project*: Identify the project boundary, or provide a map of the project site(s). Identify the existing buildings, buildings expected to change use or undergo gut renovations, and the proposed new construction over the course of the project timeline; building uses; energy demands; and the status of the Planning and Design development of the project.
- B. *Carbon Neutral or Net Zero Energy Performance*: provide a description of the comprehensive scope that will be undertaken to convert the facilities within the boundary to all-electric systems to achieve carbon neutral or net zero energy performance for the large-scale development, identify what is needed to plan the project, how will the plan be implemented, and who is responsible for the enforcement of the plan, etc.
- C. *Project Budget*: the project budget must identify the costs of Planning and Design development for carbon neutral or net zero energy performance as it relates to section B, inclusive of planning, design development and performance criteria, engineering and technical analysis, and validation.
- D. *Project Timeline*: anticipated timeline for project planning and design development, as well as the anticipated project construction start date, and construction complete date.
- E. *Carbon Neutral Commitment*: describe how the Applicant will make a public commitment to pursuing carbon neutral performance.
- F. *Project Marketing Plan*: The proposer should describe how they intend to market and promote the project, including the sharing of information that could be useful to the industry. Additional and relevant information may include but should not be limited to information about the project design, the planning processes, strategies to reduce costs, project costs that are either absolute or comparative, financing strategies, additional analysis or technical details, or lessons learned.

All Applicants:

Successful Applicants must be able to clearly state in the project proposal how the project is aligned with the applicable REDC's Strategic Plan, and/or Regional/State Priorities, such as

how the project is aligned with the Region's Economic Clusters. NYSERDA, at its sole discretion, may choose to award projects in either Category, that are designed to meet another high performing standard.

NYSERDA, at its sole discretion, may choose to award highly replicable projects in Category A where only a portion of the building is seeking carbon neutral or net zero energy performance. In this instance, projects must demonstrate that the loads for that portion of the building will be separated from the other portions of the building, and the installed renewable energy system will be sized appropriately for those anticipated loads.

Upon NYSERDA selection for an award, NYSERDA will issue an Agreement for the project's estimated/eligible award amount.

FUNDING PRIORITIES

NYSERDA is most interested in supporting projects where the benefits of those projects are occurring in Disadvantaged Communities. Applicants may use NYSERDA's locator map to determine if a site is located within a Disadvantaged Community: <https://www.nyserdera.ny.gov/ny/Disadvantaged-Communities>.

NYSERDA is seeking to support carbon neutral projects that are highly replicable in New York State, based on the project being cost effective, having lower operating costs, utilizing commercially available solutions, the economic viability of the project type, and potential for similar projects to follow the example of the awarded project.

INELIGIBLE APPLICANTS AND ACTIVITIES

Category A:

- Heavy Industrial Facilities,
- Sites that do not pay into the System Benefits Charge, and
- Applicants may not obtain incentives through this program for measures installed before an application is approved.

Category B:

- Applicants receiving an award from this opportunity may not obtain incentives through other NYSERDA or utility programs for any of the same planning or design work conducted under this program, however, it is assumed that applicants will be eligible for and receive utility and NYSERDA incentives for the capital costs associated with implementation;
- Sites that do not pay into the System Benefits Charge, and
- Applicants may not obtain incentives through this program for planning and design development, or measures installed, before an application is approved.

SELECTION CRITERIA

An Application is eligible to receive a total final score of 100, of which 80 percent is derived from the NYSERDA review criteria below and 20 percent is allocated to the applicable REDC. The REDC rates the degree to which the project aligns with the REDC's Strategic Plan.

In addition to the criteria noted below, NYSERDA shall have the discretion to consider additional factors in determining the relative merits of projects, demonstration of replicable carbon neutral or net zero energy projects, or other factors determined to advance carbon neutral or net zero energy construction in New York State.

Program Policy Factors:

- There is diversity of technologies, approaches, and/or methods utilized to achieve carbon savings;
- There is diversity among awardee sectors and industries;

- There is geographic diversity among awardees;
- The applicant is located in an area of natural gas resource constraint; and
- There are alternate sources of financial support available via other programs funded by the Systems Benefit Charge (e.g. traditional utility programs).

Regional and State Economic Development and Energy Strategies:

- Alignment with the REDC's stated Economic Clusters or Strategic Plan;
- Contributes to State Priority Issue Areas, including but not limited to:
 - Downtown Revitalization Initiative and Strategic Community Investment: Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization and strategic place making through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses - creating dynamic neighborhoods where tomorrow's workforce will want to live, work, and raise a family. Projects should reflect the general principles of smart growth and sustainable development.
 - Improving Access to Childcare: Despite record investments in childcare, many New Yorkers still struggle to access high quality childcare. This issue forces families to choose between quality childcare and employment or places families in the position to use unlicensed childcare providers. Applicants should provide any information about their project that works to improve access to childcare.
 - Environmental Justice: Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As we transition to a greener economy, it is imperative that no subset of the population be marginalized or left behind. Applicants should provide any information about how their project actively works to address these issues. Whether the project will have a significant regional impact or is likely to increase the subject community's economic viability and vitality.
- Contributes to NYSERDA Priority Issue Area, including but not limited to:
 - Disadvantaged Communities: The Climate Leadership and Community Protection Act (CLCPA) requires state agencies, authorities, and entities to direct funding in a manner designed to achieve a goal for disadvantaged communities to receive forty percent of overall benefits of spending on clean energy and energy efficiency programs.
 - Health Across All Policies/Age-Friendly NY: This funding also supports Governor Cuomo's initiative to advance Health Across All Policies/Age-Friendly NY (Executive Order 190), a collaborative approach that integrates health considerations into policymaking and program development across all sectors to improve community health and wellness. To encourage the economic and civic strengths of the aging population and to incorporate the social needs and desires of aging New Yorkers, NYSERDA will promote economic development that improves community health and wellness and supports age-friendly communities. Projects that favorably impact the ability of individuals to continue living in their homes and communities in a manner consistent with their abilities, and approaches that build toward a future in which every New Yorker can enjoy wellness, longevity, and quality of life in strong healthy communities are encouraged to describe in detail how the project addresses age-friendly inclusion.
 - Energy System Constraint: The State has identified areas where significant demand has led to natural gas distribution system constraints. Carbon neutral and net zero energy projects located in these areas of the State are increasing the economic vitality of the community without reliance on fossil fuels.

Performance Measures:

- The estimated energy performance of the project, including all building systems, unregulated loads and renewable energy systems;
- The applicant's commitment to meet the carbon neutral or net zero energy performance standard;
- Whether the project will include integrated design principals, or will be designed to meet third-party performance validation standards (e.g., Passive House certification, Living Buildings Challenge, LEED Zero); and
- Whether the project is technically feasible, innovative, and superior to alternatives.

Cost Effectiveness:

- The estimated return on investment that the project identified in the application will generate (energy savings, lower operating costs, productivity, improved work environment) for the project cost;

Replicability:

- Whether the design and construction utilizes materials and equipment that is commercially available;
- Whether the project scope is highly replicable for similar development projects within the Region or the State;
- Whether the project type and sector are economically viable in the current market;
- The degree of project readiness and likelihood of completion, including, where applicable for real estate development projects, if there are identified tenants for a completed project; and
- The degree of the Applicant's financial viability and strength of financials/operating history/credit score.

Resiliency and Embodied Carbon:

- Design features to address occupant comfort and health and safety; durability, and sustainability. Additionally, features related to reducing the project's embodied carbon and global warming potential such as the proposed building materials, construction methods or refrigerant gases intended to be used in mechanical systems shall be described.
- Strategies to ensure the low-carbon building strategies, the building itself, and its occupants are resilient to future climate impacts; including strategies such as raising critical system components above flood levels; creating areas of refuge within the building for occupants to shelter in place during heat events, power outages, or flooding; ensuring adequate passive survivability (e.g., the building will maintain safe thermal conditions in the event of an extended power outage or loss of heating fuel, or backup power will satisfy critical loads); or other resilience-enhancing strategies. The specific climate risk should be identified (e.g., more intense heat waves), and how the proposed strategy will increase resilience by addressing that risk should be described in detail. For any buildings in the 500-year flood zone or that are otherwise at risk of current or future flooding, flood-mitigation measures should be incorporated into the design; at a minimum, critical system components should be raised above the 500-year flood elevation unless an alternative flood-mitigation plan to protect those critical components is proposed, and ultimately determined to be acceptable during the awarded project's contracting process, at NYSERDA's sole discretion.
- For guidance on managing future flood risk, refer to the State [Flood Risk Management Guidance](#). For guidance on climate change and climate resilience, refer to the [ClimAID climate projections](#) for New York State, the New York [Adapting Buildings for a Changing Climate](#) website, and the [NYC Climate Resiliency Design Guidelines](#).

AWARD CRITERIA DETAILS

- An initial screening for eligibility will be conducted several weeks after the close of the CFA. Applicants that are determined to not meet basic eligibility criteria will be informed at that time that they are not eligible for further consideration of this program for this year.
- Notice of a funding award will be given in the form of a contract outlining the terms of the proposed assistance. Project funding may only be used for expenses incurred after the date that notice of the funding award is given. Applicants are strongly encouraged to review and countersign NYSERDA's Agreement prior to starting the project.
- All Applicants will be required to certify and agree that any decrease in the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, may result in NYSERDA's reduction of the award, in NYSERDA's sole discretion, in an amount proportionate to any such decrease.
- All Applicants will be requested to certify and agree that any expansion of the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, may not result in an increase of the award, consideration of scope changes will be at the sole discretion of NYSERDA.
- Please note that awarded grants are transferable at the sole discretion of NYSERDA.
- It is expected the project will proceed in the time frame set forth by the Applicant. If the implementation of a project fails to proceed as planned and is delayed for a significant period of time and there is, in the exclusive judgment of NYSERDA, doubt as to its viability, NYSERDA reserves the right to cancel its funding commitment to such project. NYSERDA reserves the right to require Recipient to provide any additional information and/or documentation NYSERDA deems necessary and terminate the project at any point if the applicant fails to provide such documentation in a timely manner.
- All required public approvals must be in place prior to the start of construction and installation of renewables, including State Environmental Quality Review (SEQR) and consultation with the State Historic Preservation Office, if applicable. Physical work on a NYSERDA-funded project may not be started prior to the completion of any necessary environmental, historic and/or smart growth review.
- Grant funds originally awarded to projects that have since been cancelled or terminated will be repurposed for economic development projects by NYSERDA at its discretion in consultation with the REDCs.
- ELIGIBLE AREA, CITY, COUNTY POPULATION LIMITS OR POPULATION TARGET TYPES: Applicants in REDC regions must be contributing to the System Benefits Charge (SBC) on their electric utility bill in order to be eligible. Distribution customers of the six major New York State electric utilities (Central Hudson Gas & Electric Corporation, Consolidated Edison, New York State Electric & Gas Corporation, National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation) may contribute to the SBC.
- LIMITATIONS:
 - For most Category A applications, NYSERDA will contribute up to seventy-five percent (75%) of the eligible net zero energy design and construction costs, up to \$2,000,000, based on an approved Scope of Work.

- For Category B applications, NYSERDA will contribute up to seventy-five percent (75%) of the eligible net zero energy planning and design costs, up to \$5,000,000, based on an approved Scope of Work.
 - An independent third-party energy consultant is required for all projects.
 - Energy standards developed by NYSERDA for existing Standard Offer programs, such as NY Sun and Charge NY, including the use of eligible installers, will be required for awarded projects.
 - Post-construction monitoring and verification of performance is required for all awarded projects.
- **LONG RANGE GOALS:** NYSERDA's goal is to increase the economic competitiveness of facilities by providing technical and financial support for the implementation of cost-effective energy efficiency and renewable energy technologies.
 - **PROJECT TERM COMPLETION DATES:** Financial incentives are based upon the predicted cost of planning, design and/or construction to achieve carbon neutral or net zero energy performance, as determined in the approved Scope of Work.
 - Category A: NYSERDA will provide payments of incentives in at least three designated stages during the design and construction of the project: 1) Design Complete/ Buildings Department Approval; 2) 50% construction complete, with delivery of systems equipment on-site; and 3) when construction is complete.
 - Category B: NYSERDA will provide payments for time and materials on a monthly or quarterly basis.
 - **MATCHING FUND REQUIREMENTS / DEADLINES:** The Applicant will pay the remaining percentage of the total project cost of the design and construction of the project.
 - All projects must include cost-sharing in the form of matching cash support from the Applicant. In-kind contributions of any type are not allowed as matching funds.

ADDITIONAL RESOURCES

For more information, applicants should contact the New York State Energy Research and Development Authority, 17 Columbia Circle, Albany, New York 12203, call (518) 862-1090 ext 3004, email LoriNC@nyserda.ny.gov or visit: <https://www.nyserda.ny.gov/>.

Commercial and Industrial (C&I) Carbon Challenge

Funding Available: Up to \$15 million available

DESCRIPTION

The New York State Energy Research and Development Authority (NYSERDA) has \$15 million of incentives available in two categories to support clean energy project portfolios for large Commercial and Industrial customers across New York State. All projects must demonstrate carbon emissions savings and be installed within a 3-year implementation period. Eligible projects include, but are not limited to, energy efficiency improvements, retrofits, clean heating and cooling, carbon capture, utilization and storage, industrial process emission reduction, and on-site renewable energy systems. The purpose of the funding available in this program is to achieve cost-effective carbon emission reduction by providing large customers with flexible funding streams.

The Commercial and Industrial (C&I) Carbon Challenge provides eligible New York State commercial, industrial, and institutional applicants with incentives on a competitive basis. Applicants are required to identify a carbon savings goal and the projects they will complete to meet that target. Available awards range from \$500,000 to \$5 million. Award amounts are determined by the size of the carbon savings goal.

Projects may qualify under one of the two following categories:

Category A - \$10 million in funding available

Proposals in which 30% or more of the carbon savings goal derive from low-carbon fuels, carbon capture, utilization, and storage, industrial process emission reduction, and/or beneficial electrification projects

- Beneficial electrification is defined for the purposes of this program as the utilization of electricity for activities that would otherwise consume fossil fuels.
- Industrial process emissions are those generated from physical or chemical changes to materials in the manufacturing process, unrelated to the consumption of energy
- Applicants will indicate on Attachment B whether a particular project is a category A eligible project, but the ultimate determination of whether a project fits this designation is at NYSERDA's sole discretion.

Category B - \$5 million in funding available

All other proposals fall into Category B.

NYSERDA reserves the right to move funding from one category to another based upon proposal submissions.

APPLICATION SUBMISSION

In addition to the CFA Application, Applicants to this program will be required to complete additional required attachments:

- Attachment A, Clean Energy Action Plan - The Clean Energy Action Plan serves as the keystone document for tracking the overall strategic approach of the Applicant throughout the C&I Carbon Challenge program. It will be used to document goals; track timelines and key metrics including costs, savings, and personnel requirements; provide high level overviews of project implementation planning and ongoing progress; and detail measurement and verification approaches as projects are finalized.

- Attachment B, Project Savings Tracker – This calculation and tracking tool is meant to assist Applicants in determining their carbon savings goal and the value of their award. Each project included in the Clean Energy Action Plan must be included on this spreadsheet.
- Attachment C – Data Collection Form

These attachments can be found at <https://www.nyserda.ny.gov/cicc>.

APPLICATION QUERIES

No communication intended to influence this procurement is permitted except by contacting Sean Mulderrig at (212)-971-5342, ext. 3804 or by e-mail sean.mulderrig@nyserda.ny.gov (for technical questions). If you have contractual questions concerning this solicitation, contact Nancy Marucci (Designated Contact) at (518) 862-1090, ext. 3335 or nancy.marucci@nyserda.ny.gov. Contacting anyone other than the Designated Contacts (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

ELIGIBLE TYPES OF APPLICANTS

Eligible Applicants include, but are not limited to:

- Colleges and Universities
- Food and Beverage Processing
- Health Care Facilities
- Manufacturing
- Mining and Extraction
- Municipal Facilities
- Multifamily Residential
- Not-For-Profit and Private Institutions
- Office Buildings
- Public and Private K-12 Schools
- Retail
- State and Local Governments
- Warehouse and Distribution Facilities
- Wastewater Treatment Plants

While third party advisors or consultants are permitted to assist in preparing applications, they are not an eligible applicant.

Applicants implementing projects for customers or at 3rd party sites in order to scale the impact of an emissions reduction solution will be eligible provided they meet all pre-application requirements.

PRE-APPLICATION REQUIREMENTS

- All participating sites identified in the proposal must pay the electric SBC;
- Work conducted prior to the execution of an Agreement between NYSEDA and the applicant is not eligible for cost-reimbursement;
- New construction and expansion projects are not eligible for this program; and
- The applicant must have an average monthly peak electric demand of 3 MW or greater.
 - This is calculated by averaging the monthly peak demand over the 12-month period preceding the submission of this application. This demand requirement can be met by a single applicant site or aggregating the demand of multiple applicant sites across New York State.

- The applicant must have an average monthly peak electric demand of 1.5 MW or greater that is serviced by market power providers to whom the Applicant pays the SBC.
- Projects must be performed on systems with a remaining useful life of at least six years.

If selected to receive an award, applicants may be asked to provide additional proof to show that they meet the electric demand requirements.

Work conducted prior to the execution of an Agreement between NYSERDA and the Applicant is not eligible for cost-reimbursement.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS

Grant funds may be used for any energy or industrial-process related projects that can reduce carbon emissions. These actions include, but are not limited to:

- Energy Efficiency Improvements
- On-site Renewable Energy Systems (photovoltaics, wind, or solar thermal)
- Ground-Source or Air-Source Heat Pumps
- Battery Storage
- Carbon Capture, Utilization, and Storage
- Process Emission Reduction
- Low-Carbon Fuel Use
- Other efficiency or renewable energy technologies.

For certain carbon reduction measures, awardees will be required to meet NYSERDA minimum quality standards and work with NYSERDA approved participating contractors, where applicable. More information on approved contractors can be found here: <https://www.nyserderda.ny.gov/Contractors/Find-a-Contractor>.

Selected applicants will work with NYSERDA to develop a 4-year contract agreement commencing in 2021. All carbon reduction projects must be installed within 3 years of agreement execution. The final year will be used to complete any outstanding measurement and verification (M&V), if necessary, and determine final project results.

Awards are determined by the size of the carbon savings goal. As the amount of carbon saved increases, the financial incentives increase. For each ton of carbon reduced, NYSERDA will provide funding according to a marginal rate schedule shown below.

Category A	
mtCO2e	\$ per mt CO2e
0 - 25,000	\$20.00
25,000 - 60,000	\$22.00
60,000 - 125,000	\$24.00
125,000 - 200,000	\$26.00
200,000+	\$28.00

Category B	
mtCO2e	\$ per mt CO2e
0-50,000	\$11.00
50,000 - 80,000	\$15.00
80,000 - 150,000	\$17.00
150,000 - 250,000	\$22.00
250,000 - 375,000	\$25.00
375,000+	\$26.00

Here is an example of how the award size is calculated: an applicant submits a proposal under Category A that sets a target of reducing 130,000 tons of CO2 equivalent. The overall award equals

$$(25,000mt \times \$20) + (35,000mt \times \$22) + (65,000mt \times \$24) + (5,000mt \times \$26) = \$2,960,000$$

To provide Applicants with flexible funding, up to 70% of the overall award will be made available as project costs are incurred. NYSERDA and awardees will use the Clean Energy Action Plan and monthly meetings to document expected costs and determine funding requirements, ensuring disbursements are proportional to all project costs anticipated through the Clean Energy Action Plan and align with progress toward carbon savings goal. Participants will be required to provide NYSERDA with invoices for incurred costs and remittance of payment will be at the discretion of the Project Manager.

All remaining funds will be awarded upon completion of M&V conducted by a third-party evaluator and will be subject to readjustment based on the participant's performance relative to their stated carbon savings goal according to the marginal rate schedule.

Projects that receive an award under the C&I Carbon Challenge program will not be eligible to apply for any other efficiency or renewable energy incentives from NYSERDA or the proposer's utility. However, Applicants that are not awarded incentives through this competitive selection process may be eligible to participate in other NYSERDA or utility programs as applicable.

NYSERDA will have discretion to accept only a portion of the submitted portfolio of projects for funding. Any individual project(s) not selected for funding will still be eligible for alternative NYSERDA or utility incentive program funding.

SUCCESSFUL APPLICANT REQUIREMENTS

Selected C&I Carbon Challenge awardees will be expected to work closely with NYSERDA in updating, refining and implementing Clean Energy Actions Plans over the term of the program. Each program participant will receive the benefit of a dedicated NYSERDA Project Manager. The Project Manager will work with participants to track progress, provide feedback and guidance on measures to be implemented, and coordinate cross-collaboration with participants and NYSERDA external resources when necessary or requested.

Both the Clean Energy Action Plan and the Project Savings Tracker will be required to be updated on a bi-annual basis, at a minimum. The originals of these documents submitted in this application will serve as the initial document to which all revisions will be applied. Updates will encompass the following:

- Indication of instances where estimates have been revised or implementation plans have been altered
- A brief summary of all Clean Energy Actions taken to date
- A detailed account of progress on completed measures, including:
 - Project Costs
 - Estimated Savings
 - Verified & Realized Savings
 - Upcoming Measurement and Verification actions
- Identification of new measures, if applicable

SELECTION CRITERIA

An Application is eligible to receive a total final score of 100, of which 80 points are derived from the NYSERDA review criteria below and 20 points are allotted by the applicable Regional Economic

Development Council. The REDC rates the degree to which the project aligns with the REDC's Strategic Plan.

Proposals that meet solicitation requirements will be reviewed by a Scoring Committee using the Evaluation Criteria below **listed in order of importance**. After proposals are reviewed, NYSERDA will issue a letter to each proposer indicating the proposal evaluation results. NYSERDA reserves the right to adjust awards and related carbon goals based on available funding.

1. Project Analysis (25 points)

- Does the proposer demonstrate a thorough investigation of potential measures and sound reasoning for selecting their proposed approach? How thoroughly have projects been scoped? What level of analysis has been completed? Is the methodology for determining energy savings or generation provided and well detailed? Are assumptions disclosed? Are project costs reasonable and based on customer experience and/or market intelligence? Have projects in the proposal been examined in a NYSERDA FlexTech study?

2. Project Plan (20 points)

- Does the proposed plan and approach utilize well established means of implementing energy efficiency and/or distributed energy resource projects? Does the proposed approach utilize technologies or solutions that have proven themselves in the marketplace? Can projects feasibly be completed according to the proposed schedule? Does the personnel identified to work on projects possess the experience necessary to ensure success? Are adequate means of tracking project metrics and schedules in place?

3. Experience (15 points)

- Does the proposer have a codified institutional or corporate social responsibility framework? Does the proposer have a demonstrated record of sustainable planning and implementation? Has the proposer set specific sustainability goals and is there a track record of achieving them? Has the proposer traditionally undertaken energy efficiency or distributed energy resource projects? Are adequate personnel resources in place to deliver on sustainability goals?

4. Project Scale (10 points)

- How many metric tons of carbon equivalent will the applicant reduce? What level of cost-sharing will be required by NYSERDA?

5. Disadvantaged Community Impacts (10 points)

- Will the proposal offer benefits to disadvantaged communities?

In addition to the criteria noted above, NYSERDA shall have the discretion to consider additional factors in determining the relative merits of projects to illustrate innovative carbon-reducing strategies in New York State. NYSERDA may also consider the following program policy factors in making award decisions:

- There is diversity of technologies, approaches, and/or methods utilized to achieve carbon savings;
- There is diversity among awardee sectors and industries;
- There is geographic diversity among awardees;
- The applicant is located in an area of natural gas resource constraint; and
- There are of alternate sources of financial support available via other programs funded by the Systems Benefit Charge (e.g. traditional utility programs).

AWARD CRITERIA DETAILS

- An initial screening for eligibility will be conducted several weeks after the close of the CFA. Applicants that are determined to not meet basic eligibility criteria will be informed at that time that they are not eligible for further consideration of this program for this year.
- Notice of a funding award will be given in the form of a contract outlining the terms of the proposed assistance. Project funding may only be used for expenses incurred after the date of contract execution. Applicants are strongly encouraged to review and countersign NYSERDA's Agreement prior to starting the project.
- All Applicants will be required to certify and agree that any decrease in the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, may result in NYSERDA's reduction of the award, in NYSERDA's sole discretion, in an amount proportionate to any such decrease.
- All Applicants will be requested to certify and agree that any expansion of the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, may not result in an increase of the award, consideration of scope changes will be at the sole discretion of NYSERDA.
- Please note that awarded grants are transferable at the sole discretion of NYSERDA.
- NYSERDA expects projects to proceed in the time frame set forth by the Applicant. If the implementation of a project fails to proceed as planned and is delayed for a significant period of time and there is, in NYSERDA's exclusive judgment, doubt as to its viability, NYSERDA reserves the right to cancel its funding commitment to such project. NYSERDA reserves the right to require Recipient to provide any additional information and/or documentation NYSERDA deems necessary and terminate the project at any point if the applicant fails to provide such documentation in a timely manner.
- All required public approvals must be in place prior to the start of construction and installation of renewables, including State Environmental Quality Review (SEQRA). Physical work on a NYSERDA-funded project may not be started prior to the completion of any necessary environmental review.
- Grant funds originally awarded to projects that have since been cancelled or terminated may be repurposed for economic development projects by NYSERDA at its discretion in consultation with the REDCs.

ADDITIONAL RESOURCES

For more information, applicants should contact Sean Mulderrig at the New York State Energy Research and Development Authority, 17 Columbia Circle, Albany, New York 12203, call (518) 862-1090 ext 3804, email sean.mulderrig@nyserda.ny.gov or visit: <https://www.nyserda.ny.gov/All-Programs/Programs/CI-Carbon-Challenge>.

New York Power Authority

ReCharge New York

Amount available: Up to 22 Megawatts (availability as of 4/1/21)

Description:

ReCharge New York (RNY) is a statewide economic development power program designed to retain or create jobs through allocations of lower cost electricity to businesses and Not-for-Profit Corporations. There is also power available to be allocated to businesses that plan to expand operations in the state or are looking to relocate to New York State. The RNY power program is a valuable tool for promoting economic development within the state. Businesses and Not-for-Profit Corporations are eligible to apply. The program is not available to sports venues, retail businesses, gaming or entertainment related establishments, and places of overnight accommodations.

Allocations of ReCharge New York power will be awarded based on a competitive application process based on legislative criteria. Recommended allocation awards must be approved by the Economic Development Power Allocation Board and the New York Power Authority Board of Trustees. Allocations of RNY power (in kW) will be delivered after the execution of a contract. The contract could be a term of up to seven years and will specify employment commitments and other terms and conditions for retaining the RNY power allocation.

For more information, eligible applicants should call the ReCharge New York Hotline at 888-JOBSNYS (888-562-7697) or email PoweringBusiness@nypa.gov.

New York State Department of Environmental Conservation

Climate Smart Communities Grant Program

Funding Available: Up to \$11 million

Program Description

The Climate Smart Communities (CSC) Grant Program provides funding for municipalities to address climate change mitigation (reduction of greenhouse gas emissions) and climate change adaptation (reduction of risk associated with climate change hazards) at the local level. Projects are divided into two categories.

1. Implementation: These projects either reduce greenhouse gas (GHG) emissions from the non- power sector (e.g., transportation, refrigerants, food waste) or reduce risks to residents, infrastructure, and/or natural resources from hazards linked to climate change (e.g., cooling centers, flood plain restoration, reduction of flood risk).
2. Certification: This category includes inventories, assessments, and planning projects that build local capacity to respond to climate change. These projects also move municipalities toward being designated as certified Climate Smart Communities, if they choose to become certified.

Per New York State (NYS) Environmental Conservation Law § 54-1511(3), a local match equal to 50% of total eligible project costs is required. For example, a project with an eligible total cost of \$100,000 is eligible for a \$50,000 grant and the grantee must provide a \$50,000 local match.

CSC grants are reimbursement based, see Reimbursements and Reporting section of this request for applications (RFA) for additional details.

Question and Answer Period

For grant-specific questions contact Myra Fedyniak at the NYS Department of Environmental Conservation (DEC), Office of Climate Change (OCC), 625 Broadway, Albany, NY 12233-1030, 518-402- 8448 or cscgrants@dec.ny.gov . Additional information on OCC grant programs can be found online at <https://www.dec.ny.gov/energy/109181.html#CSC> .

The question and answer period will run from the Consolidated Funding Application (CFA) opening date to the middle of the CFA cycle. Questions and answers will be posted to the CFA FAQ page at <https://regionalcouncils.ny.gov/> following the end of the question and answer period.

For general information and questions on the CSC Certification program, please call 518-402-8448, email climatesmart@dec.ny.gov or see <https://climatesmart.ny.gov/>.

Eligibility

Eligible Applicants

All municipalities in the State of New York are eligible to apply for funding in response to this request for applications (RFA). For the purpose of this RFA and pursuant to 6 NYCRR

§ 492-1.1(j), a municipality is defined as a county, city, town, village, or borough (referring only to Manhattan, Bronx, Queens, Brooklyn, and Staten Island) residing within New York State.

Political subdivisions such as municipal corporations, school districts, district corporations, boards of cooperative educational services, fire districts, public benefit corporations, industrial development authorities, and similar organizations are **not eligible** to apply in response to this RFA.

Applicants do not need to be a certified or registered CSC or be working toward CSC certification to apply in response to this RFA.

Two or more municipalities, or one municipality and a quasi-governmental entity or non-profit organization, may collaborate on a project; however, the applicant must be a municipality. See the Partnerships section of this RFA for more details.

Applicants may submit several applications, but no more than one application may be submitted for the same project or project location.

Eligible Timeline

The start date for all contracts awarded through this RFA will begin after the awards have been announced, the procurement package has been approved by the NYS Comptroller, and the contracts have been created in the Grants Gateway. Project costs must be incurred between the contract start and end dates to be considered eligible for reimbursement or match. Applicants should not submit applications in response to this RFA if they do not anticipate they can complete the proposed project(s) within five years of the contract start date.

Eligible Project Types and Funding Levels

There are two different project categories within the CSC grant program – implementation and certification. The implementation category is divided into two subcategories, implementation-mitigation and implementation-adaptation. Each category and subcategory is detailed below. Proposed projects must demonstrate an ability to identify, mitigate and/or adapt to climate change vulnerability and risk or demonstrate potential to reduce greenhouse gas emissions outside the power sector, as per ECL 54-1507. Projects must result in a climate benefit to be eligible.

Implementation Projects

Eligible implementation projects must be non-power sector GHG mitigation or climate change adaptation projects as described below and be located within the State of New York. The expected useful life of an implementation project is a minimum of 10 years, pursuant 6 NYCRR section 492-3.3(e).

Total available - up to \$10 million

Minimum grant award - \$50,000

Maximum grant award - \$2,000,000

For construction and infrastructure projects, design and engineering expenses are limited to a maximum of 15% of the grant request.

For projects with outreach or educational components, curriculum or program development expenses are limited to 15% of the grant request.

No more than 50% of the total available funds for implementation projects will be awarded to municipalities with populations greater than 100,000 or to any single municipality.

If funding in the implementation category remains after all awards in the implementation category are made based on eligibility, program requirements and goals, and passing score, DEC reserves the right to apply the remaining funding to eligible proposals in the certification category.

Implementation-Mitigation Projects

Eligible projects in the implementation-mitigation category must provide a reduction in GHG emissions from the non-power sector. Implementation-mitigation projects shall be one of the following types:

1. Reduction of Vehicle Miles Traveled (VMT). Transportation is the largest source of GHG

emissions in NYS. Reducing the single-occupancy vehicle trips for daily needs will reduce GHG emissions. Reduction of VMT projects include, but are not limited to the following:

- Construction of on-road or off-road facilities for non-motorized forms of transportation that facilitates commuting or access to daily needs.
- Implementation of transit improvements that have the potential to substantially increase ridership, improve access to daily needs, and/or increase commuting by mass transit.
- Implementation of projects or programs such as densification or implementation of smart-growth strategies to reduce the distance commuted in single occupancy vehicles.

2. Reduction of Organic Waste. These projects divert food waste and other organic material from landfills where it produces methane. Projects include, but are not limited to the following:

- Implementation, expansion, or piloting of education and outreach programs to prevent wasted food and reduce the volume of surplus food in the community (i.e., source reduction at the consumer level), thereby increasing the diversion of food waste from landfills.
- Increasing edible food donated to the hungry, e.g., establishment or expansion of food-donation programs, purchase and installation of storage equipment for food, purchase and use of edible-food collection vehicles, and infrastructure for the storage and management of edible food.
- Implementation, expansion, or piloting of a food-waste pick-up service for residents, businesses, institutions, or municipal facilities to be repurposed as animal feed or composted at an organics recycling facility.
- Construction of new (or the expansion of existing) facilities to process food scraps via anaerobic digesters (e.g., at wastewater treatment facilities) or composting.

3. Refrigerant Management. Refrigeration and cooling systems contain GHGs that are many times more potent than carbon dioxide at trapping heat in the atmosphere. Leakage of the refrigerants is a regular occurrence from heating, ventilation, and air conditioning (HVAC) equipment, refrigerators, ice rinks, chillers, window air conditioners, and dehumidifiers. Municipalities can reduce or eliminate the harm caused by refrigerants by converting to zero or low global

warming potential (GWP) alternatives, instituting leak management systems and repair plans, or providing for the proper disposal of appliances in the community. See [https://www.dec.ny.gov/docs/administration_pdf/cscrefrig\(1\).pdf](https://www.dec.ny.gov/docs/administration_pdf/cscrefrig(1).pdf) for additional information regarding refrigerants and <https://meetny.webex.com/recordingservice/sites/meetny/recording/ae5732c2551a49d0b5570059dc26f447/playback> for a CSC webinar on refrigerant management. Projects in this category include, but are not limited to the following:

- Replacement or retrofit of refrigeration equipment, chillers, or air-conditioning equipment (such as window units) with alternative refrigerants that have a GWP of 700 or lower. Currently, systems that run on ammonia have the lowest GWP, but other options may be available. Lists of alternative refrigerants and their GWP can be found online on the United States Environmental Protection Agency website at <https://www.epa.gov/snap/substitutes-refrigeration-and-air-conditioning>, among others. Applicants should contact potential vendors to determine the available options for low-GWP alternatives in different types of equipment and examine the technical documentation for the associated equipment.
- Installation of refrigerant leakage monitoring equipment and establishment of a monitoring and repair plan.
- Establishment of disposal programs to recover and recycle refrigerants, including those from automobiles, or properly dispose of equipment containing refrigerants. (For example, see <https://www.epa.gov/rad> .)
- Adoption of codes to enable and encourage the use of alternative refrigerants or requirements for proper monitoring, repair, and disposal of refrigerants.
- Implementation of education and outreach programs for residents and local businesses regarding the reduction of GHG emissions from refrigerants.
- Evaluation of local government operations for opportunities to reduce refrigerant emissions including, but not limited to, an inventory of equipment, refrigerants used, maintenance schedules, leak rates, and alternatives. The evaluation must include a list of recommendations and actions to be taken by the local government to implement a leakage control, retrofit, or replacement program.
- Implementation of a comprehensive refrigerant management program for the municipality (which should include above components, including procurement of new equipment, installation of new equipment, maintenance of new and existing equipment, and disposal). (For more information, see <https://www.epa.gov/rad> , https://www.sustainablepurchasing.org/wp-content/uploads/2020/09/2020.09.29_Climate_Friendly_Refrigerants_Acton_Team_FINAL.pdf , and <https://www.climatefriendlycooling.com/about.html> .)

Implementation-Adaptation Projects

Eligible adaptation project types include any project designed to provide a meaningful reduction of risk to residents, infrastructure, and/or natural resources from hazards projected to become more severe or frequent as a result of climate change. Such projects

include, but are not limited to the following:

- Increasing or preserving natural resilience, such as construction of living shorelines and other nature-based landscape features to decrease vulnerability to the effects of climate change and to improve or facilitate conservation, management, and/or restoration of natural floodplain areas and/or wetland systems.
- Flood-risk reduction, including but not limited to, strategic relocation or retrofit of climate- vulnerable critical municipal facilities or infrastructure to reduce future climate change-induced risks to those facilities.
- Replacing or right-sizing flow barriers, including but not limited to, right-sizing bridges or culverts, or improving flow barriers to facilitate emergency response or protection of population centers, critical facilities, infrastructure, and/or natural resources, based on assessment of projected future conditions. Such projects should include information on upstream occurrences that may be contributing to the problem, potential downstream impacts of the proposed project, and overall watershed assessment of the waterbody. Impacts must be due to climate change and not the result of deferred maintenance.
- Extreme-heat preparation including, but not limited to, establishment of cooling centers, construction of permanent shade structures, and implementation of other cooling features or programs. Cooling center projects requesting funding to purchase new equipment must purchase equipment with GWP of 700 or lower. See #3 Refrigerant Management in the mitigation category for additional information. Generators associated with a cooling center must be powered by means other than fossil fuels to qualify for grant funding or match.
- Emergency preparedness, including, but not limited to, establishment of emergency warning systems or implementation of emergency preparedness and/or response programs (excluding radio communications). Applications requesting funding for a generator must meet the following requirements, 1) the generator installation must be a component of a larger adaptation project, and 2) the generator must be powered by means other than fossil fuels. Hydrogen fuel cell powered generators must be powered by hydrogen produced through electrolysis, either created on-site or delivered.
- Enrollment in and completion of activities that are part of the Federal Emergency Management Agency (FEMA) Community Rating System (CRS) program.

