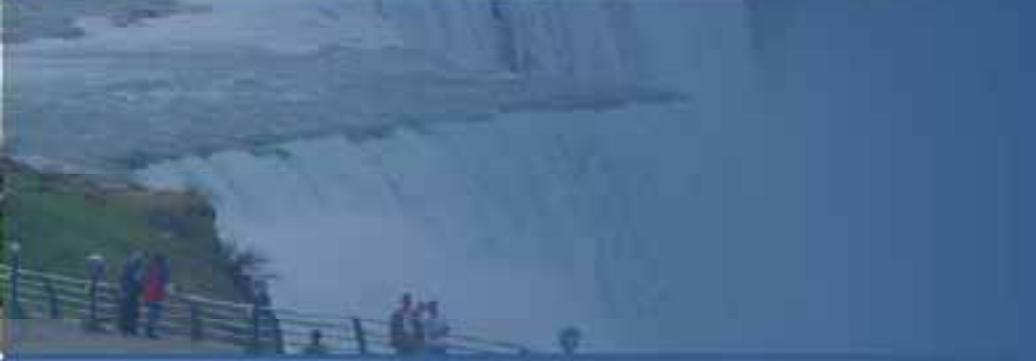




Available CFA Resources





**The New York State
Consolidated Funding Application**





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AFFORDABLE HOUSING

Housing Grants/Low-Interest Loans and Tax Credit Programs

(Up to \$125 million)

Site Specific, Multi-Family Rental Programs

Federal Low Income Housing Tax Credit

Description:

The Low-Income Housing Tax Credit Program (LIHC) is a federal housing program that finances the development or rehabilitation of affordable rental housing through the provision of a federal tax credit. The federal tax credit is provided as a one year allocation, but is claimed by investors each year for 10 years. LIHC was created by the Tax Reform Act of 1986, as amended, and is administered by New York State Homes & Community Renewal (HCR) pursuant to Section 42 of the Internal Revenue Code (IRC) and the LIHC Qualified Allocation Plan (located at Part 2040 of the New York Codes, Rules and Regulations). Key program definitions are provided in Section 2040.2 of the LIHC Qualified Allocation Plan (QAP).

Eligible Types of Applicants:

- Public Housing Authorities
- Not-for-profit Corporations (copies of proof of incorporation from the NYS Department of State or equivalent - if outside NYS- and proof of tax-exempt status under the IRC must be submitted with the application.
- For-profit Corporations (including private housing developers, limited partnerships and limited liability corporations)

Eligible Activities/Program Benefit Requirements:

LIHC finances the new construction or rehabilitation (which may include acquisition) of affordable rental housing for households with incomes at or below 60% of the area median income, as adjusted for family size, through the provision of a federal tax credit to entities which develop and own such housing. LIHC may also be used to finance a portion of the costs of appurtenant community service facilities. The equity generated by the sale of the tax credit finances most construction-related costs of the housing project, as well as associated soft-costs.

Pre-Application Requirements:

Includes evidence of site control, an appraisal, market study/analysis, funding commitments, tax credit investor term sheet, preliminary plans and specifications and Phase I Environmental Site Assessment. For a complete list of application requirements, go to <http://nysdhcr.gov/Funding/ConsolidatedFunding>.

Successful Applicants Requirements:

Successful program applicants must meet HCR's requirements as set forth in the QAP including application completeness, threshold eligibility and scoring provisions. Applicants must demonstrate the feasibility of construction costs, operational viability (LIHC projects are regulated for a minimum of 30 years) and readiness to proceed to construction start within 120 days or 180 days of award, depending on the location of the proposed project.

Funding Priorities:

HCR seeks to allocate the tax credit in a manner which maximizes the public benefit by advancing the State's housing goals, including addressing the State's need for low-income housing and community revitalization incentives by assisting in the development of the most rental housing units at the lowest cost to the State. HCR intends to finance projects which will advance the priorities of the State's Regional Economic Development Councils (REDC) and have received an REDC endorsement, address the preservation of existing affordable housing, and/or provide for supportive housing for persons with special needs, which includes the provision of services.

Ineligible Activities:

LIHC cannot finance non-residential facilities (except for community service facilities).

Selection Criteria:

Projects meeting the program's threshold eligibility requirements (see Section 2040.3 (e) of the QAP) are reviewed pursuant to the following scoring provisions (Section 2040.3 (f)):

- Community impact/revitalization (15 points)
- Financial leveraging (13 points)
- Sponsor characteristics (10 points)
- Green building (8 points)
- Long term affordability (7 points)
- Fully accessible and adapted, move-in ready units (5 points)
- Affordability (5 points)
- Individuals with children (5 points)
- Energy efficiency (5 points)
- Marketing plan/public assistance (5 points)
- Project readiness (5 points)
- Persons with special needs (5 points)
- Participation of non-profit organizations (4 points)
- Mixed income (3 points)
- Historic nature of project (3 points)
- Project amenities (2 points)

Award Criteria Details:

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

- All areas of the State are eligible.

Limitations:

- Maximum annual LIHC allocation per project which may be requested is \$1.43 million however, up to \$1.65 million may be requested for projects in which a) 50% or more of the units have three or more bedrooms to serve large families – i.e., households with five or more persons; or, b) 50% or more of the units will serve persons with special needs.
- Maximum annual LIHC allocation per unit which may be requested is \$22,000.

Long Range Goals:

- Safe and sanitary housing which will remain affordable and compliant with LIHC requirements for a minimum of 30 years from project completion.

Project Term Completion Dates:

- Construction commencement and completion deadlines are project specific, based on the development timeline proposed by the applicant and accepted by HCR, and are subject to the requirements of section 42 of the IRC.

Matching Fund Requirements:

- There are no mandatory matching fund requirements for LIHC. However, project leveraging of non-HCR funds to assist in financing the project represents a key scoring component in the competitive evaluation of the project.

Additional Resources:

For additional information, please contact Arnon Adler, Tax Credit Program Manager, at (518) 486-5044 or go to HCR's website at <http://nysdhcr.gov/Funding/ConsolidatedFunding>.

State Low Income Housing Trust Fund

Description:

The New York State Low-Income Housing Tax Credit Program (SLIHC) is a state housing program that finances the development or rehabilitation of affordable rental housing through the provision of a state tax credit. The State tax credit is provided as a one year allocation, but is claimed by investors each year for 10 years. SLIHC was established by Article 2-A of the Public Housing Law, which provides that SLIHC be administered in the same manner as the federal Low-Income Housing Tax Credit Program (LIHC), as authorized by Section 42 of the Internal Revenue Code (IRC). New York State Homes & Community Renewal administers SLIHC pursuant to regulations at Part 2040.14 of the New York Codes, Rules and Regulations (NYCRR) and the LIHC Qualified Allocation Plan (Part 2040 of NYCRR). Key program definitions are provided in Sections 2040.2 of the LIHC Qualified Allocation Plan (QAP) and 2040.14 (b) of the SLIHC Regulations.

Eligible Types of Applicants:

- Public Housing Authorities
- Not-for-profit Corporations (copies of proof of incorporation from the NYS Department of State or equivalent - if outside NYS- and proof of tax-exempt status under the IRC must be submitted with the application).
- For-profit Corporations (including private housing developers, limited partnerships and limited liability corporations)

Eligible Activities / Program Benefit Requirements:

SLIHC finances the new construction or rehabilitation (which may include acquisition) of affordable rental housing for households with incomes at or below 90% of the area median income, as adjusted for family size, through the provision of a state tax credit to entities which develop and own such housing. SLIHC may also be used to finance a portion of the costs of appurtenant community service facilities. The equity generated by the sale of the state tax credit finances most construction-related costs of the housing project, as well as associated soft-costs.

Pre-application Requirements:

Includes evidence of site control, an appraisal, market study/analysis, funding commitments, tax credit investor term sheet, preliminary plans and specifications and Phase I Environmental Site Assessment. For a complete list of application requirements, go to <http://nysdhcr.gov/Funding/ConsolidatedFunding/>.

Successful Applicant Requirements:

Successful program applicants must meet HCR's requirements as set forth in the SLIHC Regulation and the QAP, including application completeness, threshold eligibility and scoring provisions. Applicants must demonstrate the feasibility of construction costs, operational viability (SLIHC projects are regulated for a minimum of 30 years) and readiness to proceed to construction start within 120 days of award or 180 days of award, depending on the location of the proposed project.

Funding Priorities:

HCR seeks to allocate the tax credit in a manner which maximizes the public benefit by advancing the State's housing goals, including addressing the State's need for low-income housing and community revitalization incentives by assisting in the development of the most rental housing units at the lowest cost to the State. HCR intends to finance projects which will advance the priorities of the State's Regional Economic Development Councils (REDC) and have received an REDC endorsement.

Ineligible Activities:

SLIHC cannot finance non-residential facilities (except for community service facilities).

Selection Criteria:

Projects meeting the program's threshold eligibility requirements (see Section 2040.3 (e) of the QAP) are reviewed pursuant to the following scoring provisions (Section 2040.14 (d) of the SLIHC Regulations):

- Community impact/revitalization (15 points)
- Financial leveraging (13 points)
- Sponsor characteristics (10 points)
- Green building (8 points)
- Income Mixture (8 points)
- Long term affordability (7 points)
- Fully accessible and adapted, move-in ready units (5 points)
- Project readiness (5 points)
- Energy efficiency (5 points)
- Persons with special needs (5 points)
- Marketing plan/public assistance (5 points)
- Individuals with children (5 points)
- Participation of non-profit organizations (4 points)
- Historic nature of project (3 points)
- Project amenities (2 points)

Award Criteria Details:

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

- All areas of the State are eligible.

Limitations:

- Maximum annual SLIHC allocation per project which may be requested is \$750,000
- Maximum annual SLIHC allocation per unit which may be requested is \$20,000.

Long Range Goals:

- Safe and sanitary housing which will remain affordable and compliant with SLIHC requirements for a minimum of 30 years from project completion.

Project Term Completion Dates:

- Construction commencement and completion deadlines are project specific, based on the development timeline proposed by the applicant and accepted by HCR, and are subject to the requirements of Section 42 of the IRC.

Matching Fund Requirements:

- There are no mandatory matching fund requirements for SLIHC. However, project leveraging of non-HCR funds to assist in financing the project represents a key scoring component in the competitive evaluation of the project.

Additional Resources:

For additional information, please contact Arnon Adler, Tax Credit Program Manager, at (518) 486-5044 or go to HCR's website at <http://nysdhcr.gov/Funding/ConsolidatedFunding/>.

Low Income Housing Trust Fund

Description:

The Housing Trust Fund (HTF) Program provides funds for eligible applicants to rehabilitate vacant, underutilized, and distressed residential properties, to convert nonresidential properties to residential use and to construct new housing to expand the supply of affordable housing for persons of low income. The program was established by Article XVIII of the Private Housing Finance Law (PHFL) and is administered by the Housing Trust Fund Corporation (HTFC), which is part of New York State Homes & Community Renewal (HCR). The Housing Trust Fund Rules and Regulations (Parts 1900.1 to 1906.5) implement the provisions of Article XVIII of the PHFL.