Certification Projects

Certification projects focus on assessments, inventories, and planning activities that are part of becoming a certified Climate Smart Community. Only the certification actions listed below are eligible for grant funding. These actions create a foundation from which the community may institutionalize adaptation to climate change and mitigation of GHG emissions. They also provide a basis for future grant applications in the implementation category.

Total available – up to \$1,000,000.

Minimum grant award - \$10,000.

Maximum grant award - \$100,000.

No more than 50% of the total available funds for certification projects will be awarded to municipalities with populations greater than 100,000 or to any single municipality.

If funding in the certification category remains after all awards in the certification category are made based on eligibility, program requirements and goals, and passing score, DEC reserves the right to apply the remaining funding to eligible proposals in the implementation category.

Eligible applications must include completion of at least one of the following CSC certification actions:

- PE2 Action: Government Operations GHG Inventory
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/6>
- PE2 Action: Community GHG Inventory
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/7>
- PE2 Action: Government Operations Climate Action Plan
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/10>
- PE2 Action: Community Climate Action Plan
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/11>
- PE3 Action: Fleet Inventory
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/147>
- PE3 Action: Fleet Efficiency Policy
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/21>
- PE5 Action: Organics Management Plan
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/158>
- PE5 Action: Construction and Demolition Waste Policy
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/57>
- PE6 Action: Comprehensive Plan with Sustainability Elements
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/66>
- PE6 Action: Complete Streets Policy
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/74>
- PE6 Action: Planning and Infrastructure for Bicycling and Walking (Bike and Pedestrian Master Plan only)
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/75>
- PE6 Action: Natural Resources Inventory
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/82>
- PE7 Action: Climate Vulnerability Assessment
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/85>
- PE7 Action: Evaluate Policies for Climate Resilience
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/87>
- PE7 Action: Climate Adaptation Plan
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/88>
- PE7 Action: Heat Emergency Plan
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/91>

Work plans submitted as part of an application for a project under the certification category must include completion of the minimum requirements for the selected certification action(s) as described in the Climate Smart Communities Certification Portal (CSC Portal) action description pages, found at the links above, under subheadings “E. How to Obtain Points for this Action” and “F. What to Submit.”

Fees related to accessing tools for climate change adaptation and GHG mitigation for the duration of the project are reimbursable if directly related to the proposed project (e.g., ICLEI ClearPath, the Temperate tool, GHG software). Approval of these expenses will be made

by DEC during application review.

Eligible Expenses for Reimbursement

The following expenses are eligible for reimbursement:

- Personnel Services: Salaries of staff, including fringe, directly devoted to project implementation. Grantees will be required to document date and hours worked and tasks completed via time records.
- Contractual Services: Tasks completed by professional and technical consultants or contractors (e.g., engineering, planning, construction, and legal services) directly related to the project.
- Equipment: Purchase or rental of equipment (e.g., backhoe) directly required to implement the project.
- Travel: Project related travel costs. Mileage will be reimbursed at the current federal rate and lodging at current state per diem rates for the location. Note that consultants should include travel in the overall cost proposal and not bill the grantee separately.
- Supplies and Materials: Supplies and materials are defined as consumable products needed to directly implement the project (e.g., printing, copying, paving material, crushed stone).

Eligible Expenses for Local Match

A local match equal to 50% of total eligible project costs is required. For example, a project with an eligible total cost of \$100,000 is eligible for a \$50,000 grant and must provide a \$50,000 local match. The applicant must identify all sources and amounts of match in the budget at the time the application is submitted. The following are eligible as local match.

In-kind Match

- Personnel Services: Salaries of staff, including fringe, directly devoted to project implementation. Grantees will be required to document date and hours worked and tasks completed via time records.
- Real Property: The cost of acquisition of land that is necessary for and directly related to the proposed project may be used as **match only**. The cost of land acquisition cannot be supported with DEC grant funds. At the time of application, the applicant must submit the following acquisition documentation when real property is being used as match:
 - map identifying the property
 - current appraisal report
 - copy of the recorded deed conveying title

Real property as match must be approved by DEC as part of the application review process. Match for which complete land acquisition documentation is not submitted with the application will be deemed ineligible.

- In-kind Equipment Use: In-kind use of equipment will be valued at the current NYS Department of Transportation or Federal Emergency Management Administration (FEMA) equipment rates or documented local equipment rental rates.

- Volunteer Time: Volunteer time is defined as unskilled labor or work performed by professionals or skilled laborers directly on the project, in an area outside their area of expertise. Values for volunteer time must be computed at the minimum wage at the time the work is performed. (For 2022, minimum wage will be \$15.00 for all of NYS.) Grantees will be required to document date and hours worked and tasks completed via time records.
- Donated Professional Services (DPS): DPS is defined as work performed by professionals or skilled laborers in their area of expertise directly on the project. For example, a lawyer donating legal services to the project may compute value based on the standard billing rate, but the same lawyer donating time painting walls must calculate the value using minimum wage. Grantees will be required to document date and hours worked and tasks completed via time records.

Cash Match

Cash match includes general municipal funds, other grants from non-state or non-federal funding sources, and donations from community or corporate sponsors. Funds allocated from NYS, including the consolidated local street and highway improvement program (CHIPS), aid and incentives to municipalities (AIM), and payments in lieu of taxes (PILOT), are considered local general municipal funds. Cash purchases for local match include the following:

- Contractual Services: Tasks completed by professional and technical consultants (e.g., engineering, planning, construction, and legal services directly related to the project).
- Equipment: Purchase or rental of equipment (e.g., backhoe) directly required to implement the project.
- Travel: Project related travel costs. Mileage will be reimbursed at the current federal rate and lodging at current state per diem rates for the location. Note that consultants should include travel in the overall cost proposal and not bill the grantee separately.
- Supplies and Materials: Supplies and materials are defined as consumable products needed to directly implement the project (e.g., printing, copying, paving material, crushed stone).
- Clean Water State Revolving Fund (CWSRF): CWSRF loans may be used as match for projects to preserve natural resilience (floodplain restoration, wetland restoration) and to mitigate flood hazards utilizing green infrastructure as these loans are repaid with municipal funds.

Projects for which a complete match is not identified will have the award reduced to the eligible match amount or may be deemed ineligible if the reduced funding is unlikely to ensure successful completion of the project.

Ineligible Expenses

The following expenses are not eligible as match or for reimbursement:

- Costs for purchase of zero-emission vehicles and/or installation of electric vehicle service equipment or other charging or clean vehicle fueling infrastructure. If interested in clean vehicles, charging infrastructure, or hydrogen fuel cell filling station grant opportunities, please see the Grants Gateway at

https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx and search for zero-emission.

- Costs for the installation of power-sector related GHG emission reductions such as solar panels, heat pumps, etc.
- Salt storage sheds.
- Generators, unless part of a larger adaptation project and powered by means other than fossil fuels.
- Indirect or overhead costs of the municipality. This category includes, but is not limited to, rent, telephone service, general administrative support, general-use computers, office equipment, general office supplies, and other general operations costs such as memberships and subscriptions (e.g., newspapers, professional and municipal associations). Salaries and other expenses of elected officials, whether incurred for purposes of project direction, execution, or legislation.
- Fund-raising expenses.
- Taxes, insurance, fines, deficit funding, bond interest, and associated fees.
- Contingency costs.
- Federal funds.
- Other NYS grant funds.

Application Criteria, Terms, and Conditions

Grants Gateway Registration

Pursuant to the New York State Division of Budget Bulletin H-1032 Revised, effective July 16, 2014, New York State has instituted key reform initiatives to the grant contract process. Information on these initiatives can be found on the Grants Management Website at <https://grantsmanagement.ny.gov/>.

Although applications for the CSC grant program are submitted through the CFA, development of contracts for awarded applications over \$10,000 will take place in the Grants Gateway. Therefore, all applicants must be registered in the Grants Gateway at the time and date that the application is due. Applications received from applicants that have not registered in the Grants Gateway by the application due date and time cannot be evaluated. Such applications will be disqualified from further consideration. Applications awarded grant funds for \$10,000 will be processed via a Letter of Agreement.

COVID-19 Update: During the COVID-19 emergency, only registrations submitted via email will be accepted. Hardcopy registration materials received after April 1st, 2020 will not be processed. Per Governor Cuomo's Executive Order 202.7, NYS notarization services may be performed remotely using audio-visual technology. Please contact a notary for additional information and instructions.

Please check the Grants Management registration page at <https://grantsmanagement.ny.gov/register-your-organization> for updates to the registration process in the event that the COVID-19 emergency is lifted during this opportunity.

Applicants must have a valid Federal Employee Identification Number (FEIN) and a NYS Vendor Identification Number to complete their Grants Gateway registration. If a municipality passes a resolution authorizing a department under its jurisdiction to apply for funding, that department can apply only if it is registered in the NYS Grants Gateway. Registration in the

NYS Grants Gateway is necessary for municipalities to apply for a NYS grant opportunity, enter into a grant contract, amend an existing contract, and apply for reimbursement.

For assistance with usernames, email grantsgateway@its.ny.gov or call (518) 474-5595. For forgotten passwords, click the Forgot Password link on the log in page and follow the prompts https://grantsgateway.ny.gov/IntelliGrants_NYSSGG/module/nysgg/goportal.aspx.

Applicants are strongly encouraged to begin the Grants Gateway registration process as soon as possible to participate in this grant opportunity.

Resources are available to help you understand how to register with and use the Grants Gateway:

- NYS Grants Management <https://grantsmanagement.ny.gov/>
- Videos: <https://grantsmanagement.ny.gov/videos-grant-applicants>
- Live Webinars: <https://grantsmanagement.ny.gov/live-webinars>

Contact the Grants Management Team for additional assistance with Grants Gateway:

Main Help Desk:

Contact the main help desk for assistance with registration, prequalification, applications, contracts, payments, and more.

Hours: Weekdays 8:00 am - 4:00 pm

Email: grantsgateway@its.ny.gov

Phone: (518) 474-5595

After Hours Support:

Contact the afterhours support desk on weekdays after 4:00 pm for help with account lockouts, lost User IDs, or basic information.

Hours: Weekdays 4:00 pm - 8:00 pm

Email: helpdesk@agatesoftware.com

Resolution

A municipal resolution authorizing application submittal and documenting the availability of local match must be submitted at the time of application. The legislative body of the lead municipal applicant must adopt the resolution; this requirement applies to all municipalities, including counties. **See Attachment A for a template.**

Ownership

All infrastructure and project components funded through the CSC program must be owned by the grantee and cannot be transferred to another entity for the duration of the service life of such infrastructure and/or project components. Through a Climate Change Mitigation Easement (CCME), further discussed in the agreements section of this RFA, the infrastructure and project components may be placed on real property not owned by the municipality.

Maps

Maps are required as part of the application in the following instances:

1. Real property value is requested as match. A map identifying the real property and its spatial relationship to the project is required along with the appraisal report and recorded deed conveying title to the applicant.
2. The project is an implementation-adaptation project. All adaptation projects must provide a FEMA flood map with the project location noted on the map. For projects moving facilities out of a flood-prone area, the FEMA flood map(s) must show the current location and the future location.

3. Natural resilience, flood risk reduction, and replacing or right sizing flow barrier implementation projects must provide a map showing the hazard(s), location of assets to be protected (assets must be labeled), and the project location.
4. Reduction of VMT implementation projects must provide a map showing the on-road or off-road non-motorized transportation facility location, its connection to other on-road or off-road non-motorized transportation facilities (planned or existing, denoting difference between existing and planned infrastructure), and label all activity areas that the non-motorized system is designed to connect (e.g. neighborhood to employment center).
5. The project site is located in a potential Environmental Justice (EJ) area as mapped by the DEC. Upload a map of the potential EJ area from <https://www.dec.ny.gov/public/911.html> , indicating the project site on the map.

Work Plan and Budget

Work Plan – Each application must contain a detailed work plan. The work plan must be completed on the template provided, which uses the Grants Gateway format of objectives (goals of the project), tasks (the steps involved in implementing the project, from creation of a request for proposals to final reporting), and performance measures (deliverables provided to DEC). The CSC work plan template is available at https://www.dec.ny.gov/docs/administration_pdf/wptempl.pdf.

DEC will require certain objectives, tasks, and performance measures for certain project types to be included in the work plan, which may include measuring the benefits and outcomes of the project. Details will be provided during contract development.

Budget – Each application must contain a detailed budget with total CSC project costs, including match. The budget must be completed on the template provided. The CSC grant budget must be submitted in the template format, as an attachment to the CFA, and must be specific as to the tasks and grant request from the CSC program, and exclude costs or funding from other grant programs. However, funding from other grant programs and sources must be included in the CFA budget form. The CSC budget plan template is available at [https://www.dec.ny.gov/docs/administration_pdf/budgettempl\(1\).pdf](https://www.dec.ny.gov/docs/administration_pdf/budgettempl(1).pdf).

Agreements

Partnerships

Two or more municipalities, or one municipality and a quasi-governmental entity or non-profit organization, may collaborate on a project. However, only one eligible municipality, designated as the lead applicant, may submit the application for grant funding. Letters or other written agreements, signed by all parties, substantiating the collaboration, and detailing the responsibilities, roles, and match contributions of each party to the agreement are required as part of the application. If awarded, formal, finalized agreements, (such as memoranda of understanding [MOU]) executed by all parties must be provided to the DEC and include the name, headquarters address, and contact information of all partners and lead municipality; and must be signed and dated by the CEO or duly authorized representative of each party to the agreement. Awards involving a partnership agreement will not be moved to contract execution until the formal agreement is officially executed and a copy received by the DEC.

The lead applicant must assume the responsibility for the project application, contract development and maintenance in the Grants Gateway, performance of work consistent with this RFA, and compliance with the State of New York Master Contract for Grants.

Any infrastructure and project component funded by the CSC grant program must remain in the ownership of the applicant municipality.

Climate Change Mitigation Easement

Pursuant to NYS Environmental Conservation Law § 54-1513, a municipality that develops, improves, restores or rehabilitates real property that is not owned by the municipality with CSC grant funds must obtain a climate change mitigation easement (CCME) from the owner of the real property. If a CCME is required, the applicant must submit a landowner agreement at the time of application, as follows:

- If the property owner is another municipality, submit a certified resolution by the municipal property owner in support of the project indicating agreement to enter a CCME with the applicant.
- If the property owner is not a municipality, a notarized written statement from the property owner in support of the project indicating an agreement to enter a CCME with the applicant.

If awarded, during the term of the CSC grant contract for development, improvement, restoration, and/or rehabilitation projects of which the grantee is not the landowner, the grantee must develop, execute, and file with the appropriate county clerk's office a CCME that ensures the following:

- The property shall be accessible to the municipality for any necessary work to achieve the funded purpose throughout the service life of the project.
- The property shall provide the identified public benefit throughout the service life of the project.
- The property shall be used to achieve climate protection and mitigation goals pursuant to ECL Article 54, Title 15 "Climate Smart Communities Projects" throughout the service life of the project.
- The property owner shall provide information and data to the municipality or will provide access to the municipality for collection of data, as specified in the grant contract.
- A ten-year minimum term for the easement is required to adequately reflect the expected service life of the project.
- The easement is to be enforced as a conservation easement pursuant to ECL § 54-1513 and 49- 0305.

The document must include the stipulations in the bulleted list above; the name, headquarters address, and contact information of both the property owner and municipality; and it must be signed and dated by the CEO or duly authorized representative of each party to the agreement. The letter of agreement must be uploaded to the CFA as part of the application. Awards involving a CCME will not be moved to contract execution until the formal agreement is officially executed and a copy received by the DEC.

A CCME template is available at https://www.dec.ny.gov/docs/administration_pdf/ccme.pdf .

Smart Growth Public Infrastructure Policy Act

New York State's Smart Growth Public Infrastructure Policy Act, Environmental Conservation Law Article 6, requires DEC and all State infrastructure agencies to assess whether each public infrastructure project that receives state funding is consistent with the State smart growth public infrastructure criteria specified in ECL § 6-0107, or that compliance is considered to be impracticable, before making any commitment to fund such project(s). Applicants are required to provide smart growth assessment information as part of the CFA.

Sexual Harassment Prevention Certification

State Finance Law § 139-I requires all applicants of grant funding to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide

annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees.

Where applying for grant funding is required pursuant to statute, rule or regulation, every application submitted to the state or any public department or agency of the state must contain the following statement: "By submission of this application, each applicant and each person signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law."

Applications that do not contain the certification will not be considered for award; provided however, that if the applicant cannot make the certification, the applicant may provide a signed statement with their application detailing the reasons why the certification cannot be made.

Applicants are required to sign and upload the Sexual Harassment Prevention Certification form or upload a signed statement with their application detailing the reasons why the certification cannot be made.

Application Review and Scoring

Eligibility Review

Each application is assessed for eligibility based on the pass/fail criteria listed below. At the request of the DEC, the municipality shall provide any additional information (beyond that provided via the CFA), documents, or other material that the DEC deems necessary to evaluate the municipality's eligibility. If an application is deemed ineligible, it is disqualified from further review. DEC will mail a letter to the contact listed in the CFA application informing the applicant of the determination. If the application is deemed eligible the application will move on to technical scoring by a review team convened by DEC.

A failure to meet any one criterion below will disqualify the application from further consideration:

- The applicant is a county, city, town, village, or borough (referring only to Manhattan, Bronx, Queens, Brooklyn, and Staten Island) residing within New York State.
- A copy of a municipal resolution authorizing application submittal and a description of the required 50% match has been included.
- The application directly addresses one of the eligible project categories.
- The applicant provides a completed expenditure budget in the requested format that itemizes costs and an eligible match.
- The applicant provides a detailed work program in the requested format that outlines the individual tasks and their sequence from initiation through completion as well as overall timeline of the project.
- If applicable, documentation of real property ownership and/or the necessary land access and use agreement(s) and/or partnership agreements are provided.
- Applicant is registered in the NYS Grants Gateway.
- Applicant will own any infrastructure and project components funded or partially funded by this program.
- Applicant certifies that it has a written policy addressing sexual harassment prevention in the workplace or has provided a written statement as to why certification cannot be made.

- The applicant demonstrates its ability to begin and complete the project within the five-year contract term.

Detailed Project Review

Using information provided by the applicant, each member of the DEC review team will score each eligible application according to the selection criteria outlined below. An application must score a minimum of 55 points, out of a possible 100 points, to be considered for funding. The reviewer scores will be averaged, and Regional Economic Development Council (REDC) priority points will be incorporated to develop a numerical score; the scores will then be ranked highest to lowest. Proposed projects must provide meaningful mitigation of GHG emissions or adaptation to climate change to receive an award. If the review team, after the more detailed review and scoring process, determines that a project proposal does not result in an overall climate benefit, the proposal will be deemed ineligible regardless of the initial eligibility determination or final score. The DEC must determine that the municipality has considered future physical climate risk due to sea level rise, and/or storm surges and/or flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data, if applicable.

Implementation Projects

Eligible projects in the implementation-mitigation category will be evaluated for their potential to provide a reduction in GHG emissions. Scores will be based on the anticipated effectiveness of the proposed project to reduce GHG emissions.

Eligible projects in the implementation-adaptation category will be evaluated for potential to provide a meaningful response, at the municipal level, to anticipated future conditions resulting from climate change. Scores will be based on the anticipated effectiveness of the proposed project to reduce risk to residents, infrastructure, and/or natural resources under projected climate conditions.

Implementation Scoring Overview

Category	Max. Points				Min. Points
Financial Hardship	5	2	0	-	0
CSC Status	8	6	3	0	0
Statewide Programs	4	3	1	0	0
Project Criticality	15	8	3	0	0
Effectiveness of Proposal	14	10	5	0	0
Planning Context	5	3	0	-	0
Implementation Readiness	5	3	2	0	0
Reasonableness of Cost	20	15	7	3	0
Quality of Application	4	2	1	0	0
REDC Priority (<i>To be awarded by REDC</i>)	20	15	10	5	0
Total Available Points	100				

Implementation Scoring Criteria and Values

Category	Criterion	Points
Financial Hardship	Applicant is a community with a Median Household Income (MHI) less than 80% of the 2019 Statewide MHI (<i>i.e.</i> , MHI less than \$57,686) as returned in census table B19013. See Attachment B of this RFA for step-by-step instructions on how to determine 2019 MHI for the purposes of this program.	5

	Applicant is a community with a MHI less than the 2019 Statewide MHI but not less than 80% of the 2019 MHI (<i>i.e.</i> , MHI greater than or equal to \$57,686 but less than \$72,108.) as returned in census table B19013. See Attachment B of this RFA for step-by-step instructions on how to determine 2019 MHI for the purposes of this program.	2
	Applicant is not a financial-hardship community, as defined above.	0
CSC Status	Applicant is a certified silver Climate Smart Community	8
	Applicant is a certified bronze Climate Smart Community	6
	Applicant is a registered Climate Smart Community	3
	Applicant is not a Climate Smart Community	0
Statewide Programs (More information about this criterion is below this table.)	Project site is in a DEC potential Environmental Justice (EJ) area and the project advances downtown revitalization and smart growth as relevant to the goals of the CSC program. Maps of potential EJ areas can be found on the DEC EJ webpage at http://www.dec.ny.gov/public/911.html .	4
	Project site is in a DEC potential EJ area. Maps of potential EJ areas can be found on the DEC EJ webpage at http://www.dec.ny.gov/public/911.html .	3
	Project advances downtown revitalization and smart growth as relevant to the goals of the CSC program.	1
	Project is not located in a potential EJ area and does not advance downtown revitalization and smart growth.	0
Project Criticality	ADAPTATION: Application identifies specific climate vulnerabilities (including populations and resources at risk), describes, quantitatively, the scientifically supported projections of future local or regional climate conditions ² that will create or exacerbate those vulnerabilities, and cites scientific reference and relevant section of supporting documents. MITIGATION: Application identifies the results of local and/or regional GHG emissions inventories ³ and the GHG emissions to be targeted by this project.	15
	ADAPTATION: Application generally identifies climate vulnerabilities (including populations and resources at risk) and generally describes the scientifically supported projections of future climate conditions at any scale that will create or exacerbate those vulnerabilities. MITIGATION: Application describes information or data on GHG emissions at any scale and the GHG emissions to be targeted by this project.	8
	ADAPTATION: Application generally describes a relationship between climate change and vulnerable populations or resources. MITIGATION: Application generally describes the value of GHG emission reduction.	3
	ADAPTATION: Application does not provide sufficient information to demonstrate a climate vulnerability expected to be exacerbated by climate change. MITIGATION: Application does not provide sufficient information to demonstrate an expected GHG emission reduction.	0
	ADAPTATION: Application does not provide sufficient information to demonstrate a climate vulnerability expected to be exacerbated by climate change. MITIGATION: Application does not provide sufficient information to demonstrate an expected GHG emission reduction.	0
Effectiveness of Proposal	Application specifically identifies and provides quantifiable evidence (e.g., model results, calculations, data) that demonstrates the climate adaptation value of the project (<i>i.e.</i> , how it will improve local climate resilience and/or minimize the effects of climate change) or the GHG	14

² See, for example, New York State “ClimAID” report (<https://www.nyserda.ny.gov/climaid>), National Climate Assessment (<http://nca2014.globalchange.gov/>) and New York State Climate Change Science Clearinghouse (<https://www.nyclimatescience.org>).

³ See the 2010 NYS regional GHG emissions inventories at <https://climatesmart.ny.gov/support/regional-greenhouse-gas-inventories-in-nys/>.

	mitigation value of the project (i.e., how it will result in a meaningful reduction of GHG emissions).	
	Application <u>generally</u> and credibly identifies and describes the climate adaptation or GHG mitigation value of the project.	10
	The proposed project may lead to indirect, secondary, or partial benefits associated with climate adaptation or GHG mitigation .	5
	The proposed work will not lead to identifiable benefits associated with either climate adaptation or GHG mitigation .	0
Planning Context	The proposed project is specifically recommended by an adopted local or regional plan or is a documented initiative of a climate, energy, or GHG task force or committee.	5
	The proposed project identifies and is consistent with the purpose of, or provides indirect benefit related to, a local or regional plan or documented initiative of a climate, energy, or GHG task force or committee.	3
	The application does not describe a local or regional planning context or does not provide sufficient information to evaluate the relationship of the proposed project with local or regional plans, task force, or committee.	0
Implementation Readiness	Application clearly describes all the following: <ul style="list-style-type: none"> • The planning process used to select and design the project • A realistic schedule for obtaining all necessary permits or approvals • Project participants and their roles • Necessary project partnerships and agreements • Ownership of and/or permission to use the property or facilities proposed for work 	5
	Application clearly describes at least 3 of the above factors, including the following: <ul style="list-style-type: none"> • The planning process used to select and design the project • A realistic schedule for obtaining all necessary permits or approvals 	3
	Application clearly describes at least 2 of the above factors, including the following: <ul style="list-style-type: none"> • A realistic schedule for obtaining all necessary permits or approvals 	2
	Application does not identify an available source of eligible match, has not outlined a realistic schedule for obtaining all necessary permits or approvals, and/or does not clearly describe the factors listed above.	0
Reasonableness of Cost	To determine the reasonableness of cost, the following ten questions will be considered: <ol style="list-style-type: none"> 1. Have costs been thoroughly documented using quotes, pricing sheets, previous final budgets for similar projects, or similar documentation? 2. Is budget complete with proper amounts of grant and local share and does the budget template match the CFA application budget? 3. Has a specific source of local match (such as general fund, highway department budget, or donation) been allocated? 4. Are budget lines detailed with information, such as: type of contractor and amount, construction vs design; title of personnel, hours expected, and hourly or annual rate; purpose and location of travel; list of materials, title and hourly rate of donated professional services, or number of volunteers and hours anticipated? Engineering costs allocated to grant cannot exceed 15% of the total grant amount requested in the application. 	

	<ol style="list-style-type: none"> 5. Are the size and scope of the project suitable to accomplish the desired outcome? 6. Does the applicant leverage municipal staff, non-contractual services, or other local resources to accomplish the proposed work? 7. Will the completed project provide a meaningful GHG mitigation or climate change adaptation benefit relative to anticipated project costs? 8. Will the project catalyze additional action related to the project's purpose that will not require state funding? 9. Does the project demonstrate a new technology or innovative approach? 10. Will the work or the approach be transferable to other communities or replicable in other sectors? 	
	Projects that meet eight or more of the criteria listed above.	20
	Projects that meet at least six of the criteria listed above.	15
	Projects that meet at least four of the criteria listed above.	7
	Projects that meet at least three of the criteria listed above.	3
	Projects that meet fewer than three of the criteria listed above.	0
Quality of Application	The application is complete, including an anticipated schedule, work plan, and detailed budget breakdown, and all necessary questions have been answered. The project is clearly and specifically described, and all supporting information and documentation are included.	4
	The application generally describes the project, but some questions have not been fully or adequately answered, supporting documentation is missing, and/or the budget or schedule generalizes across broad categories.	2
	The application does not clearly describe the project, or there are discrepancies in the proposal or between the work proposed and the included budget.	1
	The application is missing a significant amount of information, does not address the stated purpose of the grant program and its eligible project categories, and/or does not provide sufficient budget information to understand the amount of funding requested.	0

Statewide Programs

Downtown Revitalization Initiative and Strategic Community Investment

Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization and strategic place making through transformative housing, economic development, transportation, and community projects that will attract and retain residents, visitors, and businesses - creating dynamic neighborhoods where tomorrow's workforce will want to live, work, and/or raise a family. Projects that reflect general principles of smart growth and sustainable development will receive one (1) point.

Environmental Justice

Environmental Justice (EJ) is the fair and meaningful treatment of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Projects located in a potential EJ area as defined by DEC, and for which the applicant has submitted a map of the EJ area showing the location of the proposed project, will receive three (3) points. To determine if your project is located in a potential EJ area, consult the maps on the DEC environmental justice webpage at

Certification Projects

Eligible projects in the certification category will be evaluated for their potential to provide information, data, planning, and policy foundations for future climate mitigation and adaptation implementation projects at the local level.

Certification Scoring Overview

Category	Max. Points				Min. Points
Financial Hardship	5	2	0	-	-
CSC Status	8	6	3	0	-
Certification Readiness	3	0	-	-	-
Project Criticality	15	12	8	4	2
Effectiveness of Proposal	10	8	5	0	-
Planning Context	6	3	0	-	-
Implementation Readiness	8	6	4	0	-
Reasonableness of Cost	20	15	7	3	0
Quality of Application	5	3	1	0	-
REDC Priority (<i>To be awarded by REDC</i>)	20	15	10	5	0
Total Available Points	100				

Certification Scoring Criteria and Values

Category	Criterion	Points
Financial Hardship	Applicant is a community with a Median Household Income (MHI) less than 80% of the 2019 Statewide MHI (<i>i.e.</i> , MHI less than \$57,686) as returned in census table B19013. See Attachment B of this RFA for step-by-step instructions on how to determine 2019 MHI for the purposes of this program.	5
	Applicant is a community with a MHI less than the 2019 Statewide MHI but not less than 80% of the 2019 MHI (<i>i.e.</i> , MHI greater than or equal to \$57,686 but less than \$72,108.) as returned in census table B19013. See Attachment B of this RFA for step-by-step instructions on how to determine 2019 MHI for the purposes of this program.	2
	Applicant is not a financial-hardship community, as defined above	0
CSC Status	Applicant is a certified silver Climate Smart Community.	8
	Applicant is a certified bronze Climate Smart Community.	6
	Applicant is a registered Climate Smart Community.	3
	Applicant is not a Climate Smart Community.	0
Certification Readiness	Applicant has provided documentation showing formation of a CSC task force and two meetings in the past year, per https://climatesmart.ny.gov/actions-certification/actions/#open/action/21	3
	Applicant has NOT provided documentation showing formation of a CS task force and two meetings in the past year, per https://climatesmart.ny.gov/actions-certification/actions/#open/action/21	0
Project Criticality	To determine project criticality, the following questions will be considered: <ol style="list-style-type: none"> 1. Why is the project needed in the community? Describe any local or regional events and/or problems that substantiate the need for the project. 2. How will the project provide critical information that is currently missing? 3. How will funding for this project help meet the needs or alleviate the problem(s) presented in #1 above? 4. How will actions completed through this project build on 	

	<p>previous work?</p> <p>5. What was the method used to prioritize this project over other climate-related projects (data, immediate needs, etc.)?</p> <p>6. How will this project support the municipality's efforts to encourage the public, local businesses, and non-governmental entities to act on climate change?</p>	
	Application provides well-reasoned answers to all the criteria above.	15
	Application provides well-reasoned answers to at least four of the criteria above, including 1, 2, and 3.	12
	Application provides well-reasoned answers to at least three of the criteria above, including 1 and 3.	8
	Application provides well-reasoned answers to at least two of the above criteria, including 1.	4
	Application does not provide well-reasoned answers to at least two of the questions above.	2
Effectiveness of Proposal	Application specifically identifies and describes how the proposed project will build local capacity and lead to specific implementation projects that will help the community mitigate and/or adapt to climate change.	10
	Application generally describes how the proposed project will lead to additional efforts that will help the community mitigate and/or adapt to climate change.	8
	The proposed project may lead to indirect, secondary, or partial benefits for local climate mitigation or adaptation.	5
	The proposed project will not lead to an identifiable climate change adaptation benefit or reduce GHG emissions; or the application does not provide sufficient information to evaluate the effectiveness of the proposed project.	0
Planning Context	The proposed project is specifically recommended by an adopted local or regional plan or is a documented initiative of a climate, energy, or GHG task force or committee.	6
	The proposed project identifies and is consistent with the purpose of, or provides indirect benefit related to, a local or regional plan or documented initiative of a climate, energy, or GHG task force or committee.	3
	The application does not describe a local or regional planning context or does not provide sufficient information to evaluate the relationship of the proposed project with local or regional plans, task forces, or committees.	0
Implementation Readiness	<p>To determine implementation readiness, the following questions will be considered:</p> <ol style="list-style-type: none"> 1. Is the work plan clear and concise and does it contain the requirements and deliverables listed at https://climatesmart.ny.gov/ 2. Does the budget align with the work plan (i.e., do they contain the same categories)? 3. Does the project create or strengthen an organizational structure that will sustain implementation of the project and ongoing climate action? 4. Does the applicant have adequate labor (staff, partners, volunteers) and resources to complete the project within the contract period? 5. Does the applicant have, or can it obtain, the technical expertise needed to complete the project? 6. Does the project include adequate public engagement? 	

	Application addresses at least four of the items above, including 1 and 3.	8
	Application addresses three of the items above, including 1.	6
	Application addresses two of the items above.	4
	Application addresses one or none of the items above.	0
Reasonableness of Cost	To determine the reasonableness of cost, the following questions will be considered: <ol style="list-style-type: none"> 1. Have costs been thoroughly documented using quotes, pricing sheets, previous final budgets for similar projects, or similar documentation? 2. Is budget complete, with appropriate amounts of grant and local share? Does the budget template match the CFA application budget? 3. Has a specific source of local match, such as general fund, highway department budget, or donation been allocated and specified? 4. Are budget lines detailed with information such as type of contractor and amount; title of personnel, hours expected, and hourly or annual rate; purpose and location of travel; list of materials, title and hourly rate of donated professional services, or number of volunteers and hours anticipated? 5. Are the size and scope of the project suitable to accomplish the desired outcome? 6. Does the applicant leverage municipal staff, non-contractual services, or other local resources to accomplish the proposed work? 7. Will the completed project provide a meaningful GHG mitigation or climate change adaptation benefit relative to anticipated project costs? 8. Will the project catalyze additional action related to the project's purpose that will not require state funding? 9. Does the project demonstrate a new technology or innovative approach? 10. Will the work or the approach be transferable to other communities or replicable in other sectors? 	
	Projects that meet eight or more of the criteria listed above.	20
	Projects that meet at least six of the criteria listed above.	15
	Projects that meet at least four of the criteria listed above.	7
	Projects that meet at least three of the criteria listed above.	3
	Projects that meet fewer than three of the criteria listed above.	0
Quality of Application	The application is complete, including an anticipated schedule, work plan, and detailed budget breakdown, and all necessary questions have been answered. The project is clearly and specifically described and all supporting information and documentation are included.	5
	The application generally describes the project, but some questions have not been fully or adequately answered, supporting documentation is missing, and/or the budget or schedule generalizes across broad categories.	3
	The application does not clearly describe the project, or there are discrepancies in the proposal or between the work proposed and the included budget.	1
	The application is missing a significant amount of information, does not address the stated purpose of the grant program and its eligible project categories, and/or does not provide sufficient budget information to understand the amount of funding requested.	0

Awards

Funding will be recommended based on the highest to lowest overall score ranking within each funding category, within the expressed funding limits for municipalities with population sizes over 100,000 and/or any single municipality, as described in this RFA, until all available funding has been exhausted.

In the event of tied total scores between two or more applications at the funding limit, DEC will make the award to the application with the highest individual category score in the following order of priority:

1. Project Criticality
2. Effectiveness of Proposal
3. Implementation Readiness
4. Reasonableness of Cost
5. Planning Context
6. Quality of Application
7. Financial Hardship
8. Regional Economic Development Priority

In the event there is a tie score on all individual scoring criteria, the proposed project that is likely to have the greatest impact on alleviating climate change in NYS, as determined by DEC, will receive the award.

Applicants selected to receive grant awards will be notified by an official DEC award letter after the REDC awards ceremony. A “next steps” email with follow up details on the contract development process will be sent once the Office of the State Comptroller has approved the procurement and the contracts have been created in Grants Gateway.

IMPORTANT NOTE: By accepting an award, applicant agrees to abide by all MCG and Attachment A-1 Terms and Conditions. Any changes to the terms and conditions will not be accepted and may affect applicant’s award. The standard MCG and Attachment 1-A Program Terms and Conditions for CSC are available on the OCC grants webpage at <https://www.dec.ny.gov/energy/109181.html#CSC>.

Master Contract for Grants (MCG)

All applicants selected to receive an award will be required to complete the contract development and approval process within the Grants Gateway. Grantees will negotiate the budget and work plan with the DEC program manager and supply insurance information as described below in Insurance Requirements. Once the budget and work plan are approved by both parties and the insurance information is provided, the grantee will be given access to the contract within the Grants Gateway and required to input the approved budget, work plan, insurance documentation, and MWBE acknowledgement form. The contract will then move to the next step of the contract execution process. Contracts should be executed within 90 days from the time of the award notification. Failure to submit required MCG documents in a timely fashion may result in loss of the award. Once a contract is executed, the DEC project manager will provide the grantee with the grantee guidelines, voucher and reporting paperwork, and draft funding acknowledgement signage if applicable.

Reimbursement requests will not be approved or processed by DEC until a MCG is fully approved by DEC and, as applicable, the Attorney General and the State Comptroller, expenses are incurred, and reimbursement request is submitted with all required documentation. Advance payments are not authorized as part of the CSC grant program. Contract extensions will be considered on a case-by-case basis upon written request from the grantee.

Debriefing

In accordance with section 163 of the NYS Finance Law, the DEC must, upon request, provide a debriefing to any unsuccessful applicant that responded to the RFA regarding the reasons that the applicant's proposal was not selected for an award. An unsuccessful applicant wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that its proposal did not result in an award. Email requests to cscgrants@dec.ny.gov.

Contractual Requirements

Minority/Woman Business Enterprises (MWBE) Goals

The DEC is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (MWBE Regulations) for all State contracts with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.

Applicants subject to executing a future NYS MCG agree, in addition to any other non-discrimination provision of the MCG and at no additional cost to the DEC, to fully comply and cooperate with DEC in the implementation of New York State Executive Law Article 15-A. These requirements include contracting opportunities for certified minority and women-owned business enterprises (MWBEs). Contractor's demonstration of "good faith efforts" pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the "Human Rights Law") or other applicable federal, state, or local laws.

For the purposes of the CSC program, an MWBE requirement of up to 30% of the grant amount will pertain only to awards for construction projects in excess of \$100,000. There are no MWBE requirements for contracts with grant awards of \$100,000 or less for construction, or for grant awards for CSC certification projects. Please refer to the NYS MCG Article IV.(J) and Attachment A-1 Program Specific Terms and Conditions Article X of the contract to review specific MWBE requirements for each project.

The local government is responsible for designating someone to serve as their Affirmative Action representative. The governing body should make this designation through official means.

A list of certified MWBE enterprises can be obtained via the internet from the NYS Department of Economic Development at <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=9885> .

Contracts which meet the established MWBE thresholds require the Contractor to submit quarterly MWBE reports. Required MWBE related forms can be found at <http://www.dec.ny.gov/about/48854.html> .

Failure to comply with MWBE requirements may result in a finding of non-responsiveness, non-responsibility, and/or a breach of contract leading to the withholding of funds or such other actions, liquidated damages, or enforcement proceedings.

Insurance Requirements

Grantees will be required to carry appropriate insurance as specified in Attachment A-1 Program Specific Terms and Conditions and to agree that each project consultant, project contract, and project subcontractor secures and delivers to the Grantee appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies held by the grantee must name the State of New York and the NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1030 as an additional insured and certificate holder, with appropriate limits, covering Grantee's public liability and property damage insurance, Grantee's contingency liability insurance, "all-risk" insurance, workers' compensation, and disability coverage for the project. Additional insurance or insurance riders may be requested by DEC based on the project work plan. See the OCC grants page for detailed information on insurance forms, <http://www.dec.ny.gov/energy/109181.html#CSC>.

Acknowledgement of Financial Support

The following statement acknowledging DEC funding for the project must be included in any press releases or other public announcement, including newspaper articles and web posting, as well as all documents, brochures, reports, signage, maps, and exhibits: "This project has been funded in part by the Climate Smart Communities Grant Program, Title 15 of the Environmental Protection Fund through the New York State Department of Environmental Conservation."

If a ribbon-cutting or other promotional event is planned for the project, the event must be coordinated, in advance, with the DEC Press Office.

Metrics and Reporting

The grant recipient shall provide estimates of the project's GHG emissions reductions, risk reduction, or other appropriate metrics, as approved by the DEC program manager, through the end of the contract term, in the quarterly report, and/or final project report as applicable. Progress reports must be submitted on a quarterly basis, within 30 days following the end of the quarter. Grant recipient shall also report on the number of jobs created by implementation of the project.

Agreements

Climate Change Mitigation Easement (CCME)
See agreements section of this RFA.

Partnership Agreements

See agreements section of this RFA.

Retainage

Per 6 NYCRR Part 492, Climate Smart Communities Projects, a retainage of 5% will be withheld from each reimbursement, except the final, for all projects. All accumulated retainage will be added to the final reimbursement upon project completion, match fulfillment, and submission of all deliverables.

30-day Notice

Grantee agrees to notify DEC, in writing, of the commencement of construction, within thirty (30) calendar days prior to the start of construction. If the start of construction began on or after the contract start date, the grantee shall notify DEC in writing within thirty (30) calendar days as to the status of any construction. The grantee agrees that it shall notify DEC in writing thirty (30) days following initial start-up operation of the project.

Procurement of Contractors/Subcontractors

Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Failure to comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.

State Environmental Quality Review Act (SEQRA) Documentation

With respect to the project, the Grantee will certify that it has complied, and shall continue to comply, with all requirements of the SEQRA. The Grantee will further certify that it has notified, and shall continue to notify, DEC of all actions proposed for compliance with the environmental review requirements imposed by SEQRA. By entering a contract with DEC, the Grantee agrees to provide all SEQRA documentation, and other environmental documents, as may be required, to the DEC upon their completion and/or approval.

Historic Preservation Review Requirements

For projects that involve properties listed on the State or National Registers of Historic Places, all work undertaken as part of a grant-assisted project must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. Questions about or proposals for listing on the state or national register should be directed to the Office of Parks, Recreation, and Historic Preservation (OPRHP) National Register Unit at (518) 237-8643. To ensure the public benefit from the investment of state funding, preservation covenants or conservation easements will be conveyed to the OPRHP for all historic property grants.

Iran Divestment Act

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law, § 165-a, effective April 12, 2012. By entering into a Contract, the Grantee certifies that it is not on the "Entities Determined to Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website at <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additional detail on the Iran Divestment Act can be found in the Attachment A-1 Program Specific Terms and Conditions.

Permit Requirements

If applicable, grantees agree to obtain all required permits including, but not limited to local, state, and federal permits prior to the commencement of any project-related work. The grantee agrees that all work performed in relation to the project by the grantee or its agents, representatives, or grantees will comply with all relevant federal, state, and local laws, rules, regulations and standards, zoning and building codes, ordinances, operating certificates for facilities, or licenses for an activity. The applicant is responsible for assuring that any SEQR determinations, permits, approvals, lands, easements, and rights-of-way that may be required to carry out the activities of the project are obtained.

Vendor Responsibility Questionnaire

If any single sub-contractor will be receiving over \$100,000 in grant funds, the contractor must complete the Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, the contractor can follow the VendRep instructions available at https://www.osc.state.ny.us/vendrep/info_vrsystem.htm or go directly to the VendRep System online at <https://onlineservices.osc.state.ny.us/Enrollment/login?0>. More information is available in section

XVII. Vendor Responsibility of the Attachment A-1 Program Terms and Conditions.

Americans With Disabilities Act

In the event the monies defined herein are to be used for the development of facilities, outdoor recreation areas, transportation, or written or spoken communication with the public, the Contractor shall comply with all requirements for providing access for individuals with disabilities as established by Article 4A of the New York State Public Buildings Law, Americans with Disabilities Act, and relevant sections of the New York State Uniform Fire Prevention and Building Code. Standards for certain Recreation Facilities are found in the 2010 ADA Standards for Accessible Design while others are found in the Architectural Barriers Act Accessibility Guidelines for Outdoor Recreation Areas at <https://www.fs.fed.us/t-d/pubs/htmlpubs/htm12232806/index.htm> .

Reimbursement and Reporting

The Climate Smart Communities Grant Program is a reimbursement program. State assistance paid shall not exceed 50 percent of the total eligible project costs. Pursuant to State Finance Law, municipalities are not eligible to receive advance payments, all reimbursements are based on documented incurred costs. Project costs eligible for reimbursement and project match must be incurred between the MCG start and end dates. Costs incurred prior to the MCG start date or after the MCG end date are not eligible for grant reimbursement or match. Copies of supporting cost documentation (paid invoices, receipts, cancelled checks, etc.) must be audited and approved by DEC for costs to be eligible for reimbursement.

If the municipality fails to comply with any of the requirements of the Environmental Conservation Law or regulations of the Department applicable to the project, the Department may withhold all or part of further payments pending compliance, as per 6 NYCRR 492-3.5(c).

Per 6 NYCRR Part 492, a retainage of 5% will be withheld from each reimbursement, except the final, for all funded projects. All accumulated retainage will be added to the final reimbursement upon project completion, match fulfillment, and submission of all deliverables. A final payment, which brings the total of State grant payments to 100 percent of the State share of the project cost, will be released upon determination by the DEC that the project is complete and is operating satisfactorily, and that all grant requirements have been met. If the project is complete but not operating satisfactorily, the DEC may withhold from the final payment an amount sufficient, in the judgment of the DEC, to ensure correction of deficiencies. The amount withheld will be released when deficiencies are corrected, as per 6 NYCRR 492-3.5(e).

Progress reports must be submitted in narrative form on a quarterly basis, within 30 days following the end of the quarter as follows: Q1 - January 1 to March 31, due April 30; Q2 - April 1 to June 30, due July 31; Q3 - July 1 to September 30, due October 31; Q4 - October 1 to December 31, due January 31. Quarterly reports must summarize project progress toward meeting project objectives and deliverables during the quarter. Expenditure reports (section VI Financial Status of the quarterly report form), detailed by object of expense as defined in the MCG Attachment B-1 Expenditure Based Budget, must accompany the quarterly reports.

Upon notification from the municipality that the project is complete, the DEC will determine if the project is operating in accordance with applicable laws and regulations, as per 6 NYCRR 492-3.5(d). A final project summary report must be submitted no later than 60 days after the end of the contract period and be approved by DEC prior to the release of the final contract reimbursement. The final report must report on all aspects of the program, include photographs and copies of media promotion, detail how grant funds were utilized in

achieving the goals set forth in the work plan, summarize the obstacles experienced and how they were overcome and include monitoring and metrics data pertaining to the project's GHG emissions reductions, risk reduction, or other appropriate metrics as defined in the contract work plan.

Draft copies of appropriate deliverables (e.g., inventory and/or management plan) must be submitted by the Grantee and approved by DEC before a final draft is produced. An on-site inspection by DEC may be required to confirm all work was completed in accordance to the approved contract work plan.

DEC Oversight

The Department of Environmental Conservation reserves the right to do the following:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- Award an agreement for any or all parts of this RFA in accordance with the method of award or withdraw the RFA at any time at the DEC's sole discretion.
- Award only one application for funding in the event there are several application submissions for a single project or for portions of a single project.
- Monitor the progress of all grant awards and withdraw grant funding if the grantee fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.
- Not fund projects that are determined not to be consistent with the NYS Smart Growth Public Infrastructure Policy Act (Environmental Conservation Law Article 6) or the Climate Leadership and Community Protection Act or their implementing regulations.
- Reclaim funds paid to grantee if false statements regarding eligibility of the project or any of its components are discovered after award or reimbursement has been made.
- Partially fund an application if the partially funded portion can be demonstrated to meet the criteria for this RFA.
- Reject any or all applications in response to the RFA at the agency's sole discretion.
- Reduce an award from the amount requested in the application, so long as the reduced funding does not jeopardize the viability of the project to proceed at the reduced funding level.
- Reduce an award from the amount requested in the application, should the project budget contain costs considered ineligible under this grant program.

Water Quality Improvement Project (WQIP) Program

Funding Available: Up to \$65 million

DESCRIPTION

The Water Quality Improvement Project (WQIP) program is a competitive, statewide reimbursement grant program open to local governments and not-for-profit corporations to implement projects that directly address documented water quality impairments, improve aquatic habitat, or protect a drinking water source. This funding is for construction/implementation projects, not projects that are exclusively for planning.

It is highly recommended that all potential WQIP applicants read the WQIP Program Overview, particularly the section for their project type, in its entirety before applying for WQIP funding.

PROJECT TYPES SUMMARY TABLE

Funding is available for the following project types (see project type sections for all information):

Project Type	Maximum Award	Required Match	Eligible Applicants⁴	Required Attachment(s)
Wastewater Treatment Improvement	\$1,000,000 to \$10,000,000 depending on project subtype	25% (primary and secondary priority projects); or 60% (general wastewater projects) of award amount	Municipalities	Budget worksheet Engineering report Project map Floodplain map Sexual Harassment Prevention Certification Form
Non-Agricultural Nonpoint Source Abatement and Control	\$500,000 to \$3,000,000 depending on project subtype	25% of award amount	Municipalities Soil & water conservation districts	Budget worksheet Project map Floodplain map See Nonpoint Source section for attachments required for certain project subtypes Sexual Harassment Prevention Certification Form

⁴ The applicant name must exactly match the name of the eligible entity registered in the NYS Grants Gateway. It may not be the name of an individual.

Project Type	Maximum Award	Required Match	Eligible Applicants⁴	Required Attachment(s)
Land Acquisition for Source Water Protection	\$4,000,000	25% of award amount	Municipalities Soil & water conservation districts Not-for-profit corporations	Budget worksheet Monitoring and enforcement protocol Project map Floodplain map Fiscal reports (programs only) Sexual Harassment Prevention Certification Form
Salt Storage	\$500,000	50% of award amount	Municipalities Soil & water conservation districts	Budget worksheet Project map Floodplain map Sexual Harassment Prevention Certification Form
Aquatic Connectivity Restoration	\$250,000	25% of award amount	Municipalities Soil & water conservation districts Not-for-profit corporations	Budget worksheet Landowner agreements as applicable Project map Floodplain map Sexual Harassment Prevention Certification Form
Marine District Habitat Restoration	\$750,000	No match required	Municipalities Soil & water conservation districts Not-for-profit corporations	Budget worksheet Landowner agreements as applicable Project map Floodplain map Sexual Harassment Prevention Certification Form Feasibility Study

FLOOD RESILIENCY REQUIREMENTS FOR ALL PROJECTS

If the project is within an Enhanced Flood Hazard Area, Enhanced Coastal High Hazard Area, or the 0.2% floodplain, the following information must be provided:

- A floodplain map with the location of the project indicated;
- A site plan with the contours indicating the Enhanced Flood Hazard Area, Enhanced Coastal High Hazard Area, or 0.2% floodplain;
- Location of and elevation of non-critical and critical equipment (if applicable to project);
- Certification of floodproofing (if applicable to project); and
- A floodway analysis with a no-rise certificate if the project is within a regulated floodway.

PROJECTS AFFECTING WATER QUALITY IN ENVIRONMENTAL JUSTICE (EJ) AREAS

DEC demonstrates a commitment to Environmental Justice (EJ) and remedies for communities that may be burdened by negative environmental consequences. Environmental justice is defined by the DEC as the fair treatment and meaningful involvement of all people, regardless of race, color or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. A proposed project that positively impacts water quality in an EJ community, or positively impacts drinking water serving an EJ community, will receive points in the evaluation of an application where indicated. Maps of EJ areas in New York State are available at: <http://www.dec.ny.gov/public/911.html>.

To qualify for EJ points, your application must include details demonstrating water quality improvement to an EJ area or to drinking water serving an EJ community, where the benefit will be provided or the area served by the drinking water source or the exact street location(s) where the project is to be implemented.

INELIGIBLE PROJECTS/APPLICATIONS

Applications are ineligible that:

- Do not address water quality impairments, improve aquatic habitat, or protect a drinking water source;
- Are seeking funds for studies, planning, or design only;
- Do not include required attachments (**view the section for your project type for a full list of required attachments**);
- Do not meet the requirements for that project type or subtype;
- Are from not-for-profit organizations that are neither registered nor have a current prequalification in Grants Gateway as of the application deadline;
- Fail to meet the minimum scoring criteria as detailed for each project type in this Program Overview. A project must receive an agency score of at least 30 to be eligible for funding;
- Do not show match and a match source, or use ineligible match sources; or
- Are seeking funds for costs incurred before May 10, 2021 unless the project is a Source Water Protection Project/Program or Aquatic Connectivity Restoration project.

APPLICATION LIMITS

Applicants may only apply for one project type per application. Only one application may be submitted per project per round. Applicants are limited to five applications per round. Applicants that have received funding in a previous round will not receive additional funding in this or a future round for the same scope of work. However, the WQIP program will fund distinct phases or different activities and costs of a project in consecutive rounds of funding if the applicant sufficiently describes how the planned scope of work is distinctly different from the previous scope of work.

MORE INFORMATION ON MATCH

- Match for WQIP is a percentage of the **award amount**, not the total project cost.
- Only eligible WQIP costs/activities may be used for match.
- Applications that do not show sufficient match will have their potential award amounts decreased accordingly.
- Match consists of cash contributions and in-kind services for the project and must come from a local source.
- State grants/funding are not acceptable sources of match, except for loans that will be repaid (e.g. State Revolving Fund loans). Federal grants/funding are also not acceptable sources of match for Aquatic Connectivity Restoration projects. Federal grants/funding may be used as match for all project types other than Aquatic Connectivity Restoration.

Match Formula: Requested Award Amount x Required Match Percentage = Required Match Amount

Match Calculation Example:

Project type: General wastewater treatment improvement

Required match percentage: 60% of award amount

Requested award amount: \$2,500,000

\$2,500,000 x .60 = \$1,500,000

Required match amount: \$1,500,000

Wastewater Treatment Improvement

ELIGIBLE APPLICANTS

- Municipalities⁵

DESCRIPTION

Funding is available for wastewater treatment improvements to municipal wastewater systems.

ELIGIBILITY REQUIREMENTS FOR ALL WASTEWATER TREATMENT IMPROVEMENT APPLICATIONS

- Applicants under an Order on Consent with DEC must be in substantial compliance⁶ with the construction and reporting milestones of the Order at the time of application.

Required Attachments

- Engineering report prepared, stamped and dated by a NYS-registered Professional Engineer
 - Feasibility reports and engineering plans not accompanied by engineering reports do not fulfill the engineering report requirement.
 - DEC recommends engineering reports follow the Environmental Facilities Corporation (EFC) engineering report guidelines (see resources list below) and be approved by DEC prior to application submission.
 - Engineering reports must include at a minimum the following elements:
 - Project background and history/Problem statement
 - Alternatives analysis with cost estimates
 - Summary and comparison of alternatives
 - Recommended alternative
- Map with the project area clearly identified. Map must be a 1:24,000 scale USGS or DOT planimetric map.
- If the project is in a floodplain, attach the applicable floodplain map with the location of the project indicated.
- Budget worksheet
- Sexual Harassment Prevention Certification Form⁷

PROJECT SUBTYPES AND REQUIREMENTS

- All primary and secondary priority projects may be funded before general wastewater projects. DEC reserves the right to fund one project from each primary and secondary priority category scoring 70 or above before awarding additional primary and secondary priority wastewater projects.
- DEC reserves the right to fund all primary priority wastewater effluent disinfection projects scoring 70 or above before awarding any other wastewater improvement project.

⁵ For the purposes of Wastewater Treatment Improvement projects under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof (Environmental Conservation Law §56-0101).

⁶ Substantial compliance means no more than four effluent violations of the same interim limit parameter within six months and no more than six months past milestone dates that require a submission or completion, or an acceptable response to a DEC notification of noncompliance with an enforcement action.

⁷ Sexual Harassment Prevention Certification Form: <http://www.dec.ny.gov/pubs/4774.html>

- Projects that apply for a primary or secondary priority category but do not meet all requirements will be scored as a general wastewater project and will be required to meet the 60% match if awarded.
- DEC reserves the right to not fund a project in the final scored ranked list if the same activities in the project will be funded by another funding source, such as the Environmental Facilities Corporation's Water Infrastructure Improvement Act grant.

Project subtype	Description	Maximum award	Required match	Special Requirements
Primary Priority				
Wastewater Effluent Disinfection	Projects to add effluent disinfection and associated backup power to facilities that do not currently disinfect	\$1,000,000	25% of award amount	Applicants must have been notified by DEC via letter or modified permit that their treatment system requires an upgrade to add effluent disinfection. Only work associated with disinfection installation and associated backup power will be reimbursed.
Secondary Priorities				
Combined Sewer Overflow (CSO) / Sanitary Sewer Overflow (SSO)	Projects to upgrade municipal systems to meet CSO or SSO discharge requirements, including repairs to private laterals attached to the collection system	\$10,000,000	25% of award amount	CSO projects must be listed under an approved long-term control plan (LTCP). SSO projects must be for an SSO in a capacity, management, operation and maintenance (CMOM) program, a DEC-approved sanitary sewer evaluation survey plan, or Order on Consent.
Watershed Plan Implementation	Projects to upgrade municipal systems to meet DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed plan or DEC HABS Action Plan) nutrient requirements	\$10,000,000	25% of award amount	Project must address a nutrient pollutant(s) of concern identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABS Action Plan) and be necessary to meet the effluent limits in the SPDES permit.

Project subtype	Description	Maximum award	Required match	Special Requirements
Municipal Systems to Serve Multiple Properties with Inadequate On-site Septic Systems	Projects to construct municipal systems to serve multiple properties with inadequate on-site septic systems	\$10,000,000	25% of award amount	The Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment assessment nearest the project must list septic systems as a known source of impairment; or the need for the project must be documented in a completed sanitary survey conducted and/or approved by the Department of Health or a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or HABs Action Plan). If awarded, a sewer district must be formed within 2 years from date of award. No funding will be disbursed until sewer district is formed.
Wastewater Treatment Facility Nitrogen Abatement for Shellfishing Waters	Projects to reduce and/or eliminate nitrogen impairments in shellfishing waters	\$10,000,000	25% of award amount	
General Wastewater Projects				
Other Wastewater Treatment Improvements	All other wastewater projects	\$10,000,000	60% of award amount	

ELIGIBLE COSTS

- Equipment
- Contractual costs (construction, equipment, supplies/materials)
- Construction inspection (on-site activities typically performed by a licensed professional engineer, e.g. inspection of methods and materials)
- Salary and fringe benefits

- Administrative costs directly related to implementing the project⁸

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS

- Planning, design, specification, and engineering costs
- Construction oversight (e.g. monitoring the schedule and budget, contract performance and quality control)
- Non-construction costs incurred during the construction phase
- Indirect costs (e.g. travel, space/property rent, utilities, office supplies)
- Administrative costs not directly related to implementing the project⁹
- Legal fees
- Costs associated with establishing a sewer district
- Pre- and post-construction monitoring and sampling
- Costs incurred outside the start and end date of the contract (no earlier than April 29, 2020)
- **Applications that do not attach an engineering report or other required attachments**
- Applications for non-municipal systems
- Projects also being funded through the State Septic System Replacement Fund
- Applications for planning or to create a study

RESOURCES

- NYS EFC engineering report guidelines: <https://www.efc.ny.gov/EPG>
- DECinfo Locator (most up to date source of WI/PWL segment assessments¹⁰): <https://www.dec.ny.gov/pubs/109457.html>
- New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act: <https://www.dec.ny.gov/energy/102559.html#Implementation>
- HUC 12 watersheds map: <https://nysdec.maps.arcgis.com/apps/webappviewer/index.html?id=a02867dc903f40a2831c904c7eb1b7d8>
- Maps of EJ areas in New York State: <http://www.dec.ny.gov/public/911.html>.

CONTACT

NYS Department of Environmental Conservation, Division of Water
Ken Kosinski, (518) 402-8110

⁸ The following are examples of eligible administrative costs: Procuring sub-contractors and materials needed to implement the project; contacting municipalities to schedule projects; and reviewing and paying invoices for materials and sub-contractors associated with the project.

⁹ The following are examples of ineligible administrative costs: preparing, completing, submitting the WQIP application for funding; preparing, completing, submitting information and documents needed to get a contract in place; preparing, completing, submitting information for progress reporting, payment requests and contract amendments; preparing, completing and submitting environmental regulatory approvals/permits needed to implement the project.

¹⁰ For projects impacting surface water, the applicant must provide the correct WI/PWL segment ID and HUC 12 watershed of the closest waterbody the project will impact. To find the closest WI/PWL segment assessment, visit the DECinfo Locator and click the link for “Environmental Quality Map View”. In the left column of the map, click “Information List” and check the box for “Rivers, Streams and Shorelines” AND “Lakes, Reservoirs, and Estuaries” to display these map layers. Enter the address or project location in the “Search Near Me” search bar. Click the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL assessment for that waterbody, click the “Download Fact Sheet” link in the box. For guidance on how to read the WI/PWL assessments, visit <http://www.dec.ny.gov/chemical/36730.html>.

WASTEWATER TREATMENT IMPROVEMENT SCORING CRITERIA

Agency Points	<i>Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Project Readiness or Experience and Ability will not be funded.</i>				
Performance Measures <i>38 to 5 points possible</i>	38 POINTS: Wastewater effluent disinfection projects for facilities that currently do not disinfect their effluent and are designed to meet requirements in a finalized Order on Consent schedule of compliance or a finalized schedule of compliance associated with the facility's SPDES permit or who have been notified in a letter from DEC that their treatment system requires an upgrade to add effluent disinfection.	30 POINTS: Wastewater treatment projects that are designed to meet requirements in a finalized Order on Consent schedule of compliance or a finalized schedule of compliance associated with the facility's SPDES permit AND one of the following: CSO projects that are under a Long-term Control Plan (LTCP) OR SSO projects that are for an SSO included in a capacity, management, operation and maintenance (CMOM) program, a DEC-approved sanitary sewer evaluation survey plan or listed in an Order on Consent OR Watershed plan implementation projects that address a nutrient pollutant(s) of concern identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABS Action Plan) and are necessary to meet the effluent limits in the SPDES permit OR Projects to reduce and/or eliminate nitrogen impairments in shellfishing waters	20 POINTS: CSO projects that are under a Long-term Control Plan (LTCP) OR SSO projects that are for an SSO included in a capacity, management, operation and maintenance (CMOM) program, a DEC-approved sanitary sewer evaluation survey plan, or listed in an Order on Consent OR Watershed plan implementation projects that address a nutrient pollutant(s) of concern identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABS Action Plan) and is necessary to meet the effluent limits in the SPDES permit OR Municipal systems to serve multiple properties with inadequate on-site septic systems that are listed in the WI/PWL segment assessment as a known source of impairment; listed in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABS Action Plan); or have a completed sanitary survey conducted and/or approved by the Department of Health.	10 POINTS: Projects that address the discharge of a pollutant identified as impacting a waterbody listed in the WI/PWL segment assessment as "precluded" or "impaired" OR Projects that address the discharge of a pollutant identified as impacting a waterbody located in the HUC 12 watershed of waterbodies classified as a Class A or Class AA waterbody with an active public water system and where drinking water use is listed in the WI/PWL segment assessment as "stressed" or "threatened" OR Projects that are in a schedule of compliance for an Order on Consent or SPDES permit but are not a WQIP high priority project OR Projects that will reduce CSOs but are not specifically listed in the applicable LTCP	5 POINTS: Projects that address the discharge of a pollutant identified as impacting a waterbody listed in the WI/PWL segment assessment as "stressed" or "threatened" OR Projects that address the discharge of a pollutant identified as impacting a waterbody located in the HUC 12 watershed of waterbodies classified as Class A or Class AA without an active public water system. OR Projects that will not address the known pollutant for an impairment listed in the WI/PWL segment assessment OR Projects that are necessary to preserve or protect a surface waterbody not listed in the WI/PWL.
Classification Points Factor <i>5 to 2 points possible</i>	5 POINTS: AA, SA, A(T), GA (primary water supply aquifer), AA special, A, A special, B(T), GA (other), GSA, B, SB, C(T), C(TS)			2 POINTS: GSB, C, SC, D, SD, I	

Environmental Justice <i>2 to 0 points possible</i>	2 POINTS Projects that improve water quality in an Environmental Justice area or positively impact drinking water quality serving an EJ community.			0 POINTS Projects that do not improve water quality in an EJ area nor positively impact drinking water quality serving an EJ community	
Reasonableness of Cost¹¹ <i>20 to 0 points possible</i>	20 POINTS: Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project. WQIP budget includes no ineligible activities.	15 POINTS: Cost is good as it applies to both achieving the project objectives and being a fiscally sound project.	10 POINTS: Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project.	5 POINTS: Costs are not clearly explained in application and budget.	0 POINTS: Costs are not reasonable for this type of project.
Project Readiness <i>10 to 0 points possible</i>	10 POINTS: Project has all necessary permits (or does not need permits) and engineering report is approved. SEQR is completed. The project is ready to move forward with construction.	5 POINTS: Project is not ready to proceed with construction but has some of the necessary approvals and is expected to begin construction within two years.	2 POINTS: Project is expected to be completed within five years.	0 POINTS Project has none of the necessary approvals and is not expected to be completed within five years. <i>Applications that fall into this category will not be funded.</i>	
Experience and Ability <i>5 to 0 points possible</i>	5 POINTS: Applicant has shown the ability to complete state-funded wastewater treatment projects in the past 10 years in a timely manner OR Applicant has sufficiently shown its ability to complete this wastewater project.	3 POINTS: Applicant has shown the ability to complete a state-funded water quality project that was not related to wastewater treatment in the past 10 years in a timely manner OR Applicant has not been awarded a state grant related to water quality in the past 10 years but appears to have the experience and ability to carry out the project	0 POINTS: Applicant has demonstrated poor management of WQIP and/or EPG contract(s) in the past 10 years OR Applicant has not been awarded a WQIP or EPG grant in the past 10 years and does not appear to have the experience and ability to carry out the project. <i>Applications that fall into this category will not be funded.</i>		
Regional Economic Development Priority Points	<i>Up to 20 points for this criterion are provided by the Regional Economic Development Councils</i>				
Total Maximum Points	<i>100 points</i>				

¹¹ Also to be considered: If the applicant is a Climate Smart Community and has completed one or more of the following actions: PE10 Action: Green House Gas Tracking System; PE3 Action: Energy Benchmarking for Government Buildings; PE7 Action: Climate Vulnerability Assessment; and/or PE7 Action: Watershed Assessment; and if the project is within a 100-year floodplain, the engineering report addresses storm and flood resiliency.

Non-Agricultural Nonpoint Source Abatement and Control

ELIGIBLE APPLICANTS

- Municipalities¹²
- Soil and water conservation districts (excluding Decentralized Municipal Wastewater Treatment Facilities for Failing On-Site Treatment Systems project subtype)

DESCRIPTION

Funding is available for non-agricultural nonpoint source projects or programs that improve a documented water quality impairment, or that protect a drinking water source.

REQUIREMENTS FOR ALL NONPOINT SOURCE APPLICATIONS:

Required Attachments:

- Budget worksheet¹³
- Sexual Harassment Prevention Certification Form¹⁴
- Map with the project or program area clearly identified. Map must be a minimum of 1:24,000 scale USGS or DOT planimetric map.
- If the project is in a floodplain, attach the applicable floodplain map with the location of the project indicated.
- See special requirements column in below table for required attachments for specific project subtypes.
- In addition to required attachments, all applicants **should** attach any site assessments, permits, feasibility studies, landowner agreements or other documentation that demonstrates the likelihood of project success and/or feasibility.

PROJECT SUBTYPES AND REQUIREMENTS

Project Subtypes	Description	Maximum award	Required match	Special Requirements
Decentralized Municipal Wastewater Treatment Facilities for Failing On-Site Treatment Systems	Projects to construct a municipally-owned decentralized wastewater treatment facility in areas with failing on-site treatment systems, including the necessary collection and	\$3,000,000	25% of award amount	<p>Must consist of a subsurface treatment and disposal system.</p> <p>Collection and conveyance system may consist of septic tank effluent pump or gravity, grinder pump or gravity sewer.</p> <p>Projects must be designed by a professional engineer.</p>

¹² For the purposes of Non-agricultural Nonpoint Source Abatement and Control projects and programs under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof. (Environmental Conservation Law §56-0101)

¹³ WQIP Budget Worksheet: <http://www.dec.ny.gov/pubs/4774.html>

¹⁴ Sexual Harassment Prevention Certification Form: <http://www.dec.ny.gov/pubs/4774.html>

Project Subtypes	Description	Maximum award	Required match	Special Requirements
	conveyance system			<p>If awarded, a sewer district must be formed within two years of date of award. No funding will be disbursed until sewer district is formed.</p> <p>Required Attachment:</p> <ul style="list-style-type: none"> • Feasibility study that follows the NYS Environmental Facilities Corporation/DEC Engineering Report Outline for New York State Wastewater Infrastructure Projects¹⁵.
Green Infrastructure Practices	Green infrastructure projects to address combined sewer overflows, reduce a pollutant impacting a waterbody or address a regional water quality issue; or projects to install green infrastructure practices designed to capture and remove the pollutant contributing to a water quality impairment.	\$1,000,000	25% of award amount	<p>Eligible practices are limited to:</p> <ul style="list-style-type: none"> • Bioretention • Rain gardens • Constructed wetlands • Porous pavement • Green roofs • Downspout disconnection • Stormwater street trees • Stormwater harvesting and reuse • Stream daylighting <p>Must be designed in accordance with the <i>2015 NYS Stormwater Design Manual</i>.</p> <p>Must go above and beyond water quality volume treatment and/or reduction requirements in</p>

¹⁵ Engineering Report Outline for NYS Wastewater Infrastructure Projects: <https://nysefc.box.com/s/0s1j2q1nytylpo3q5llbwt3zta0yopp0>

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				<p>the SPDES Construction General Permit.</p> <p>Required Attachments:</p> <ul style="list-style-type: none"> • Feasibility study that meets WQIP Green Infrastructure or Stormwater Retrofit Feasibility Study Requirements¹⁶ • Policies and procedures for maintaining BMPs¹⁷.
Stormwater Retrofits	Stormwater retrofit projects designed to capture and remove pollutants causing a water quality impairment.	\$500,000	25% of award amount	<p>Eligible practices are limited to those identified in Chapters 5 and 6 of the <i>2015 NYS Stormwater Design Manual</i>.</p> <p>Must be designed in accordance with the <i>NYS Stormwater Design Manual</i>.</p> <p>Required Attachments:</p> <ul style="list-style-type: none"> • Feasibility study that meets WQIP Green Infrastructure or Stormwater Retrofit Feasibility Study Requirements¹⁶ • Policies and procedures for maintaining BMPs¹⁸
Streambank / Shoreline Stabilization and Riparian Buffers	Projects to reduce sedimentation of waterbodies caused by eroding streambanks /	\$500,000	25% of award amount	Streambank/shoreline stabilization practices include, but are not limited to staking, erosion control matting, root

¹⁶ Green Infrastructure or Stormwater Retrofit Feasibility Study Requirements: <http://www.dec.ny.gov/pubs/4774.html>

¹⁷ Suggested procedures for operation and maintenance are included in the NYS Maintenance Guidance: Stormwater Management Practices, March 31, 2017, found at <https://www.dec.ny.gov/chemical/8694.html>.

¹⁸ Suggested procedures for operation and maintenance are included in the NYS Maintenance Guidance: Stormwater Management Practices, March 31, 2017: <https://www.dec.ny.gov/chemical/8694.html>

Project Subtypes	Description	Maximum award	Required match	Special Requirements
	<p>shorelines and/or to filter surface runoff with riparian buffer vegetation.</p>			<p>wads and rip-rap (rip-rap may only be used in conjunction with natural restoration principles that incorporate vegetative materials).</p> <p>Streambank/shoreline stabilization projects paired with replanting of riparian buffers are preferred.</p> <p>Riparian buffers projects are to replant vegetation within the riparian zone of waterbodies to filter nutrients and sediment, prevent streambank/shoreline erosion and reduce thermal impacts to waterbodies.</p> <p>Proposals to stabilize streambanks/shorelines of two or more WI/PWL segments should apply under the Nonpoint Source Program subtype described below.</p>
<p>In-Waterbody Controls for Nutrients</p>	<p>Projects that reduce internal loading of nutrients (mainly phosphorus) within waterbodies experiencing internal nutrient cycling leading to excessive algae and plant growth, low water quality, and other water</p>	<p>\$1,000,000</p>	<p>25% of award amount</p>	<p>Eligible practices are limited to:</p> <ul style="list-style-type: none"> • Hypolimnetic aeration • Destratification systems for polymictic lakes • Hypolimnetic withdrawal • Dredging <p>Must secure appropriate permits prior to submitting application.</p> <p>Required attachments:</p>

Project Subtypes	Description	Maximum award	Required match	Special Requirements
	quality impairments.			<ul style="list-style-type: none"> • Documentation¹⁹ of projects that are completed or underway to control external sources of nutrients that meets Minimum Documentation Requirements for Control of External Sources of Nutrients Projects²⁰) • A study acceptable to DEC by a qualified professional²¹ that identifies significant internal waterbody loading and justification for use of the BMP. For destratification systems, the study must identify the waterbody as a polymictic lake. • For hypolimnetic aeration, destratification systems and hypolimnetic withdrawal, must attach a plan for long-term operation and maintenance.
Bathing Beach Restoration	Projects to implement practices	\$500,000	25% of award amount	Eligible practices are limited to:

¹⁹ DEC will evaluate documentation provided to determine if external nonpoint sources (landside) have been sufficiently controlled. DEC reserves the right to only fund in-waterbody control practices that meet this criterion.

²⁰ Minimum Documentation Requirements for Control of External Sources of Nutrients Projects: <http://www.dec.ny.gov/pubs/4774.html>

²¹ A **qualified professional** as demonstrated through work experience and/or education (e.g. certified lake manager, professional engineer, marine scientist, or limnologist).