Eligible Types Of Applicants:

- Municipalities, villages, towns, cities, and counties having a county department of assessment with the power to assess real property (For instances in which a city consists of more than one county, the term municipality shall refer to such city);
- Municipal Housing Authorities, provided that HTF funds may not be used in connection with rehabilitation or acquisition of housing authority owned property that: a) was financed pursuant to provisions of the Public Housing Law, and b) was owned by such authority prior to July 1, 1986;
- A person of low income, provided however, such person cannot be a direct recipient of any payment, grant or loan from the Housing Trust Fund Corporation;
- A housing development fund company incorporated pursuant to Article XI of the Private Housing Finance Law;
- Not-for-profit Corporations or charitable organizations, which have as one of their primary purposes the improvement or provision of housing for persons of low income, or a wholly-owned subsidiary of such a corporation or organization. Also, these organizations must have been in existence for at least one year and have working staff. Proof of not-for-profit or charitable status must be submitted with the application. Not-for-profit corporations must provide proof of incorporation from the New York State Department of State or equivalent – if incorporated outside NYS - and proof of tax-exempt status under the IRC ;
- A partnership at least fifty percent of the controlling interest of which is held by an eligible not-for-profit corporation or charitable organization or wholly-owned subsidiary thereof, and which has agreed to limit its profit or rate of return in accordance with a formula approved or established by the HTFC; or
- A private developer (for-profit corporation) which has agreed to limit its profits or rate of return of investors in accordance with a formula approved or established by the HTFC.

Eligible Activities:

The eligible costs of an HTF project shall be the actual and necessary cost of construction, rehabilitation or conversion including, but not limited to:

Construction and rehab costs such as labor, materials, construction manager or contractor fees, site preparation and demolition;

- Architectural, engineering or related professional services required in the preparation of construction or rehab plans, specs and drawings, or in the inspection of project construction, whether performed by an applicant or outside consultants;
- Costs of obtaining the construction or rehabilitation financing for a project such as private lender origination fees, credit reports, fees for title searches, fees for recording and filing of legal documents, building permits, attorney's fees, private appraisal fees and fees for an independent construction or rehab cost estimate;
- Fees charged by a public or private lender associated with disbursement of funds;
- Necessary and reasonable costs of temporarily relocating tenants who are displaced by the rehabilitation activities;
- The cost of property acquisition, including fees for the title search, title insurance, fees for filing legal documents, attorney's and appraisal fees; said costs shall not exceed 50 percent of the HTF payment, grant or loan;
- Carrying costs during the period of construction, rehab or conversion, such as interim financing, insurance, taxes, sewer, water rents or user charges;
- A working capital fund to be used for start-up expenses including, but not limited to, utility hook-up deposits, maintenance equipment and other initial project related expenses as determined by HTFC;
- Replacement reserve capitalization to be used for capital improvements and repairs, and
- Annual independent audit of project funds

Pre-Application Requirements:

Includes evidence of site control, an appraisal, a market study/analysis, preliminary plans and specifications, and a Phase 1 Environmental Site Assessment. For a complete list of application requirements, go to <http://nysdhcr.gov/Funding/ConsolidatedFunding/>.

Successful Applicant Requirements:

Applicants and proposed projects must meet program requirements outlined in Article XVIII of the PHFL, the HTF regulations and the application completeness, threshold eligibility and scoring provisions as described in the Request for Proposals. Applicants must also demonstrate the feasibility of construction costs, operational viability (HTF projects are regulated for a statutory limit of 30 years) and a readiness to proceed to construction start within 120 days of award or 180 days of award, depending on the location of the proposed project.

Funding Priorities:

Preference in awarding HTF shall be given to economically feasible projects which contain a substantial number of persons of low income whose income does not exceed fifty percent of the median income for the Metropolitan Statistical Area or county in which the proposed project is located. HCR seeks to award HTF funds awards in a manner which maximizes the public benefit by advancing the State's housing goals by assisting in the development of most rental housing units at the lowest cost to the State. HCR intends to finance projects which will advance the priorities of the State's Regional Economic Development Councils (REDC) and have received an REDC endorsement.

Ineligible Activities:

HTF funds may not be used to: create a capitalized operating reserve account; pay for space which is not residential in nature (except for a community space exclusively for HTF project tenants); cover expenses which shall be used for common elements which exclusively benefit any non-residential space, pay for the general administrative costs of the applicant; or cover the cost for any residential unit which will be occupied by persons other than persons of low income.

Selection Criteria:

HTF applications must pass established requirements for completeness and program eligibility, must meet programmatic scoring and ranking requirements, must be found to be economically feasible, must pass building design requirements, and must be approved by the Board of Directors of the Housing Trust Fund Corporation. See the Request for Proposals at <http://nysdhcr.gov/Funding/ConsolidatedFunding/> for a detailed listing of HTF selection criteria.

Award Criteria Details:

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

Generally, any village, town, city or county may be considered an eligible project area under the HTF program

Limitations:

No more than fifty percent of the total amount of funds originally appropriated in a single fiscal year to HTFC shall be allocated to projects within a single municipality.

No more than one third of the total amount of HTF funds originally appropriated in a single fiscal year shall be allocated to- a) private developers for projects within a city with a population of one million or more, b) private developers for projects outside cities with a population of one million or more.

- No more than fifty percent of an HTF award can be used towards project acquisition.
- HTF awards may not exceed \$125,000 per HTF unit.
- No more than ten percent of an HTF award can be used for a community service facility
- No more than ten percent of an HTF award can be used for a not-for-profit developer fee.

Long Range Goals:

To create or rehabilitate housing units for low income New Yorkers which will be safe, sanitary, decent, code compliant and which will be viable for the length of the 30 year HTF program regulatory term.

Project Term Completion Dates:

Construction commencement and completion deadlines will be established in an HTF commitment letter and must be consistent with the development timetable proposed by an applicant.

Matching Fund Requirements:

HTF applications are expected to be heavily leveraged with financing from non-HTFC sources. The HTF rating and ranking system gives preference to those applications most highly leveraged with non-HTFC funds.

Additional Resources:

For additional information, please contact Tom Koenig, Program Manager, at (518) 486-7682 or go to HCR's website at <http://nysdhcr.gov/Funding/ConsolidatedFunding/>.

Homes for Working Families

Description:

The Homes for Working Families Program (HWF) finances the development or rehabilitation of affordable rental housing through the provision of low-interest loans for projects which are primarily financed by tax-exempt bonds issued from the State's private activity bond volume cap and an allocation of 4% Low-Income Housing Tax Credits issued in conjunction with the bonds. The statutory basis for HWF is Article XVIII of the Private Housing Finance Law, which establishes the Housing Trust Fund Program (HTF). The applicable HTF Regulations for the HWF program are located at Part 1900 of the New York Codes, Rules and Regulations (NYCRR).

Since HWF provides gap financing for bond projects which receive tax credits, the program is also administered by New York State Homes & Community Renewal (HCR) pursuant to Section 42 of the Internal Revenue Code and the LIHC Qualified Allocation Plan (located at Part 2188 of the NYCRR).

Eligible Types Of Applicants:

- Public Housing Authorities
- Not-for-profit Corporations (copies of proof of incorporation from the NYS Department of State or equivalent - if outside NYS- and proof of tax-exempt status under the IRC must be submitted with the application.)
- For-profit Corporations (including private housing developers, limited partnerships and limited liability corporations)

Eligible Activities / Program Benefit Requirements:

HWF finances the new construction or rehabilitation (which may include acquisition) of affordable rental housing for households with incomes at or below 60% of the area median income, as adjusted for family size, through the provision of a low-interest loan to entities which develop and own such housing. The HWF loan finances most construction-related costs of the housing project, as well as associated soft-costs. For projects financed by HCR tax-exempt bonds, HWF funds may be provided at construction phase; otherwise, HWF will be provided at permanent conversion structured as a 1% fixed rate loan with a 30-year term.

Pre-Application Requirements:

Includes evidence of site control, market study/analysis, funding commitments, tax credit investor term sheet, preliminary plans and specifications and Phase I Environmental Site Assessment. In addition, prospective HWF applicants are required to schedule and coordinate a pre-application meeting with development team members, HCR staff and representatives of the proposed bond issuer (if other than HCR). For a complete list of application requirements, go to <http://nysdhcr.gov/Funding/ConsolidatedFunding/>.

Successful Applicant Requirements:

Successful program applicants must meet the pertinent Regulations governing the program's administration and HCR's requirements as set forth in the Qualified Allocation Plan (QAP) cited above. Applicants must demonstrate the feasibility of construction costs, operational viability (HWF projects are regulated for 30 years) and readiness to proceed to construction start.

Funding Priorities:

As the last financing component necessary for project feasibility, HCR will give a funding priority to projects that substantially leverage other sources of capital subsidy and promote high quality, high readiness projects that advance the State's housing goals. HCR seeks to finance projects which will: advance the priorities of the State's Regional Economic Development Councils (REDC) and have received an REDC endorsement; develop transit oriented or housing opportunity projects; address the preservation of existing affordable housing; and/or, provide for supportive housing for persons with special needs, which includes the provision of services.

Ineligible Activities:

- HWF funds may not be used to: create a capitalized operating reserve account; pay for space which is not residential in nature (except for a community space exclusively for HWF project tenants); cover expenses which shall be used for common elements which exclusively benefit any non-residential space, pay for the general administrative costs of the applicant, cover the cost for any residential unit which will be occupied by persons other than persons of low income.
- Municipal housing authorities may not use HWF for the acquisition or rehabilitation of housing authority owned properties if (a) the purchase of the proposed property was financed pursuant to provisions of the Public Housing Law, and (b) the proposed property was owned by such authority prior to July 1, 1986.

Selection Criteria:

HWF applications must address the State's housing goals and funding priorities, must pass established requirements for completeness and program eligibility, must be found to be economically feasible, must pass building design requirements, and must be approved by the Board of Directors of the Housing Trust Fund Corporation. HWF applications are also rated according to the following scoring criteria:

- Project feasibility (40 points)
- Readiness to proceed (40 Points)
- Regional Economic Development Council (REDC) Endorsement (20 points)

Award Criteria Details:

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

- All areas of the state are eligible.

Limitations:

- Maximum HWF award per project is \$2.5 million.
- Maximum HWF award per unit is \$45,000 (in New York City, Nassau, Suffolk, Westchester and Rockland Counties); \$35,000 (the balance of the State)

Long Range Goals:

- Safe and sanitary housing which will remain affordable and compliant with HWF (and LIHC) requirements for a minimum of 30 years from project completion.

Project Term Completion Dates:

- Construction commencement and completion deadlines are project specific, based on the development timeline proposed by the applicant and accepted by HCR, as established in an HCR funding commitment letter.

Matching Fund Requirements:

- More than 50% of total project cost must be financed by tax-exempt bonds. In general, HWF applications are expected to be heavily leveraged with financing from non-HCR sources.

Additional Resources:

For additional information, please contact Gail Bressler, Vice President, at (212) 872-0493 or go to HCR's website at <http://nysdhcr.gov/Funding/ConsolidatedFunding/>.

COMMUNITY AND WATERFRONT REVITALIZATION

Community Development Block Grant Program (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 Office of Community Renewal is New York State's administrative agency for the CDBG Program. The New York State CDBG Program provides grants to CDBG non-entitlement communities to assist communities to: ensure decent, affordable housing for all; provide services to the most vulnerable in our communities; create jobs and expand business opportunities for implementing a variety of community and economic development activities directed toward neighborhood revitalization and economic development; and to provide improved community facilities and services. 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.