Project Subtypes	Description	Maximum award	Required match	Special Requirements
	recommended in beach restoration design reports or beach sanitary survey			<ul style="list-style-type: none"> • The following green infrastructure practices: <ul style="list-style-type: none"> ○ Bioretention ○ Porous pavement ○ Rain gardens ○ Stormwater tree trenches ○ Constructed wetlands • The following beach re-naturalization practices: <ul style="list-style-type: none"> ○ Beach sand enrichment/nourishment ○ Beach sloping/grading <p>Required attachments:</p> <ul style="list-style-type: none"> • Completed beach sanitary survey • For green infrastructure practices: Feasibility Study that meets WQIP Green Infrastructure or Stormwater Retrofit Feasibility Study Requirements²²
Stream Culvert Repair and Replacement	Projects to reduce erosion caused by failing or inadequately sized stream culverts through culvert repair or replacement	\$500,000	25% of award amount	<p>The primary purpose of the project must be to address erosion caused by failing or inadequately sized culverts in streams, as documented in:</p> <ul style="list-style-type: none"> • the WI/PWL segment assessment; or • photographs (must show erosion on the

²² WQIP Green Infrastructure or Stormwater Retrofit Feasibility Study Requirements: <http://www.dec.ny.gov/pubs/4774.html>

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				<p>upstream side of the culvert); or</p> <ul style="list-style-type: none"> • a DEC-accepted culvert site assessment report <p>Proposals to repair or replace culverts impacting two or more WI/PWL segments should apply under the Nonpoint Source Program subtype (below).</p> <p>Projects that also improve aquatic organism connectivity, reduce flooding and protect infrastructure will receive additional points. However, projects that are for the primary goal of improving aquatic organism passage should apply under the Aquatic Connectivity Restoration project type.</p>
Vacuum trucks in MS4 areas	Projects to purchase one vacuum truck to be used in an MS4 area	\$325,000	25% of award amount	<p>Applicant must have completed all Basic Elements Map items (view MS4 Mapping Status Worksheet²³) by the date of application submittal.</p> <p>Applicants must participate in an area-wide municipal cooperative stormwater group if one exists. If one does not exist, the application must document the steps that are being taken to</p>

²³ MS4 Mapping Status Worksheet: <http://www.dec.ny.gov/pubs/4774.html>

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				<p>develop a group, which must be formed prior to receiving a grant award. In the rare case where a coalition does not exist nor will be established, the application must justify the reasons in the application.</p> <p>Funding will be considered for proposals submitted on behalf of multiple regulated MS4s. Only the lead applicant needs to register in the NYS Grants Gateway (http://grantsreform.ny.gov). Projects being undertaken by multiple regulated MS4s in the same county or urbanized area will receive additional points. A list of the cooperating MS4s must be provided in the application.</p> <p>Required attachments:</p> <ul style="list-style-type: none"> • Letters of support from regulated MS4 entities participating in and/or benefiting from this project • Mapping Status Table worksheet(s)²⁴ with the application for each MS4 participating or benefitting directly from the proposed project.

²⁴ MS4 Mapping Status Worksheet: <http://www.dec.ny.gov/pubs/4774.html>

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				<ul style="list-style-type: none"> Catch basin clean-out plan and procedures that meet Catch Basin Clean-Out Plan Minimum Requirements²⁵
Permeable Reactive Barriers	Projects to reduce nitrogen in groundwater through the installation of permeable reactive barrier systems.	\$500,000	25% of award amount	Required Attachment: <ul style="list-style-type: none"> A study acceptable to DEC by a qualified professional²⁶ that documents excessive nitrogen in groundwater and provides justification for use of the BMP.
Nonpoint Source Program	Programs to implement particular nonpoint source BMPs within a defined geographic area. Geographic areas include, but are not limited to: counties, watersheds, municipalities, or sanitary sewer overflow (SSO) areas.	\$1,000,000	25% of award amount	Eligible programs are limited to one of the following types of BMPs per application: <ul style="list-style-type: none"> Streambank stabilization and riparian buffers Stream culvert repair and/or replacement Road ditch stabilization (including hydroseeding²⁷) Septic tank pump-out Rain garden/rain barrel program for SSO areas (must be for an SSO in a capacity, management, operation and maintenance (CMOM) program, a DEC-approved

²⁵ Catch Basin Clean-Out Plan Minimum Requirements: <http://www.dec.ny.gov/pubs/4774.html>

²⁶ A qualified professional as demonstrated through work experience and/or education (e.g., professional engineer, certified environmental professional, or professional geologist).

²⁷WQIP does not fund hydroseeding at SPDES General Permit for Stormwater Discharges from Construction Activity sites, or for purposes other than stormwater/runoff reduction (e.g., ball fields).

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				<p>sanitary sewer evaluation survey plan, or Order on Consent)</p> <p>Stream culvert repair, road ditch and streambank/shoreline stabilization programs must implement projects to improve two or more WI/PWL segments to be considered under this program category and must identify all project locations at time of application.</p> <p>For rain garden/rain barrel programs, project locations or geographic areas in which programs will be implemented must be identified at time of application</p> <p>Stream culvert repair and replacement programs must address erosion caused by failing or inadequately sized culverts as documented in:</p> <ul style="list-style-type: none"> • the WI/PWL segment assessment(s); • photographs (must show erosion on the upstream side of the culverts); or • a DEC-accepted culvert site assessment report.

ELIGIBLE COSTS

- Equipment
- Equipment operating expenses
- Contractual services

- Construction
- Construction inspection
- Salary and fringe
- Travel
- Planning, design, administrative²⁸ and construction oversight costs (total may not exceed 20% of award amount)

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS

- Land purchases
- Indirect costs (e.g. space/property rent, utilities, office supplies)
- Legal fees
- Costs incurred outside the start and end date of the contract (no earlier May 10, 2021)
- Applications that do not include required attachments with application
- Projects that do not address a water quality impairment or protect a drinking water source
- Pre- and post-construction monitoring and sampling
- Aquatic vegetation harvesting projects or programs
- Algaecides
- Water circulators, bubblers or other equipment designed to move water
- Culvert replacement projects/programs that do not address erosion issues
- Culvert replacement projects for the primary purpose of improving aquatic organism passage (should apply under the Aquatic Connectivity Restoration category of WQIP)

RESOURCES

- Nonpoint Source Guidance and Technical Assistance: <https://www.dec.ny.gov/chemical/96777.html>
- Information on preferred, nature-based methods of shoreline stabilization: <http://www.dec.ny.gov/permits/50534.html>.
- DECinfo Locator²⁹ (most up to date source of WI/PWL segment assessments): <http://www.dec.ny.gov/pubs/109457.html>
- HUC 12 watershed map: <https://nysdec.maps.arcgis.com/apps/webappviewer/index.html?id=a02867dc903f40a2831c904c7eb1b7d8>
- Pollutant Source Prioritization Table: <http://www.dec.ny.gov/pubs/4774.html>

²⁸The following are examples of eligible administrative costs: Procuring sub-contractors and materials needed to implement the project; contacting municipalities to schedule projects; and reviewing and paying invoices for materials and sub-contractors associated with the project.

The following are examples of ineligible administrative costs: preparing, completing, submitting the WQIP application for funding; preparing, completing, submitting information and documents need to get a contract in place; preparing, completing, submitting information for progress reporting, payment requests and contract amendments; preparing, completing and submitting environmental regulatory approvals/permits needed to implement the project

²⁹ For projects impacting surface water, the applicant must provide the correct WI/PWL segment ID and HUC 12 watershed of the closest waterbody the project will impact. To find the closest WI/PWL segment assessment visit the DECinfo Locator and click on the link for “Environmental Quality Map View”. In the left column of the map, click on “Information List” and check the box for “Rivers, Streams and Shorelines” AND “Lakes, Reservoirs, and Estuaries” to display these map layers. Enter the address or project location in the “Search Near Me” search bar. Click on the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL segment assessment for that waterbody, click on the “Download Fact Sheet” link in the box. For guidance on how to read the WI/PWL segment assessments, visit: <http://www.dec.ny.gov/chemical/36730.html>.

- EPA Guidance for Sanitary Surveys: <https://www.epa.gov/dwreginfo/sanitary-survey-guidance-manuals>
- NYS Stormwater Design Manual: <https://www.dec.ny.gov/chemical/29072.html>
- North Atlantic Aquatic Connectivity Project (NAACC): <https://streamcontinuity.org/naacc>
- Maps of EJ areas in New York State: <http://www.dec.ny.gov/public/911.html>.

CONTACT

NYS Department of Environmental Conservation, Division of Water

- Decentralized Wastewater Treatment Facilities for Failing On-Site Treatment Systems—Ken Kosinski, (518) 402-8086
- Green Infrastructure Practices—Ryan Waldron, (518) 402-8244
- Stormwater Retrofits—Ethan Sullivan, (518) 402- 1382
- Streambank/Shoreline Stabilization & Riparian Buffers— Julie Berlinski, (518) 402-8212
- Waterbody Controls for Nutrients—Stephanie June, (518) 402-9255
- Bathing Beach Restoration—Lauren Townley, (518) 402-8283
- Stream Culvert Repair and Replacement—Julie Berlinski, (518) 402-8212
- Permeable Reactive Barriers—Karen Stainbrook, (518) 402-8095
- Vacuum Truck in MS4 Area—Christina Chiappetta, (518) 402-1224
- Nonpoint Source Programs—Julie Berlinski, (518) 402-8212

NONPOINT SOURCE PROJECT SCORING CRITERIA

Agency Points	<i>Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Reasonableness of Cost, Project Readiness, or Experience and Ability will not be funded.</i>			
Vision <i>40 to 1 point(s) possible</i>	Vision will be calculated by multiplying Performance Measures times Impact Factor. Performance Measures points and Impact Factor points will not be included in the total project score, only the combined Vision points.			
Performance Measures <i>10 to 2 point(s) possible (as part of Vision score)</i>	<p>10 POINTS:</p> <p>Projects that address a primary pollution source identified in a DEC-approved watershed implementation plan (i.e., TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) as listed in DEC’s Pollutant Source Prioritization Table³⁰ AND benefit an active public drinking water supply</p> <p>OR</p> <p>Green infrastructure projects specifically listed in a Long Term Control Plan that reduce stormwater flow to a combined sewer system</p> <p>OR</p> <p>Stormwater retrofit projects required by an MS4 permit</p> <p>OR</p> <p>Beach restoration projects that are specifically listed as a priority in a DEC-approved beach restoration report</p>	<p>8 POINTS:</p> <p>Projects that address a primary pollution source identified in a DEC-approved watershed implementation plan (i.e., TMDL, Nine Element Watershed Plan or HABs Action Plan) as listed in DEC’s Pollutant Source Prioritization Table</p> <p>OR</p> <p>Projects located in the HUC 12 watershed of a Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment with uses listed as either “precluded” or “impaired” and that will address known pollutant(s) listed in the WI/PWL segment assessment as impacting that segment.</p> <p>OR</p> <p>Projects that address a known nonpoint source of pollution in the WI/PWL segment assessment AND benefit an active public drinking water supply</p> <p>OR</p> <p>Projects that support multiple actions in a DEC Watershed Action Agenda or Plan</p> <p>OR</p> <p>Beach restoration projects that are for a type of project that is the focus of a beach restoration report funded independently or based on a sanitary survey</p> <p>OR</p> <p>Stormwater retrofit projects in an MS4 area</p>	<p>6 POINTS:</p> <p>Projects that address a secondary pollution source identified in a DEC-approved watershed implementation plan (i.e., TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) as listed in DEC’s Pollutant Source Prioritization Table²¹</p> <p>OR</p> <p>Projects that support an action or priority identified in a DEC Watershed Action Agenda or Plan</p> <p>OR</p> <p>Projects located in the HUC 12 watershed of a WI/PWL segment with uses listed as either “stressed” or “threatened” and that will address known pollutant(s) listed in the WI/PWL segment assessment as impacting that segment.</p> <p>OR</p> <p>Decentralized municipal wastewater treatment facilities for failing on-site treatment systems where the need for the project has been documented in a completed sanitary survey conducted and/or approved by the Department of Health</p>	<p>2 POINTS:</p> <p>Projects located in the HUC 12 watershed of a WI/PWL segment that is listed as “unassessed”</p>

³⁰ Pollutant Source Prioritization Table: <http://www.dec.ny.gov/pubs/4774.html>

Impact Factor <i>4 to 1 point(s) possible (as part of Vision score)</i>	<i>Decentralized Municipal Wastewater Treatment Facilities for Failing On-Site Systems projects</i>	4 POINTS: Projects that address a primary pollution source in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABS Action Plan) as listed in DEC's Pollutant Source Prioritization Table ³¹	3 POINTS: Projects where on-site septic systems are impacting a WI/PWL segment listed as "precluded" or "impaired" in the WI/PWL segment assessment	2 POINTS: Projects that address a secondary pollution source in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABS Action Plan) as listed in DEC's Pollutant Source Prioritization Table ²² OR Projects where on-site septic systems are impacting a WI/PWL segment listed as "stressed" or "threatened" in the WI/PWL segment assessment and the proposed project serves properties located directly on the waterbody segment	1 POINT: Projects where on-site septic systems are impacting a WI/PWL segment listed as "stressed", "threatened" or "unassessed" in the WI/PWL segment assessment AND the proposed project serves properties located within the HUC 12 watershed
	<i>Green Infrastructure Practice</i>	Total water quality volume (WQv) ³² treated or reduced 7,500 cubic feet (ft ³)	Total WQv treated or reduced 5,000 to 7,499 ft ³	Total WQv treated or reduced 2,500 to 4,999 ft ³	Total WQv treated or reduced 2,499 ft ³ or less
	<i>Stormwater Retrofits</i>	Projects that are in an MS4 area AND address a primary or secondary pollution source in a DEC-approved watershed implementation plan (i.e., TMDL, Nine Element Watershed Plan, or DEC HABS Action Plan) as listed in DEC's Pollutant Source Prioritization Table.	Projects that are in an MS4 area AND will address pollutant(s) listed in the WI/PWL segment assessment of an "impaired" segment.	Projects that are in an MS4 area AND will address pollutant(s) listed in the WI/PWL segment assessment of a "stressed", "threatened", or "unassessed" segment OR Projects that are in a non-MS4 area AND will address pollutants listed in the WI/PWL segment assessment as an "impaired"	Projects that are in a non-MS4 area AND will address pollutant(s) listed in the WI/PWL segment assessment of a "stressed", "threatened", or "unassessed" segment.

³¹ Pollutant Source Prioritization Table: <http://www.dec.ny.gov/pubs/4774.html>

³² To calculate the water quality volume, refer to Table 4.1 on page 4-1 of the 2015 New York State Stormwater Design Manual or use the NYSDEC Runoff Reduction Worksheets. Both resources can be found at <https://www.dec.ny.gov/chemical/8694.html>.

Impact Factor continued	<i>Streambank/ Shoreline Stabilization and Riparian Buffers</i>	Projects that implement streambank/shoreline stabilization AND riparian buffers directly adjacent to a waterbody that has been identified in the WI/PWL segment assessment as “precluded” or “impaired” due to streambank or shoreline erosion	Projects that implement streambank/shoreline stabilization OR riparian buffers directly adjacent to a waterbody that has been identified in the WI/PWL segment assessment as “precluded” or “impaired” due to streambank or shoreline erosion (streambank/shoreline stabilization) or urban stormwater runoff (riparian buffers)	Projects that implement streambank stabilization AND riparian buffers directly adjacent to a waterbody that has been identified in the WI/PWL segment assessment as “stressed” or “threatened” due to streambank or shoreline erosion	Projects that implement streambank stabilization OR riparian buffers directly adjacent to a waterbody that has been identified in the WI/PWL segment assessment as “stressed”, “threatened” or “unassessed” due to streambank or shoreline erosion (streambank/shoreline stabilization) or stormwater runoff (riparian buffers)
	<i>In-Waterbody Controls for Nutrients</i>	Projects where internal loading has been identified as the primary source of pollution in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABS Action Plan) as listed in DEC’s Pollutant Source Prioritization Table	Projects where internal loading was identified in the WI/PWL segment assessment as the known source of pollution in a waterbody that has been identified in the WI/PWL segment assessment as “precluded” or “impaired” for nutrient pollution	Projects that were identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABS Action Plan) where internal loading was identified as a secondary source of pollution as listed in DEC’s Pollutant Source Prioritization Table	Projects where internal loading was identified in the WI/PWL segment assessment as the known source of pollution in a waterbody that has been identified in the WI/PWL segment assessment as “stressed”, “threatened”, or “unassessed” for nutrient pollution
	<i>Bathing Beach Restoration</i>	Projects that combine two or more practices (e.g., porous pavement, rain gardens and bioswale) to reduce/restore waterbody (such that the water quality benefit is greater than any one practice alone) AND the proposed project is located on the beach or within the beach/park property	Projects that combine two or more practices (e.g. porous pavement, rain garden and bioswale) to reduce/restore waterbody (such that the water quality benefit is greater than any one practice alone) AND the proposed project is located on a tributary adjacent to the beach that has been identified as a source of pollution	Projects with one practice to reduce/restore waterbody AND the proposed project is on a tributary adjacent to the beach that has been identified as a source of pollution	Projects with one practice to reduce/restore waterbody AND the proposed project is located within the HUC 12 watershed of that waterbody

Impact Factor continued	<i>Stream Culvert Repair and Replacement</i>	Projects where undersized, improperly placed, or failing stream culverts have caused erosion of stream bed and/or banks AND that will help protect high risk or critical infrastructure ³³ AND that would improve NAACC score ³⁴ by at least one level	Projects where undersized, improperly placed, or failing stream culverts have caused erosion of stream bed and/or banks AND that would improve NAACC score by at least one level	Projects where undersized, improperly placed, or failing stream culverts have caused erosion of stream bed and/or banks AND that that will help protect high risk or critical infrastructure	Projects where undersized, improperly placed, or failing stream culverts have caused erosion of stream bed and/or banks AND improvement of NAACC score is unlikely or does not have a NAACC score
	<i>Vacuum Trucks in MS4 Areas</i>	Applicant has completed Basic and Intermediate Elements Map items AND has demonstrated support from all collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this project or project is on behalf of a single municipality with needs specific to the scope of this project or is neither located in an area with other cooperating regulated MS4 entities nor are shared services available (must specify this in application)	Applicant has completed Basic Elements Map items AND Applicant has demonstrated support from all collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this project or project is on behalf of a single municipality with needs specific to the scope of this project or is neither located in an area with other cooperating regulated MS4 entities nor are shared services available (must specify this in application)	Applicant has completed Basic Elements Map items AND Applicant has demonstrated support from 50% or more of collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this project.	Applicant has completed Basic Elements Map items AND Applicant has demonstrated support from less than 50% of collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this project

³³ Infrastructure is located on the primary ingress and/or egress from a community or a significant portion of a community that serves a substantial number of residents and/or businesses; or is located on a designated emergency evacuation route.

³⁴ NAACC score refers to the North Atlantic Aquatic Connectivity Collaborative's Aquatic Passability Score which uses a numeric scale from 0.0 to 1.0 with six associated levels from "severe barrier" to "no barrier." Culvert repair or replacement must raise the passability score such that the associated descriptor level will change/improve. Where scoring is unavailable, professional judgement will be used to categorize the passability of each structure.

	<i>Permeable Reactive Barriers</i>	Projects where groundwater nitrogen has been identified as the primary source of pollution in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABS Action Plan) as listed in DEC's Pollutant Source Prioritization Table	Projects where groundwater nitrogen was identified in the WI/PWL segment assessment as the known source of pollution in a waterbody that has been identified in the WI/PWL segment assessment as "precluded" or "impaired" for nutrient pollution	Projects that were identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABS Action Plan) where groundwater nitrogen was identified as a secondary source of pollution as listed in DEC's Pollutant Source Prioritization Table	Projects where groundwater nitrogen was identified in the WI/PWL segment assessment as the known source of pollution in a waterbody that has been identified in the WI/PWL segment assessment as "stressed", "threatened", or "unassessed" for nutrient pollution
Waterbody Assessment (for all projects EXCEPT Green Infrastructure Practice/ Stormwater Retrofits project subtypes) <i>5 to 0 points possible</i>	<i>Waterbody Classification</i>	2 POINTS: AA, A special, SA, GA (primary supply aquifer), AA special, A(T), C(T), C(TS), A, B(T), GA (other), or has a watershed plan	1 POINT: B, SB, C, SC, I, D, SD, GSB, GSA		0 POINTS: Waterbody not listed in the WI/PWL
	<i>Type of Pollutant (must be a nonpoint source pollutant)</i>	3 POINTS: Known	2 POINT: Suspected		0 POINTS: Unconfirmed OR Unassessed or Waterbody not listed in the WI/PWL
Waterbody Assessment (for Green Infrastructure Practice/ Stormwater Retrofits project subtypes) <i>5 to 0 point(s) possible</i>	<i>Type of Pollutant (must be a pollutant traditionally identified with CSO discharges)</i>	5 POINTS: Known	3 POINTS: Suspected	0 POINTS: Unconfirmed OR Unassessed or Waterbody not listed in the WI/PWL	
Environmental Justice (EJ) <i>2 to 0 points possible</i>	2 POINTS Projects that improve water quality in an EJ area or positively impact drinking water quality serving an EJ community		0 POINTS Projects that do not improve water quality in an EJ area nor positively impact drinking water quality serving an EJ community		
Reasonable-ness of Cost <i>20 to 0 points possible</i>	20 POINTS: Budget clearly details and justifies only eligible costs related to implementation of a non-agricultural nonpoint source project AND Project costs provide an exceptional value as it applies to achieving pollutant reduction.	10 POINTS: Budget is missing some detail and/or justification of costs and/or includes ineligible costs OR Project costs provide a good value as it applies to achieving pollutant reduction.	5 POINTS: Budget is missing some detail and/or justification of costs and/or includes ineligible costs AND Project costs provide a good value as it applies to achieving pollutant reduction.	0 POINTS: Budget is not completed and/or costs are not justified AND/OR Project costs do not provide a good value as it applies to achieving pollutant reduction Applications that fall into this category will not be funded.	

Project Readiness <i>8 to 0 points possible</i>	8 POINTS: Project has all necessary permits (or does not need permits) and approvals AND the project is ready to move forward with construction.	5 POINTS: Project is not ready to proceed with construction but has some of the necessary approvals and is expected to lead to construction without delay.	2 POINTS: Project has not secured any of the necessary approvals but is expected to be completed within five years.	0 POINTS: Project has none of the necessary approvals and is not expected to be completed within 5 years. <i>Applications that fall into this category will not be funded.</i>
Experience and Ability <i>5 to 0 points possible</i>	5 POINTS: Applicant has shown the ability to complete state-funded non-agricultural nonpoint source projects in the past 10 years in a timely manner OR Applicant has sufficiently shown its ability to complete this non-agricultural nonpoint source project based upon experience with similar non-agricultural nonpoint source projects.	3 POINTS: Applicant has shown the ability to complete a state funded water quality project that was not related to non-agricultural nonpoint source treatment in the past 10 years in a timely manner OR Applicant has not been awarded a state grant related to water quality in the past 10 years but appears to have the experience and ability to carry out the project	0 POINTS: Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years OR Applicant has not been awarded a WQIP in the past 10 years and does not appear to have the experience and ability to carry out the project. <i>Applications that fall into this category will not be funded.</i>	
Regional Economic Development Priority Points	<i>Up to 20 points for this criterion are provided by the Regional Economic Development Councils.</i>			
Total Maximum Points	100			

NONPOINT SOURCE PROGRAM SCORING CRITERIA

Agency Points	<i>Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Reasonableness of Cost, Project Readiness, or Experience and Ability will not be funded.</i>				
Vision <i>40 to 1 point(s) possible</i>	Vision will be calculated by multiplying Performance Measures times Impact Factor. Performance Measures points and Impact Factor points will not be included in the total project score, only the combined Vision points.				
Performance Measures (Programs) <i>10 to 1 point(s) possible (as part of Vision score)</i>	10 POINTS: Programs that address a primary pollution source identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABS Action Plan) as listed in DEC’s Pollutant Source Prioritization Table AND impact an active public drinking water supply	8 POINTS: Programs that address a primary pollution source identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or HABS Action Plan) as listed in DEC’s Pollutant Source Prioritization Table OR Programs where work will be completed in the watershed of a WI/PWL segment with uses listed as either “precluded” or “impaired” and that will address pollutant(s) listed in the WI/PWL segment assessment as impacting that segment	6 POINTS: Programs that address a secondary pollution source identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABS Action Plan) as listed in DEC’s Pollutant Source Prioritization Table OR Programs where work will be completed in the watershed of a WI/PWL segment with uses listed as either “stressed” or “threatened” and that will address pollutant(s) listed in the WI/PWL segment assessment as impacting that segment	4 POINTS: Programs where work will be completed in the watershed of a WI/PWL segment that is listed as “unassessed”	1 POINT: Programs where work will be completed in the watershed of a waterbody not listed in the WI/PWL
Impact Factor <i>4 to 1 point(s) possible (as part of Vision score)</i>	4 POINTS: Program will be implemented in the watershed of a waterbody with a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or HABS Action Plan) AND implements a practice recommended in the implementation section of that document OR Program will implement projects identified in a DEC-approved plan that address nonpoint source pollution	3 POINTS: Program addresses pollutant impacts to at least two WI/PWL segments identified as “precluded” or “impaired” in the WI/PWL segment assessment OR Program addresses aquatic habitat connectivity and/or flood resiliency in addition to nonpoint source pollution	2 POINTS: Program addresses pollutant impacts to at least one WI/PWL segment identified as “precluded or impaired” in the WI/PWL segment assessment AND at least one WI/PWL segment identified as “stressed” or “threatened” in the WI/PWL segment assessment OR At least two WI/PWL segments identified as “stressed” or “threatened” in the WI/PWL segment assessment	1 POINT: Program will address pollutant impacts to at least one WI/PWL segment identified as “stressed” or “threatened” in the WI/PWL segment assessment AND at least one WI/PWL segment identified as unassessed in the WI/PWL segment assessment OR At least two WI/PWL segments identified as unassessed in the WI/PWL segment assessment	

Program Scale <i>5 to 1 points possible</i>	5 POINTS: Programs that will be implemented at a watershed scale (HUC 12 or greater)	3 POINTS: Programs that will be implemented at a county scale	1 POINTS: Programs that will be implemented at the municipal scale
Environmental Justice (EJ) 2 to 0 points possible	2 POINTS Projects that improve water quality in an EJ area or positively impact drinking water quality serving an EJ community		0 POINTS Projects that do not improve water quality in an EJ area nor positively impact drinking water quality serving an EJ community
Reasonableness of Cost <i>20 to 0 points possible</i>	20 POINTS: Budget clearly details and justifies only eligible costs related to implementation of a non-agricultural nonpoint source project AND Program costs provide a good value as it applies to achieving pollutant reduction.	15 POINTS: Budget is missing some detail and/or justification of costs and/or includes ineligible costs OR Program costs provide a good value as it applies to achieving pollutant reduction.	0 POINTS: Budget is not completed and/or costs are not justified AND Program costs do not provide a good value as it applies to achieving pollutant reduction <i>Applications that fall into this category will not be funded.</i>
Program Readiness <i>8 to 0 points possible</i>	8 POINTS: Program has all necessary permits (or does not need permits) and approvals. the project is ready to move forward with construction.	5 POINTS: Program is not ready to proceed with construction but has some of the necessary approvals and is expected to lead to construction without delay.	2 POINTS: Program has not secured any of the necessary approvals but is expected to be completed within five years.
Experience and Ability <i>5 to 0 points possible</i>	5 POINTS: Applicant has shown the ability to complete state-funded non-agricultural nonpoint source projects in the past 10 years in a timely manner OR Applicant has sufficiently shown its ability to complete this non-agricultural nonpoint source program based upon experience with similar non-agricultural nonpoint source projects.	3 POINTS: Applicant has shown the ability to complete a state funded water quality project that was not related to non-agricultural nonpoint source treatment in the past 10 years in a timely manner OR Applicant has not been awarded a state grant related to water quality in the past 10 years but appears to have the experience and ability to carry out the program	0 POINTS: Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years OR Applicant has not been awarded a WQIP in the past 10 years and does not appear to have the experience and ability to carry out the program. <i>Applications that fall into this category will not be funded.</i>
Regional Economic Development Priority Points	<i>Up to 20 points for this criterion are provided by the Regional Economic Development Councils.</i>		
Total Maximum Points	100		

Land Acquisition for Source Water Protection

ELIGIBLE APPLICANTS

- Municipalities³⁵
- Soil and water conservation districts
- Not-for-profit corporations³⁶

DESCRIPTION

Funding is available to purchase land for the purpose of protecting surface or groundwater drinking water supplies.

REQUIREMENTS AND ADDITIONAL INFORMATION FOR ALL LAND ACQUISITION APPLICATIONS

- Before starting an application, applicants are strongly encouraged to investigate steps that must be taken and state and local approvals that are needed to start a project of this type (permits, easements, etc.). Applicants who have questions about what is needed for their project are encouraged to call the contact below.
- **Only** active public water supplies³⁷ as defined by the New York State Department of Health (NYSDOH) are eligible³⁸.
- **Only** land acquisition projects or programs associated with established and active public water supplies are eligible.
- Land Acquisition projects must drain to the surface water source that is identified as the public water supply.
- Monitoring and enforcement of properties or easements obtained through this grant may be performed by a subcontractor. To ensure all current and future uses are consistent with the public purposes set forth in ECL § 15-3303³⁹, monitoring and enforcement protocol and the associated property is subject to inspection.
- Agricultural Environmental Management (AEM)⁴⁰ Tier 3 plan is required for acquisitions that currently, or in the future, have agricultural uses and activities. AEM plans may be developed, reviewed, and monitored by a qualified subcontractor. The AEM Tier 3 plan must be completed prior to an awardee's contract completion.
- Parcels acquired prior to an executed contract are not guaranteed reimbursement.
- Donated parcels or parcels to be used as match are subject to the terms of the grant.
- Parcels previously acquired with WQIP grant funds cannot be used as match.
- For both projects and programs targeting protection of surface waterbodies or

³⁵ For the purposes of Land Acquisition for Source Water Protection under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof (Environmental Conservation Law §56-0101) .

³⁶ "Not-for-profit corporation" means a corporation formed pursuant to the not-for-profit corporation law and qualified for tax-exempt status under the federal internal revenue code (Environmental Conservation Law, Article 56-0101 (16))

³⁷ NYSDOH defines a public drinking water supply as "any system with at least 5 service connections or that regularly serves an average of at least 25 people daily for at least 60 days out of the year".

³⁸ Applicants may contact their local county health departments to verify active public drinking water supplies. Contact information can be found by visiting:

https://www.health.ny.gov/contact/contact_information/

³⁹ Public purpose as set forth in ECL § 15-3303. See <https://www.nysenate.gov/legislation/laws/ENV/15-3303>.

⁴⁰ For information regarding the Agricultural Environmental Management program, visit <https://agriculture.ny.gov/soil-and-water/agricultural-environmental-management>.

groundwater wellheads, parcels adjacent to waterbodies used as a water supply, parcels containing or adjacent to a wetland, or adjacent to tributaries draining to a water supply **must** contain an existing riparian buffer OR restore a riparian buffer. Both existing and restored riparian buffers **must** meet the requirements listed below. Only restoration activities performed on properties or easements acquired through this grant opportunity are eligible for funding.

- Riparian Buffer Requirements (Projects or programs):
 - Riparian buffers **must** have a minimum width of 300 feet if they are adjacent to tributaries, reservoirs, wellheads or wetlands.
 - Riparian buffers **must** be revegetated using only native trees, shrubs, or grasses appropriate for the site conditions. Replacement of dead trees or shrubs must be continued until the buffer is, or will progress to, a fully functional condition.
 - For newly created or restored buffers, the applicant **must** develop and implement a maintenance plan during the buffer establishment period, defined as 3-5 years after planting of vegetation.
 - Streambanks **must** be stable prior to creation or restoration of riparian buffers. “Soft” streambank stabilization practices including, but not limited to, live staking, contour wattling, erosion control matting, and root wads, are eligible for funding as part of a buffer project. Hard armoring of streambanks, including stone rip rap, is **not** eligible for funding under this category.
 - Selective cutting of trees, removal of invasive species, or supplemental planting of trees, shrubs, or grasses are allowed provided they improve habitat and function of the riparian buffer or remove, mitigate, or warn against unreasonable harm to people, property or health of native species on or around the defined riparian buffer area.
 - Field drains through the riparian buffer are **not** allowed. Existing field drains **must** be terminated prior to entering the riparian buffer in a manner that will allow infiltration of field drain discharge.
- Wetland Requirements:
 - Project plans **must** describe how the work in and near wetlands will protect drinking water supplies and provide improved wetland function.
 - Work within or immediately adjacent to existing wetlands **must** be limited to activities that will improve wetland function. Disturbances that compromise ecological functions are ineligible.
 - Projects **cannot** mitigate for impacts to regulated wetlands. Wetland mitigation projects are ineligible.
 - The applicant **must** develop and implement a maintenance plan for any wetland creation or enhancement. The maintenance plan **must** include protocols for addressing problems for a minimum of 3 years following creation or enhancement.
- Land Purchase and Conservation Easement Requirements
 - All **municipalities**, whether a project or program, **must** submit a complete water withdrawal permit modification application for all properties being acquired.⁴¹
 - Lands currently protected by a federal or state easement program are **not** eligible.

⁴¹ Water withdrawal permitting requirements as stated in 6 NYCRR Part 601.6. See [https://govt.westlaw.com/nycrr/Document/I4ebfafbecd1711dda432a117e6e0f345?viewType=FullText&originatio nContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Document/I4ebfafbecd1711dda432a117e6e0f345?viewType=FullText&originatio nContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

- Conservation easements **must** be acquired in perpetuity. Applicants for easements will be expected to make use of the Conservation Easement Template found on <https://www.dec.ny.gov/pubs/115920.html>.
- If the property is used for activities which interfere with the accomplishment of approved purposes, the violating activities **must** cease, and any resulting adverse effects **must** be remedied.
- Disturbances that compromise the ecological condition of the riparian buffer or wetland areas, including, but not limited to, livestock access, wood or timber harvesting, excessive mowing and recreational vehicular use **must** be prohibited.
- Per Environmental Conservation Law §15-3303, DEC **cannot** provide funding for any land acquisition project by a not-for-profit if any town, village, or city objects to such acquisition. A not-for-profit contact **must** notify any town, village, or city of their interest in acquiring such project. The town, village, or city has 90 days after such notification to object by resolution. A not-for-profit contractor **must** provide DEC with copies of such notification and any responses received from any town, village or city, or certify to DEC that no responses were received within 90 days.
- Phase I environmental assessment reports **are required** for lands acquired in fee and conservation easements. Phase I reports **must** be completed by a qualified consultant.
- The applicant **must** hold title to any land or easement acquired through this grant.
- Upon approval of the Department, an applicant who acquired an interest in real property using monies obtained through this program may sell, lease, exchange or donate the real property to a not-for-profit or municipality, who will continue to use the real property for the same public purpose, without an express act of the New York State Legislature. Any sale, lease, exchange or donation which will result in the real property no longer having a public purpose must be approved by an express act of the New York State Legislature.
- In the event that a municipality or not-for-profit sells a parcel(s) that was acquired with funds made available pursuant to ECL Article 15 Title 33, other new lands must be acquired, and the following must be met:
 - parcel(s) must be of equal environmental and source water value;
 - parcel(s) must be equal to or greater than the original purchase amount, excluding the awardee's match and any stewardship & monitoring expenses incurred; and
 - value of the new parcel(s) must account for inflation of the original parcel(s).

The Department must review and approve the proposed acquisition of a new parcel(s) prior to the sale of the original parcel. This requirement shall remain in effect beyond the term of this contract.
- In accordance with New York State Finance Law, landowners are considered sub-contractors of the applicant and any landowner receiving \$100,000 or more is required to submit a Vendor Responsibility Questionnaire before DEC will execute a contract with the applicant.⁴²
- Public access and passive recreational activities (i.e. hiking trails) will be reviewed by DEC on a case-by-case basis. The applicant **must** provide a thorough description and maps showing public access points, proposed activities, proximity to the public water supply, and justification for public access to assist DEC in making the determination of

⁴² More information about Vendor Responsibility can be found on the website of the Office of the State Comptroller: <https://www.osc.state.ny.us/state-vendors/vendrep/file-your-vendor-responsibility-questionnaire>.

whether public access will have an impact to the drinking water supply. In the case of a municipality, this documentation is to be provided at the earliest date practicable but not later than 120 days prior to closing on a property. In the case of a not-for-profit or Soil and Water Conservation District, documentation **must** be provided concurrently with notification of the municipality of its interest in acquiring such projects.