CDBG funded projects must primarily benefit low-and-moderate income persons and must also meet one of the three National Objectives: benefit low- and moderate-income persons, prevent or eliminate slums and blight, or address an urgent community development need. All applicants must maintain data to demonstrate compliance with a national objective. For microenterprises, an owner that qualifies as a low- and moderate-income person also meets the requirements of the CDBG Program.

Economic Development Program **\$750,000** **Minimum Award \$100,000**

- NYS CDBG can fund up to 40% of a total project cost
- One (1) Full-Time Equivalent (FTE) job created/retained for every \$15,000 in NYS CDBG funds
- NYS CDBG funds should be used as gap funding to induce project completion

Small Business Assistance Program **\$100,000** **Minimum Award \$25,000**

An eligible business is defined as a commercial enterprise that has 25 or fewer FTE employees

- NYS CDBG can fund up to 40% of a total project cost
- One (1) FTE job created for every \$25,000 in NYS CDBG funds
- Minimum of 20% owner equity contribution to the project is required*
- Required equity contribution may be reduced to 10% if project qualifies as "Green"

Microenterprise Program **\$200,000**

A microenterprise is defined as a commercial enterprise that has 5 or fewer employees, 1 or more of whom owns the enterprise.

- Maximum total award amount to community: \$200,000
- Individual grant amount to business: \$5,000 to \$35,000
- At least 50% of the total allocation must be granted to start-up enterprises.

- NYS CDBG can fund up to 90% of a total project cost
- Minimum of 10% owner equity contribution to the project is required
- Certified completion of a locally approved entrepreneurial assistance or small business training program is required

Eligible Types Of Applicants:

Eligible applicants include non-entitlement villages, towns or cities 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. Eligible applicants must apply on behalf of the business seeking CDBG funds. Awards are made to the applicant community and not directly to businesses.

For a list of eligible communities, please visit:

<http://nysdhcr.gov/Programs/NYS-CDBG/EligibleCommunities.htm>

Eligible Activities / Program Benefit Requirements:

Economic development funding is available:

- To provide financial assistance to for-profit businesses for an identified CDBG eligible activity which will result in the creation or retention of permanent job opportunities principally benefitting low- and moderate-income persons;
- To provide resources in an effort to promote small business entrepreneurship as a vehicle for sustainable economic development and growth. For the purposes of the Small Business Assistance program, a small business is defined as a commercial enterprise with twenty five (25) or fewer full-time equivalent employees at the time of application.
- To foster the development or expansion of microenterprises or by providing grants in conjunction with capacity building and entrepreneurial assistance. For the purposes of the Microenterprise program, a micro-enterprise is defined as a business with five (5) or fewer employees including the owner at the time of application.

Eligible uses of NYS CDBG Economic Development funds include, but are not limited to: acquisition of real property; financing of machinery, furniture, fixtures and equipment; building construction and renovation; working capital; inventory; and employee training expenses. Construction, building or other improvements are not an eligible use of CDBG Microenterprise funds when Davis Bacon and Related Acts must be applied.

Pre-Application Requirements:

Prior to submitting an application for funding, Applicants must meet the citizen participation requirements at 24 CFR 570.486 and New York State's Citizen Participation Plan, as amended which require Applicants to follow a citizen participation plan providing for a minimum of two public hearings held prior to the submittal of an applicant and making the application for available to the public for inspection at the municipal office(s).

Successful Applicant Requirements:

Successful applicants 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. All Recipients must meet the Environmental Review and Request for Release of Funds requirements prior to submitting any requests for funds. In addition, 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 Office of Community Renewal Grant Administration Manual available at <http://nysdhcr.gov/Programs/NYS-CDBG/GrantAdministration.htm>.

Additionally, applicants must provide the documents listed below, depending on the specifics of the project, additional information/documentation may be warranted.

For Economic Development & Small Business Projects

Business Information:

- Business plan, with resumes of principals, market analysis, marketing strategy, and impact on local competitors.
- A written commitment from the business that it will make at least 51% of the jobs on a FTE basis available to LMI persons as well as a commitment of the equity contribution proposed in the budget.
- A description of the hiring process when indicating that at least 51% of the jobs will be "taken by" LMI persons

Business Financial Information:

- Business financial statements for each of the past three years (balance sheets and income statements), including all notes and disclosures.
- Past three years business federal income tax returns, complete copies.
- Current business financial statements (less than 60 days old).
- Current business debt schedule (corresponds to current balance sheet).
- Projected business debt schedule (with CDBG and other new debt).
- Monthly cash flow projections for two years, with and without CDBG.
- Balance sheet and profit and loss statement for three years with and without CDBG (five years for start-up operations and businesses less than three years old).

Personal Financial Information:

- Current personal financial statement of principal(s) with 20 percent or more ownership less than 60 days.
- Past three years personal federal tax return (complete copies) for each principal with 20 percent or more ownership.

Source Documents:

- Commitment Letter(s) from all other funding sources, including proposed terms.
- Third party cost estimates, including documentation of the cost of real property, acquisition, construction/rehabilitation, and/or equipment costs.

Documentation of State Environmental Quality Review (SEQR) Compliance:

- Short Environmental Assessment Form if classified as an Unlisted Action

Compliance with Citizen Participation requirements:

- Copies of public hearing notices

Other Supporting Documentation: (as applicable)

- Green Checklist (For applications to assist a small business only)
- Draft CDBG Loan Agreement
- Draft Subrecipient Agreement
- Appraisals of real property
- Evidence of Site Control
- Letters of Support
- Draft Lease Agreement(s) (if applicable)

For Microenterprise Projects

Required

- Program Design Plan
- Program Application and other applicable forms that are to be completed by each program beneficiary.
- Draft CDBG Grant Agreement. (Agreement between Recipient and Microenterprise) **for Economic Development & Small Business Projects** List of Grant Committee members and experience. (Grant committee is a panel chosen by the applicant to review grant applications and to make recommendations and/or approval of grant award.)
- Letters of Support.
- Documentation for all third party costs (Applicants proposing Microenterprise projects that include soft costs such as classroom instruction, technical assistance to businesses, marketing, etc. must provide supporting cost documentation. **FOR ECONOMIC DEVELOPMENT & SMALL BUSINESS PROJECTS** Entrepreneurial training program syllabus

Source Documents:

- Commitment Letter(s) from all other funding sources, including proposed terms. If Form 2 – Project Budget identifies “Other Funding Sources” provide copies of commitment letters from all funding sources listed.

Documentation of State Environmental Quality Review (SEQR) Compliance:

- Short Environmental Assessment Form if classified as an Unlisted Action

Compliance with Citizen Participation requirements:

- Copies of public hearing notices

Funding Priorities:

Priority will be provided to projects that demonstrate a clearly defined need, address specific community and economic development priorities, and meet the objectives of the New York State Community Development Block Grant Program.

Ineligible Activities:

The State CDBG Program deems ineligible any activity that is not included in the Housing Community Development Act of 1974 as amended. In general, CDBG funding cannot be used for projects that involve buildings for the general conduct of government business, general government expenses, or political activities. For Economic Development projects, funds cannot be used to re-finance or pay-off existing personal or business debt or fund speculative investment. Funds awarded under the NYS CDBG Small Business program may not be used for new construction activity. Construction, building or other improvements are not an eligible use of CDBG Microenterprise funds when Davis Bacon and Related Acts must be applied.

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

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

Public Benefit/Impact– 20 Points

- 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.
- 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.
- The percentage of jobs benefiting low-and moderate-income individuals; and/or the percentage of low-and moderate- income business owners assisted.

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 utilization of local suppliers, NYS suppliers, and the impact on local sales tax and property tax.

- 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 NYS or would not occur in NYS but for the availability of state or local incentives

Implementation – 20 Points

- 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;
- The degree of the applicant's financial viability and strength of financials and operating history
- The degree to which the applicant has demonstrated a clear understanding of, and ability to meet, the program requirements and measures to ensure compliance of the program requirements including applicable Federal and State regulations
- The demonstrated ability to complete the proposed project/program within the 24 month term of the grant agreement.
- The degree to which the project is financially feasible and includes the costs associated with regulatory compliance.

Leveraged Resources – 20 Points

- The amount of private financing leveraged.
- The amount of public financing leveraged.
- The amount of private equity invested.
- The percentage of CDBG dollars as related to total project cost.
- The extent to which the project coincides with previous state or program investments i.e. NY Main Street, NYS CDBG, and/or other state agencies.

Performance Measures – 20 Points

- 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.
- The number of jobs created/retained in relation to CDBG investment.
- The degree to which the project has demonstrated that the project will address a priority economic development need, such as the adaptive reuse of vacant property.
- The overall quality of the positions to be filled by/made available to low-and moderate-income individuals and the ability for future advancement.

HCR staff shall generally apply the criteria noted above 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 in determining the relative merits of projects.

Award Criteria Details:

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

Projects must be located in non-entitlement areas such as villages, towns or cities 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.

Economic Development Program	\$750,000 (Maximum \$15,000 per FTE job) Minimum Request \$100,000
Small Business Assistance Program	\$100,000 (Maximum \$25,000 per FTE job) Minimum Request \$25,000
Microenterprise Program	\$200,000
Maximum per business grant	\$5,000 to \$35,000

Long Range Goals:

Based on the HUD approved 2011-2015 Consolidated Plan, New York State outlined long-term goals of assisting 150 businesses and creating 5,000 jobs over the five-year period as outlined in the plan.

Project Term Completion Dates:

Recipients of CDBG 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.

Matching Fund Requirements / Deadlines:

Up to 40% of a total project cost can be funded with CDBG funds for projects seeking Economic Development and Small Business Assistance Program funds. Additionally, a minimum of 20% owner equity contribution is required for projects seeking funding through the Small Business Assistance Program. The equity contribution may be reduced to 10% if project qualifies as “Green” per the Office of Community Renewal criteria. Up to 90% of a total project cost can be funded with CDBG funds for projects seeking Microenterprise Program funds. A 10% minimum equity contribution is also required for microenterprise projects.

Additional Resources:

For more information, eligible applicants should contact New York State Homes and Community Renewal, 38-40 State St, Albany, New York 12207, call (518) 474-2057 or visit <http://nysdhcr.gov/Programs/NYS-CDBG/EconomicDevelopment.htm>.

Local Waterfront Revitalization Program (up to \$10.875 million)

Description:

The **Local Waterfront Revitalization Program** provides matching grants on a competitive basis to revitalize communities and waterfronts under Title 11 of the Environmental Protection Fund.

Eligible Types Of Applicants:

Eligible applicants include municipalities (villages, towns, cities and counties) located within the State Coastal Area or along a major inland waterway designated pursuant to Executive Law, Article 42.

Eligible Activities / Program Benefit Requirements:

Local Waterfront Revitalization Program Grant Funding (up to \$10.875 million) will be available for general program planning, feasibility, design, or marketing of specific projects, construction projects, to advance any of the following grant categories:

- Preparing Regional Strategies for Community and Waterfront Revitalization
- Completing or Implementing a Local or Regional Waterfront Revitalization Program
- Redeveloping Urban Waterfronts
- Revitalizing Downtowns and Hamlets
- Planning or Constructing Water Trails
- Improving Water Quality

Grant funds may be used for the following eligible costs:

- Direct salary costs - including wages, salaries, fringe benefits, and supplemental compensation paid to employees of the municipality for personal services.
- Direct non-salary costs - including costs for printing, travel, equipment, materials, supplies, consultant and contractual services, and other goods and services directly associated with the project.
- Land acquisition - only as part of the local share for construction projects (i.e. not to exceed 50% of the total cost of the project).