- Transaction requirements (post-award):
 - Appraisals **are required** for all properties prior to reimbursement.
 - Appraisals **must** be completed by a state general certified appraiser following the Uniform Standards of Professional Appraisal Practice (USPAP) and submitted as non-restricted narrative appraisal reports.
 - DEC may reimburse for purchase of land or development rights above appraised value if, in DEC's opinion, a parcel has exceptional source water value that cannot be factored into a determination of fair market value. DEC may reimburse at a price above the highest approved independent appraisal provided: 1) the price was the result of documented negotiations between the Grantee and the seller and 2) the Grantee demonstrates the unique source water protection value and how it accomplishes the objective of this program to DEC's satisfaction.
 - Boundary surveys **are required** for all properties. Surveys **must** be completed by a professional land surveyor.
 - Baseline Data **is required** for all conservation easement acquisitions.
 - Phase I environmental assessment reports **are required for all properties** and must be completed by a qualified consultant.
 - Title insurance **is required** for all properties.
 - Appraisals, surveys, title report and insurance, baseline data and easement language (if applicable), Phase I environmental assessments, and deeds **must** be reviewed and approved or disapproved by DEC for all projects/programs. No reimbursement will be made until the final approval is given by the Department. DEC will have a minimum of 120 days from the date all documents are received to review and approve or disapprove parcel(s) being proposed.
 - A completed water withdrawal permit application (municipalities only) **must** be submitted for all properties prior to reimbursement.

Required Application Attachments

- Detailed protocol for monitoring and enforcement of properties or easements. The protocols **must** include all the Required Elements listed in the WQIP Required Land Acquisition for Source Water Protection Documentation Guidance⁴³.
- Detailed expenditure-based summary budget. The budget summary **must** estimate the value of the land or development rights being acquired (for each specific parcel if there are multiple), transactional costs (for each specific parcel if there are multiple), staff salaries directly devoted to or connected to the project or program, restoration costs, contractual costs and travel costs.
- Map(s) depicting the active public drinking water supply(s), location of wells, intakes, or springs, parcel location(s), parcel tax map I.D.(s), areal extent of the zone of contribution, watershed boundary, land use (National Land Cover Dataset 2011), existing riparian buffer or wetlands (if applicable), proposed riparian buffer or wetland restoration sites (if applicable), circles showing distance to 1,000 feet and 1,500 feet from groundwater wells (if applicable), and circles showing distance to 1,000 feet from surface water intake (if applicable). The map(s) **must** include all the Required Elements listed in the WQIP Required Land Acquisition for Source Water Protection

⁴³ WQIP Required Land Acquisition for Source Water Protection Documentation Guidance: <http://www.dec.ny.gov/pubs/4774.html>

Documentation Guidance⁴⁴.

- If the project is in a floodplain, attach the applicable floodplain map with the location of the project indicated.
- Sexual Harassment Prevention Certification Form⁴⁵

PROJECT SUBTYPES AND REQUIREMENTS

Subtype	Description	Maximum award	Required match	Special Requirements
Land Acquisition Projects	Projects to purchase conservation easements or parcels of land for the purpose of protecting one or more active public surface water drinking supplies (streams, lakes, rivers, and reservoirs) OR for the purpose of protecting one or more active public groundwater drinking water supplies (groundwater wells)	\$4,000,000	25% of award amount	Land parcel(s) must be specifically identified at the time of application to be considered for funding under the Project category. Projects are expected to acquire all parcels identified in application unless unusual circumstances arise.
Land Acquisition Programs	Programs to purchase conservation easements or parcels of land at multiple locations throughout the HUC 12 watershed of one or more active public surface water drinking water supplies (streams, lakes, rivers, and reservoirs) OR parcels at multiple locations within the areal extent of the zone of contribution ⁴⁶ of one or more active public groundwater drinking water supplies.	\$4,000,000	25% of award amount	Must provide fiscal information, such as annual reports, that demonstrate the ability to sustain the level of effort being funded under this grant if grant funds will be used for personal services. Parcels are not required to be specifically identified at the time of application to be considered for funding under the Program category.

⁴⁴ WQIP Required Land Acquisition for Source Water Protection Documentation Guidance: <http://www.dec.ny.gov/pubs/4774.html>

⁴⁵ Sexual Harassment Prevention Certification Form: <http://www.dec.ny.gov/pubs/4774.html>

⁴⁶ Areal extent of the zone of contribution as defined by USGS. See <https://water.usgs.gov/admin/memo/GW/gw03.02.html>

ELIGIBLE COSTS

- The value of the land or development rights being acquired, provided such value associated with the purchase of the property or purchase of a conservation easement is from an appraisal deemed acceptable by DEC
- Personal services (e.g. salary, fringe)
 - Grantees will be required to document time worked, tasks, pay ratio and payment, and itemize salaries according to job title and roles/responsibilities. Personal services and Planning costs cannot exceed a total of 25% of the award amount.
- Non-personal services (e.g. contractual services, travel)
 - Value of contractual services provided by professional and technical personnel and consultants (i.e. engineering services, surveys, plans and specifications, research, design and development of a project, consultant and legal services directly related to a project, feasibility study for a property, etc.)
 - Travel Costs (within New York State) must be directly associated and required to implement the project or program.
- Transactional costs, provided they result in final acquisition of land or perpetual conservation easement and/or restoration of new riparian buffers or wetlands. Transactional costs can be submitted for reimbursement as incurred throughout the contract term, but payments may need to be returned to the State should the land transaction not successfully close.
 - Transactional costs are limited to:
 - Title reports
 - Title insurance
 - Property surveys
 - Appraisals
 - Certified appraisal review
 - Easement holder and landowner's legal fees to negotiate/close the conservation easement transaction and to review title reports and, as necessary, prepare title curatives, filing fees or other closing costs
 - Map and GIS/remote sensing data
 - Phase I environmental assessment
 - Baseline documentation reports
 - Stewardship or management plans
 - Easement stewardship fee
 - Project specific defense liability insurance fees
 - Property taxes
 - State or local real estate transfer taxes
- Riparian buffer or wetland restoration costs as defined above and deemed acceptable by DEC. Riparian Buffer design, restoration, and implementation and/or field drain restoration (including equipment rental) costs cannot exceed a total of 25% of the award amount.
- Planning costs. Personal Services and Planning costs cannot exceed a total of 25% of the award amount.

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS⁴⁷

- Out-of-state travel costs and any travel not directly required to implement the project or program.
- Project or program costs funded from other state and/or federal funding sources.
- Indirect costs, including overhead/operating expenses (space, rent, utilities).
- Costs incurred outside the start and end date of the contract (no earlier than August 1, 2019) Applications that do not include required attachments with application.
- Applications that do not clearly detail costs associated with a land acquisition project or program; or detail costs that do not provide a good value as it applies to achieving source water protection.
- Endowment funds
- Major capital expenditures, such as computers
- Restoration projects that include hard armoring of streambanks, including stone rip rap.
- Costs exceeding the maximum allowable percentage for that type of cost as listed above
- Wetland mitigation projects
- Projects that do not include land acquisition as part of the grant.
- Construction oversight
- Projects to acquire land to be used for a new well.
- Acquisition of land that is known or highly suspected of being contaminated (e.g. where past contamination is not uncommon).
- Any remediation/restoration work associated with removal of contaminants (e.g., hazardous waste, petroleum products).
- Phase II environmental assessment reports unless requested by the DEC.
- Land determined to be contaminated in either a Phase I or Phase II report shall be reimbursable at DEC's sole discretion. If conditions are considered unacceptable, DEC will notify awardee within 30 days of receipt of the environmental report.
- Costs associated with water withdrawal permit modification (e.g., completion of engineering reports, water withdrawal program forms).

RESOURCES

- HUC 12 watershed map:
<https://nysdec.maps.arcgis.com/apps/webappviewer/index.html?id=a02867dc903f40a2831c904c7eb1b7d8>
- Guidance on designing and maintaining riparian buffers:
<http://www.dec.ny.gov/chemical/106345.html>
- "Soft" streambank stabilization guidance: <http://www.dec.ny.gov/permits/67096.html>.
- Examples of maps meeting all required elements:
<https://www.dec.ny.gov/pubs/4774.html>
- Example detailed expenditure-based summary budget meeting all required elements:
<https://www.dec.ny.gov/pubs/4774.html>
- Maps of Environmental Justice areas in New York State:
<http://www.dec.ny.gov/public/911.html>.

CONTACT

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⁴⁷ This list is not all encompassing. There may be other costs/activities/applications that the DEC may deem ineligible.

LAND ACQUISITION FOR SOURCE WATER PROTECTION PROJECT SCORING CRITERIA

Agency Points	<i>Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Performance Measures, Reasonableness of Cost, Source Water Protection Prioritization, Project Readiness or Experience and Ability will not be funded.</i>			
<p>Performance Measures⁴⁸</p> <p><i>30 to 0 points possible</i></p>	<p>30 POINTS</p> <p>Projects identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABS Action Plan)</p> <p>OR</p> <p>Projects included in the critical area of a DEC reviewed and accepted Drinking Water Source Protection Program (DWSP2) Plan</p> <p>OR</p> <p>Parcel(s) to protect surface waterbodies used as an active public drinking water supply that are within 1,000 feet of the intake</p> <p>OR</p> <p>Parcels to protect a lake or reservoir used as an active public drinking water supply that are within 500 feet of the shoreline⁴⁹ and within 10 miles of the public water supply intake.</p> <p>OR</p> <p>Parcels to protect a lake or reservoir used as an active public drinking water supply that are within 200 feet of the tributary shoreline and are no more than 1 mile upstream of the reservoir</p> <p>OR</p> <p>Parcels within 1,000 feet of a water supply wellhead permitted as an active public drinking water source</p> <p>OR</p> <p>Parcel(s) to protect a water supply wellhead that is (are) identified in a recharge zone or protection plan produced by a licensed geologist, Rural Water authority or Regional Planning authority as needing protection</p> <p>OR</p> <p>Parcels to protect a river or stream used as an active public water supply that are no more than 1 mile upstream of the intake and within 500 feet of the shoreline⁵⁰</p>	<p>20 POINTS</p> <p>Parcels to protect surface waterbodies used as an active public drinking water supply that are located within 1,000 feet of the intake and less than 50% of the parcel is in this area</p> <p>OR</p> <p>Parcels to protect a lake or reservoir used as an active public drinking water supply and are within the area 501 feet to ½ mile from the shoreline and within 10 miles of the public water supply intake</p> <p>OR</p> <p>Parcels within 1,001 – 1,500 feet from a water supply wellhead permitted as an active public drinking water source</p> <p>OR</p> <p>Parcels to protect a river or stream used as an active public water supply that are no more than 1 mile upstream of the intake and within ½ mile from the shoreline</p> <p>OR</p> <p>Parcels to protect a river or stream used as an active public drinking water supply that are within 1 - 3 miles upstream of the intake and within 500 feet of the shoreline</p>	<p>10 POINTS</p> <p>Parcel(s) within the HUC 12 watershed of a lake or reservoir used as an active public drinking water supply</p> <p>OR</p> <p>Parcels adjacent to an upstream tributary and within the HUC 12 inlet of the lake or reservoir used as an active public drinking water supply⁵¹</p> <p>OR</p> <p>Parcels to protect a river or stream used as an active public drinking water supply that are within 3 - 5 miles of the intake and within 500 feet of the shoreline</p>	<p>0 POINTS</p> <p>Projects that target protection of land parcel(s) outside the HUC 12 watershed of a surface waterbody used as an active public drinking water supply</p> <p>OR</p> <p>Projects that target protection of parcels that are not adjacent to an upstream tributary and within the HUC 12 inlet of the lake or reservoir used as an active public drinking water supply</p> <p>OR</p> <p>Greater than 50% of the parcel(s) is(are) more than 1,500 feet away from a water supply wellhead permitted as an active public drinking water source</p> <p><i>Applications that fall into this category will not be funded</i></p>

⁴⁸ Projects will be scored based on the area where the majority (over 50%) of the parcel lies. If the majority of the parcel meets the criteria for 0 points, the project will not be funded.

⁴⁹ Lateral distance from the shoreline

⁵⁰ To view a sample schematic showing how points are determined for rivers and streams, visit <http://www.dec.ny.gov/pubs/4774.html>.

⁵¹ Tributaries should be identified using the National Hydrography Dataset from USGS, <https://www.usgs.gov/core-science-systems/ngp/national-hydrography>.

<p>Reasonable-ness of Cost <i>20 to 0 points possible</i></p>	<p>20 POINTS: Budget clearly details costs related to implementation of a land acquisition project; project costs provide exceptional value as it applies to achieving source water protection</p>	<p>10 POINTS: Budget provides some detail on costs related to implementation of a land acquisition project; project costs provide reasonable value as it applies to achieving source water protection</p>	<p>0 POINTS: Budget does not clearly detail costs associated with a land acquisition project; costs do not provide a good value as it applies to achieving source water protection <i>Applications that fall into this category will not be funded</i></p>
<p>Source Water Protection Prioritization <i>13 to 5 points possible</i></p>	<p>13 POINTS: At least 50% of the parcel is located within an area designated for the protection of source water identified in a conservation overlay district, wetlands protection plan, DEC-approved watershed implementation plan (i.e., TMDL, Nine Element Watershed Plan or DEC HABS Action Plan)), Drinking Water Source Protection Program (DWSP2) Plan, or other plan produced by a licensed geologist, Rural Water authority or Regional Planning authority OR At least 50% of the parcel is designated as wetlands, forested land, open space, or grasslands by the 2011 National Land Cover Dataset</p>	<p>9 POINTS: At least 50% of the parcel is designated as agriculture or low/medium intensity developed area by the 2011 National Land Cover Dataset OR 35% - 49% of the parcel is located within an area designated for source water protection or classified as wetlands, forested land, open space or grasslands by the 2011 National Land Cover Dataset</p>	<p>5 POINTS: At least 50% of the parcel is designated as high density developed area by the 2011 National Land Cover Dataset OR 35% - 49% of the parcel is designated as agriculture or low/medium intensity developed area by the 2011 National Land Cover Dataset</p>
<p>Environmental Justice (EJ) <i>2 to 0 points possible</i></p>	<p>2 POINTS Projects that improve water quality in an EJ area or protect drinking water quality serving an EJ community.</p>		<p>0 POINTS Projects that will not improve water quality in an EJ area nor protect drinking water quality serving an EJ community.</p>
<p>Project Readiness <i>10 to 0 points available</i></p>	<p>10 POINTS: Parcels have been identified and at least 50% of landowner endorsement is demonstrated by a letter of commitment AND Applicant has provided protocols for monitoring and enforcement of properties meeting all requirements listed in WQIP Required Land Acquisition for Source Water Protection Documentation Guidance</p>	<p>5 POINTS: Parcels have been identified but 49% or less of landowner endorsement has been demonstrated AND Applicant has provided protocols for monitoring and enforcement of properties meeting all requirements listed in WQIP Required Land Acquisition for Source Water Protection Documentation Guidance</p>	<p>0 POINTS: Specific parcels have not been clearly identified OR Applicant has not provided protocols for monitoring and enforcement of properties meeting all requirements listed in WQIP Required Land Acquisition for Source Water Protection Documentation Guidance <i>Applications that fall into this category will not be funded</i></p>

<p>Experience and Ability</p> <p><i>5 to 0 points available</i></p>	<p>5 POINTS:</p> <p>Applicant possesses the knowledge, skills and ability to complete the project, and has prior experience with WQIP Land Acquisition for Source Water Protection grants, and completed all tasks in a timely manner</p> <p>AND/OR</p> <p>Applicant is accredited through the Land Trust Accreditation Commission</p>	<p>3 POINTS:</p> <p>Applicant possesses the knowledge, skills and ability to complete the project, but does not have prior experience with WQIP Land Acquisition for Source Water Protection grants</p>	<p>0 POINTS:</p> <p>Applicant does not possess the knowledge, skills and ability to complete the project and does not have prior experience with WQIP Land Acquisition for Source Water Protection grants</p> <p>OR</p> <p>has previous experience with WQIP Land Acquisition for Source Water Protection grants and did not complete all tasks in a timely manner</p> <p><i>Applications that fall into this category will not be funded</i></p>
<p>Regional Economic Development Priority Points</p>	<p><i>Up to 20 points for this criterion are provided by the Regional Economic Development Councils.</i></p>		
<p>Total Maximum Points</p>	<p>100</p>		

LAND ACQUISITION FOR SOURCE WATER PROTECTION PROGRAM SCORING CRITERIA

Agency Points	<i>Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Performance Measures, Reasonableness of Cost, Program Readiness or Experience and Ability will not be funded.</i>			
Performance Measures <i>30 to 0 points possible</i>	<p>30 POINTS:</p> <p>Programs identified in a DEC-approved watershed implementation plan (i.e., TMDL, Nine Element Watershed Plan or DEC HABs Action Plan)</p> <p>OR</p> <p>Projects included in the critical area of a DEC reviewed and accepted Drinking Water Source Protection Program (DWSP2) Plan</p>	<p>20 POINTS:</p> <p>Watersheds specifically identified for drinking water protection in the New York State Open Space Plan</p>	<p>10 POINTS:</p> <p>Programs that demonstrate that some level of planning has taken place using tools or methods to prioritize acquiring lands to protect public water supplies</p> <p>OR</p> <p>Inclusion of source water protection in comprehensive plans, municipal resolutions, etc. of the majority of municipalities in the HUC 12 watersheds being proposed</p>	<p>0 POINTS:</p> <p><i>Applications that do not meet any of the previous performance measures will not be funded</i></p>
Reasonable-ness of Cost <i>20 to 0 points possible</i>	<p>20 POINTS:</p> <p>Budget clearly details costs related to implementation of a land acquisition program; program costs provide exceptional value as it applies to achieving source water protection</p>	<p>10 POINTS:</p> <p>Budget provides some detail on costs related to implementation of a land acquisition program; program costs provide reasonable value as it applies to achieving source water protection</p>	<p>0 POINTS:</p> <p>Budget does not clearly detail costs associated with a land acquisition program; costs do not provide a good value as it applies to achieving source water protection</p> <p><i>Applications that fall into this category will not be funded</i></p>	
Source Water Protection Prioritization <i>13 to 5 points possible</i>	<p>13 POINTS:</p> <p>Program prioritizes parcels using scientific methodology or tool that ranks parcels based on greatest impact to water quality (i.e. steep slopes, lack of riparian buffers, intensive development)</p> <p>OR</p> <p>Program prioritizes parcels within a community's critical drinking water source protection area that is delineated using methodology or tools found in "A Framework for Creating a Drinking Water Source Protection Program Plan"⁵²</p>	<p>9 POINTS:</p> <p>Program prioritizes parcels based on proximity to the drinking water source</p>	<p>5 POINTS:</p> <p>Program prioritizes parcels based on vacancy or availability for acquisition</p>	
Environmental Justice (EJ) <i>2 to 0 points possible</i>	<p>2 POINTS</p> <p>Programs that improve water quality in an EJ area or protect drinking water quality serving an EJ community.</p>		<p>0 POINTS</p> <p>Programs that will not improve water quality in an EJ area nor protect drinking water quality serving an EJ community.</p>	

⁵² "A Framework for Creating a Drinking Water Source Protection Program Plan" can be found on DEC's website. See <https://www.dec.ny.gov/chemical/115250.html>.

<p>Program Readiness</p> <p><i>10 to 0 points available</i></p>	<p>10 POINTS:</p> <p>Watershed parcels have been identified and prioritized; at least 50% of landowner endorsement is demonstrated by letters of commitment; applicant has provided protocols for monitoring and enforcement of properties meeting all requirements listed in WQIP Required Land Acquisition for Source Water Protection Documentation Guidance; for projects involving personal service costs, applicant has demonstrated the ability to maintain the level of effort funded by this grant</p>	<p>8 POINTS:</p> <p>Watershed parcels have been identified but 49% or less of landowner endorsement has been demonstrated AND applicant has provided protocols for monitoring and enforcement of properties meeting all requirements listed in WQIP Required Land Acquisition for Source Water Protection Documentation Guidance AND for projects involving personal service costs, applicant has demonstrated the ability to maintain the level of effort funded by this grant</p>	<p>5 POINTS:</p> <p>Drinking water supply watershed targeted for protection has been identified AND applicant has provided protocols for monitoring and enforcement of properties meeting all requirements listed in WQIP Required Land Acquisition for Source Water Protection Documentation Guidance AND for projects involving personal service costs, applicant has demonstrated the ability to maintain the level of effort funded by this grant</p>	<p>0 POINTS:</p> <p>Drinking water supply watershed targeted for protection has not been clearly identified</p> <p>OR</p> <p>Applicant has not provided protocols for monitoring and enforcement of properties meeting all requirements listed in WQIP Required Land Acquisition for Source Water Protection Documentation Guidance.</p> <p>OR</p> <p>For projects involving personal service costs, applicant has not demonstrated the ability to maintain the level of effort funded by this grant</p>
<p>Experience and Ability</p> <p><i>5 to 0 points available</i></p>	<p>5 POINTS:</p> <p>Applicant possesses the knowledge, skills and ability to complete the program, and has prior experience with WQIP Land Acquisition for Source Water Protection grants, and completed all tasks in a timely manner</p> <p>AND/OR</p> <p>Applicant is accredited through the Land Trust Accreditation Commission</p>	<p>3 POINTS:</p> <p>Applicant possesses the knowledge, skills and ability to complete the program, but does not have prior experience with WQIP Land Acquisition for Source Water Protection grants</p>	<p>0 POINTS:</p> <p>Applicant does not possess the knowledge, skills and ability to complete the program and does not have prior experience with WQIP Land Acquisition for Source Water Protection grants</p> <p>OR</p> <p>Has previous experience with WQIP Land Acquisition for Source Water Protection grants and did not complete all tasks in a timely manner</p> <p><i>Applications that fall into this category will not be funded</i></p>	
<p>Regional Economic Development Priority Points</p>	<p><i>Up to 20 points for this criterion are provided by the Regional Economic Development Councils.</i></p>			
<p>Total Maximum Points</p>	<p>100</p>			

SALT STORAGE

ELIGIBLE APPLICANTS

- Municipalities⁵³
- Soil and water conservation districts

DESCRIPTION

Funding is available for projects to construct a permanent structure to cover a salt or a salt/sand mixture storage pile.

REQUIREMENTS FOR ALL SALT STORAGE APPLICATIONS

- Projects must adhere to the New York State Office of General Services salt storage specifications to be eligible for this grant.
(<https://online.ogs.ny.gov/DNC/MasterSpec04/MasterSpecListing.asp?Div=13>)
 - Section 133423 – Rectangular Salt Storage Structure, Parts 1.02, 1.03, 1.04, 1.05 and 1.06
 - Section 133424 - Dome Salt Storage Structure, Parts 1.02, 1.03, 1.04, 1.05 and 1.06

Required Attachments

- Map with the project area clearly identified. Map must be a minimum of 1:24,000 scale USGS or DOT planimetric map
- If the structure is to be built in a floodplain, attach the applicable floodplain map with the location of project indicated.
- Budget worksheet
- Sexual Harassment Prevention Certification Form⁵⁴

PROJECT SUBTYPES

Project subtype	Description	Maximum award	Required match	Additional Information
High Priority				
New structures	Projects to construct new structures to enclose an uncovered salt or salt/sand mixture storage pile	\$500,000	50% of award amount	Highest priority are projects to construct a new structure to enclose an uncovered salt or salt/sand mixture storage pile that is currently located near a groundwater drinking water source (public or private well) or surface water used for a public water system; or within a primary, principal or sole source aquifer (maps and definitions provided below).
Low Priority				

⁵³ For the purposes of Salt Storage projects under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof (Environmental Conservation Law §56-0101).

⁵⁴ Sexual Harassment Prevention Certification Form: <http://www.dec.ny.gov/pubs/4774.html>

Project subtype	Description	Maximum award	Required match	Additional Information
Replacement structures	Projects to replace an existing salt or salt/sand mixture storage structure	\$500,000	50% of award amount	Applications will receive minimum points for Vision
Capacity expansion	Projects to expand the capacity of an existing salt or salt/sand mixture structure	\$500,000	50% of award amount	Applications will receive minimum points for Vision

ELIGIBLE COSTS

- Costs related to the construction of the salt or salt/sand mixture storage structure
- Planning, design, administrative⁵⁵ and construction oversight costs (total may not exceed 20% of award amount).
- Construction of access road and impervious pad surrounding structure necessary to load and unload salt.

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS

- Applications that do not include construction of a permanent structure to cover a salt or salt/sand mixture storage pile will be ineligible for this category.
- Projects with planning, design, administrative, and construction oversight costs in excess of 20% of the award amount may be deemed ineligible.
- Costs incurred outside the start and end date of the contract (no earlier than May 10, 2021).
- Legal fees
- Costs for stormwater controls that are required under the SPDES General Permit for Construction Activities.
- Indirect costs (e.g. space/property rent, utilities, office supplies, additional maintenance facilities, etc.).
- Applications that do not include required attachments with the application.
- Pre- and post-construction monitoring and sampling

RESOURCES

- Office of General Services Specifications for salt storage facilities:
<https://online.ogs.ny.gov/DNC/MasterSpec04/MasterSpecListing.asp?Div=13>
- DECinfo Locator⁵⁶ (most up to date source of WI/PWL segment assessments):
<http://www.dec.ny.gov/pubs/109457.html>

⁵⁵ The following are examples of eligible administrative costs: Procuring sub-contractors and materials needed to implement the project; contacting municipalities to schedule projects; and reviewing and paying invoices for materials and sub-contractors associated with the project.

The following are examples of ineligible administrative costs: preparing, completing, submitting the WQIP application for funding; preparing, completing, submitting information and documents needed to get a contract in place; preparing, completing, submitting information for progress reporting, payment requests and contract amendments; preparing, completing and submitting environmental regulatory approvals/permits needed to implement the project

⁵⁶ For projects impacting surface water, the applicant must provide the correct WI/PWL segment ID and HUC 12 watershed of the closest waterbody that the project will impact. To find the closest WI/PWL segment assessment visit the DECinfo Locator and click on the link for “Environmental Quality Map View”. In the left column of the map, click on “Information List” and check the box for “Rivers, Streams and Shorelines” AND “Lakes, Reservoirs, and Estuaries” to display these map layers. Enter the address

- HUC 12 watershed map: <https://nysdec.maps.arcgis.com/apps/webappviewer/index.html?id=a02867dc903f40a2831c904c7eb1b7d8>
- Principal aquifers⁵⁷ map: <https://www.dec.ny.gov/lands/36119.html>.
- Primary aquifers⁵⁸ map: <https://www.dec.ny.gov/lands/36119.html>
- Sole source aquifers⁵⁹ map: <https://www.dec.ny.gov/lands/36151.html>
- Maps of Environmental Justice areas in New York State: <http://www.dec.ny.gov/public/911.html>.

CONTACT

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 Don Tuxill, (518) 402-8168
 Ryan Waldron (518) 402-8244

or project location in the “Search Near Me” search bar. Click on the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL segment assessment for that waterbody, click on the “Download Fact Sheet” link in the box. For guidance on how to read the WI/PWL segment assessments, visit <http://www.dec.ny.gov/chemical/36730.html>.

⁵⁷ Principal aquifers are aquifers known to be highly productive or whose geology suggests abundant potential water supply, but which are not intensively used as sources of water supply by major municipal systems at the present time.

⁵⁸ Primary aquifers are defined as highly productive aquifers presently utilized as sources of water supply by major municipal water supply systems.

⁵⁹ Sole source aquifers are designated by the US Environmental Protection Agency as the sole or main source of drinking water for a community, under provisions of the Federal Safe Drinking Water Act.

SALT STORAGE SCORING CRITERIA

Agency Points	<i>Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Project Readiness or Experience and Ability will not be funded.</i>				
Vision <i>40 to 1 point(s) possible</i>	Vision will be calculated by multiplying Performance Measures times Impact Factor. Performance Measures points and Impact Factor points will not be included in the total score, only the combined Vision points.				
Performance Measures⁶⁰ <i>10 to 1 point(s) possible (as part of Vision score)</i>	<p>10 POINTS:</p> <p>Projects to construct a new structure to enclose an exposed salt or salt/sand mixture storage pile that is currently located:</p> <p>Less than 300 feet from a groundwater drinking water source or surface water used for a public water system</p> <p>OR</p> <p>Within a principal aquifer</p> <p>OR</p> <p>Within a primary aquifer</p> <p>OR</p> <p>Within a sole source aquifer</p>	<p>7 POINTS:</p> <p>Projects to construct a new structure to enclose an exposed salt or salt/sand mixture storage pile that is currently located:</p> <p>300 feet or more but less than 1,000 feet from a groundwater drinking water source or surface water used for a public water system</p> <p>OR</p> <p>Less than 500 feet from a private well</p>	<p>5 POINTS:</p> <p>Projects to construct a new structure to enclose an exposed salt or salt/sand mixture storage pile that is currently located:</p> <p>1,000 feet or more but less than 2,000 feet from a groundwater drinking water source or surface water used for a public water system</p> <p>OR</p> <p>500 feet or more but less than 1,000 feet from a private well</p>	<p>3 POINTS:</p> <p>Projects to construct a new structure to enclose an exposed salt or salt/sand mixture storage pile that is currently located:</p> <p>2,000 feet or more but less than 4,000 feet from a groundwater drinking water source or surface water used for a public water system</p> <p>OR</p> <p>1,000 feet or more but less than 1,500 feet from a private well</p>	<p>1 POINT:</p> <p>Projects to build a structure that replaces an existing structure</p> <p>OR</p> <p>Projects that expand the capacity of existing salt or salt/sand mixture structure</p> <p>OR</p> <p>Projects to construct a new structure to enclose an exposed salt or salt/sand mixture storage pile that is currently located:</p> <p>4,000 feet or more from a groundwater drinking water source or surface water used for a public system.</p> <p>OR</p> <p>1,500 feet or more from a private well</p>
Impact Factor <i>4 to 1 point(s) possible (as part of Vision score)</i>	<p>4 POINTS:</p> <p>Projects to construct a new structure to enclose an uncovered salt or salt/sand mixture storage pile currently located:</p> <p>within 300 feet of a groundwater drinking water source or surface water used for a public water system</p> <p>OR</p> <p>within a principal aquifer</p> <p>OR</p> <p>within a primary aquifer</p> <p>OR</p> <p>within a sole source aquifer</p>		<p>3 POINTS:</p> <p>Projects to construct a new structure to enclose an uncovered salt or salt/sand mixture storage pile currently located:</p> <p>300 feet or more but less than 2,000 feet from a groundwater drinking water source or surface water used for a public water system</p> <p>OR</p> <p>within 1,000 feet of a private well</p>	<p>2 POINTS:</p> <p>Projects to construct a new structure to enclose an uncovered salt or salt/sand mixture storage pile that do not fall within the first two impact factor criteria.</p> <p>OR</p> <p>Project is to move structure out of floodplain.</p>	<p>1 POINT:</p> <p>Projects to replace an existing salt or salt/sand storage structure or that expand the capacity of an existing structure</p>

⁶⁰ Points are based on the location of the current uncovered salt or salt/sand pile

Reasonable-ness of Cost <i>20 to 0 points possible</i>	20 POINTS: Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project	10 POINTS: Cost is good as it applies to both achieving the project objectives and being a fiscally sound project	5 POINTS: Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project	0 POINTS: Cost not reasonable for this type of project
Classification Points Factor <i>8 to 1 point(s) possible</i>	8 POINTS: AA, GA (Primary or principal water supply aquifer), AA special, A, A Special, GA (other)	5 POINTS: B(T) B(TS) C(T) ⁶¹ , C(TS)		1 POINT: B, SB, C, SC, I, D, SD, SA, GSB GSA
Environmental Justice (EJ) <i>2 to 0 points possible</i>	2 POINTS Projects that will improve water quality in an EJ area or protect drinking water quality serving an EJ community		0 POINTS Projects that will not improve water quality in an EJ area nor protect drinking water quality serving an EJ community	
Project Readiness <i>5 to 0 points possible</i>	5 POINTS: Project has all necessary permits (or does not need permits) and approvals. The project is ready to move forward with construction.	3 POINTS: Project is not ready to proceed with construction but has some of the necessary approvals and is expected to lead to construction without delay		0 POINTS: Project has not secured any of the necessary approvals and is not ready to proceed to construction <i>Applications that fall into this category will not be funded</i>
Experience and Ability <i>5 to 0 points possible</i>	5 POINTS: Applicant has shown the ability to complete all WQIP contracts in the past 10 years in a timely manner OR Applicant has sufficiently shown its ability to complete this salt facility project.	3 POINTS: Applicant has shown the ability to complete most WQIP contracts in the past 10 years in a timely manner OR Applicant has not been awarded a WQIP grant in the past 10 years but appears to have the experience and ability to carry out the project		0 POINTS: Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years OR Applicant has not been awarded a WQIP grant in the past 10 years and does not appear to have the experience and ability to carry out the project <i>Applications that fall into this category will not be funded</i>
Regional Economic Development Priority Points	<i>Up to 20 points for this criterion are provided by the Regional Economic Development Councils</i>			
Total Maximum Points	<i>100 points</i>			

⁶¹ (T) and (TS) indicate the application of standards to protect trout and trout spawning respectively.

AQUATIC CONNECTIVITY RESTORATION

ELIGIBLE APPLICANTS

- Municipalities⁶²
- Soil and water conservation districts
- Not-for-profit corporations

DESCRIPTION

Funding is available for projects that improve aquatic habitat connectivity at road/stream crossings or dams.

REQUIRED ATTACHMENTS

- Budget worksheet
- Sexual Harassment Prevention Certification Form⁶³
- Map with the project area clearly identified. Map must be a 1:24,000 scale USGS or DOT planimetric map.
- If the project is in a floodplain, attach the applicable floodplain map with the location of the project indicated.
- Landowner agreements (if property not owned by applicant)⁶⁴
- NAACC assessment or picture(s) of proposed site(s) upstream, downstream, inlet and outlet (culverts), structure (dams)
- Pictures of successful right-sized culvert project(s) if the applicant has successfully completed right-sized culvert projects in the past 10 years (if applicable)

Description	Maximum award amount	Required match	Requirements
Projects that improve aquatic habitat connectivity at road/stream crossings or dams	\$250,000	25% of award amount	<p>Projects must focus on culverts, bridges or dams that are causing the aquatic connectivity obstructions.</p> <p>Applicant must own the property or obtain an access agreement for the proposed site.</p> <p>Projects with a total cost that exceeds the maximum award amount must demonstrate in their application that they</p>

⁶² For the purposes of Aquatic Connectivity Restoration projects under this grant opportunity, “Municipality” means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof. In the case of aquatic habitat restoration projects, the term municipality shall include the state. (Environmental Conservation Law §56-0101).

⁶³ Sexual Harassment Prevention Certification Form: <http://www.dec.ny.gov/pubs/4774.html>

⁶⁴ If the property owner is a municipality: a resolution by the municipality supporting the project; If the property is not owned by the applicant: a formal written agreement between the applicant and the landowner that allows the applicant access to the property, represent the landowner, and accomplish the proposed project; If the applicant is a not-for-profit proposing a project on municipal property: a signed municipal endorsement that provides authorization for the not-for-profit to conduct the proposed project on municipal property

Description	Maximum award amount	Required match	Requirements
			<p>have secured funding for the remainder of the project cost to be eligible. Projects should remove barriers to aquatic connectivity.</p> <p>Sample projects include but are not limited to: upgrade and replacement of road stream crossing structures (culverts and bridges) to a larger size and appropriate design to increase ecological connectivity and hydrologic capacity; removal or breach of stream barriers such as dams or weirs that limit aquatic connectivity and meet the natural resource management goals for the area.</p>

ELIGIBLE COSTS

- Salary and fringe benefits
- Contractual costs
- Travel
- Equipment/materials
- Planning, design, administrative⁶⁵ and construction oversight costs (total may not exceed 20% of award amount)
- Monitoring costs (may not exceed 20% of award amount)
- Construction inspection
- Maintenance
- Reconstruction, revitalization, and rejuvenation activities⁶⁶

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS

- Costs incurred outside the start and end date of the contract (no earlier than May 10, 2021)
- Indirect costs (e.g. space property rent, utilities, and other office supplies)
- Legal fees

US FISH AND WILDLIFE SERVICE REVIEW

⁶⁵ The following are examples of eligible administrative costs: Procuring sub-contractors and materials needed to implement the project; contacting municipalities to schedule projects; and reviewing and paying invoices for materials and sub-contractors associated with the project.

The following are examples of ineligible administrative costs: preparing, completing, submitting the WQIP application for funding; preparing, completing, submitting information and documents needed to get a contract in place; preparing, completing, submitting information for progress reporting, payment requests and contract amendments; preparing, completing and submitting environmental regulatory approvals/permits needed to implement the project

⁶⁶ The terms reconstruction, revitalization, and rejuvenation refer to those activities necessary to reestablish stream channel dimensions, structure, and grade, and to revegetate streambanks in the vicinity of the road/stream crossing or dam.

Aquatic Connectivity Restoration projects recommended for an award through WQIP may also be reviewed by the U.S. Fish and Wildlife Service. This review, or the associated pre-screening review by DEC, may impact the decision to award a grant.

RESOURCES

- DECinfo Locator⁶⁷ (most up to date source of WI/PWL segment assessments): <http://www.dec.ny.gov/pubs/109457.html>
- Guidance for projects to upgrade and replace road stream crossing structures to a larger size and appropriate design to increase ecological connectivity and hydrologic capacity: <http://www.dec.ny.gov/permits/49066.html>.
- Species of Greatest Conservation Need (SGCN): <http://www.dec.ny.gov/animals/9406.html>
- North Atlantic Aquatic Connectivity Project (NAACC): <https://streamcontinuity.org/naacc>
- Maps of Environmental Justice areas in New York State: <http://www.dec.ny.gov/public/911.html>.

CONTACT

NYS Department of Environmental Conservation, Division of Fish and Wildlife
Corbin Gosier, 518-402-8872

⁶⁷ To find the closest WI/PWL segment assessment, visit the DECinfo Locator and click on the link for “Environmental Quality Map View”. In the left column of the map, click on “Information List” and check the box for “Rivers, Streams and Shorelines” AND “Lakes, Reservoirs, and Estuaries” to display these map layers. Enter the address or project location in the “Search Near Me” search bar. Click on the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL segment assessment for that waterbody, click on the “Download Fact Sheet” link in the box. For guidance on how to read the WI/PWL segment assessments, visit <http://www.dec.ny.gov/chemical/36730.html>.

AQUATIC CONNECTIVITY RESTORATION SCORING CRITERIA

Agency Points	<i>Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Barrierity, Project Readiness or Experience and Ability will not be funded.</i>				
Barrierity⁶⁸: <i>28 to 0 points possible</i>	28 POINTS: Significant or severe	20 POINTS: Moderate	10 POINTS: Minor	0 POINTS: Insignificant or no barrier <i>Applications that fall into this category will not be funded.</i>	
Species Miles⁶⁹ <i>20 to 0 points possible</i>	20 POINTS: 5 or more	15 POINTS: 3 to 4.9	10 POINTS: 1 to 2.9	5 POINTS: 0.1 to 0.9	0 POINTS: Less than 0.1
Reasonable-ness of Cost <i>20 to 0 points possible</i>	20 POINTS: Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project	10 POINTS: Cost is good as it applies to both achieving the project objectives and being a fiscally sound project		5 POINTS: Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project	
Project Readiness <i>5 to 0 points possible</i>	5 POINTS: Project has all necessary permits (or does not need permits) and approvals. The project is ready to move forward with construction	3 POINTS: Project is not ready to proceed with construction but has some of the necessary approvals and is expected to lead to construction without delay		0 POINTS: Project has not secured any of the necessary approvals and is not ready to proceed to construction AND/OR Project cost exceeds maximum grant amount and has not secured remaining funding needed <i>Applications that fall into this category will not be funded</i>	
Environmental Justice (EJ) <i>2 to 0 points possible</i>	2 POINTS Projects that will improve water quality in an EJ area or positively impact drinking water quality serving an EJ community			0 POINTS Projects that will not improve water quality in an EJ area nor positively impact drinking water quality serving an EJ community	
Experience and Ability <i>5 to 0 points possible</i>	5 POINTS: Applicant has shown the ability to complete state-funded aquatic connectivity restoration projects in the past 10 years in a timely manner OR Applicant has successfully completed right-sized culvert projects in the past 10 years (must attach pictures)	3 POINTS: Applicant has shown the ability to complete a state-funded water quality project that was not related to aquatic connectivity restoration in the past 10 years in a timely manner OR Applicant has not been awarded a state grant related to water quality in the past 10 years but appears to have the experience and ability to carry out the project		0 POINTS: Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years OR Applicant has not been awarded a WQIP grant in the past 10 years and does not appear to have the experience and ability to carry out the program <i>Applications that fall into this category will not be funded</i>	
Regional Economic Development Priority Points	<i>20 points for this criterion are provided by the Regional Economic Development Councils</i>				
Total Maximum Points	<i>100 points</i>				

⁶⁸ Barrierity: See explanation at the end of this matrix.

⁶⁹ Species Miles: See explanation at the end of this matrix.

Species Miles

Describes the functional gain achieved by removing a barrier to aquatic organism passage. The total number of Species of Greatest Conservation Need (SGCN) (<http://www.dec.ny.gov/animals/9406.html>) or other aquatic species of management concern to DEC is multiplied by the total number of stream miles that will be made accessible to these species. Stream miles is calculated by totaling the linear distance of each stream segment, including tributaries, from the existing barrier traveling upstream until the next impassable barrier. (Species x Stream Miles = Species Miles)

Barrierity

Describes the severity to which a structure creates a barrier to aquatic organism passage. It is derived from a protocol for calculating this value as part of the North Atlantic Aquatic Connectivity Project (NAACC) found at <https://streamcontinuity.org/naacc>. When this methodology is not possible, professional judgement will be used to assess a structure that most closely replicates the categories used by NAACC.

Severe	0.19 or less
Significant	0.20 – 0.39
Moderate	0.40 – 0.59
Minor	0.60 – 0.79
Insignificant	0.80 – 0.99
No barrier	1.0

MARINE DISTRICT HABITAT RESTORATION

ELIGIBLE APPLICANTS

- Municipalities⁷⁰
- Soil and water conservation districts
- Not-for-profit corporations

DESCRIPTION

Projects within the marine district (New York/New Jersey Harbor Estuary Comprehensive Conservation and Management Plan)⁷¹

REQUIRED ATTACHMENTS

- Budget worksheet
- Sexual Harassment Prevention Certification Form⁷²
- Map with the project area clearly identified. Map must be a minimum of 1:24,000 scale USGS or DOT planimetric map.
- If the project is in a floodplain, attach the applicable floodplain map with the location of the project indicated.
- Feasibility study for the project that includes Marine District Habitat Restoration Feasibility Study Outline required elements⁷³
- Landowner agreements (if property not owned by applicant)⁷⁴
- Pictures of successful marine district project(s) if the applicant has successfully completed marine district aquatic restoration projects in the past 10 years (if applicable)

Description	Maximum award amount	Required match	Requirements
Projects within the marine district (New York/New Jersey Harbor Estuary Comprehensive Conservation and Management Plan)	\$750,000	0% of award amount	Projects must improve the ecological condition of the waters of the state including ponds, bogs, wetlands, bays, sounds, streams, rivers, or lakes and shorelines with the intent to support a spawning, nursery, wintering, migratory, nesting, breeding, or foraging environment for fish and wildlife, and other biota.

⁷⁰ For the purposes of Marine District Habitat Restoration projects under this grant opportunity, “Municipality” means a public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof. In the case of marine district habitat restoration projects, the term municipality shall include the state. (Environmental Conservation Law §56-0101).

⁷¹ New York/New Jersey Harbor & Estuary Program boundaries within New York State can be found at: <http://www.harborestuary.org/geography.htm>

⁷² Sexual Harassment Prevention Certification Form: <http://www.dec.ny.gov/pubs/4774.html>

⁷³ Marine District Habitat Restoration Feasibility Study Outline: <http://www.dec.ny.gov/pubs/4774.html>

⁷⁴ If the property owner is a municipality: a resolution by the municipality supporting the project; If the property is not owned by the applicant: a formal written agreement between the applicant and the landowner that allows the applicant access to the property, represent the landowner, and accomplish the proposed project; If the applicant is a not-for-profit proposing a project on municipal property: a signed municipal endorsement that provides authorization for the not-for-profit to conduct the proposed project on municipal property

Description	Maximum award amount	Required match	Requirements
			<p>Sample projects, include, but are not limited to:</p> <ul style="list-style-type: none"> • Restoration or management of tidal or freshwater wetlands • Creation or restoration of submerged aquatic vegetation • Restoration or enhancement of shellfish and shellfish beds • Removal of tidal restrictions (i.e., berms, culverts) to reconnect formerly functioning wetlands • Fish passage • Projects from the Army Corp of Engineers' Comprehensive Restoration Plan for the Hudson-Raritan Estuary⁷⁵

ELIGIBLE COSTS

- Salary and fringe benefits
- Contractual costs
- Travel
- Equipment
- Construction inspection
- Maintenance
- Reconstruction
- Revitalization
- Rejuvenation activities
- Planning, design, administrative, monitoring, and construction oversight costs (total may not exceed 20% of award amount)

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS

- Costs incurred outside the start and end date of the contract (no earlier than May 10, 2021)
- Indirect costs (e.g. space property rent, utilities, and other office supplies)
- Legal fees

RESOURCES

- Species of Greatest Conservation Need (SGCN): <http://www.dec.ny.gov/animals/9406.html>
- Army Corp of Engineers' Comprehensive Restoration Plan for the Hudson-Raritan Estuary: <https://www.nan.usace.army.mil/Missions/Environmental/Comprehensive-Restoration-Plan-for-the-Hudson-Raritan-Estuary/>

⁷⁵ <https://www.nan.usace.army.mil/Missions/Environmental/Comprehensive-Restoration-Plan-for-the-Hudson-Raritan-Estuary/>

- Maps of EJ areas in New York State: <http://www.dec.ny.gov/public/911.html>.

CONTACT

NYS Department of Environmental Conservation, Office of General Counsel
Jared Reed, 518-402-9185

MARINE DISTRICT HABITAT RESTORATION SCORING CRITERIA

Agency Points	Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Performance Measures, Project Readiness or Experience and Ability will not be funded.					
Performance Measures <i>19 to 0 points possible</i>	19 POINTS: Addresses three or more habitat restoration priorities or critical habitat identified in a Federal or state management plan. OR Project provides benefit to three or more Species of Greatest Conservation Need (SGCN) or Federal trust species.	16 POINTS: Addresses two habitat restoration priorities or critical habitats identified in a Federal or State management plan. OR Project provides benefit to two or more State SGCN or Federal trust species.	12 POINTS: Addresses one habitat restoration priority or critical habitat identified in a Federal or State management plan OR Project provides benefit to one or more State SGCNs or Federal trust species.	8 POINTS: Addresses more than one goal identified in a Federal or state management plan. OR Project provides direct benefit to any species of management concern to DEC.	4 POINTS: Addresses only one goal identified in a Federal or State management plan	0 POINTS: Applications that do not meet any of the previous performance measures
Reasonableness of Cost <i>20 to 0 points possible</i>	20 POINTS: Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project		10 POINTS: Cost is good as it applies to both achieving the project objectives and being a fiscally sound project	5 POINTS: Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project		0 POINTS: Cost is not reasonable for this type of project OR Proposals where planning, design, administrative, monitoring, and construction oversight costs exceeds 20% Applications that fall into this category will not be funded
Vision <i>19 to 0 points possible</i>	19 POINTS: Proposed project addresses and is relevant to multiple natural resource services historically injured. Proposed projects are located inside or adjacent to the Bronx River or Jamaica Bay; AND benefits will serve at least one Environmental Justice Community.		17 POINTS: Proposed project addresses and is relevant to multiple natural resource services historically injured. Proposed projects are located inside or adjacent to the Bronx River or Jamaica Bay.		15 POINTS: Proposed project addresses and is relevant to multiple natural resource services historically injured. Proposed projects are located outside and not adjacent to the Bronx River or Jamaica Bay; AND benefits will serve at least one Environmental Justice Community.	
	12 POINTS: Proposed project addresses and is relevant to multiple natural resource services historically injured. Proposed projects are		10 POINTS: Proposed project addresses injured natural resources services. Proposed projects are located inside or adjacent of the Bronx River or Jamaica Bay; AND benefits will		7 POINTS: Proposed project addresses injured natural resources services. Proposed projects are located inside or adjacent of the Bronx River or Jamaica Bay.	

	located outside and not adjacent to the Bronx River or Jamaica Bay.	serve at least one Environmental Justice Community.	
	<p>5 POINTS:</p> <p>Proposed project addresses injured natural resources services. Proposed projects are located outside and not adjacent to the Bronx River or Jamaica Bay; AND benefits will serve at least one Environmental Justice Community.</p>	<p>2 POINTS:</p> <p>Proposed project addresses injured natural resources services. Proposed projects are located outside and not adjacent to the Bronx River or Jamaica Bay</p>	<p>0 POINTS:</p> <p>Proposed project will provide no restoration to injured natural resources or services. <i>Applications that fall into this category will not be funded</i></p>
<p>Project Readiness</p> <p><i>19 to 0 points possible</i></p>	<p>19 POINTS:</p> <p>Project has all necessary permits (or does not need permits) and approvals. The project is ready to move forward with construction</p>	<p>10 POINTS:</p> <p>Project is not ready to proceed with construction but has some of the necessary approvals and is expected to lead to construction without delay</p>	<p>0 POINTS:</p> <p>Project has not secured any of the necessary approvals and is not ready to proceed to construction</p> <p>AND/OR</p> <p>Project cost exceeds maximum grant amount and has not secured remaining funding needed</p> <p><i>Applications that fall into this category will not be funded</i></p>
<p>Experience and Ability</p> <p><i>3 to 0 points possible</i></p>	<p>3 POINTS:</p> <p>Applicant has shown the ability to complete state-funded marine district habitat restoration projects in the past 10 years in a timely manner</p> <p>OR</p> <p>Applicant has successfully completed marine district aquatic restoration projects in the past 10 years (please attach pictures)</p>	<p>2 POINTS:</p> <p>Applicant has shown the ability to complete a state funded water quality project that was not related to marine district habitat restoration in the past 10 years in a timely manner</p> <p>OR</p> <p>Applicant has not been awarded a state grant related to water quality in the past 10 years but appears to have the experience and ability to carry out the program</p>	<p>0 POINTS:</p> <p>Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years</p> <p>OR</p> <p>Applicant has not been awarded a WQIP grant in the past 10 years and does not appear to have the experience and ability to carry out the program</p> <p><i>Applications that fall into this category will not be funded</i></p>
<p>Regional Economic Development Priority Points</p>	<p>20 points for this criterion are provided by the Regional Economic Development Councils</p>		
<p>Total Maximum Points</p>	<p>100 points</p>		

Grant Opportunity General Information and Conditions

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- Award an agreement for any or all parts of the Program Overview in accordance with the method of award or withdraw the Program Overview at any time at the Department's sole discretion.
- Award only one application for funding in the event there are multiple application submissions for a single project or for pieces of a single project.
- Award to the next highest scoring application in the event a grantee fails to negotiate a grant contract with the Department within 120 days of a grant award.
- Consider regional distribution in the determination of awards, to the extent practicable.
- Monitor the progress of all grant awards and withdraw grant funding if the grantee fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.
- Refuse to fund projects that are determined to be inconsistent with NYS's Smart Growth Public Infrastructure Policy Act.
- Refuse to fund projects that are determined to be inconsistent with the Climate Leadership and Community Protection Act or its implementing regulations.⁷⁶
- Reject any or all applications in response to the Program Overview at the agency's sole discretion.
- Reduce an award from the amount requested in the application, should the project budget contain costs considered ineligible under this grant program.
- Reduce an award from the amount requested in the application, as long as the reduced funding does not jeopardize the viability of the project to proceed at the reduced funding level.
- Deny a change in workplan tasks from the application project description because of fairness to competitive process.

Additional Application Submission Information

Pre-Application Requirements

All applicants must register in the NYS Grants Gateway to be considered eligible to accept this grant opportunity <https://grantsmanagement.ny.gov/>. The applicant name must exactly match the name of the eligible entity registered in the NYS Grants Gateway. It may not be the name of an individual.

In addition to registering, not-for-profit organizations must also complete the Vendor Prequalification process in the NYS Grants Gateway to be considered eligible to apply for this grant opportunity. The prequalification must be current (not expired) to be eligible for this grant. Government entities are not required to complete the Vendor Prequalification Process.

NYS Grants Gateway Registration Instructions:

If your organization has not already registered in the Grants Gateway, the registration is NOT an online process. Register now to allow time for processing!

- 1.) On the Grants Management Website at <https://grantsmanagement.ny.gov/resources-grant-applicants>, download a copy of the Registration Form for Administrator.
- 2.) Complete the form according to the instructions provided. The completed form must be signed and notarized.

⁷⁶ The Climate Leadership and Community Protection Act is in Chapter 106 of the laws of 2019

- 3.) After the form is received and reviewed, you will be provided with a Username and Password allowing you to access the Grants Gateway.
- 4.) Log in to the Grants Gateway at <https://grantsgateway.ny.gov>. You will be prompted to change your password at the bottom of your Profile page. Enter a new password and click the SAVE button located on the top, right-hand side of the page.

If you have previously registered and do not know your Username please email grantsgateway@its.ny.gov. If you do not know your Password, please click the Forgot Password link from the main log in page and follow the prompts.

Not-For-Profit Prequalification Instructions:

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, New York State has instituted key reform initiatives to the grant application and contract processes. These initiatives require not-for-profit organizations to complete the Vendor Prequalification process to be considered eligible to apply for a grant.

Below is a summary of the steps to complete the prequalification requirements. The Vendor Prequalification Manual on the Grants Management website at <https://grantsmanagement.ny.gov/resources-grant-applicants> provides additional information and instruction.

- 1.) Complete your Prequalification Application.
 - Log in to the Grants Gateway at <https://grantsgateway.ny.gov>. If this is your first time logging in, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click the SAVE button located on the top, right-hand side of the page.
 - Click the *Organization(s)* link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A *Document Vault* link will become available near the top of the page. Click this link to access the main Document Vault page.
 - Answer the questions in the *Required Forms* and upload the *Required Documents*. This constitutes your Prequalification Application. Optional Documents are not required unless specified in this Request for Proposal.
 - For specific questions about the prequalification process see <https://grantsmanagement.ny.gov/contact-grants-management>.
- 2.) Submit Your Prequalification Application
 - After completing your Prequalification Application, click the *Submit Document Vault* button located below the Required Documents section to submit your Prequalification Application for State agency review. Once submitted, the status of the Document Vault will change to *In Review*.
 - If your Prequalification reviewer has questions or requests changes you will receive email notification from the Gateway system.
 - Once your Prequalification Application has been approved, you will receive a Gateway notification that you are now prequalified to do business with New York State.

Additional registration and prequalification information, including a video tutorial, is available on the Grants Management website at <https://grantsmanagement.ny.gov/videos-grant-applicants>.

Debriefing Request

In accordance with section 163 of the NY State Finance Law, DEC must, upon request, provide a debriefing to any unsuccessful offeror that responded to the Program Overview, regarding the reasons that the proposal or bid submitted by the unsuccessful offeror was not selected for an award. An unsuccessful offeror wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that their proposal did not result in an award. Debriefings requested after fifteen calendar days may be denied.

Formal Protest and Appeal Procedure

Any interested party who believes that he/she has been treated unfairly in the application, evaluation, bid award, or contract award phases of the procurement, may present a formal protest to DEC and request administrative relief concerning such action. Formal protests concerning a pending contract award must be received within five (5) business days after the protesting party knows or should have known of the facts that constitute the basis of the formal protest.

Sexual Harassment Prevention Certification

State Finance Law §139-l requires all applicants of grant funding to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees.

Where applying for grant funding is required pursuant to statute, rule or regulation, every application submitted to the state or any public department or agency of the state must contain the following statement: "By submission of this application, each applicant and each person signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law."

Applications that do not contain the certification will not be considered for award; provided however, that if the applicant cannot make the certification, the applicant may provide a signed statement with their application detailing the reasons why the certification cannot be made. After review and consideration of such statement, the Department may reject the bid or may decide that there are sufficient reasons to accept the bid without such certification.

Applicants are required to sign and upload the Sexual Harassment Prevention Certification form or upload a signed statement with their application detailing the reasons why the certification cannot be made.

SEQRA and Permits

The applicant is responsible for assuring that any SEQR determinations, permits, approvals, lands, easements and rights-of way that may be required to carry out the activities of the project are obtained.

Letters of Permission/Municipal Endorsement

The applicant must own the property, or obtain an applicable access agreement, for the proposed project site. This includes:

- If the property is owned by the applicant – a copy of the current deed.
- If the property owner is a municipality – A resolution by the municipality supporting the project.
- If the property is not owned by the applicant – a formal written agreement between the applicant and landowner which allows the applicant access to the property, and represent the landowner, to accomplish the proposed project.

Quality Assurance

Quality Assurance applies to all programs/projects that involve the collection, generation or use of environmental data associated with the mapping, modeling, monitoring, and assessment of water quality data intended for use by the New York State Department of Environmental Conservation for its regulatory purposes. This includes the design or use of water quality focused environmental technology. Activities associated with these types of programs/projects, conducted in the field or laboratory, shall be:

- a. Performed in accordance with an effective quality system for planning and assessing environmental measurements and tests, and for conducting required quality assurance and quality control procedures to promote and maintain the accuracy and reliability of environmental measurements and test results. An effective Quality System includes a Quality Assurance Project Plan (QAPP) based on guidance provided by the USEPA Guidance for Quality Assurance Project Plans (QA/G-5 May 2006), or American National Standard ASQ/ANSI E4:2014: Quality management systems for environmental information and technology programs—Requirements with guidance for use, approved February 4, 2014
- b. Performed by a laboratory certified by the New York State Department of Health (NYSDOH) under the Environmental Laboratory Approval Program (ELAP) pursuant to Section 502 of the Public Health Law. This requirement shall not apply to specific parameters where NYS DOH ELAP has not issued a certificate for the specific parameter.
- c. Performed in a manner that ensures all requisite quality control and calibration requirements are met, including field testing, sample collection, preservation, and record-keeping. Basic quality assurance and quality control requirements defined in 40 CFR Part 136.7 shall be followed as well as any specific method requirements.
- d. Required to submit environmental monitoring data electronically to US EPA Water Quality Exchange (WQX) following the guidance as set by US EPA's WQX Submission Instructions.
- e. Covered under the Publicity clause (article IV.G.) of the Master Contract for Grants – Standard Terms and Conditions. Specifically, the Contractor agrees that any work products, including but not limited to, water quality data or environmental information; measured, generated, or developed under this contract shall not be released, published, cited, or shared in draft or final form without prior written authorization from the Department.

Historic Preservation Review Requirements

Questions about or proposals for listing on the State or national Register should be directed to the OPRHP National Register Unit at (518) 237-8643. To ensure the public benefit from the investment of state funding, preservation covenants or conservation easements will be conveyed to the State (OPRHP) for all historic property grants.

Coastal Consistency Requirements

SEQR Type I and Unlisted actions located within the NYS Department of State's coastal zone boundaries must meet the consistency requirements of the Secretary of State's Coastal Management Program. This consistency determination will be performed by the Department as part of the grant review process. If the proposed project is located within a municipality that has an approved Local Waterfront Revitalization Plan (LWRP), the policies of that LWRP apply. Projects in other areas will need to be consistent with the State's 44 coastal policies. The coastal policies can be found at <https://www.dos.ny.gov/opd/programs/consistency/index.html>. Applicants are encouraged to determine if their project is located within the coastal zone, and to include in their site plan or sketch map their project's location within the coastal zone boundaries if applicable. Maps of the coastal zone boundaries can be found at <https://www.dos.ny.gov/opd/programs/consistency/index.html>.

Grant opportunity payment and reporting conditions

For all WQIP project types except wastewater treatment, upon approval of the MCG by the Office of the State Comptroller, an advance payment of up to twenty-five percent (25%) of the total Contract Amount may be provided to the Contractor, including Contractors that are municipalities, for project start-up funding⁷⁷. Contractors must provide justification of the need for the advance payment.

No reimbursement payments under the MCG will be made by the Department to the Contractor until the Contractor provides documentation to support how the 25% advance funding was spent on the Project. Future reimbursement payments shall be made upon audit and approval by the Department and the Comptroller's Office of vouchers executed by an authorized officer of the Contractor.

Project costs eligible for reimbursement and project match must be incurred between the MCG term start date and the MCG term end date. Costs incurred prior to the MCG term start date or after the MCG term end date are not eligible for reimbursement or match. Copies of supporting documentation (paid invoices, receipts, cancelled checks, etc.) must be audited and approved by the Department for costs to be eligible for grant reimbursement.

- Quarterly MCG payment reimbursement requests will be accepted prior to submission of a final closeout reimbursement request. Approved project design, required permits and landowner permissions must be in place to submit a reimbursement request.
- Quarterly Narrative Reports must be submitted within 30 days from the end of the quarter. The reports should summarize how the project progressed towards meeting project objectives and deliverables during the quarter.

Quarterly Expenditure Reports, detailed by object of expense as defined in the MCG Attachment B-1 Expenditure Based Budget, must accompany the quarterly Narrative Reports, within 30 days from the end of the quarter. These reports must correlate to subsequent vouchers submitted for reimbursement payment.

Final Report must be submitted and approved by the Department prior to the release of the final contract payment to the Grantee. The Contractor must submit the Final Report no later than 60 days after the end of the contract period. The Final Report should report on all aspects of the program and detail how the grant funds were utilized in achieving the goals set forth in the approved MCG Attachment C Work Plan. Copies of appropriate documents (i.e. inventory and/or management plan) must be submitted and approved by the Department.

A Department on-site inspection may be required to confirm all work was completed in accordance to the approved project work plan.

Satisfactory Progress

Grant recipients are expected to show satisfactory progress with the development of a project workplan and implementation of the project. Satisfactory progress includes, but is not limited to, timely submission of all necessary documents needed for contract execution, such as, required proofs of insurance, and an M/WBE Utilization Plan. A grantee must also submit timely quarterly payment requests, quarterly narrative reports, quarterly expenditure reports, and a

⁷⁷ For Land Acquisition project types, please note that transactional costs (e.g. property surveys, land appraisals, staff time devoted to the project) are acceptable by the Department, provided they result in final acquisition of land or perpetual conservation easement and/or restoration of new riparian buffers. As such, before successful applicants request advance payment or submit reimbursement claims, we recommend that you take into consideration the requirement to return state assistance payments should the land transaction not successfully close.

final project summary report. Successful applicants are expected to manage their WQIP projects in accordance with the terms and condition of the State of New York Master Grant Contract. Failure to make satisfactory progress or to complete the project to the satisfaction of the State may be deemed an abandonment of the project and may cause the termination of any financial obligation of the State.

Operation and Maintenance of Completed WQIP Projects

Grant recipients are fully responsible for ensuring the proper and efficient monitoring operation and maintenance of the project satisfactory to the Department, including, but not limited to, retaining a sufficient number of qualified staff and ensuring performance or required tests and requirements. After completion of the project, the grantee shall, for a period of time appropriate for the type of project (the useful life of the project as provided in State Finance Law § 61[18]), which ranges from five to thirty years, operate the project or otherwise cause the project to be operated properly and in a sound and economical manner and shall maintain, preserve and keep the project, or cause the project to be maintained, preserved and kept, in good repair, working order and condition and shall make, or cause to be made, all necessary and proper repairs, replacements and renewals from time to time, so that at all times the project may be operated properly in a manner consistent with the performance standards for the project, with the contract and with the requirements of any related permit or other governmental approval of the project.

Proposed Project Timeline and Contract Terms

The Department expects the term of each contract to be consistent with the project timeline proposed in the grant application. The initial term of each contract (other than Aquatic Connectivity Restoration projects and Land Acquisition for Source Water Protection projects) will need to fall between May 10, 2021 and May 9, 2026. Applicants should not apply if they do not expect their project to be complete by May 9, 2026.

For Aquatic Connectivity Restoration projects, the initial contract term will need to fall between April 29, 2020 and March 31, 2025.

For Land Acquisition for Source Water Protection projects, the initial contract term will need to fall between August 1, 2019 and July 31, 2024.

All project costs must be incurred between the start and end dates of the contract to be eligible for reimbursement, or to be used as match for the grant.

Application Limits

Only 1 application may be submitted per project in any given round. Projects that receive funding in one round will not receive additional funding in a subsequent round, even if project costs were higher than originally anticipated. The only exception is projects that are being completed in phases which can receive funding for multiple phases of the same project. If an applicant applies for funding and does not receive an award, they may apply again for the same project in a subsequent round. Applicants are limited to 5 applications per round.

What to Expect If You Receive an Award

Notification of Award

Applicants selected to receive a grant award will be notified by email and in an official Department award letter.

IMPORTANT NOTE: By accepting an award, applicant agrees to abide by all Master Contract for Grants (MCG) or purchase order terms and conditions. Any changes to the terms and conditions will not be accepted and may affect applicant's award.

State of New York Master Contract for Grants (MCG)

Applicants selected to receive a grant award are expected to execute a MCG within 120 days from the time of their award notification. Failure to submit timely required MCG documents could cause a grantee to lose their grant award. Applicants should review and be prepared to comply with all MCG terms and conditions should grant funding be awarded. The MCG and attachments include:

- MCG Grants Face Page
- Standard Terms and Conditions (NYS standard terms and conditions)
- Attachment A-1 Program Specific Terms and Conditions (Agency and Program specific terms and conditions)
- Attachment A-2 Federally Funded Grant Terms and Conditions (for Aquatic Connectivity Restoration projects only)
- Attachment B-1 Expenditure Based Budget (project expense categories and detail)
- Attachment C Work Plan (project objectives, tasks and performance measures)
- Attachment D Payment and Reporting Schedule (claims for reimbursement and grant reporting provisions)

IMPORTANT NOTE: Project related costs must be incurred within the term of the MCG to be considered eligible for reimbursement or match. Contract payments will not be approved or processed by the DEC until a MCG is fully approved by the DEC, and as applicable the Attorney General and the State Comptroller. All contracts must be approved by the contract start date of which will be determined at the time of an official award.

Signage Requirements

The Department may require the installation of a project sign (2' x 4') that identifies the Environmental Protection Fund or the Clean Water Infrastructure Act as a source of funding as outlined in the requirements and specifications attached to and made part of the MCG as an attachment.

For projects with multiple funding sources the Contractor acknowledges that a portion of this grant is funded by the Department as a Water Quality Improvement Project. The Contractor agrees to identify the Department as a source of funding for this project in any communications to the public.

Applicants (referred to as “Contractor” following award of Grant Contract) Should Be Prepared to Comply With the Following MCG Requirements:

- I. Insurance Requirements
Contractor will be required to carry appropriate insurance as specified in the MCG or Letter of Agreement (for awards less than \$10,0000, Attachment A-1 Program Specific Terms and Conditions, and agree that each project consultant, project contractor and project subcontractor secures and delivers to the contractor appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies must name the contractor as an additional insured, with appropriate limits, covering contractor’s public liability and property damage insurance, contractor’s contingency liability insurance, “all-risk” insurance and workers compensation/disability benefits coverage for the project.
- II. Permit Requirements (if applicable)
Contractors agree to obtain all required permits, including but not limited to, local, state and federal permits prior to the commencement of any project related work. The Contractor agrees that all work performed in relation to the project by the Contractor or its agents, representatives, or contractors will comply with all relevant federal, state and

local laws, rules, regulations and standards, zoning and building codes, ordinances, operating certificates for facilities, or licenses for an activity.

III. State Environmental Quality Review (SEQR) Documentation

With respect to the project, the Contractor certifies that it has complied, and shall continue to comply with all requirements of the State Environmental Quality Review Act (SEQRA). The Contractor agrees to provide all environmental documents as may be required by the DEC. The Contractor has notified, and shall continue to notify, the DEC of all actions proposed for complying with the environmental review requirements imposed by SEQRA.

Vendor Responsibility Questionnaire

Not-For-Profit contractors, and/or subcontractors of all awardees, are subject to a vendor responsibility review by the State to ensure public dollars are being spent appropriately with responsible contractors. Landowners selling property or a conservation easement to an applicant in the Land Acquisition category are also considered sub-contractors and are subject to vendor responsibility requirements. A vendor responsibility review may include a contractor and/or subcontractor to present evidence of its continuing legal authority to do business in NYS, integrity, experience, ability, prior performance, and organizational and financial capacity. To enroll in and use the NYS VendRep System, see the VendRep System instructions available at <http://www.osc.state.ny.us/vendrep/enroll.htm>, or go directly to the VendRep System at <https://portal.osc.state.ny.us>

Iran Divestment Act

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. By entering into a Contract, the Contractor certifies that it is not on the “Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012” list (“Prohibited Entities List”) posted on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additional detail on the Iran Divestment Act can be found in the MCG, Attachment A-1 Program Specific Terms and Conditions.

Minority/women Business Enterprises (M/WBE) and Equal Employment Opportunities (EEO) Requirements

The Department is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (“MWBE Regulations”) for all State contracts with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.

Applicants subject to executing a future NYS Master Contract for Grants agree, in addition to any other nondiscrimination provision of the MCG and at no additional cost to the Department, to fully comply and cooperate with the Department in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for certified minority and women-owned business enterprises (“MWBEs”). Contractor’s demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, state or local laws.

Failure to comply with M/WBE and EEO requirements may result in a Department finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages or enforcement proceedings.

Please refer to the NYS Master Contract for Grants - Article IV (J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review M/WBE and EEO requirements. Required M/WBE and EEO related forms can be found at <http://www.dec.ny.gov/about/48854.html>

- The local government is responsible for designating someone to serve as their Affirmative Action representative. The governing body should make this designation through official means.
- A list of certified M/WBE enterprises can be obtained via the internet from the NYS Department of Economic Development at <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=9885>
- Contracts which meet the established M/WBE-EEO thresholds require the Contractor to submit Quarterly Reports, http://www.dec.ny.gov/docs/administration_pdf/quarterlyversion7.pdf, detailing payments made by the Prime Contractor to NYS Certified M/WBEs.
- For purposes of this procurement, the Department hereby establishes an overall goal of up to **30%** for Minority and Women-Owned Business Enterprises (“MWBE”) participation, (based on the current availability of qualified MBEs and WBEs).
- **MWBE Responsibilities & Requirements Document**
 - Contractors must read, sign, and submit the NYSDEC MWBE Responsibilities & Requirements document as part of the grant application. This document describes the MWBE requirements and provides directions for completing the required MWBE Utilization Plan form and subsequent Quarterly Reports.

DEC M/WBE Compliance
NYS Department of Environmental Conservation
Bureau of Contract and Grant Development/MWBE Program
625 Broadway, 10th Floor
Albany, New York 12233-5028
Phone: (518) 402-9240
Fax: (518) 402-9023

Procurement of Contractors/Subcontractors

Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money. Failure to comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.

Americans With Disabilities Act

In the event the monies defined herein are to be used for the development of facilities, outdoor recreation areas, transportation or written or spoken communication with the public, the Contractor shall comply with all requirements for providing access for individuals with disabilities as established by Article 4A of the New York State Public Buildings Law, Americans with Disabilities Act, and relevant sections of the New York State Uniform Fire Prevention and Building Code. Standards for certain Recreation Facilities are found in the 2010 ADA Standards for Accessible Design while others are found in the Architectural Barriers Act Accessibility Guidelines for Outdoor Recreation Areas <https://www.access-board.gov/guidelines-and-standards>.

Non-Agricultural Nonpoint Source Planning and Municipal Separate Storm Sewer System (MS4) Mapping Grant

Funding Available: Up to \$3 million

Description

The New York State Department of Environmental Conservation (DEC) will offer grants to local governments and soil and water conservation districts to help pay for the initial planning of non-agricultural nonpoint source water quality improvement projects. DEC will also offer grants to regulated traditional MS4s for mapping.

Those seeking planning grants to support projects to upgrade, repair or replace elements of a wastewater treatment and/or collection system, or the construction of such system for an area with failing onsite septic systems, are referred to the New York State DEC/EFC Wastewater Infrastructure Engineering Planning Grant Program.

PROJECTS AFFECTING WATER QUALITY IN ENVIRONMENTAL JUSTICE (EJ) AREAS

DEC demonstrates a commitment to Environmental Justice (EJ) and remedies for communities that may be burdened by negative environmental consequences. Environmental justice is defined by the DEC as the fair treatment and meaningful involvement of all people, regardless of race, color or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. A report for a proposed project that positively impacts water quality in an EJ community, or positively impacts drinking water quality serving an EJ community or is for MS4 mapping of an EJ community will receive points in the evaluation of an application where indicated. Maps of EJ areas in New York State are available at: <http://www.dec.ny.gov/public/911.html>.

To qualify for EJ points, your application must include details demonstrating water quality improvement to an EJ area or to drinking water serving an EJ community - where the benefit will be provided, the area served by the drinking water source or the exact street location(s) where the MS4 mapping of an EJ community is to be implemented.

A. Nonpoint Source Planning Reports (See MS4 category for MS4 mapping project details)

The program aims to get nonpoint source projects ready for construction and to apply for implementation funding.

Award Amounts

Grants of up to \$30,000 are available to finance planning services to produce project planning reports, as outlined in each category. Grants of up to \$75,000 are available for comprehensive stream corridor studies. There is no minimum award amount.

An applicant may submit more than one application. If an applicant receives more than one award, DEC may combine the projects into a single contract. Applicants are limited to a maximum of five (5) Nonpoint Source Planning Report applications per round.

Each application must fit within a single grant category.

Eligible Applicants

- Municipalities⁷⁸
- Soil and Water Conservation Districts (excluding Decentralized Wastewater Treatment Facilities for Failing On-Site Treatment Systems)

Nonpoint Source Planning Report Categories

Funding is available for the following six (6) planning report categories:

1. *Decentralized Municipal Wastewater Treatment Facilities for Failing On-Site Treatment Systems*

Eligible costs:

An engineering feasibility study report for municipally-owned decentralized wastewater treatment facilities in areas with failing on-site treatment systems, including the necessary collection and conveyance system. The decentralized wastewater treatment facility must consist of a subsurface treatment and disposal system designed in accordance with Department standards. Collection may take the form of either a septic tank effluent pump (STEP) or septic tank effluent gravity (STEG), grinder pump or gravity sewer system. An engineering feasibility study report may include conceptual designs and any necessary percolation tests.