Pre-Application Requirements:

None (However, Informational Public Workshops will be held. See below under additional resources)

Successful Applicant Requirements:

Grantees will be expected to provide semi-annual reports, request reimbursement using forms provided by the Department, and complete a final project summary report and measurable results form.

Funding Priorities:

Projects that revitalize communities and waterfronts and also advance the strategies of Regional Economic Development Councils

Ineligible Activities:

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

- Indirect or overhead costs of the municipality, such as rent, telephone service, and general administrative support.
- Salaries and other expenses of elected officials, whether incurred for purposes of project direction, execution, or legislation. However, volunteer services contributed by these officials to the project may be used as local match, provided that such services are outside the performance of their official duties.

Selection Criteria:

Applications will be reviewed according to specific criteria below. A successful proposal is not expected to meet all of these criteria.

Program Criteria:

Applications will be evaluated to assess the degree to which they meet the elements of each criterion, using the following numerical hierarchy:

- High compatibility with criteria 4 points
- Medium compatibility with criteria 2 points
- Does not meet criteria 0 points

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

- Vision (4 points)
- Process (8 points)
 - Public Engagement (4 points)
 - Local Commitment (4 points)
- Strategies (28 points)
 - Regional Significance (4 points)
 - Local Significance (4 points)
 - Public Value (4 points)
 - Community Livability (4 points)
 - Sustainability (4 points)
 - Economic Value (4 points)
 - Natural Resource Value (4 points)
- Implementation (12 points)
 - Scope of Work (4 points)
 - Time Frame (4 points)
 - Project Readiness (4 points)
- Leveraging (12 points)
 - Resources (4 points)
 - Advancing Plans (4 points)
 - Development of Partnerships (4 points)
- Performance Measures (16 points)
 - Demonstrates the capacity to monitor project performance (4 points)
 - Proposes appropriate indicators and metrics (4 points)
 - Presents a sound baseline to measure project success (4 points)
 - Presents a logical process to measure progress and report on project success (4 points)
- Evaluation of Budget and Cost (20 points)

List of Coastal Waterbodies and Designated Inland Waterways

COASTAL WATERBODIES	
• Arthur Kill	Lake Ontario
• Atlantic Ocean	Lake Erie
• East River	Long Island Sound
• Harlem River	Niagara River
• Hudson River (south of federal dam at Troy)	St. Lawrence River
• Kill van Kull	
DESIGNATED INLAND WATERWAYS	
• Ausable River	Little Sandy Creek
• Big Tupper Lake	Long Lake
• Black Lake	Mad River
• Black River	Mettowee River
• Boquet River	Mirror Lake
• Bush Kill	Mohawk River
• Canandaigua Lake	Moose River (North and Middle Branches)
• Canisteo River	Oatka Creek
• Cayuga Lake	Oneida Lake
• Chaumont River (including Chaumont Bay)	Onondaga Creek
• Chautauqua Lake	Onondaga Lake
• Chemung River	Oswegatchie River
• Cincinatti Creek	Otisco Lake
• Cohocton River	Otsego Lake
• Conesus Lake	Owasco Lake
• Cranberry Lake	Raquette Lake
• Delaware River	Raquette River
• Deer River	Sacandaga Lake
• East Kill	Sacandaga River
• Esopus Creek (Upper and Lower Branches)	Salmon River
• Fish Creek (East and West Branches)	Sandy Creek
• Fulton Chain of Lakes	Saranac River
• Genesee River	Saratoga Lake
• Gooseberry Creek	Schoharie Creek
• Grasse River	Schroon Lake
• Great Sacandaga Lake	Seneca Lake
• Honeoye Lake	Silver Lake (in Wyoming County)
• Hudson River (north of federal dam at Troy)	Skaneateles Lake
• Indian Lake	South Sandy Creek
• Indian River	State Barge Canal System
• Keuka Lake	Susquehanna River
• Lake Champlain	Tioga River
• Lake George	Tioughnioga River
• Lake Placid	Tonawanda Creek
• Lake Ronkonkoma	Upper Saranac Lake
• Little River (in the Adirondack Park)	Wallkill River
• Little Salmon (North and South Branches)	West Kill

NOTE: Coastal waterbodies and designated inland waterways are defined in Executive Law, Article 42, Section 911. Coastal waterbodies also include embayments and tributaries that are within New York State's Coastal area.

Canalway Grants Program (up to \$1.5 million)

Description:

The “Canalway Grants Program” includes a total of \$1 million in competitive grants available to eligible municipalities and 501(c)(3) non-profit organizations along the New York State Canal System. The minimum grant request amount is \$50,000. The maximum grant request is \$150,000. Grant administration and pre-development costs shall not exceed 10% of the grant amount. Additional funding of up to \$517,000 is available for state agency canal related education and interpretive capital projects.

Projects are intended to meet the objectives of the Regional Economic Development Councils and the NYS Canal Recreationway Plan. Projects must preserve and rehabilitate canal infrastructure, enhance recreational opportunities for water-based and land-side users or promote tourism and revitalization of the canal corridor. The envisioned projects should expand public access, increase recreational use, provide improved services for motorized and non-motorized boaters, expand and promote tourism, private investment and economic development, offer a greater appreciation and understanding of canal and community history, and protect environmental and historic canal resources.

Eligible Types Of Applicants:

- Municipalities
- State Agencies
- Public Authorities
- Not-for-profit Corporations

Not-for-profit corporations are subject to 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 IRS code.

Eligible Activities / Program Benefit Requirements:

Eligible canal capital projects include, but may not be limited to: constructing new buildings or structures, additions which enlarge, expand or extend existing buildings or structures; new systems in existing buildings or structures (HVAC, plumbing, electrical, mechanical); substantial renovations of existing buildings or structures, including reconfigurations (removal or construction of walls, ceilings and flooring, windows, window frames); 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; and/or hazardous waste clean-up associated with a project.

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. See map and list of eligible communities at <http://www.canals.ny.gov/corporation/grant-muni.html>

Communities Eligible for Canalway Grant Program		
	<u>Counties</u>	<u>Regional Economic Development Council</u>
	Albany	Capital Region
	Cayuga	Central New York
	Clinton	North Country
	Erie	Western New York
	Essex	North Country
	Herkimer	Mohawk Valley
	Madison	Central New York
	Monroe	Finger Lakes
	Montgomery	Mohawk Valley
	Niagara	Western New York
	Oneida	Mohawk Valley
	Onondaga	Central New York
	Ontario	Finger Lakes
	Orleans	Finger Lakes
	Oswego	Central New York
	Rensselaer	Capital Region
	Saratoga	Capital Region
	Schenectady	Capital Region
	Schuyler	Southern Tier
	Seneca	Finger Lakes
	Tompkins	Southern Tier
	Warren	North Country
	Washington	Capital Region
	Wayne	Finger Lakes
	Yates	Finger Lakes
<u>Municipality</u>	<u>County</u>	<u>Regional Economic Development Council</u>
Albany, C.	Albany	Capital Region
Albion, T.	Orleans	Finger Lakes
Albion, V.	Orleans	Finger Lakes
Amherst, T.	Erie	Western New York
Amsterdam, C.	Montgomery	Mohawk Valley
Amsterdam, T.	Montgomery	Mohawk Valley
Arcadia, T.	Wayne	Finger Lakes
Augusta, T.	Oneida	Mohawk Valley
Aurelius, T.	Cayuga	Central New York
Ava, T.	Oneida	Mohawk Valley
Baldwinsville, V.	Onondaga	Central New York
Boonville, T.	Oneida	Mohawk Valley
Boonville, V.	Oneida	Mohawk Valley

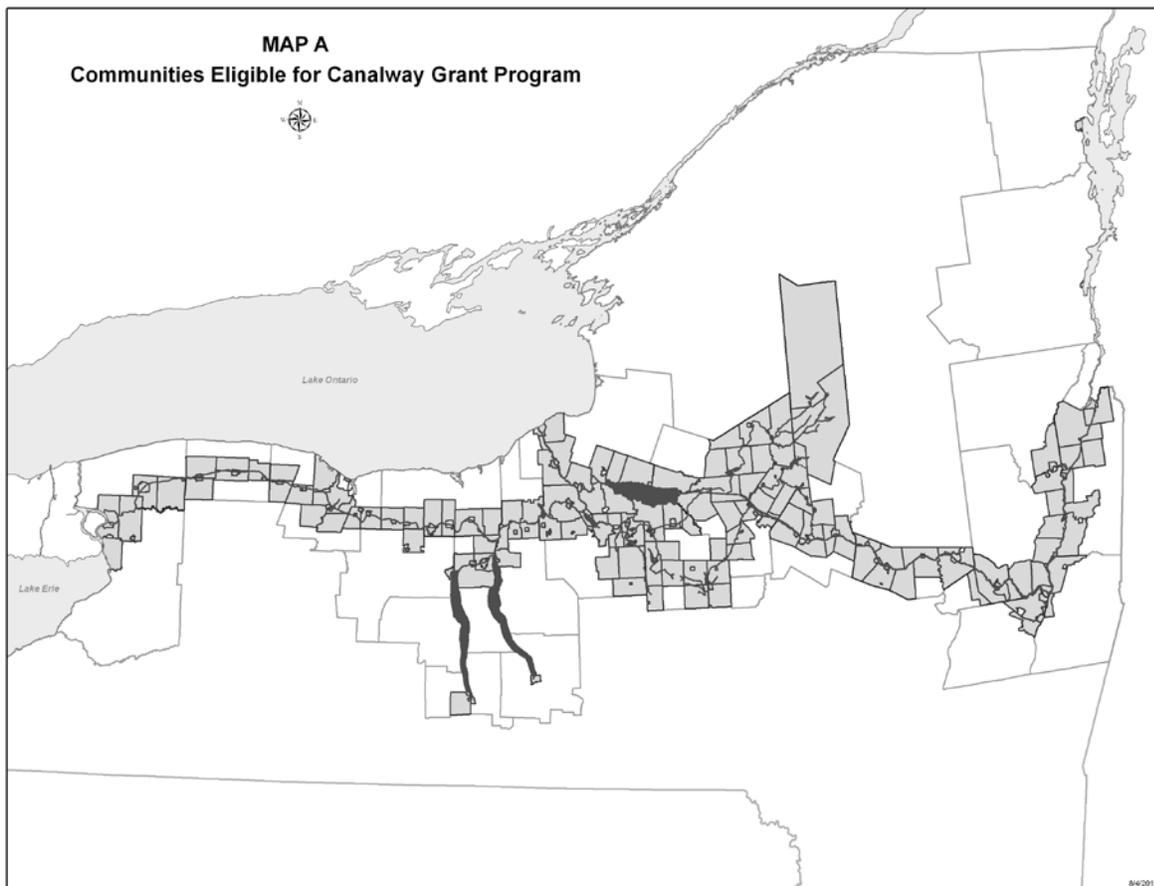
<u>Municipality</u>	<u>County</u>	<u>Regional Economic Development Council</u>
Brighton, T.	Monroe	Finger Lakes
Brockport, V.	Monroe	Finger Lakes
Brutus, T.	Cayuga	Central New York
Buffalo, C.	Erie	Western New York
Camillus, T.	Onondaga	Central New York
Camillus, V.	Onondaga	Central New York
Canajoharie, T.	Montgomery	Mohawk Valley
Canajoharie, V.	Montgomery	Mohawk Valley
Canastota, V.	Madison	Central New York
Cato, T.	Cayuga	Central New York
Cayuga, V.	Cayuga	Central New York
Cazenovia, T.	Madison	Central New York
Cazenovia, V.	Madison	Central New York
Chili, T.	Monroe	Finger Lakes
Chittenango, V.	Madison	Central New York
Cicero, T.	Onondaga	Central New York
Clarkson, T.	Monroe	Finger Lakes
Clay, T.	Onondaga	Central New York
Cleveland, V.	Oswego	Central New York
Clifton Park, T.	Saratoga	Capital Region
Clinton, V.	Oneida	Mohawk Valley
Clyde, V.	Wayne	Finger Lakes
Cohoes, C.	Albany	Capital Region
Colonie, T.	Albany	Capital Region
Conquest, T.	Cayuga	Central New York
Constantia, T.	Oswego	Central New York
Danube, T.	Herkimer	Mohawk Valley
De Witt, T.	Onondaga	Central New York
Deerfield, T.	Oneida	Mohawk Valley
DeRuyter, T.	Madison	Central New York
Dix, T.	Schuyler	Southern Tier
East Syracuse, V.	Onondaga	Central New York
Easton, T.	Washington	Capital Region
Eaton, T.	Madison	Central New York
Elbridge, T.	Onondaga	Central New York
Fabius, T.	Onondaga	Central New York
Fairfield, T.	Herkimer	Mohawk Valley
Fairport, V.	Monroe	Finger Lakes
Fayette, T.	Seneca	Finger Lakes
Fayetteville, V.	Onondaga	Central New York
Fenner, T.	Madison	Central New York
Florida, T.	Montgomery	Mohawk Valley
Floyd, T.	Oneida	Mohawk Valley
Fonda, V.	Montgomery	Mohawk Valley
Forestport, T.	Oneida	Mohawk Valley
Fort Ann, T.	Washington	Capital Region
Fort Ann, V.	Washington	Capital Region
Fort Edward, T.	Washington	Capital Region