Report requirements:

Engineering reports must follow the NYS Environmental Facilities Corporation/DEC Engineering Report Outline for New York State Wastewater Infrastructure Projects⁷⁹.

Technical Contact:

Ken Kosinski – (518) 402-8111

2. *Green Infrastructure*

Eligible reports:

An engineering feasibility study report for projects that: construct green infrastructure to address combined sewer overflows, reduce a pollutant impacting a receiving waterbody, or address a regional water quality issue; or install green infrastructure retrofits designed to capture and remove the pollutant contributing to a water quality impairment. Green Infrastructure practices are limited to bioretention, rain gardens, constructed wetlands, porous pavement, green roofs, downspout disconnection, stormwater street trees, stormwater harvesting and reuse, and stream daylighting. All Green Infrastructure projects must be designed in accordance with the 2015 New York State Stormwater Design Manual and must go above and beyond the water quality volume treatment and/or reduction requirements listed in the SPDES Construction General Permit. An engineering feasibility study report must include conceptual designs and infiltration tests, if applicable.

Report requirements:

⁷⁸ For the purposes of this grant, “municipality” means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof.

⁷⁹ Engineering Report Outline for NYS Wastewater Infrastructure Projects:
<https://nysefc.box.com/s/0s1j2q1nytylpo3q5llbwt3zta0yopp0>

Feasibility studies must include all Required Elements listed in the Green Infrastructure or Stormwater Retrofits Feasibility Study Outline.⁸⁰

Technical Contact:

Ryan Waldron - (518) 402-8177

3. Stormwater Retrofits

Eligible reports:

An engineering feasibility study report for projects that: construct stormwater retrofits to reduce a pollutant impacting a receiving waterbody or address a regional water quality issue. Eligible practices are limited to those identified in Chapters 5 and 6 of the *2015 NYS Stormwater Design Manual*⁸¹. All projects must be designed in accordance with the *2015 NYS Stormwater Design Manual*. An engineering feasibility study report must include conceptual designs and infiltration tests (if applicable) and must include load reduction information.

Report requirements:

Feasibility studies must include all Required Elements listed in the Green Infrastructure or Stormwater Retrofits Feasibility Study Outline.⁵

Technical Contact:

Ethan Sullivan – (518) 402-1382

4. Streambank/Shoreline Stabilization

Eligible Reports:

- An engineering or conceptual design report for qualifying nature-based or “soft engineering” streambank or shoreline stabilization projects to reduce erosion, enhance flood resilience, and improve water quality and riparian/coastal habitats. Streambank or shoreline projects must incorporate natural features and materials alone or in combination with a minimal use of structural components to manage erosion. Streambank/shoreline stabilization projects may include, but are not limited to, natural buffer zones, constructed or restored wetlands, “living” sills or breakwaters, beach and dune restoration and/or nourishment, nature-based stabilization techniques such as tree/rootwad revetments, staking, live crib walls, and vegetated geogrids. Rip-rap may only be used in conjunction with natural restoration principles that incorporate vegetative materials.

and/or

- A comprehensive stream corridor assessment study to identify areas of erosion across a watershed area. The comprehensive stream corridor study must be completed for a minimum of a HUC 12 size watershed area and must identify and/or prioritize opportunities for streambank stabilization, riparian buffer restoration, floodplain reconnection and/or culvert replacement and repair. Flood risk assessment and modeling may be included as part of the comprehensive study.

Report Requirements:

- Engineering reports and comprehensive stream assessment studies must include all Required Elements listed in the Streambank/Shoreline Stabilization Engineering Design Report Outline or Streambank Corridor Study Outline.⁸²

⁸⁰ Green Infrastructure or Stormwater Retrofits Feasibility Study Requirements:

<http://www.dec.ny.gov/pubs/116725.html>

⁸¹ New York State Stormwater Design Manual: <https://www.dec.ny.gov/chemical/29072.html>

⁸² Streambank/Shoreline Stabilization Engineering Design Report Outline or Streambank Corridor Study Outline: <http://www.dec.ny.gov/pubs/116725.html>

- For projects requiring a permit, engineering designs must meet the minimum Protection of Waters permit requirements, NY's Coastal Consistency requirements, or other State or Federal permit requirements, as applicable.

Technical Contact:

Julie Berlinski - (518) 402-8212

5. *In-Waterbody Controls for Nutrients*

Eligible costs:

- A feasibility study or engineering report for projects that reduce internal loading of nutrients (mainly phosphorus) within waterbodies. Eligible practices to address these issues include: hypolimnetic aeration, aeration destratification systems for polymictic lakes, hypolimnetic withdrawal, and dredging.
and/or
- A professional study report that provides justification for use of the best management practice (BMP) recommended by the above feasibility study or engineering report. For destratification systems, the professional study must identify the waterbody as a polymictic lake.
and/or
- A written plan report for the long-term operation and maintenance of the BMP recommended by the above professional study or engineering report.

Report Requirements:

Feasibility study/engineering reports must include all Required Elements listed in the In-Waterbody for Control of Nutrients Feasibility Study/Engineering Report Outline.⁸³

Technical Contact:

Stephanie June – (518) 402-8179

6. *Bathing Beach Restoration*

Eligible costs:

- Beach sanitary survey⁸⁴
and/or
- A feasibility study for projects to implement designs recommended in beach restoration green infrastructure design reports. Projects may include, but are not limited to, porous pavement, bioinfiltration/bioretenion, rain gardens, stormwater tree trenches, greenways, beach re-naturalization, beach sand enrichment/nourishment, beach sloping/grading, constructed wetlands.

Report Requirements:

- Sanitary surveys must meet the criteria in Part 6, Subpart 6-2 of the New York State Sanitary Code for Beaches⁸⁵. Sanitary surveys must also follow EPA's Beach Sanitary Survey guidance⁸⁶.

⁸³ In-Waterbody for Control of Nutrients Feasibility Study/Engineering Report Outline: <https://www.dec.ny.gov/pubs/116725.html>

⁸⁴ The beach sanitary survey report may provide support for conceptual designs under Grant Category 1, above.

⁸⁵ New York State Sanitary Code for Beaches: <https://regs.health.ny.gov/content/subpart-6-2-bathing-beaches>

⁸⁶ EPA Beach Sanitary Survey Guidance: <https://www.epa.gov/dwreginfo/sanitary-survey-guidance-manuals>

- Feasibility studies must include all Required Elements listed in the Green Infrastructure or Stormwater Retrofit Feasibility Study Outline.⁸⁷

Technical Contact:

Lauren Townley - (518) 402-8086

7. *Stream Culvert Repair and Replacement*

Eligible costs:

- Stream culvert site assessment report for projects to address erosion caused by inadequately sized or failing culverts.
and/or
- An engineering feasibility study or engineering design report for stream culvert repair or replacement projects to address erosion.

Report Requirements:

- Stream culvert assessments must utilize the North Atlantic Aquatic Connectivity Collaborative (NAACC) framework to identify aquatic barriers, in addition to identifying erosion issues.
- Feasibility study/engineering reports must include all Required Elements listed in the Stream Culvert Repair and Replacement Feasibility Study/Engineering Report Outline⁸⁸.

Technical Contact:

Julie Berlinski – (518) 402-8086

Requirements for All Planning Reports

- All reports and studies must be prepared by a qualified professional. See table below. For reports and studies prepared by someone other than a professional engineer, applicants must demonstrate in the application that the preparer is a qualified professional through work experience and/or education.

⁸⁷ Green Infrastructure or Stormwater Retrofit Feasibility Study Outline:
<https://www.dec.ny.gov/pubs/116725.html>

⁸⁸ Stream Culvert Repair and Replacement Feasibility Study/Engineering Report Outline:
<https://www.dec.ny.gov/pubs/116725.html>

Funding Category	Report Type	Professional Requirement
Decentralized Municipal Wastewater Treatment Facilities for Failing On-Site Treatment Systems	Feasibility Study	Professional Engineer
Green Infrastructure	Feasibility Study	Professional Engineer
Stormwater Retrofits	Feasibility Study	Professional Engineer
Streambank/Shoreline Stabilization	Engineering or conceptual design report	Professional Engineer
	Comprehensive stream corridor assessment study	Professional Engineer, Professional Hydrologist, Professional Geologist, Master's Degree, Bachelor's Degree with 2 years of relevant experience, Associates Degree with 5 years of relevant experience
In-waterbody Controls for Nutrients	Feasibility study or engineering report	Professional Engineer
	Professional study report	Professional engineer, certified lake manager, Master's Degree in limnology or related field, Bachelor's Degree in limnology or related field with 2 years of relevant experience
In-waterbody Controls for Nutrients	Long-term operation and maintenance plan	Professional Engineer
Bathing Beach Restoration	Sanitary Survey	Professional Engineer, Environmental Health professional (sanitarian or environmental health technician), Master's Degree, Bachelor's Degree with 2 years of relevant experience, Associates Degree with 5 years of relevant experience
	Feasibility Study	Professional Engineer
Stream Culvert Repair and Replacement	Feasibility Study	Professional Engineer
	Culvert site assessment report	Trained and certified by North Aquatic Connectivity Collaborative (NAACC)

- Reports and studies must be prepared and stamped by a professional engineer when required by New York State Education Law.
- All applications must attach a completed Sexual Harassment Prevention Certification Form.

Eligible Costs

- Funding can be used for the preparation of planning reports, feasibility studies, and supplemental costs as listed by grant category.
- Activities to determine the scope of water quality issues, evaluation of alternatives, and the recommendation of an improvement project.
- Salary and fringe
- Contractual costs
- Travel
- On-site evaluations
- Any necessary environmental review (e.g. SEQR, SHPO, Coastal Consistency) for the recommended project
- Administrative costs

Ineligible costs/reports:

- Reports for projects that have already received Water Quality Improvement Project (WQIP) grant funding
- Costs incurred outside the start and end date of the contract
- Post installation / follow-up monitoring
- Feasibility reports for algaecide use
- Construction costs
- Reports for projects that have already received funding for planning from another State source
- Equipment
- Indirect costs (e.g., space/property rent, utilities and other office supplies)
- Legal fees

Resources

- Nonpoint Source Planning Grant Report Outlines: <https://www.dec.ny.gov/pubs/116725.html>
- Nonpoint Source Program Guidance and Technical Assistance: <https://www.dec.ny.gov/chemical/96777.html>
- New York State Stormwater Design Manual: <https://www.dec.ny.gov/chemical/29072.html>
- DECinfo Locator⁸⁹ (most up to date source of WI/PWL segment assessments): <http://www.dec.ny.gov/pubs/109457.html>
- NYS Environmental Facilities Corporation/DEC Engineering Report Outline for New York State Wastewater Infrastructure Projects: <https://nysefc.box.com/s/0s1j2q1nytylpo3q5llbwt3zta0yopp0>
- North Atlantic Aquatic Connectivity Project (NAACC): <https://streamcontinuity.org/naacc>
- EPA Guidance for Sanitary Surveys: <https://www.epa.gov/dwreginfo/sanitary-survey-guidance-manuals>

⁸⁹ To find the closest WI/PWL segment assessment, visit the DECinfo Locator and click on the link for “Environmental Quality Map View”. In the left column of the map, click on “Information List” and check the box for “Rivers, Streams and Shorelines” AND “Lakes, Reservoirs, and Estuaries” to display these map layers. Enter the address or project location in the “Search Near Me” search bar. Click on the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL segment assessment for that waterbody, click on the “Download Fact Sheet” link in the box. For guidance on how to read the WI/PWL segment assessments, visit <http://www.dec.ny.gov/chemical/36730.html>.

- Maps of New York State Environmental Justice Areas: <https://www.dec.ny.gov/public/911.html>
- Resilient New York Flood Mitigation Reports: <https://www.dec.ny.gov/lands/121102.html>
- Drinking Water Source Protection Program Plans (DWSP2): <https://www.dec.ny.gov/chemical/115250.html>; Contact source.water@dec.ny.gov for information about any completed DWSP2s in your project area.

Evaluation Criteria – Planning Reports

Agency Points	Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Experience and Ability will not be funded.			
<p>Performance Measures</p> <p><i>38 to 5 points available</i></p>	<p>38 POINTS:</p> <p>Reports for projects that address a water quality impairment identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) AND benefit an active public drinking water supply.</p> <p>OR</p> <p>Green infrastructure feasibility studies for projects that reduce stormwater flow to a combined sewer system.</p> <p>OR</p> <p>Reports for projects that address documented water quality exceedances with known sources for regulated bathing beaches.</p> <p>OR</p> <p>Reports for projects identified in a DEC-approved plan or report (i.e. Resilient New York Flood Mitigation Report, Drinking Water Source Protection Program Plan) that address nonpoint source pollution AND that benefit an active public drinking water supply.</p> <p>OR</p> <p>Comprehensive studies that address nonpoint source pollution in TMDL watershed.</p> <p>OR</p> <p>Reports for projects that are needed to meet MS4 permit retrofit requirements.</p>	<p>20 POINTS:</p> <p>Reports for projects that address a water quality impairment identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan).</p> <p>OR</p> <p>Reports for projects or comprehensive studies that address a water quality impairment listed as “precluded” or “impaired” in the Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment assessment.</p> <p>OR</p> <p>Reports for projects that support multiple actions in a DEC Watershed Action Agenda or Plan.</p> <p>OR</p> <p>Reports for projects that address documented water quality standard exceedances for regulated bathing beaches.</p> <p>OR</p> <p>Reports for projects identified in a DEC-approved plan or report (i.e., Resilient New York Flood Mitigation Report) that address nonpoint source pollution.</p>	<p>10 POINTS:</p> <p>Reports for projects or studies that address a water quality impairment listed as “stressed” or “threatened” in the WI/PWL segment assessment.</p> <p>OR</p> <p>Reports for projects that support an action in a DEC Watershed Action Agenda or Plan.</p>	<p>5 POINTS:</p> <p>Reports for projects or studies that would impact a waterbody of a WI/PWL segment that is listed as “unassessed” or is not listed in the WI/PWL.</p>
<p>Vision</p> <p><i>10 to 2 points available</i></p>	<p>10 POINTS:</p> <p>Reports for projects that are part of a comprehensive program.</p> <p>OR</p> <p>Reports for projects to protect a specific public drinking water supply.</p> <p>OR</p> <p>Reports for projects to improve the water quality of a specific regulated bathing beach.</p>	<p>5 POINTS:</p> <p>Reports for projects that cover multiple project locations.</p> <p>OR</p> <p>Reports for projects that address aquatic habitat connectivity and/or flood resiliency.</p>	<p>2 POINTS:</p> <p>Reports for a single project at one location or not part of a comprehensive program.</p>	

Environmental Justice 2 to 0 points possible	2 POINTS Reports for projects that improve water quality in an Environmental Justice area or positively impact drinking water quality serving an EJ community.	0 POINTS Reports for projects that do not improve water quality in an Environmental Justice area nor positively impact drinking water quality serving an EJ community
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Reasonableness of Cost <i>20 to 0 points available</i>	20 POINTS: Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project.	10 POINTS: Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project.	0 POINTS: Cost is not reasonable for this type of project. <i>Applications that receive 0 points for Reasonableness of Cost will not be funded.</i>
Experience & Ability <i>10 to 0 points available</i>	10 POINTS: Applicant has shown the ability to complete state funded non-agricultural nonpoint source projects in the past 10 years in a timely manner. OR Applicant has sufficiently shown its ability to complete this non-agricultural nonpoint source project based upon experience with similar non-agricultural nonpoint source projects.	5 POINTS: Applicant has shown the ability to complete a state funded project that was not related to non-agricultural nonpoint source treatment in the past 10 years in a timely manner. OR Applicant has not been awarded a state grant in the past 10 years but appears to have the experience and ability to carry out the project.	0 POINTS: Applicant does not possess the knowledge, skills and ability to complete the program and does not have prior experience with DEC Division of Water grants in the last 10 years. OR Applicant has prior experience with DEC grants in the last 10 years and did not complete all tasks in a timely manner. <i>Applications that receive 0 points for experience and ability will not be funded.</i>
Regional Economic Development Priority Points	<i>Up to 20 points are assigned by the Regional Economic Development Council according to their criteria.</i>		
Total Maximum Points	100		

B. Municipal Separate Storm Sewer System (MS4) Mapping

Funding can be used to complete comprehensive stormwater system maps. This program category encourages and supports cooperation among regulated MS4s to complete mapping of their stormwater system.

Award Amounts

For MS4s applying as a collaborative, grants of up to \$30,000 per municipality are available for MS4 mapping, with grants of up to \$400,000 available per MS4 collaborative. For MS4 municipalities that must apply alone (see Requirements for All MS4 Mapping section for justification required to apply as single municipality), there is a maximum grant award of \$75,000. There is no minimum award amount. Applicants are limited to one (1) application per round.

Eligible Applicants

- Municipalities⁹⁰
- Soil and Water Conservation Districts
- Regulated traditional MS4s⁹¹

Requirements for All MS4 Mapping

- Mapping must meet the minimum MS4 permit requirements.
- Applicants must participate in an area-wide municipal cooperative stormwater group if one exists. If one does not exist, the application must document the steps that are being taken to develop a group, which must be formed prior to receiving a grant award. In the rare case where a coalition does not exist nor will be established, the application must justify the reasons in the application.
- Funding will be considered for proposals submitted on behalf of multiple regulated MS4s. Only the lead applicant needs to register in the NYS Grants Gateway (<http://grantsreform.ny.gov>). Projects being undertaken by multiple regulated MS4s in the same county or urbanized area will receive additional points. A list of the cooperating MS4s must be provided in the application.
- Applications must include the creation of electronic or GIS system of mapping or specify the use of an already established electronic or GIS system to be expanded upon.
- Basic mapping elements (red in table below) are either required by the NYS Small MS4 General Permit-0-15-003 or considered by DEC to be necessary for effective system management. Therefore, all Basic elements must be completed before grant or match funds can be used for items in the Intermediate or Advanced elements map categories.
- Simultaneous mapping of Basic, Intermediate, and Advanced elements is permitted but any unmapped Basic elements must be included in the application scope of work.
- Information from the WI/PWL must be included in the maps/deliverables created.

⁹⁰ For the purposes of this grant, “municipality” means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof.

⁹¹ 40 CFR 122.26(b)(16)(i), Small municipal separate storm sewer system means all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that are discharges to waters of the United States.

- Final deliverables must include final map product and final summary report. Required elements for the final deliverables are available at <http://www.dec.ny.gov/pubs/116725.html>.

Comprehensive System Mapping Table for All MS4 Applications

The table below lists the elements of a comprehensive MS4 system map and is duplicated as a worksheet at <http://www.dec.ny.gov/pubs/116725.html>. For any application to be eligible for this grant, a completed worksheet showing level of mapping **must be attached** for each MS4 participating or benefitting directly or indirectly from the proposed project. The worksheet will help applicants identify their mapping needs.

	Basic Elements Map (Application must include these elements if they are not already included in map)	Intermediate Elements Map (Applications must look to include these elements if they are not already included in map)	Advanced Elements Map (Elements beyond the required permit elements)
Outfall Mapping			
Receiving waterbody name	X		
Type of conveyance (i.e. open drainage, closed pipe, catch basin, etc.)	X		
Outfall material	X		
Outfall shape	X		
Outfall Prioritization ⁹²	X		
Type of outfall (i.e. direct, indirect, interconnected MS4 outfall)	X		
Submerged in water?	X		
Submerged in sediment?	X		
Latitude/longitude	X		
Land use in drainage area			X
Inspection data			X
Owner			X
Structure/facility ID			X
Storm Sewer System Mapping⁹³			
Type of conveyance system (closed pipe or open drainage)	X		
Closed pipe or open drainage Description: material, shape, size	X		
Direction of flow	X		
Drop inlet, catch basin, and manhole locations	X		

⁹² For the purposes of this grant, the following criteria must be used to determine outfall prioritization: high priority outfall criteria are outfalls directly discharging to impaired waters and outfalls discharging to water with designated best usage of primary and secondary contact recreation or higher (Class AA-S, A-S, AA, A, B, SA, or SB) and all other outfalls are considered low priority outfalls.

⁹³ For the purposes of this grant, this also includes stormwater infrastructure located at municipally owned/operated facilities.

Number of connections to catch basins and manholes	X		
Latitude/longitude	X		
Receiving waterbody name		X	
Depth of catch basin/manhole			X
Sump depth of catch basins			X
Location of points receiving discharge from updrainage connections with adjacent MS4s (include name and contact information for adjacent MS4 Operator)			X
Owner			X
Structure/facility ID			X
Stormwater Management Practice (SMP) Mapping			
Address	X		
Latitude/longitude	X		
Type of SMP (pond, bioretention, swale, rain garden, etc.) ⁹⁴		X	
Receiving waterbody name		X	
Date practice was installed		X	
Ownership of SMP		X	
Responsible party for maintenance		X	
Location of documentation depicting O&M requirements and legal agreements for practice			X
Frequency of inspection of practice			X
Reason for SMP (retrofit, new development, flood control, etc.)			X
Location where SMP discharges (Does SMP drain to MS4?)			X
Contributing drainage area to SMP (if known)			X
Construction date (if known)			X
Last inspection date (if known)			X
Structure/facility ID			X
Municipality owned/operated facilities			
Location/address	X		
Latitude/longitude	X		
Name		X	
Type (Municipal buildings, DPW garage, vehicle and fleet maintenance areas (fire station, police station, bus stations), landfills, salt storage areas, parks & open space, solid waste		X	

⁹⁴ Stormwater Practice Type defined in the *New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices*, March 31, 2017.

disposal areas, transfer stations, marinas, etc.)			
Facility Prioritization ⁹⁵		X	
Receiving waterbody name		X	
Standard Industrial Classification (SIC) Code (if applicable)			X
SPDES ID or No Exposure ID (if applicable)			X
Responsible Department			X
Contact Information			X
Status of facility specific SWPPP (if high priority)			X
Location of facility specific SWPPP (if high priority)			X
Type of activities present on site			X
Last assessment date			X
Year built			X
Size of facility (acres)			X
Owner			X
Structure/facility ID			X
Sewershed Boundary			
Preliminary	X		
Impaired waters (if applicable)	X		
Per MS4 outfall		X	
Priority Areas			
Areas with onsite wastewater systems subject to Part IX requirements	X		
TMDL watersheds	X		
Land use within Impaired Watersheds (Commercial, HD Residential, LD Residential, Industrial, Open Space)		X	
Land use within other Watersheds (commercial, HD residential, LD residential, industrial, open space)		X	
Description of concern (i.e. sewershed to impaired waters, septic systems, high water table, industrial area, etc.)		X	
Pollutant(s) of concern (litter, sediment, nutrients, etc.)		X	

⁹⁵ For the purposes of this grant, the following criteria must be used to determine municipal facility prioritization: high priority facilities have one or more of the following on site: storage/use of chemicals, salt, petroleum, pesticides, fertilizers, anti-freeze, lead-acid batteries, tires, waste/debris; fueling stations; vehicle or equipment maintenance/repair; and/or turf management, excluding mowing (e.g., pesticide, fertilizer or other chemical application) and all other municipal facilities are considered low priority municipal facilities.

Areas contributing to impaired waterbodies		X	
Areas where stormwater flows have significant potential to cause erosion (soil, silt, rock, etc.)		X	
Areas contributing to waterbodies of significant value (drinking water supply, public bathing beaches, shellfishing, high recreation value)		X	
Densely populated residential areas		X	
Areas where a high number of construction activities are occurring		X	
Areas with a high number of illicit discharges		X	
Areas of high discharge potential (Refer to Table 14 of IDDE Guidance Manual for identification)			X
Areas of shallow groundwater			X
Areas of low infiltrative soils			X
Areas of historic on-site sanitary system failures			X
Sites with a history of major oil or chemical leaks/spills (Include date of event, type of spill, and final resolution)			X
High priority construction sites (Discharges to impaired waters, AA-S, AA, or A classified water sources, or T (trout)/TS (trout spawning) protected bodies)			X
Other areas of concern (wetlands, riparian buffers, flood plains, steep slopes, etc.)			X
Areas with onsite wastewater systems (include typical age)			X
Proposed Retrofits			
Location	X		
Contributing drainage area to the proposed stormwater retrofit	X		

Eligible Costs

- Salary and fringe benefits
- Contractual costs
- Travel
- Administrative costs

Ineligible costs/reports:

- Equipment (e.g., hardware)
- Software or GIS licenses
- Development of materials already available through the cooperative stormwater group
- Operating Expenses

- Indirect costs (e.g. space/property rent, utilities, and other office supplies)
- Legal fees
- Costs incurred outside the start and end date of the contract
- Applications for mapping that do not include the creation of an electronic or GIS system of mapping or specify the use of an already established electronic or GIS system to be expanded upon
- Applications for mapping only Intermediate Elements or Advanced Elements where the applicant and participating MS4s have not completed all requirements in the Basic Elements map category
- Applications that do not attach the Mapping Status Table Worksheet identifying the status of mapping for each of the parties in the cooperative agreement for this project

Required Attachments

- Budget worksheet
- Letters of support from regulated MS4 entities participating in and/or benefitting from this project
- Map(s) with the project area clearly identified. Map(s) must be a minimum of 1:24,000 scale USGS or DOT planimetric map.
- Completed Sexual Harassment Prevention Certification Form⁹⁶
- Mapping Status Table Worksheet⁹⁷ for each of the parties in the cooperative agreement for this project demonstrating level of mapping complete at time of application

Resources

- Additional information on Urbanized Areas: <http://www.dec.ny.gov/chemical/92258.html>.
- DECinfo Locator⁹⁸ (most up to date source of WI/PWL segment assessments): <https://www.dec.ny.gov/pubs/109457.html>.

Technical Contact:

Ethan Sullivan – (518) 402-1382

⁹⁶ Sexual Harassment Prevention Certification Form: <http://www.dec.ny.gov/pubs/116725.html>

⁹⁷ Mapping Status Table Worksheet: <http://www.dec.ny.gov/pubs/116725.html>

⁹⁸ For projects impacting surface water, the applicant must provide the correct WI/PWL segment ID and HUC 12 watershed of the closest waterbody that the project will impact. To find the closest WI/PWL segment, visit the DECinfo Locator and click on the link for “Environmental Quality Map View”. In the left column of the map, click on “Information List” and check the box for “Rivers, Streams and Shorelines” AND “Lakes, Reservoirs, and Estuaries” to display these map layers. Enter the address or project location in the “Search Near Me” search bar. Click on the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL segment assessment for that waterbody, click on the “Download Fact Sheet” link in the box. For guidance on how to read the WI/PWL segment assessment, visit <http://www.dec.ny.gov/chemical/36730.html>.

Evaluation Criteria – MS4 Mapping

Agency Points	Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Project Readiness or Experience and Ability will not be funded.			
Performance Measures <i>28 to 5 points possible</i>	28 POINTS: Project addresses Basic Elements Map (red column) items and will impact a waterbody that: Is listed in the Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment assessment as “precluded” or “impaired” where urban runoff is the known source; OR has a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan).	20 POINTS: Project addresses Intermediate Elements Map (yellow column) items AND will impact a waterbody that: Is listed in the WI/PWL segment assessment as “precluded” or “impaired” where urban runoff is the known source; OR has a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan).	15 POINTS: Project addresses Basic or Intermediate Elements Map (red or yellow column) items AND will impact a waterbody that: Is not listed on the WI/PWL segment assessment as “precluded” or “impaired” AND does not have a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan).	5 POINTS: Project addresses only Advanced Elements Map (green column) items.
Reasonableness of Cost <i>20 to 0 points possible</i>	20 POINTS: Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project.	10 POINTS: Cost is good as it applies to both achieving the project objectives and being a fiscally sound project.	5 POINTS: Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project.	0 POINTS: Cost is not reasonable for this type of project.
Vision <i>20 to 0 point(s) possible</i>	20 POINTS: Applicant has demonstrated support from all collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this mapping project. OR Project is on behalf of a single municipality with needs specific to the scope of this project AND is neither located in an area with other cooperating regulated MS4 entities nor are shared services available (must specify this in application).	10 POINTS: Applicant has demonstrated support from 50% or more of collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this mapping project.	5 POINTS: Applicant has demonstrated support from less than 50% of collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this mapping project.	0 POINT: Applicant has not demonstrated support <i>Applications that fall into this category will not be funded.</i>
Readiness <i>5 to 0 points available</i>	5 POINTS: Project has all necessary pieces in place to complete system mapping.	3 POINTS: Project has some of the necessary pieces in place to complete system mapping.		0 POINTS: Project has not secured any of the necessary approvals and is not ready to proceed with project implementation. <i>Applications that fall into this category will not be funded.</i>
Experience and Ability <i>5 to 0 points available</i>	5 POINTS: Applicant has shown the ability to complete state-funded MS4 projects in the past 10 years in a timely manner	3 POINTS: Applicant has shown the ability to complete a state funded project that was not related to MS4s in the past 10 years in a timely manner		0 POINTS: Applicant has demonstrated poor management of DEC Division of Water Grants contract(s) in the past 10 years

	OR Applicant has sufficiently shown its ability to complete this MS4 project based upon experience with similar MS4 projects.	OR Applicant has not been awarded a state grant in the past 10 years but appears to have the experience and ability to carry out the project	OR Applicant has not been awarded a DEC Division of Water grant in the past 10 years and does not appear to have the experience and ability to carry out the program <i>Applications that fall into this category will not be funded</i>
Environmental Justice 2 to 0 points possible	2 POINTS Projects that include mapping of an Environmental Justice area.	0 POINTS Projects that do not include mapping of an Environmental Justice area	
Regional Economic Development Priority Points	<i>Up to 20 points for this criterion are provided by the Regional Economic Development Councils</i>		
Total Maximum Points	<i>100 points</i>		

Grant Opportunity General Information and Conditions

Match

All grants require a local match equal to 10 percent of the requested grant amount. The match can include cash and/or in-kind services. Only costs eligible for this grant may be used as match. Match funds cannot come from other New York State funding sources but may come from federal funding sources. The applicant should identify the source of the match at the time that the application is submitted.

Grant Payment

The grant will be disbursed based on the awardee's progress toward completion of an acceptable report or final deliverable.

Soil and water conservation districts are eligible for a one-time advance payment of up to twenty-five percent of the grant amount for project start-up funding. After the advance payment, all additional payments will be made on a reimbursement basis; however, no additional payments will be made until the SWCD provides documentation showing that all the advance payment was spent on the project.

Municipalities are not eligible for advance payments. All payments to municipalities will be made on a reimbursement basis.

All awardees may apply for reimbursement of eligible project expenses on a calendar quarter basis after the contract between the Department and the grant recipient is executed. All reimbursement requests must be accompanied by a narrative progress report covering the same period as the reimbursement request.

The final reimbursement will be made to the awardee when the report and/or final deliverable is completed and accepted by DEC.

Project Selection

Projects will receive a final score and be selected for grant funding from the highest down to the lowest ranked scores. Applications must receive a minimum of 30 agency points to be eligible for funding.

DEC will consider regional distribution in the determination of awards, to the extent practicable.

Multiple Application Submissions

If an applicant chooses to submit multiple applications, please prioritize and rank the applications in terms of importance.

Contract Term

DEC expects the term of each contract to be consistent with the project timeline proposed in the grant application. The initial term of each contract will need to be between May 10, 2021 and May 9, 2023. Applicants should not apply if they do not expect their project to be complete by May 9, 2023.

All project costs must be incurred between the start and end dates of the contract to be eligible for reimbursement, or to be used as match for the grant.

Report Submittal

All reports and findings funded by this grant must be submitted to DEC and acceptable to DEC.

Definitions

In-Kind Services - means services performed by capable and qualified employees of the grant recipient for technical and administrative work that are directly related to and in support of the development of the report and are deemed reasonable by DEC.

Planning - means the orderly development of a project concept from the original statement of need or purpose through the evaluation of alternatives to a final recommendation on a course of action and measures to implement the selected alternative, including completion of the environmental review process and Historic Preservation Review requirements, if applicable.

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- Reduce a grant award from the requested amount if the indicated match is insufficient for the requested amount, or if the requested amount is greater than the defined maximum award amount.
- Award an agreement for any or all parts of the Program Overview in accordance with the method of award or withdraw the Program Overview at any time at the Department's sole discretion.
- Award only one application for funding in the event there are multiple application submissions for a single project or for pieces of a single project.
- Award to the next highest scoring application in the event a grantee fails to negotiate a grant contract with the Department within 90 days of a grant award.
- Monitor the progress of all grant awards and withdraw grant funding if the grantee fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.
- Not fund projects that are determined not to be consistent with NYS's Smart Growth Public Infrastructure Policy Act.
- Not fund projects that are determined not to be consistent with the Climate Leadership and Community Protection Act or its implementing regulations.⁹⁹
- Reject any or all applications at the agency's sole discretion.

Additional Application Submission Information

Pre-Application Requirements

All governmental entities (municipalities, municipal corporations, and soil and water conservation districts, and as further defined in this Program Overview) must register in the NYS Grants Gateway to be considered eligible for this grant opportunity <https://grantsmanagement.ny.gov/>.

In addition to registering, not-for-profit organizations must also complete the Vendor Prequalification process in the NYS Grants Gateway to be considered eligible to apply for this grant opportunity. Government entities are currently not required to complete the Vendor Prequalification process.

NYS Grants Gateway Registration Instructions:

If your organization has not already registered in the Grants Gateway, the registration is NOT an online process. Register now to allow time for processing!!

⁹⁹ The Climate Leadership and Community Protection Act is in Chapter 106 of the laws of 2019

- 1.) On the Grants Management Website at <https://grantsmanagement.ny.gov/resources-grant-applicants> download a copy of the Registration Form for Administrator.
- 2.) Complete the form according to the instructions provided. The completed form must be signed and notarized.
- 3.) After the form is received and reviewed, you will be provided with a Username and Password allowing you to access the Grants Gateway.
- 4.) Log in to the Grants Gateway at <https://grantsgateway.ny.gov>. You will be prompted to change your password at the bottom of your Profile page. Enter a new password and click the SAVE button located on the top, right-hand side of the page.

If you have previously registered and do not know your Username please email grantsgateway@its.ny.gov. If you do not know your Password, please click the Forgot Password link from the main log in page and follow the prompts.

Additional registration and prequalification information, including a video tutorial, is available on the Grants Management website at <https://grantsmanagement.ny.gov/videos-grant-applicants>.

The applicant name must exactly match the name of the eligible entity registered in the NYS Grants Gateway. Entities not registered in the Grants Gateway at the time of application will be found ineligible.

Debriefing Request

In accordance with section 163 of the NY State Finance Law, the Department must, upon request, provide a debriefing to any unsuccessful offeror that responded to the Program Overview, regarding the reasons that the proposal or bid submitted by the unsuccessful offeror was not selected for an award. An unsuccessful offeror wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that their proposal did not result in an award. Requests for debriefings after fifteen calendar days may be denied.

Formal Protest and Appeal Procedure

Any interested party who believes that he/she has been treated unfairly in the application, evaluation, bid award, or contract award phases of the procurement, may present a formal protest to DEC and request administrative relief concerning such action. Formal protests concerning a pending contract award must be received within five (5) business days after the protesting party knows or should have known of the facts that constitute the basis of the formal protest.

Sexual Harassment Prevention Certification

State Finance Law §139-l requires all applicants of grant funding to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees.

Where applying for grant funding is required pursuant to statute, rule or regulation, every application submitted to the state or any public department or agency of the state must contain the following statement: "By submission of this application, each applicant and each person signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law."

Applications that do not contain the certification will not be considered for award; provided however, that if the applicant cannot make the certification, the applicant may provide a signed

statement with their application detailing the reasons why the certification cannot be made. After review and consideration of such statement, the Department may reject the bid or may decide that there are sufficient reasons to accept the bid without such certification.

Applicants are required to sign and upload the Sexual Harassment Prevention Certification form or upload a signed statement with their application detailing the reasons why the certification cannot be made into the pre-submission uploads folder.

State Environmental Quality Review Act (SEQR) and Permits

The applicant is responsible for assuring that any SEQR determinations, permits, approvals, lands, easements and rights-of way that may be required to carry out the activities of the project are obtained.

Letters of Permission/Municipal Endorsement

The applicant must own the property, or obtain an applicable access agreement, for the proposed project site.

- If the property is owned by the applicant – a copy of the current deed.
- If the property owner is a municipality – a resolution by the municipality supporting the project.
- If the property is not owned by the applicant – a formal written agreement between the applicant and landowner which allows the applicant access to the property, and represent the landowner, to accomplish the proposed project.