Municipality	County	Regional Economic Development Council
Fort Edward, V.	Washington	Capital Region
Fort Johnson, V.	Montgomery	Mohawk Valley
Fort Plain, V.	Montgomery	Mohawk Valley
Frankfort, T.	Herkimer	Mohawk Valley
Frankfort, V.	Herkimer	Mohawk Valley
Fulton, C.	Oswego	Central New York
Fultonville, V.	Montgomery	Mohawk Valley
Gaines, T.	Orleans	Finger Lakes
Galen, T.	Wayne	Finger Lakes
Gates, T.	Monroe	Finger Lakes
Geddes, T.	Onondaga	Central New York
Geneva, C.	Ontario	Finger Lakes
German Flatts, T.	Herkimer	Mohawk Valley
Glen, T.	Montgomery	Mohawk Valley
Glens Falls, C.	Warren	Capital Region
Glenville, T.	Schenectady	Capital Region
Granby, T.	Oswego	Central New York
Greece, T.	Monroe	Finger Lakes
Green Island, V.	Albany	Capital Region
Greenwich, T.	Washington	Capital Region
Halfmoon, T.	Saratoga	Capital Region
Hamilton, T.	Madison	Central New York
Hamilton, V.	Madison	Central New York
Hartford, T.	Washington	Capital Region
Hastings, T.	Oswego	Central New York
Henrietta, T.	Monroe	Finger Lakes
Herkimer, T.	Herkimer	Mohawk Valley
Herkimer, V.	Herkimer	Mohawk Valley
Holland Patent, V.	Oneida	Mohawk Valley
Holley, V.	Orleans	Finger Lakes
Hudson Falls, V.	Washington	Capital Region
Ilion, V.	Herkimer	Mohawk Valley
Ithaca, C.	Tompkins	Southern Tier
Jordan, V.	Onondaga	Central New York
Kingsbury, T.	Washington	Capital Region
Kirkland, T.	Oneida	Mohawk Valley
La Fayette, T.	Onondaga	Central New York
Lebanon, T.	Madison	Central New York
Lee, T.	Oneida	Mohawk Valley
Lenox, T.	Madison	Central New York
Little Falls, C.	Herkimer	Mohawk Valley
Little Falls, T.	Herkimer	Mohawk Valley
Liverpool, V.	Onondaga	Central New York
Lockport, C.	Niagara	Western New York
Lockport, T.	Niagara	Western New York
Lyons, T.	Wayne	Finger Lakes
Lyons, V.	Wayne	Finger Lakes
Lysander, T.	Onondaga	Central New York

Municipality	County	Regional Economic Development Council
Macedon, T.	Wayne	Finger Lakes
Macedon, V.	Wayne	Finger Lakes
Madison, T.	Madison	Central New York
Manchester, T.	Ontario	Finger Lakes
Manchester, V.	Ontario	Finger Lakes
Manheim, T.	Herkimer	Mohawk Valley
Manlius, T.	Onondaga	Central New York
Manlius, V.	Onondaga	Central New York
Marcy, T.	Oneida	Mohawk Valley
Marshall, T.	Oneida	Mohawk Valley
Mechanicville, C.	Saratoga	Capital Region
Medina, V.	Orleans	Finger Lakes
Menands, V.	Albany	Capital Region
Mentz, T.	Cayuga	Central New York
Middleville, V.	Herkimer	Mohawk Valley
Minden, T.	Montgomery	Mohawk Valley
Minetto, T.	Oswego	Central New York
Minoa, V.	Onondaga	Central New York
Mohawk, T.	Montgomery	Mohawk Valley
Mohawk, V.	Herkimer	Mohawk Valley
Montezuma, T.	Cayuga	Central New York
Montour Falls, V.	Schuyler	Southern Tier
Moreau, T.	Saratoga	Capital Region
Murray, T.	Orleans	Finger Lakes
Murray, T.	Orleans	Finger Lakes
Nelliston, V.	Montgomery	Mohawk Valley
Nelson, T.	Madison	Central New York
Newark, V.	Wayne	Finger Lakes
Newport, T.	Herkimer	Mohawk Valley
Newport, V.	Herkimer	Mohawk Valley
Niskayuna, T.	Schenectady	Capital Region
North Tonawanda, C.	Niagara	Western New York
Northumberland, T.	Saratoga	Capital Region
Ogden, T.	Monroe	Finger Lakes
Ohio, T.	Herkimer	Mohawk Valley
Oneida Castle, V.	Oneida	Mohawk Valley
Oneida, C.	Madison	Central New York
Oriskany Falls, V.	Oneida	Mohawk Valley
Oriskany, V.	Oneida	Mohawk Valley
Oswego, C.	Oswego	Central New York
Palatine Bridge, V.	Montgomery	Mohawk Valley
Palatine, T.	Montgomery	Mohawk Valley
Palmyra, T.	Wayne	Finger Lakes
Palmyra, V.	Wayne	Finger Lakes
Pendleton, T.	Niagara	Western New York
Perinton, T.	Monroe	Finger Lakes
Phoenix, V.	Oswego	Central New York
Pittsford, T.	Monroe	Finger Lakes

Municipality	County	Regional Economic Development Council
Pittsford, V.	Monroe	Finger Lakes
Plattsburgh, C.	Clinton	North Country
Poland, V.	Herkimer	Mohawk Valley
Pompey, T.	Onondaga	Central New York
Port Byron, V.	Cayuga	Central New York
Port Henry, V.	Essex	North Country
Princetown, T.	Schenectady	Capital Region
Queensbury, T.	Warren	Capital Region
Remsen, T.	Oneida	Mohawk Valley
Ridgeway, T.	Orleans	Finger Lakes
Rochester, C.	Monroe	Finger Lakes
Rome, C.	Oneida	Mohawk Valley
Root, T.	Montgomery	Mohawk Valley
Rotterdam, T.	Schenectady	Capital Region
Royalton, T.	Niagara	Western New York
Russia, T.	Herkimer	Mohawk Valley
Salina, T.	Onondaga	Central New York
Saratoga, T.	Saratoga	Capital Region
Savannah, T.	Wayne	Finger Lakes
Schaghticoke, T.	Rensselaer	Capital Region
Schenectady, C.	Schenectady	Capital Region
Schroepfel, T.	Oswego	Central New York
Schuyler, T.	Herkimer	Mohawk Valley
Schuylerville, V.	Saratoga	Capital Region
Scotia, V.	Schenectady	Capital Region
Scriba, T.	Oswego	Central New York
Seneca Falls, T.	Seneca	Finger Lakes
Seneca Falls, V.	Seneca	Finger Lakes
Shelby, T.	Orleans	Finger Lakes
Solvay, V.	Onondaga	Central New York
South Glens Falls, V.	Saratoga	Capital Region
Spencerport, V.	Monroe	Finger Lakes
St Johnsville, T.	Montgomery	Mohawk Valley
St Johnsville, V.	Montgomery	Mohawk Valley
Steuben, T.	Oneida	Mohawk Valley
Stillwater, T.	Saratoga	Capital Region
Stillwater, V.	Saratoga	Capital Region
Sullivan, T.	Madison	Central New York
Sweden, T.	Monroe	Finger Lakes
Sylvan Beach, V.	Oneida	Mohawk Valley
Syracuse, C.	Onondaga	Central New York
Tonawanda, C.	Erie	Western New York
Tonawanda, T.	Erie	Western New York
Trenton, T.	Oneida	Mohawk Valley
Troy, C.	Rensselaer	Capital Region
Tyre, T.	Seneca	Finger Lakes
Utica, C.	Oneida	Mohawk Valley
Van Buren, T.	Onondaga	Central New York

Municipality	County	Regional Economic Development Council
Verona, T.	Oneida	Mohawk Valley
Victory, V.	Saratoga	Capital Region
Vienna, T.	Oneida	Mohawk Valley
Volney, T.	Oswego	Central New York
Wampsville, V.	Madison	Central New York
Waterford, T.	Saratoga	Capital Region
Waterford, V.	Saratoga	Capital Region
Waterloo, T.	Seneca	Finger Lakes
Waterloo, V.	Seneca	Finger Lakes
Watervliet, C.	Albany	Capital Region
Watkins Glen, V.	Schuyler	Southern Tier
Webb, T.	Herkimer	Mohawk Valley
Weedsport, V.	Cayuga	Central New York
West Monroe, T.	Oswego	Central New York
Western, T.	Oneida	Mohawk Valley
Westmoreland, T.	Oneida	Mohawk Valley
Wheatfield, T.	Niagara	Western New York
Whitehall, T.	Washington	Capital Region
Whitehall, V.	Washington	Capital Region
Whitesboro, V.	Oneida	Mohawk Valley
Whitestown, T.	Oneida	Mohawk Valley
Williamsville, V.	Erie	Western New York



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 Thruway Authority/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 the 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 any 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 procedures 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.

(See <http://www.dec.ny.gov/permits/357.html>)

Grant funds will be provided on a reimbursement basis ONLY. Receipts, invoices and other documentation must meet the requirements of the Canal Corporation and the Office of the State Comptroller. 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, but reimbursement will *only* be provided for portions of the project initiated *after* the date of the award letter.

The Canal Corporation reserves the right to reallocate funding based upon grant requests.

Funding Priorities:

The following four (3) categories list the primary target areas of the grant program.

(1) **Development & Tourism Promotion.** Projects may include the development of Canal public parks, park improvements, parking facilities at sites on or related to one of the four canals of the Canal System (Erie, Champlain, Oswego and Cayuga-Seneca), improvements to or restoration of historic canal vessels, structures or sites, canal tourism-related facilities or structures including but not limited to permanent, interpretive, informational kiosks, and permanent signs designed to promote sites or facilities related to one of the four canals of the NYS Canal System.

(2) **Canalway Land Trail.** Projects may help to construct and/or enhance the Canalway Trail, or may be trail linkages or connections to existing Canalway Trail segments.

(3) **Canal Community Infrastructure Projects.** Projects can be designed to restore, develop and expand the infrastructure along the Canal for the benefit of local communities. Priority projects will include improved amenities for cyclist and boaters including connectivity (wi-fi) amenities, repair or rehabilitation of existing dock infrastructure and other canal side capital improvements.

(4) **State Agency Educational & Interpretive Projects.** An additional \$517,000 in funding is available for state agency canal related education and interpretive capital projects.

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. Each criteria is assigned 10 points for a total of 100 points. Criteria #1, Regional Council Endorsement will carry 20% weight and an independent weighting committee will assign weights for criteria 2 through 9. Final ranking of project applications will be based on a weighted scoring matrix consistent with the Strategic Plan Scoring Criteria for the Regional Economic Development Council Strategic Plans found on page 37 of the Regional Council Guidebook.

1. Is the project endorsed by the corresponding Regional Economic Development Council?*
2. Is the project consistent with the goals and objectives of the NYS Canal Recreationway Plan? Does it enhance or is it located on or near an existing harbor, service port or lock project or the Canalway Trail?
3. Does the project demonstrate sensitivity to the environmental/cultural/ historic nature of the Canal System?
4. Is the project budget clearly defined and reasonable, are cost saving strategies identified?
5. Is the project consistent with regional or inter-municipal plans such as NYS Department of State "Local Waterfront Revitalization Program" (LWRP) Plans, Erie Canalway National Heritage Corridor Management Plan, or other regional and local plans?
6. Are multiple funding sources and project stakeholders identified?
7. Can the project help attract and serve new canal users including those outside the community?
8. Does the proposal reflect a reasonable and achievable timeframe for completion?
9. Is there a strategy identified to monitor project performance?
10. Is there a strategy for the long-term operation and maintenance of the project?

*Carries 20% weight

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. 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 will 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. Trail projects must be built according to the AASHTO guidelines for the development of bicycle facilities (1999).

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.

All work undertaken as part of a grant-assisted project that involves properties listed or eligible for the State/National Historic Register must conform to the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. (See www.nysparks.state.ny.us/shpo)

All projects 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 Michael Sullivan at the New York State Canal Corporation, 200 Southern Boulevard, Albany, NY, call 518-436-3055 or visit <http://www.ca->

nals.ny.gov/corporation/grant.html.

DIRECT ASSISTANCE TO BUSINESSES

Regional Council Capital Fund (\$130 million in capital funding)

Description:

The Regional Economic Development Council Capital Fund Program (“Regional Council Fund”) was established in April 2011 as part of New York State’s Fiscal Year 2011-2012 budget. The Regional Council Fund, which is administered by Empire State Development (“ESD”), makes available \$130 million of capital grant funding for the State’s Regional Economic Development Council Initiative, which will help drive regional and local economic development across New York State in cooperation with ten Regional Economic Development Councils (“Regional Councils”).

Regional Council Funds will be allocated among the ten Regions, each represented by a Regional Council, through a process that includes each Regional Council’s development and adoption of a five-year strategic plan (“Strategic Plan”) for its Region that sets out a comprehensive vision for economic development and specific strategies to implement that vision. Regional Council Funds will be awarded for Priority Projects, which include those endorsed by the Regional Councils based on Strategic Plan scoring criteria, as described below.

Eligible Types Of Applicants:

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.

** Not-for-profit corporations are subject to 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 IRS code. Copies of these documents must be submitted with the application.*

Eligible Activities / Program Benefit Requirements:

Funding is available for capital-based economic development initiatives intended to create or retain jobs; prevent, reduce or eliminate unemployment and underemployment; and/or increase business activity in a community or region.

Funds may be used for:

- Acquisition or leasing of land, buildings, machinery and/or equipment;
- Acquisition of existing business and/or assets;
- Demolition and environmental remediation;
- New construction, renovation or leasehold improvements;
- Acquisition of furniture and fixtures;

- Soft costs up to twenty-five (25%) of total project costs; and
- Planning and feasibility studies related to a capital project.

Pre-Application Requirements:

- 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.

Successful Applicant Requirements:

- Applicants must complete a consolidated funding application (CFA) for review by ESD and Regional Councils and consideration as Priority Projects. Priority Projects include those endorsed by the Regional Councils based on Strategic Plan scoring criteria, including whether the proposed project does the following:
 - Advances the regional development vision;
 - Has significant community and stakeholder support;
 - Is identified in and/or advances a strategy that is part of the Strategic Plan;
 - Is of significant importance to advancing the implementation agenda;
 - Leverages other funding sources; and
 - If funded, has results that can be monitored and evaluated against the Council's performance measures.

Specific Funding Requirements

ESD generally seeks to provide no more than twenty percent (20%) of the financing for any particular project and generally requires ten percent (10%) equity in all projects. Applicants must always disclose whether they are pursuing or intend to pursue multiple ESD funding sources, including loans, grants and tax incentives.

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 of funds for Priority Projects will therefore be required to commit to the number of jobs At Risk that will be retained by the proposed project, the number of Full-Time Employee Net New 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 beneficiary to potential recapture of assistance.

Infrastructure Investment

Funds may be used to finance infrastructure investments in order to attract new businesses and expand existing businesses, thereby fostering further investment. Infrastructure investments are capital expenditures for infrastructure including transportation, water and sewer, communication, and energy generation and distribution. Infrastructure also includes the construction of parking garages. Infrastructure Investment may be used to finance planning or feasibility studies relating to capital expenditures.

Infrastructure investment projects that are able to provide job commitments will be viewed favorably. It is important, however, to note that (1) few infrastructure 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.

Funding Priorities:

Regional Council Funds will be allocated among New York State's ten Regions, each represented by a Regional Council, through a process that includes each Regional Council's development and adoption of a five-year strategic plan ("Strategic Plan") for its Region that sets out a comprehensive vision for economic development and specific strategies to implement that vision. Each Regional Council submits its Strategic Plan to the Governor and the Strategic Plan Review Committee (the "Committee"), whose members are appointed by the Governor. The Committee will evaluate and rank the Plans generally according to how well they:

- Establish an economic vision for the region's future;
- Involve diverse stakeholders, including businesses, community groups, academia and local government;
- Generate effective, realistic strategies to capitalize on key industries and assets;
- Build a framework to continually identify, prioritize and implement catalytic projects;
- Leverage private, federal, local and nonprofit resources; and
- Connect program evaluation and monitoring to continually improve the strategies.

After evaluating the Plans, the Committee will provide ESD with its rankings and will recommend (i) that each of the four top ranked Regions be allocated up to \$25 million in Regional Council Funds, and (ii) how the balance of \$30 million in Regional Council Funds should be allocated among the six remaining Regions. ESD will review the Plans against the criteria set forth above and will take into consideration the Committee rankings in making its determination on the recommended allocations.

Strategic Plans should include capital projects that show potential for significant job creation or investments that may increase productivity and revitalize communities without immediately increasing permanent employment. Wherever possible, the Plans should emphasize leverage of private sector investments, feasibility of objectives, the likelihood of success, and readiness to proceed with the implementation of the Strategic Plan.

Ineligible Activities:

The following types of expenses may be included in budgets but shall not be eligible for payment using Regional Economic Development Capital Funds:

- Developer fees;
- Working capital;
- Recapitalization/refinancing;
- Training; and
 - Residential development, although program funds may be used for the commercial component of a mixed-use project.

Selection Criteria:

In addition to the criteria noted below, ESD shall have the discretion to consider additional factors in determining the relative merits of Priority 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 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 nys or would not occur in nys 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
- 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
- The degree of the applicant's financial viability and strength of financials/operating history/esdc credit score

Leveraged Resources

- The amount of private financing leveraged
- 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
- The degree to which the project identified in the application supports new york state minority and women business enterprises

Award Criteria Details:

- Funding awards will be documented in the form of an incentive offer letter outlining the terms of the proposed assistance, which is conditioned upon approval of the ESD Directors and compliance with applicable laws and regulations. Funds may only be used for expenses incurred after an ESD incentive offer letter has been countersigned by the Applicant.
- Terms for the disbursement of assistance are included in the incentive offer letter. Although funding is offered prior to project commencement as an inducement to undertake the project, funds generally are disbursed in arrears, as reimbursement for expenses undertaken.
- Projects generally are presented to the ESD Directors once all project expenditures have been undertaken and disbursement of ESD assistance is sought.
- In accordance with State law, after approval by the ESD Directors, a public hearing may 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 (“the 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 Priority Project shall be funded if sufficient resources are not received by ESD for such Priority Project.
- 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 grant. 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.

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 (\$70 million in tax credits)

Description:

The Excelsior Jobs Program, established in Chapter 59 of the Laws of 2010, provides job creation and investment incentives to firms in such targeted industries as biotechnology, pharmaceutical, high-tech, clean-technology, green technology, financial services, agriculture and manufacturing. Firms in these industries that create and maintain new jobs or make significant financial investment are eligible to apply for up to four new 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. Program costs are capped at \$500 million annually to maintain fiscal affordability and ensure that New Yorkers realize a positive return on their investment.

Firms in the Excelsior Jobs Program may qualify for four new, fully refundable tax credits. Businesses claim the credits over a 10 year period. To earn any of the following credits, firms must first meet and maintain the established job and investment thresholds.

- **The Excelsior Jobs Tax Credit:** A credit of 6.85 percent of wages per new job to cover a portion of the associated payroll cost.
- **The Excelsior Investment Tax Credit:** Valued at two 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 three percent of research expenditures in NYS.
- **The Excelsior Real Property Tax Credit:** Available to firms locating in certain distressed areas (see Investment Zone list below) and to firms in targeted industries that meet higher employment and investment thresholds (Regionally Significant Project).

Eligible Types Of Applicants:

For-profit business entities including corporations, limited liability companies, partnerships, sole proprietorships.

Eligible Activities / Program Benefit Requirements:

Financial Services Data Centers Or Financial Services Customer Back Office Operations: 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.

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.

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.

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.

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.

Pre-Application Requirements:

N/A

Successful Applicant Requirements:

If the application is approved, then within the available credits each year, esd will enter into a formal agreement with the firm that clearly states the tax credits as well as the job and investment requirements for each year. Firms that meet the eligibility criteria will be issued a certificate allowing them to claim eligible tax credits. A firm may only claim tax credits after demonstrating that it meets the minimum eligibility criteria.