Quality Assurance

Quality assurance applies to all programs/projects that involve the collection, generation or use of environmental data associated with the mapping, modeling, monitoring, and assessment of water quality data intended for use by the New York State Department of Environmental Conservation for its regulatory purposes. This includes the design or use of water quality focused environmental technology. Activities associated with these types of programs/projects, conducted in the field or laboratory, shall be:

- a. Performed in accordance with an effective quality system for planning and assessing environmental measurements and tests, and for conducting required quality assurance and quality control procedures to promote and maintain the accuracy and reliability of environmental measurements and test results. An effective Quality System includes a Quality Assurance Project Plan (QAPP) based on guidance provided by the USEPA Guidance for Quality Assurance Project Plans (QA/G-5 May 2006), or American National Standard ASQ/ANSI E4:2014: Quality management systems for environmental information and technology programs—Requirements with guidance for use, approved February 4, 2014.
- b. Performed by a laboratory certified by the New York State Department of Health (NYSDOH) under the Environmental Laboratory Approval Program (ELAP) pursuant to Section 502 of the Public Health Law. This requirement shall not apply to specific parameters where NYS DOH ELAP has not issued a certificate for the specific parameter.
- c. Performed in a manner that ensures all requisite quality control and calibration requirements are met, including field testing, sample collection, preservation, and record-keeping. Basic quality assurance and quality control requirements defined in 40 CFR Part 136.7 shall be followed as well as any specific method requirements.

- d. Required to submit environmental monitoring data electronically to US EPA Water Quality Exchange (WQX) following the guidance as set by US EPA's WQX Submission Instructions.
- e. Covered under the Publicity clause (article IV.G.) of the Master Contract for Grants – Standard Terms and Conditions. Specifically, the Contractor agrees that any work products, including but not limited to, water quality data or environmental information; measured, generated, or developed under this contract shall not be released, published, cited, or shared in draft or final form without prior written authorization from the Department.

Historic Preservation Review Requirements

For projects that involve properties listed on the State or National Registers of Historic Places, all work undertaken as part of a grant-assisted project must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

Questions about or proposals for listing on the State or National Register should be directed to the OPRHP National Register Unit at (518) 237-8643. To ensure the public benefit from the investment of state funding, preservation covenants or conservation easements will be conveyed to the State (OPRHP) for all historic property grants.

Coastal Consistency Requirements

SEQR Type I and Unlisted actions located within the NYS Department of State's coastal zone boundaries must meet the consistency requirements of the Secretary of State's Coastal Management Program. This consistency determination will be performed by the Department as part of the grant review process. If the proposed project is located within a municipality that has an approved Local Waterfront Revitalization Plan (LWRP), the policies of that LWRP apply. Projects in other areas will need to be consistent with the State's 44 coastal policies. The coastal policies can be found at <https://www.dos.ny.gov/opd/programs/consistency/index.html>. Applicants are encouraged to determine if their project is located within the coastal zone, and to include in their site plan or sketch map their project's location within the coastal zone boundaries if applicable. Maps of the coastal zone boundaries can be found at <https://www.dos.ny.gov/opd/programs/consistency/index.html>.

Grant Program Reporting

Quarterly Narrative Reports must be submitted in narrative form, no later than 30 days from the end of the calendar quarter. The reports will summarize how the project progressed toward meeting project objectives and deliverables during the respective quarter. Quarterly reports shall be submitted in the NYS Grants Gateway.

Quarterly Expenditure Reports, detailed by object of expense as defined in the Master Contract for Grants (MCG) Attachment B-1 Expenditure Based Budget, must accompany the quarterly Narrative Reports, no later than 30 days from the end of the calendar quarter. These reports must correlate to subsequent vouchers submitted for payment.

Quarterly MCG payment reimbursement requests will be accepted prior to submission of a final closeout reimbursement request. Approved project design, required permits and landowner permissions must be in place to submit a reimbursement request.

Final Report must be submitted and approved by the DEC prior to the release of the final contract payment to the Grantee. The Contractor must submit the Final Report no later than 60 days after the end of the contract period. The Final Report should report on all aspects of the program and detail how the use of grant funds were utilized in achieving the goals set forth in

the approved MCG Attachment C Work Plan. Copies of appropriate documents (i.e. inventory and/or management plan) must be submitted and approved by the DEC.

Any project involving volunteer time will be required to report the number of volunteers and the number of volunteer hours in their project quarterly status reports. The total number of volunteers and volunteer hours for the entire project must be reported in the Final Report.

Projects already receiving funds from another NYS or Federal assistance grant program are not eligible to receive funding for the same project activities identified in this Program Overview.

What to Expect If You Receive an Award

Notification of Award

Applicants selected to receive a grant award will be notified by email and in an official Department award letter.

IMPORTANT NOTE: By accepting an award, applicant agrees to abide by all Master Contract for Grants (MCG) terms and conditions. Any changes to the terms and conditions will not be accepted and may affect applicant's award.

State of New York Master Contract for Grants (MCG)

Applicants selected to receive a grant award will be required to execute a MCG within 90 days from the time of their award notification. Failure to submit timely required MCG documents could cause a grantee to lose their grant award. Applicants should review and be prepared to comply with all MCG terms and conditions should grant funding be awarded. The MCG and attachments can be reviewed and/or downloaded in the Grants Gateway HRE application under the screen named 'Contract Document Properties.' The MCG and attachments include:

- MCG Grants Face Page
- Standard Terms and Conditions (NYS standard terms and conditions)
- Attachment A-1 Program Specific Terms and Conditions (Agency and Program specific terms and conditions)
- Attachment B-1 Expenditure Based Budget (project expense categories and detail)
- Attachment C Work Plan (project objectives, tasks and performance measures)
- Attachment D Payment and Reporting Schedule (claims for reimbursement and grant reporting provisions)

IMPORTANT NOTE: Project related costs must be incurred within the term of the MCG to be considered eligible for reimbursement or match. Contract payments will not be approved or processed by the DEC until a MCG is fully approved by the DEC, and as applicable the Attorney General and the State Comptroller. All contracts must be approved by the contract start date, which will be determined at the time of an official award.

Applicants (referred to as "Contractor" following award of Grant Contract) Should Be Prepared to Comply With the Following MCG Requirements:

I. Insurance Requirements

Contractor will be required to carry appropriate insurance as specified in the MCG or LOA, Attachment A-1 Program Specific Terms and Conditions, and agree that each project consultant, project contractor and project subcontractor secures and delivers to the contractor appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies must name the contractor as an additional insured, with appropriate limits, covering contractor's public liability and property damage insurance, contractor's contingency liability insurance, "all-risk" insurance and workers compensation/disability benefits coverage for the project.

- II. Permit Requirements (if applicable)
Contractors agree to obtain all required permits, including but not limited to, local, state and federal permits prior to the commencement of any project related work. The Contractor agrees that all work performed in relation to the project by the Contractor or its agents, representatives, or contractors will comply with all relevant federal, state and local laws, rules, regulations and standards, zoning and building codes, ordinances, operating certificates for facilities, or licenses for an activity.
- III. State Environmental Quality Review Act (SEQR) Documentation
With respect to the project, the Contractor certifies that it has complied, and shall continue to comply with all requirements of SEQR. The Contractor agrees to provide all environmental documents as may be required by the DEC. The Contractor has notified, and shall continue to notify, the DEC of all actions proposed for complying with the environmental review requirements imposed by SEQR.

Vendor Responsibility Questionnaire

Not-For-Profit contractors and/or subcontractors are subject to a vendor responsibility review by the State to ensure public dollars are being spent appropriately with responsible contractors. A vendor responsibility review may include a contractor and/or subcontractor to present evidence of its continuing legal authority to do business in NYS, integrity, experience, ability, prior performance, and organizational and financial capacity. To enroll in and use the NYS VendRep System, see the VendRep System instructions available at <http://www.osc.state.ny.us/vendrep/enroll.htm>, or go directly to the VendRep System at <https://portal.osc.state.ny.us>.

Iran Divestment Act

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. By entering into a Contract, the Contractor certifies that it is not on the “Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012” list (“Prohibited Entities List”) posted on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additional detail on the Iran Divestment Act can be found in the MCG, Attachment A-1 Program Specific Terms and Conditions.

Minority/Women Business Enterprises (M/WBE) and Equal Employment Opportunities (EEO) Requirements

The Department is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (“MWBE Regulations”) for all State contracts with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction. Applicants subject to executing a future NYS Master Contract for Grants agree, in addition to any other nondiscrimination provision of the MCG and at no additional cost to the Department, to fully comply and cooperate with the Department in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for certified minority and women-owned business enterprises (“M/WBEs”). Contractor’s demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, state or local laws.

Failure to comply with M/WBE and EEO requirements may result in a Department finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages or enforcement proceedings.

Please refer to the NYS Master Contract for Grants - Article IV (J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review M/WBE and EEO requirements. Required M/WBE and EEO related forms can be found at <http://www.dec.ny.gov/about/48854.html>

- The local government is responsible for designating someone to serve as their Affirmative Action representative. The governing body should make this designation through official means.
- A list of certified M/WBE enterprises can be obtained via the internet from the NYS Department of Economic Development at <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=9885>
- Contracts which meet the established M/WBE-EEO thresholds require the Contractor to submit Quarterly Reports, http://www.dec.ny.gov/docs/administration_pdf/quarterlyversion7.pdf, detailing payments made by the Prime Contractor to NYS Certified M/WBEs.
- For purposes of this procurement, the Department hereby establishes an overall goal of up to **30%** for Minority and Women-Owned Business Enterprises (“MWBE”) participation, (based on the current availability of qualified MBEs and WBEs).

MWBE Responsibilities & Requirements Document

- Contractors must read, sign, and submit the NYSDEC MWBE Responsibilities & Requirements document as part of the grant application. This document describes the MWBE requirements and provides directions for completing the required MWBE Utilization Plan form and subsequent Quarterly Reports.

DEC M/WBE Compliance
NYS Department of Environmental Conservation
Bureau of Contract and Grant Development/MWBE Program
625 Broadway, 10th Floor
Albany, New York 12233-5028
Phone: (518) 402-9240
Fax: (518) 402-9023

Procurement of Contractors/Subcontractors

Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money. Failure to comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.

Americans With Disabilities Act

In the event the monies defined herein are to be used for the development of facilities, outdoor recreation areas, transportation or written or spoken communication with the public, the Contractor shall comply with all requirements for providing access for individuals with disabilities as established by Article 4A of the New York State Public Buildings Law, Americans with Disabilities Act, and relevant sections of the New York State Uniform Fire Prevention and Building Code. Standards for certain Recreation Facilities are found in the 2010 ADA Standards for Accessible Design while others are found in the Architectural Barriers Act Accessibility Guidelines for Outdoor Recreation Areas <https://www.access-board.gov/guidelines-and-standards>.

Environmental Facilities Corporation

Green Innovation Grant Program

Funding Available: \$15 million

The Green Innovation Grant Program (GIGP) provides grants on a competitive basis to projects that improve water quality and mitigate the effects of climate change through the implementation of one or more of the following green practices:

- **Green Stormwater Infrastructure**
- **Energy Efficiency**
- **Water Efficiency**

GIGP projects selected for funding go beyond offering a greener solution. They maximize opportunities to; leverage the multiple benefits of green infrastructure, energy efficiency, and water efficiency, build capacity in these environmentally innovative fields, and/or facilitate the transfer of new technologies and practices to other areas of the State.

PROGRAM PRIORITIES:

Climate Change Mitigation: Projects that implement one of the three eligible green practices to reduce the effects of greenhouse gases and/or expand clean energy initiatives.

Environmental Justice: Projects that use green practices to advance the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Integration: Projects that demonstrate the value of integrating green stormwater infrastructure into traditional gray clean water infrastructure projects to provide water quality benefits.

Natural Restoration: Projects that demonstrate the effectiveness of green stormwater infrastructure in a natural environment, such as flood plains, riparian buffers, streams, and wetlands.

Transformation: Larger transformative projects that utilize green practices to provide multiple environmental, economic, and social benefits. These projects align with larger goals of the community or region.

Please Note, no more than 2 open GIGP grants are allowed at one time. Eligible applicants may submit more than one grant application. EFC, however, reserves the right to limit GIGP funding to one grant award per applicant. Applicants must prioritize projects if submitting more than one application.

FUNDING OVERVIEW: Up to \$15 million in grants will be available for several types of grants that range in coverage from a minimum of 50% up to a maximum of 90% of total eligible project costs as estimated in the application for planning, design, and construction.

A local match for the balance of the estimated project costs is required. See below for more information on types of grants.

Funding will be provided to projects to the extent that funds are available based on the selection criteria, including the specific green practice, water quality impacts of the project, and financial need. EFC, in its sole discretion, may fund all or only a portion of an eligible project and will determine the percentage grant available to any project. The maximum grant amount for an individual GIGP award is \$3 million.

The maximum percentage grant available to a GIGP project will be determined based on the median household income (MHI) of the municipality in which the project is located and whether EFC determines the project serves, protects, or benefits an environmental justice area. Projects in municipalities that meet the following MHI criteria, or that serve, protect, or benefit an environmental justice area will be eligible to receive up to the maximum grant available for the green practice.

- Municipal MHI equal to or less than \$90,000 for communities in the Long Island, New York City and Mid-Hudson Regions.
- Municipal MHI equal to or less than \$70,000 for communities in New York State, excluding the Long Island, New York City and Mid-Hudson Regions.

All other awards would be eligible for a maximum grant up to the lesser grant available as set forth under “Funding” under each practice. If a project employs two green practice EFC will determine which maximum applies.

SELECTION CRITERIA: A project will be scored and selected based on the level to which it:

- Addresses environmental justice issues
- Establishes or restores natural features, ecology, and hydrology
- Implements measures that address climate change, including cooling the surrounding environment, mitigating urban heat islands, reducing air pollution, and reducing energy use
- Is likely to succeed based on project development at time of application
- Makes measurable improvements to or protects water quality, including applicant’s proposal for generating water quality metrics
- Leverages additional resources through removing barriers to collaboration, developing new partnerships, utilizing staff, securing other funding and investments, and/or provides workforce development
- Plans for the long-term operation, maintenance, and water quality of the project
- Provides opportunities for the applicant to facilitate the transfer of new technologies, knowledge, and practices to other water quality issues and other regions of the State
- Spurs innovation in the area of green stormwater infrastructure, energy efficiency, or water efficiency through the development and/or adoption of new technologies

EVALUATION CRITERIA:

- 15% Planning
- 10% Implementation

- 20% Environmental Impact
- 35% Environmental Benefit
- 20% REDC

EFC reserves the right to not award grant to projects that receive less than 40 points of the 100 available points.

EFC will consider regional distribution in the determination of awards, to the extent practicable.

AWARDEE REQUIREMENTS: Awardees must fulfill certain requirements to enter into a Grant Agreement with EFC, including:

- EFC Certificate for Procuring Architectural and Engineering (A/E) Services. All A/E services must be procured in accordance with 40 U.S.C 1101
- Single Audit compliance as defined in 2 CFR 200, subpart 7
- State environmental and historic preservation reviews, i.e., SEQR and SHPO
- Detailed final budget and plan of finance to show that sufficient funding has been secured
- Proof of legal right to own, operate and maintain project for the duration of its useful life
- Compliance with Minority/Women-Owned Business Enterprises (MWBE) requirements
- Compliance with Davis Bacon Wage and American Iron and Steel Requirements (Treatment Works Projects Only)

GREEN STORMWATER INFRASTRUCTURE

SUMMARY: Green stormwater infrastructure projects improve water quality by reducing and treating stormwater at its source through infiltration and/or evapotranspiration. Green stormwater infrastructure projects selected for funding go beyond offering a greener solution. Green stormwater infrastructure practices treat rainwater as a valuable resource to be harvested and used on site, or filtered and allowed to soak back into the ground, recharging our aquifers, rivers and streams. The plants used in green stormwater infrastructure help to cool our surroundings and improve air quality through the process of evapotranspiration. These green practices have multiple benefits, which include restoring habitat, protecting against flooding, providing cleaner air, and beautifying our streets to spur economic development and community revitalization.

FUNDING: The maximum percentage grant is up to 90% of eligible project costs for a green stormwater infrastructure project in a municipality that meets the MHI criteria, or that serves, protects, or benefits an environmental justice area. All other green infrastructure projects are eligible to receive up to a maximum of 75% of total eligible project costs.

ELIGIBLE APPLICANTS:

- Municipalities
- Private Entities
- State Agencies

- Soil and Water Conservation Districts

ELIGIBLE ACTIVITIES:

Regional Green Stormwater Infrastructure projects utilize green stormwater infrastructure to restore natural landscape features, such as flood plains, riparian buffers, streams, and wetlands. These natural features provide water quality benefits and enhance watersheds, while preserving wildlife and their habitat.

Local Green Stormwater Infrastructure projects are typically located in an urban environment and consist of site and neighborhood specific practices, such as bioretention, cisterns, downspout disconnections, green roofs, green walls, permeable pavements, stormwater street trees, and urban forestry programs.

Eligible projects must meet or exceed requirements identified in USEPA Green Project Reserve guidance (published in 2012).

APPLICATION REQUIREMENTS: All applicants must submit a conceptual site plan, existing conditions plan, a feasibility study, and site photographs with their Consolidated Funding Application (CFA). Minimum content requirements for the feasibility study, conceptual site plan, and existing conditions plan, are included in the CFA and can also be found at: www.efc.ny.gov/gigp

Applicants should refer to the New York State Stormwater Management Design Manual: <http://www.dec.ny.gov/chemical/29072.html> for design guidance.

INELIGIBLE ACTIVITIES/COSTS: Ineligible activities and costs include, but are not limited to, the following:

- Hardening, channelizing, or straightening streams and/or stream banks
- In-line and end-of-pipe treatment systems that only filter or detain stormwater
- Stormwater controls that have impervious or semi-impervious liners and provide no compensatory evapotranspirative or harvesting function for stormwater retention
- Stormwater conveyance systems that are not soil/vegetation based (swales) such as pipes and concrete channels
- Stormwater ponds that serve an extended detention function and/or extended filtration, including dirt-lined detention basins
- Underground stormwater control and treatment devices such as swirl concentrators, hydrodynamic separators, baffle systems for grit, trash removal/floatables, oil and grease, inflatable booms and dams for in-line underground storage and diversion of flows
- Practices implemented to comply with the requirements of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-15-002
- Wetlands construction or restoration required as compensation (mitigation) for adverse impacts to wetlands or other environmental damage caused through construction activities
- Purchase of capital equipment such as street sweepers, sewer cleaners, and vector trucks
- Project costs not directly related to water quality, including asbestos abatement and site amenities, e.g., bus shelters, benches, light poles, traffic devices

ENERGY EFFICIENCY

SUMMARY: Energy Efficiency projects improve technologies and/or practices to reduce the energy consumption of water quality projects, use energy in a more efficient way, or produce/utilize renewable energy.

FUNDING: The maximum percentage grant is up to 75% of eligible project costs for an energy efficiency project in a municipality that meets the MHI criteria, or that serves, protects, or benefits an environmental justice area. All other energy efficiency projects are eligible to receive up to a maximum of 50% of total eligible project costs.

ELIGIBLE APPLICANTS: Publicly Owned Treatment Works (POTW)

ELIGIBLE ACTIVITIES:

Renewable Energy projects such as wind, solar, micro-hydroelectric, and biogas combined heat and power systems (CHP) that provide power to a POTW. POTW renewable energy projects can be located onsite or offsite. These projects include the portion of a publicly owned renewable energy project that serves the POTW's energy needs. The project must feed into the grid from which the utility draws and/or must be directly connected to the grid.

Energy Efficient Replacement projects achieve at least a 40% reduction in energy consumption through the replacement of equipment with energy efficient equipment. These projects must compare the energy used by the existing system or unit process to the proposed project. The energy used by the existing system should be based on name plate data when the system was first installed, recognizing that the old system is currently operating at a lower overall efficiency than at the time of installation. New POTW projects or capacity expansion projects should be designed to maximize energy efficiency and should select high efficiency premium motors and equipment where cost effective.

Eligible projects must meet or exceed requirements identified in USEPA Green Project Reserve guidance (published in 2012)

APPLICATION REQUIREMENTS: All applicants must submit an engineering report consistent with the DEC/EFC Engineering Report Outline, and Flex Tech report if available, with their CFA.

INELIGIBLE ACTIVITIES / COSTS: Ineligible activities and costs include, but are not limited to, the following:

- Renewable energy generation by a privately owned facility or the portion of a publicly owned renewable energy facility that does not provide energy to a POTW, either through a connection to the grid that the utility draws from and/or a direct connection to the POTW.
- Replacing a pump or other piece of equipment, because it is at the end of its useful life, with something of average efficiency.
- Facultative lagoons, even if integral to an innovative treatment process.

WATER EFFICIENCY

DESCRIPTION: Water Efficiency projects use improved technologies and/or practices to deliver equal or better services with less water. Water efficiency encompasses conservation and reuse efforts, as well as water loss reduction and prevention, to protect water resources for the future.

FUNDING: The maximum percentage grant is up to 75% of eligible project costs for a water efficiency project in a municipality that meets the MHI criteria, or that serves, protects, or benefits an environmental justice area. All other water efficiency projects are eligible to receive up to a maximum of 50% of total eligible project costs.

ELIGIBLE APPLICANTS: Municipalities

ELIGIBLE ACTIVITIES:

Water Meter Installation projects provide for the purchase and installation of water meters in previously unmetered areas. These projects can include backflow prevention devices if installed in conjunction with water meters.

Water Meter Replacement projects include the replacement of existing broken/malfunctioning water meters or upgrading existing meters with automatic meter reading systems (AMR), smart meters, meters with built in leak detection, or backflow prevention devices if installed in conjunction with water meter replacement.

Water Meter Retrofit projects add AMR capabilities or leak detection equipment to existing meters (not replacing the meter itself).

Water Reuse projects recycle gray water, condensate, and wastewater effluent to reduce potable water consumption.

Eligible projects must meet or exceed requirements identified in USEPA Green Project Reserve guidance (published in 2012)

APPLICANT REQUIREMENTS: All applicants must submit an engineering report consistent with the DEC/EFC Engineering Report Outline with their CFA.

INELIGIBLE ACTIVITIES / COSTS: Ineligible activities and costs include, but are not limited to, the following:

- Replacing drinking water distribution lines.
- Leak detection equipment for drinking water distribution systems.

ADDITIONAL RESOURCES:

For more GIGP program information, visit: <http://www.efc.ny.gov/gigp>

NYS EFC Wastewater Infrastructure Engineering Planning Grant Program

Funding Available: Up to \$2.5 Million

Description

The New York State Environmental Facilities Corporation (EFC) will offer grants to municipalities to help pay for the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects. Up to \$2.5 million has been made available for this round of the Wastewater Infrastructure Engineering Planning Grant (EPG) program.

Grants of up to \$100,000¹⁰⁰ are available to municipalities to fund engineering and planning to produce an engineering report.

The goal of the EPG program is to encourage communities to advance water quality projects to design and ultimately construction by funding the development of an engineering report so the community may be prepared to seek financing through the CWSRF program, Water Quality Improvement Project program, or other funding entities to further pursue the identified solution.

Eligible Applicants

- Municipalities as defined in the Definitions section of this document with median household income (MHI):
 - Equal to or less than \$70,000 according to the United States Census, 2017 American Community Survey for municipalities located in Regional Economic Development Council (REDC) regions of Capital District, Southern Tier, North Country, Mohawk Valley, Central NY, Finger Lakes, or Western NY; or
 - Equal to or less than \$90,000 according to the United States Census, 2017 American Community Survey for municipalities located in REDC regions of Long Island, New York City and Mid-Hudson.

A summary of the United States Census, 2017 American Community Survey MHI data can be found on the EPG page on the EFC website at www.efc.ny.gov/epg. An income survey for the service area of the project that has been approved by EFC within the past five years may be used in place of the 2017 census data.

- Municipalities may have no more than two active EPG awards at the same time. An active EPG award includes a project that has been awarded funding and is awaiting an executed grant agreement or currently has an executed grant agreement with EFC that does not have an accepted engineering report.

Eligible Activities

Funding must be used by municipalities for the preparation of an engineering report.¹⁰¹ This includes planning activities to determine the scope of water quality issues,

¹⁰⁰ See the “Grant Award Details” section of this document for details of funding amounts.

¹⁰¹ See the “Definitions” section of this document for specific information on the required contents of the engineering report.

evaluation of alternatives, and the recommendation of a capital improvement project. In addition, the costs to conduct an environmental review for the recommended alternative are eligible. Design and construction costs are not eligible.

Priority will be given to municipalities whose planning activities are:

- required by an executed DEC Order on Consent; or
- required by a NYS Department of Environmental Conservation (DEC) draft or final State Pollutant Discharge Elimination System (SPDES) permit (e.g. nutrient removal, inflow and infiltration, disinfection); or
- for upgrading or replacing an existing wastewater system; or
- for constructing a wastewater treatment and/or collection system for an area with failing onsite septic systems; or
- addressing a pollutant of concern in a watershed implementation plan (see Definitions section).

Requirements

The report must follow EFC/DEC's current Engineering Report Outline, consider storm and flood resiliency (sea level rise, storm surge, potential for flooding impacts, or other extreme weather event)¹⁰², consider impacts on environmental justice areas, and include a comprehensive analysis of the following alternatives:

- No-action alternative
- Green infrastructure, in combination with gray infrastructure or individually, is required for projects involving stormwater, including stormwater inflow to sewer systems. A justification must be provided if a green infrastructure component is not part of the recommended alternative.
- Repair or replacement versus new construction
- Regional consolidation opportunities
- Centralized versus decentralized (for new systems), or a combination thereof (small cluster or individual systems)

Any alternatives considered technically infeasible should be identified as such and the rationale briefly discussed.

Smart Growth alternative(s) must be considered and documented in the engineering report. Find more information regarding Smart Growth at

<https://www.efc.ny.gov/smartgrowth>

Projects Affecting Water Quality in Environmental Justice (EJ) Areas

New York State demonstrates a commitment to Environmental Justice (EJ) and remedies for communities that may be burdened by negative environmental consequences. Environmental justice is defined by the State as the fair treatment and meaningful involvement of all people, regardless of race, color or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. A report for a proposed project that positively impacts water quality in an EJ community or will positively impact drinking water quality serving an EJ

¹⁰² Must be consistent with the NYS Community Risk and Resiliency Act provisions and implementation guidance, which can be found at: <https://www.dec.ny.gov/energy/102559.html>.

community will receive points in the evaluation of an application where indicated. Maps of EJ areas in New York State are available at: <http://www.dec.ny.gov/public/911.html>.

To qualify for EJ points, your application must include details demonstrating water quality improvement to an EJ area or to drinking water serving an EJ community - where the benefit will be provided or the area served by the drinking water source.

Ineligible Planning Activities

- Projects that would not lead to the restoration or protection of a surface waterbody or groundwater.
- Projects that do not address improvements to a publicly owned treatment works.¹⁰³
- Projects and scope that are listed on the 2021 CWSRF Intended Use Plan Annual Project Priority List.
- Projects that were previously funded by an EPG for the same scope and project area.
- Projects with a completed engineering report.

Grant Awards

There are three grant award categories, as listed below, for the planning of wastewater infrastructure projects. The first two categories are for any wastewater infrastructure-related planning activity, including disinfection. The third category is limited to inflow and infiltration evaluations as a result of a DEC Order on Consent or SPDES Permit Compliance Schedule.

Category 1 - \$30,000 Grant

- Population of Municipality: 10,000 or less according to the United States Census, 2017 American Community Survey.

Category 2 - \$50,000 Grant

- Population of Municipality: Greater than 10,000 according to the United States Census, 2017 American Community Survey.

Category 3 - \$100,000 Grant

- Only for inflow and infiltration projects as a result of an Order on Consent or SPDES Permit Compliance Schedule (proof of enforcement must be provided)
- Population of Municipality: no limit

Population data can be found on EFC's website at www.efc.ny.gov/epg.

Match

All grants require a local match equal to 20 percent of the requested grant amount. The match may include cash and/or in-kind services¹⁰⁴. Other grants may not be used for

¹⁰³ In accordance with the laws, rules and regulations governing the CWSRF, projects defined in the federal Clean Water Act, Section 212 as treatment works must be publicly owned. See the "Definitions" section of this document on what is considered an eligible publicly-owned treatment works activity.

¹⁰⁴ See the "Definitions" section of this document for specific information on what is considered in-kind services.

local match. The applicant must identify the source of the match at the time that the application is submitted.

Grant Payment

The grant will be disbursed in two or more payments based on the municipality's progress toward completion of an acceptable engineering report. The municipality will receive its first disbursement as an advance payment once the grant agreement is executed. The final disbursement will be made to the municipality when its engineering report has been completed and accepted by EFC/DEC.

Long Range Program Goals

The State encourages grant recipients to use the engineering report completed with support from an EPG grant to seek financing through the CWSRF program, Water Quality Improvement Project program, or from other funding entities to pursue the recommended solution.

Evaluation Criteria

Applications will be scored out of 100 points and selected based on criteria on the following page. A maximum of 80 points will be determined by EFC and DEC, and an additional 20 points will be determined by your Regional Economic Development Council.

Category	Points	Evaluation Criteria
Performance Measures	36	Project would address: <ul style="list-style-type: none"> a pollutant of concern in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan), CSO Long Term Control Plan or SSO plan; or the discharge of a pollutant causing the impairment to a waterbody listed in the WI/PWL segment assessment as “precluded” or “impaired”; or the upgrade of municipal systems to meet new wastewater treatment effluent disinfection requirements.
	20	Project would address the discharge of a pollutant causing the impairment of a waterbody listed in the WI/PWL segment assessment as “stressed” or “threatened”.
	10	Project would address a documented water quality impairment that is not listed in the WI/PWL segment assessment.
	5	Project is necessary to preserve or protect a surface waterbody; no impairment associated with wastewater discharges is listed in the WI/PWL segment assessment.
Strategies	22	Project is: <ul style="list-style-type: none"> required by a draft or final SPDES Permit or Order on Consent, including the preparation of a flow management plan; or is identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan).
	12	Project is for a new wastewater treatment and/or collection system to replace or upgrade an existing system, but is not required by a draft or final SPDES Permit or Consent Order. This includes regionalization projects.
	6	Project is for a new wastewater treatment and/or collection system for a currently unsewered area.
Vision	7	Project is in a formally adopted plan ¹⁰⁵ and the Applicant has demonstrated that the public and stakeholders who will be affected by, or who can advance the project, have been engaged in project planning and implementation.
	3	Project is in a formally adopted plan or the Applicant has demonstrated that the public and stakeholders who will be affected by, or who can advance the project, have been engaged in project planning and implementation.
	0	Project is not in a formally adopted plan and the Applicant has not demonstrated that the public and stakeholders who will be affected by, or who can advance the project, have been engaged in project planning and implementation.
Agency Priority	10	Project is: <ul style="list-style-type: none"> required by an executed Order on Consent; or required by a draft or final SPDES permit (e.g. disinfection, nitrification, etc.); or constructing a wastewater treatment and/or collection system for an area with failing onsite septic systems; or identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Plan or DEC HABs Action Plan); or submitted by an applicant who qualifies as a hardship community in the 2021 CWSRF Intended Use Plan
	5	Project is to upgrade or replace an existing wastewater system.
	0	Project does not align with EFC and DEC priorities.
Environmental Justice	5	Project improves water quality in an Environmental Justice area or positively impact drinking water quality serving an EJ community.

¹⁰⁵ Formally adopted plans include comprehensive plans, master plans, asset management plans, local waterfront revitalization plans, and other land use planning type plans. Unacceptable plans include: annual system reports; consent orders, REDC strategies; TMDLs; TMDL implementation plans; watershed implementation plans; and watershed action agendas.

	0	Project does not improve water quality in an Environmental Justice area nor positively impact drinking water quality serving an EJ community.
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Applications will receive a final score and be ranked from highest to lowest score. Applications with the higher scores will be chosen for grants.

In case of a tie, EFC and DEC will look at individual scoring categories in the following order to determine a grant award:

1. Performance Measures
2. Strategies
3. Vision
4. Agency priorities
5. Tie breaker: date and time received

EFC and DEC will consider regional distribution in the determination of awards, to the extent practicable.

Multiple Application Submissions

If an applicant chooses to submit multiple applications for their municipality, please prioritize the applications. Please note, municipalities may only have two active EPG awards.

Successful Applicant Requirements

Documentation: Successful applicants must enter into a grant agreement to receive grant funds. The following items must be submitted to EFC/DEC prior to the execution of the grant agreement.

1. Detailed final budget and plan of finance including all third-party funding agreements, and satisfaction of the minimum 20 percent local match requirement.
2. Board resolution authorizing and obligating local match funds.
3. Board resolution for designation of an Authorized Representative for the project.
4. Board resolution declaring State Environmental Quality Review Act (SEQR) findings or determinations for the planning activities associated with this grant.
5. Executed Engineering Agreement that complies with NYS Minority/Woman-owned Business Enterprises (MWBE) and Service-Disabled Veteran-Owned Business (SDVOB) Program, and Equal Employment Opportunity (EEO) requirements.

The grant agreement must be executed within 12 months of the grant award.

Definitions

Engineering Report - means the document or documents that determines the technical feasibility and estimated cost of a CWSRF eligible project. Engineering reports are prepared by a professional engineer licensed and registered to practice in New York State and must follow EFC/DEC's Engineering Report Outline. The Outline can be found on NYS EFC's Engineering Planning Grant Program webpage at: <https://www.efc.ny.gov/EPG>

In-Kind Services - means services performed by capable and qualified employees of the grant recipient for technical and administrative force accounts that are directly related to and in support of the development of the Engineering Report and are deemed reasonable by EFC.

Municipality - means any county, city, town, village, district corporation, county or town improvement district, Indian reservation wholly within New York State, any public benefit corporation or public authority established pursuant to the laws of New York or any agency of New York State which is empowered to construct and operate a project, or any two or more of the foregoing which are acting jointly in connection with a project.

Planning - means the orderly development of a project concept from the original statement of need or purpose through the evaluation of alternatives to a final recommendation on a course of action and measures to implement the selected alternative, including completion of the environmental review process.

Treatment Works (Publicly-Owned) –means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances, only if they convey wastewater to a publicly owned treatment plant, and combined storm water and sanitary sewer systems.

Watershed Implementation Plan – means Total Maximum Daily Load (TMDL), DEC Harmful Algal Blooms (HABs) Action Plan (<https://www.dec.ny.gov/chemical/113733.html>), or DEC-approved Nine Element Plan (<https://www.dec.ny.gov/chemical/103264.html>).

Additional Resources

- NYS EFC/DEC engineering report guidelines: <https://www.efc.ny.gov/EPG>
- DECinfo Locator (most up to date source of WI/PWL segment assessments): <https://www.dec.ny.gov/pubs/109457.html>
- *TR-16 Guides for the Design of Wastewater Treatment Works, Latest Edition*—New England Interstate Water Pollution Control Commission: <http://neiwpc.org/learning-center/tr-16-guides-design-wastewater-treatment-works/>

- The *New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act*:
<https://www.dec.ny.gov/energy/102559.html#Implementation>
- Potential Environmental Justice areas information and maps:
<https://www.dec.ny.gov/public/911.html>
- For more information, visit <http://www.dec.ny.gov/pubs/81196.html> or www.efc.ny.gov/epg

Low Cost Financing

Federal Industrial Development Bond Cap

Available Funding: Up to \$300 million

DESCRIPTION:

Up to \$300 million of the 2021 statewide private activity bond allocation (“volume cap”) authority under Federal guidelines will be dedicated to facilitate lower cost tax-exempt bond financing for qualified projects by authorized State and/or local government issuers.

ELIGIBLE APPLICANTS/PROJECT TYPES:

In order to receive the benefits of a tax-exempt interest rate, private borrowers and their projects must be eligible under one of the federally-recognized private activity bond categories described in the Internal Revenue Code (IRC) sections 142-144, and 1394.

The most common economic-development related private activity bonds include:

- Industrial Development Bonds for small (\$10 million or less) manufacturing projects; and
- Exempt Facility Bonds, which cover a wide range of facilities including:
 - Airports;
 - Mass commuting facilities;
 - Qualified residential rental projects;
 - Facilities for the furnishing of local electric energy or gas;
 - Local district heating or cooling facilities; and
 - Sewage facilities and solid waste disposal facilities.

Projects must meet the eligibility requirements of the federal IRC and any laws, rules, or regulations governing the provision of financial assistance by the authorized issuer. In addition, special consideration shall be given to projects supporting Regional Economic Development Council Opportunity Agenda priorities and Downtown Revitalization Initiative projects.

Proposed projects that are part of the following initiatives will be looked upon favorably:

Downtown Revitalization Initiative and Strategic Community Investment

Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization and strategic place making through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses - creating dynamic neighborhoods where tomorrow’s workforce will want to live, work, and raise a family. Projects should reflect the general principles of smart growth and sustainable development.

Improving Access to Child Care

Despite record investments in child care, many New Yorkers still struggle to access high quality child care. This issue forces families to choose between quality child care and employment or places families in the position to use unlicensed child care providers. Applicants should provide any information about their project that works to improve access to child care.

Environmental Justice

Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As we transition to a greener economy, it is imperative that no subset of the population be marginalized or left behind.

Applicants should provide any information about how their project actively works to address these issues.

CONTACT/ADDITIONAL PROGRAM INFORMATION:

For more information eligible applicants should visit

<http://www.empire.state.ny.us/BusinessPrograms.html>

or contact George LaPointe at Empire State Development by calling (518) 292-5307.



**Regional Economic
Development Councils**