Each Participant Must Submit A Performance Report Annually And Must Submit Evidence Of Achieving The Applicable Job And Investment Requirements In Order To Receive Benefits Under The Program.

Funding Priorities:

The Program is limited to firms in strategic industries 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 all firms in targeted industries creating new jobs in New York. Twenty-five percent is set aside for the Investment Track firms who have at least 50 employees and make significant new capital investments in a New York facility and which 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, 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:

Participation in the program and the amount of credits authorized is at the discretion of the commissioner.

Award Criteria Details:

The program is limited to firms in strategic industries with minimum eligibility criteria. Every firm approved for participation in the program is eligible to apply for the jobs tax credit, the investment tax credit, and the R&D tax credit. Only certain categories of firms located within an investment zone or meeting the regionally significant project minimum criteria are eligible to also apply for the real property tax credit.

Job Growth Track			
Excelsior Minimum Eligibility Criteria			
Strategic Industry	Minimum Jobs	Regionally Significant Project Minimum Jobs & Investments	
Scientific R&D	10	20	\$6,000,000
Software Development	10	N/A	N/A
Agriculture	10	20	\$500,000
Manufacturing	25	50	\$5,000,000
Financial Services	100	300	\$6,000,000
Back Office	150	300	\$6,000,000
Distribution	150	300	\$30,000,000
Other	N/A	300	\$6,000,000

Investment Track

(Firms in Strategic Industries who make significant capital investment & have and retain at

Minimum Benefit Cost Ratio = 10:1

(Total investment, wages and benefits / Excelsior Jobs Program Tax Credits)

Additional Resources: Program Contact: 518/292-5240

[Http://Esd.Ny.Gov/Businessprograms/Excelsior.Html](http://Esd.Ny.Gov/Businessprograms/Excelsior.Html)

[Http://Esd.Ny.Gov/Businessprograms/Data/Excelsior/050211_excelsiorstatutoryprovisions.pdf](http://Esd.Ny.Gov/Businessprograms/Data/Excelsior/050211_excelsiorstatutoryprovisions.pdf)

Economic Development Purposes (Up To \$19.2 Million)

Description:

The Economic Development Purposes Fund (“EDPF”) was established in April 2011 as part of New York State’s Fiscal Year 2011-2012 budget. EDPF, which is administered by Empire State Development (“ESD”), makes available \$19.2 million of funding for the economic development across New York State.

Eligible Types Of Applicants:

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.

** Not-for-profit corporations are subject to 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 irs code. Copies of these documents must be submitted with the application.*

Eligible activities / program benefit requirements:

Available for economic development initiatives and projects that are intended to create or retain jobs, generate increased economic activity and improve the economic and social viability and vitality of local communities.

Funds may be used for:

- Acquisition or leasing of land, buildings, machinery and/or equipment
- Acquisition of existing business and/or assets
- Demolition and environmental remediation
- New construction, renovation or leasehold improvements
- Acquisition of furniture and fixtures
- Planning and feasibility studies

- Site and infrastructure development
- Inventory
- Training
- Soft costs
- Working capital
- Marketing and advertising

Pre-application requirements:

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.

Successful applicant requirements:

Applicants must complete a consolidated funding application (CFA) for review by esd and regional councils.

Specific funding requirements:

ESD generally seeks to provide no more than twenty percent (20%) of the financing for any particular project and generally requires ten percent (10%) equity in all projects. Applicants must always disclose whether they are pursuing or intend to pursue multiple esd funding sources, including loans, grants and tax incentives.

Funding priorities:

Economic development initiatives intended to create or retain jobs; prevent, reduce or eliminate unemployment and underemployment; and/or increase business activity in a community or region.

Ineligible activities:

Not applicable.

Selection criteria:

In addition to the criteria noted below, esd shall have the discretion to consider additional factors in determining the relative merits of applications:

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 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 nys or would not occur in NYS 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
- 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
- the degree of the applicant's financial viability and strength of financials/operating history/esdc credit score

Leveraged Resources

- the amount of private financing leveraged
- 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
- the degree to which the project identified in the application supports New York State Minority and Women Business Enterprises

Award Criteria Details:

- Funding awards will be documented in the form of an incentive offer letter outlining the terms of the proposed assistance, which is conditioned upon approval of the ESD Directors and compliance with applicable laws and regulations. Funds may only be used for expenses incurred after an ESD incentive offer letter has been countersigned by the Applicant.
- Terms for the disbursement of assistance are included in the incentive offer letter. Although funding is offered prior to project commencement as an inducement to undertake the project, funds generally are disbursed in arrears, as reimbursement for expenses undertaken.
- Projects generally are presented to the ESD Directors once all project expenditures have been undertaken and disbursement of ESD assistance is sought.

- In accordance with State law, after approval by the ESD Directors, a public hearing may 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 (“the 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 Priority Project shall be funded if sufficient resources are not received by ESD for such Priority Project.
- 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 grant. 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.

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>

Environmental Investment Program (up to \$1 million)

Description:

The Environmental Investment Program (EIP), administered by New York State Department of Economic Development (DED) helps businesses capture the economic benefits associated with pollution prevention, waste reduction, re-use and recycling. The program provides capital, technical assistance, and research and development grants that expand the ability to recycle solid and industrial waste into higher value products, or reduce pollution and waste at the point of generation. The program is funded through appropriations from the Environmental Protection Fund.

Eligible Types Of Applicants:

Capital Funding - Non-profit organization or municipality on behalf of NYS business

Technical Assistance Funding - Non-profit organization or municipality providing assistance to groups of NYS businesses

Research and Development Funding - Small and medium sized NYS business and non-profit organization employing fewer than 500 workers or earning less than \$10 million in gross revenue or annual sales.

Eligible Activities / Program Benefit Requirements:

The objective of EIP is to assist New York State business projects that result in substantive environmental improvements and associated economic benefits. EIP is outcome driven. Projects that EIP supports must clearly define the measurable environmental and economic results they will achieve as project outcomes. Project outcomes must be quantifiable and measured as improvements over current baseline operations. Environmental outcomes are measured as tons of material recycled, remanufactured or reused; tons of pollution prevented; or millions of gallons of water reduced or recycled. Economic outcomes are measured as dollars of reduced costs; dollars of increased revenue; and jobs created and retained. More information about project outcomes can be found in the glossary.

Economic benefits may include:

- Cost reductions from improved productivity, reduced regulatory, operating or purchasing
- Increased sales revenues, expanded production output and new product development
- Job creation and retention

Environmental improvements may be achieved through:

Recycling: Eligible recycling projects expand the capacity to recycle, increase the volume of material recycled, or enhance the value of the processed material or finished product made from it. Projects focus on solid waste, source-separated organic waste (may not include human septage), industrial process waste (non-hazardous solid, liquid and airborne wastes resulting from industrial processes) and hazardous waste (may only be recycled at the generating facility). Projects that convert wastes or by-products for use as energy or fuel are not eligible.

Reuse: EIP reuse investment priorities focus on materials that are generated and reused by commercial/industrial business sectors; and on initiatives to address gaps in the exchange infrastructure to reuse materials with higher intrinsic value.

Remanufacturing: disassembles products to clean, repair or replace parts, and reassembles them to sound working condition. Remanufacturing returns items to use so that they are either as good as new or made with a known useful life.

Composting: projects produce usable quality soils and soil amendments from source-separated organic wastes. EIP supports composting projects that incorporate substantial amounts of commercially or industrially generated food wastes.

Pollution Prevention and Waste Reduction: Pollution prevention/waste reduction projects reduce the volume or toxicity of waste before it is generated and may also include source reduction. Pollution prevention projects must achieve environmental results that exceed the required thresholds for regulated compliance. Project environmental outcomes focus on solid waste, industrial process waste (non-hazardous solid, liquid and airborne wastes resulting from industrial processes) and hazardous waste.

Sustainable Product and Technology Development/Implementation: Sustainable product and technology development supports the creation of new or reformulated products and industrial

process technologies for sale by New York State companies. These products and technologies must enhance environmental sustainability in a measurable way when compared to the conventional product or process technology currently in use in the market or industry. Sustainable product/technology development projects may enhance environmental performance by addressing industrial process waste in all media (non-hazardous solid, liquid and airborne process wastes), hazardous waste, toxic and heavy metal reductions/substitutions, recycled content feedstock and lifecycle design for reuse/remanufacturing of products/technologies.

Research and development: EIP supports research and development projects to test sustainable products and process technologies prior to commercialization, to manufacture sustainable products or to deploy sustainable process technologies. Technical assistance projects help groups of businesses to develop sustainable products or adopt sustainable process technologies. Eligible projects must demonstrate measurable material benefits when compared to the conventional products or process technologies they could replace.

EIP is outcome driven. Projects that EIP supports must clearly define the measurable environmental and economic results they will achieve as project outcomes. Project outcomes must be quantifiable and measured as improvements over current baseline operations. Environmental outcomes are measured as tons of material recycled, remanufactured or reused; tons of pollution prevented; or millions of gallons of water reduced or recycled. Economic outcomes are measured as dollars of reduced costs; dollars of increased revenue; and jobs created and retained.

Funding Types

CAPITAL PROJECTS

- Capital projects invest EIP funds primarily in machinery and equipment needed to achieve project outcomes.
- Applicants/contractors are non-profit organizations and municipalities that must own the assets supported by EIP on behalf of the private sector co-implementer that will use the assets to achieve results. The contractor owns the asset for the term of its defined useful life. Private sector firms use the assets supported through capital project contracts in their role as co-implementers to achieve project results. Co-implementers must be committed to achieving project results.

Eligible capital project costs:

- Machinery and equipment directly related to the project results, including associated engineering, shipping and installation costs. Eligible transportation equipment is limited to those items used on site. Vehicles that can be used on the open road are not eligible.
- Acquisition, construction and improvements to real property when the costs are integral to the project results, reasonable, and increase the likelihood that the project will start and complete in a timely manner. Improvements, alterations or repairs to real property may include site preparation; demolition, installation or relocation of utilities; transportation facilities; construction materials and labor where such improvements are essential to achieving the project

environmental outcomes.

- Consulting costs associated with the acquisition of legal, engineering and architectural services directly related to the installation and start-up of the equipment.

Ineligible capital project costs:

- Consultant fees for services such as writing reports, measuring results or performing R&D
- In-kind costs
- Permit fees
- Costs incurred in preparing an EIP application.

RESEARCH AND DEVELOPMENT (R&D) PROJECTS

- R&D projects test, evaluate and demonstrate the technical and economic feasibility of products or process technologies that recycle, prevent pollution or achieve measurable sustainability outcomes.
- EIP supports R&D projects with the highest likelihood of leading directly to the commercialization or use of the product or process technology. EIP helps resolve barriers to full commercialization and does not support basic research or research that leaves key questions to the successful commercialization or use of the product or process technology unanswered.
- EIP will only support R&D projects in which a New York State firm(s) demonstrates commitment and ability to directly implement the project results in New York. R&D projects that create results with the potential to be applied at or benefit multiple New York State business enterprises receive priority consideration.
- If the results of the project prove feasible and economical, R&D contractors must either implement the study results through a New York State facility, or make the results available to other interested business enterprises through sale, licensing or other means within two years of project completion.
- All non-proprietary information generated by R&D projects and provided to EIP may be used by EIP in any manner which EIP deems appropriate to further environmental quality objectives.

Eligible R&D project costs:

- Incremental expenses associated exclusively with the conduct of the test, evaluation, or demonstration. Costs that would be incurred regardless of the project (i.e., rent, overhead and others associated with the normal cost of doing business) are not eligible.
- Rental or straight leasing of equipment needed to conduct project testing.
- Purchase of equipment when such equipment is essential to the research outcomes and not available for lease/lease-purchase. Non-availability of lease options must be documented.

Ineligible R&D project costs:

- Equipment purchases (including lease-purchase arrangements) and capital improvements, except as noted above, where essential equipment is not otherwise available through any form of lease agreement.
- EIP does not subsidize regular employee wages. Costs associated with the contractor's staff may be included only as part of the contractor's in-kind investment in the project, unless EIP approves otherwise. Arguments to justify EIP support of regular employee wages may be presented in the Cost Derivations portion of the application and must document why identified individuals are uniquely qualified to conduct relevant portions of the R&D project.
- Costs incurred in preparing an EIP application.

TECHNICAL ASSISTANCE PROJECTS

- Technical assistance projects support eligible organizations that directly assist groups of New York State businesses to achieve recycling, reuse, pollution prevention or sustainability outcomes.
- Environmental outcomes must be quantifiable and substantive, and should also deliver the associated economic outcomes of cost savings or enhanced revenues to assisted businesses.
- EIP supports contracts with organizations that have demonstrated experience in recycling, pollution prevention, or sustainability, and that can create an effective link between the provision of these services and their current business assistance services.

Eligible Technical Assistance project costs include:

- Personnel expenses (salaries and fringe benefits) for project employees and support staff engaged in results-based technical assistance delivery.
- Non-personnel expenses in support of the personnel assigned to the project, including supplies and materials; publications; travel; communications; equipment rental or repair; facility rental; telephone and utilities.
- Equipment to implement pollution/recycling results at assisted companies may be eligible. Such equipment may not be disposed of, sold, transferred, leased, or used for any other purpose without written permission from the Department.

Ineligible Technical Assistance project costs include:

- Standard operating costs not directly associated with delivery of results-based services to businesses.
- Costs incurred in preparing an EIP application.

Pre-Application Requirements:

None

Successful Applicant Requirements:

Successful applicants will develop a project workplan that becomes part of the DED contract.

It will include project outcomes and baselines, derivation of outcomes, milestone schedule, and a detailed budget with derivations.

Other information that is required includes:

Capital Applicant:

- OSC Forms ST-220-CA and ST-220-TD (certification to collect NYS sales tax):
(Municipalities, IDAs, and contracts in which EIP support is less than \$100,000 are exempt)
- Vendor Responsibility Questionnaire (VRQ)
- A copy of the applicant's EEO policy statement
- For capital contracts the following must be submitted *prior to the first invoice*:
- A copy of the ratified agreement between the applicant and the co-implementer to fulfill the conditions of the agreement between DED and contractor.
- A copy of the Uniform Commercial Code (UCC) filing to secure ownership of the equipment for which it will be reimbursed via this contract.

Capital Co-Implementer:

- Verification of project baselines
 - Letters of financial commitment
 - Documentation of the useful life of EIP-funded items. (DED, the applicant and the co-implementer shall mutually agree upon the useful life of each asset prior to contract execution. It may be determined by its accounting life for purposes of depreciation; the original equipment manufacturer (OEM); or an alternative method justified by the applicant or co-implementer).
 - A prototype outcome report that will be used to verify project outcomes
 - A copy of the co-implementer's EEO policy statement
- If EIP is funding real estate acquisition or improvement the co-implementer must provide:
- Evidence of site control, such as:
 - Copy of deed
 - Purchase contract
 - Option to buy
 - Lease agreement
 - A description of the current stage of development (e.g. conceptual, planning, bidding, contracts, construction begun).

- A copy of a plot plan, showing existing/proposed improvements, easements, etc.
- A copy of plans and specifications for construction, alteration, repair, or improvement (e.g., type of construction; total square footage; number of stories; square foot allocation for production, warehousing, office space). The plans must be prepared under the supervision of, and certified by, a NYS licensed, registered architect or engineer.

For projects in which real estate acquisition or improvement is used as the match the items listed above are not required; however a Certificate of Occupancy or equivalent will be required before any funds are disbursed.

Technical Assistance Applicant:

- Depending on the nature of the project, verification of project baselines may be requested.
- OSC Forms ST-220-CA and ST-220-TD (certification to collect NYS sales tax):
- (Municipalities, IDAs, and contracts in which EIP support is less than \$100,000 are exempt)
- Vendor Responsibility Questionnaire (VRQ)
- (Municipalities, IDAs, and contracts in which EIP support is less than \$100,000 are exempt)
- A copy of the applicant's EEO policy statement
- A prototype outcome report used to document completion of project outcomes.

Research and Development Applicant:

- OSC Forms ST-220-CA and ST-220-TD (certification to collect NYS sales tax):
(Municipalities, IDAs, and contracts in which EIP support is less than \$100,000 are exempt)
- Vendor Responsibility Questionnaire (VRQ)
(Municipalities, IDAs, and contracts in which EIP support is less than \$100,000 are exempt)
- A copy of the applicant's EEO policy statement

Contractual Guidelines:

Contractual guidelines apply to all three types of projects except as noted.

- All contracts should be completed within a term of six months to two years.
- All contracts are reimbursement and performance-based. EIP reserves the right to permanently withhold at least 20% of the full contract amount until satisfied that the project has been completed; the contractor has met all contractual obligations; the project outcomes have been met or exceeded; and final reports have been submitted.
- If the contractor's cash or in-kind contributions fall below the contractual budget commitments, EIP reserves the right to proportionately reduce the EIP award.

- Contract payments for R&D and Technical Assistance projects will be made on a cost reimbursement basis as milestones are achieved.
- Contract payments for Capital projects will be made on a reimbursement basis upon achieving 100% of project outcomes and subject to the terms of the contract, unless approved otherwise.
- Costs incurred prior to a written EIP award commitment cannot be included in a project budget without prior written approval.
- For R&D and Technical Assistance projects, indirect cost rates may not exceed 22% of the total project cost. Indirect cost rates are those calculated by multiplying the total cost of a project by a percentage and adding the result to the project as a budget line or as an in-kind match. If an indirect cost percentage is added to the project budget, the budget cannot also itemize indirect costs prior to applying the indirect percentage. EIP reserves the right to cap excessive hourly rates and other costs used as in-kind match. Capital project budgets may not include indirect costs.
- For Capital and Technical Assistance Projects, the contractor's matching investment cannot include funds provided by any other New York State waste prevention program or certain federal programs. R&D matching funds are not restricted.
- For Capital Projects, physical assets supported by EIP must be owned by the applicant/contractor for the duration of their useful life and cannot be disposed of, sold, transferred, or leased without written permission from DED. The agreed-upon useful life for EIP-supported assets will extend beyond completion of the project term.
- EIP does not support projects designed to achieve compliance with NYS environmental conservation laws or regulations.
- DED is subject to the Freedom of Information Law (FOIL) that governs the process for the public disclosure of certain records maintained by the Department.
- Awards made by EIP are subject to equal employment opportunity requirements for minorities and women and the participation of certified minority and women-owned business enterprises on State contracts.
- Subcontracting is permitted under certain conditions.

Funding Priorities:

Recycling Investment Priorities

Building Construction and Demolition (C&D) Debris

- Increase capacity to divert building C&D material from disposal to reuse/recycling
- Increase value and value-added uses for recovered material
- Increase capacity for deconstruction and building material reuse

Commercial/Industrial-Generated Food Waste

- Increase capacity to process commercial/industrial food waste for recycling
- Increase capacity to compost commercial/industrial food waste
- Enhance collection technology and practices to make food waste diversion cost-effective
- Expand value-added markets for compost

Electronic Devices

- Increase capacity and cost-effectiveness of electronics recycling and remanufacturing

Glass

- Expand value-added uses for mixed-color container glass
- Expand markets for sorted non-container glass, including windshield, window pane, mirror, pyrex and ceramics

Industrial Process and Hazardous Waste

- Expand capacity to recycle industrial wastes in value-added uses

Paper

- Increase diversion of significant amounts of commercially- and institutionally-generated waste paper for recycling
- Increase capacity of resident paper mills to use recycled feedstock
- Expand value-added uses for paper mill residuals

Plastics

- Increase diversion and value of container plastics for recycling
- Increase diversion and capacity to recycle plastic films, including bags, agricultural, marine and pallet films
- Expand value-added uses for recycled films

Tires

- Expand value-added uses for recycled tire materials

POLLUTION PREVENTION/WASTE REDUCTION INVESTMENT PRIORITIES

- Achieve substantive and measurable environmental and economic outcomes
- Reduce toxic material inputs and hazardous waste generation
- Expand green supply chain networks by manufacturers to enhance the sustainability of

products and processes

- Focus on manufacturing product inputs and process wastes
- Derive economic benefit directly from the environmental improvement
- Achieve pollution prevention/reduction outcomes at the site where the investment is made

Ineligible Activities:

- End-of-pipe pollution control technologies
- Practices and equipment to achieve compliance with NYS environmental conservation laws or regulations
- Shifting waste from one medium to another with no net environmental benefit
- Energy recovery, incineration or the processing of waste for use as refuse-derived fuel
- Clean-up or remediation of contaminated sites

Selection Criteria:

Vision

- The degree to which the project fits EIP Investment Areas & Priorities.
- The degree to which the project focuses on the NYS environment (as opposed to out of state). For solid waste projects, the degree to which the project diverts solid waste from New York State disposal capacity (as opposed to out-of-state disposal capacity or existing recycling market outlets), and the degree to which the project adds value to the recovered material.

Process

- The strength of the business issues driving the project, the likelihood the project will be started and completed on time, and its responsiveness to regional environmental and economic development needs.
- How broadly the project results may apply to other NYS business enterprises.

Strategy

- How well the environmental results and economic benefits compare to similar projects that have been competitively reviewed and funded by EIP.

Implementation

- The technical and economic feasibility of the project; the clarity of the application.
- The commitment, experience and ability of the key people dedicated to achieving the project results.

- The financial viability of the business.
- The demonstrated financial need of the applicant and co-implementer, where applicable, for assistance.
- The immediate potential to implement or commercialize the project results in New York State without further research.

Leverage

- For projects, the degree to which the cash and in-kind matching funds exceed the minimum requirements.
- The amount of cash provided by the applicant and the assisted businesses for the services they will receive and implement.

Performance Measures

- The magnitude of the environmental results and the cost-effectiveness of DED's project investment in achieving those results; the magnitude and quality of potential environmental benefits to the State.
- The economic benefits the project will return to NYS communities thru job creation, investment, operational efficiencies or increased revenues derived from the environmental results, and the cost-effectiveness of DED's project investment in achieving those results; the potential economic benefits the project will return to NYS communities as measured for CAP and TA; the number of business served.

Award Criteria Details:

- Awarded projects are generally given six months to provide documents required for a contract.

Limitations:

- Capital – up to 50% of eligible project costs, not to exceed \$500,000
- Technical Assistance – up to 50% of eligible project costs, not to exceed \$100,000/yr
- Research and Development – up to 80% of eligible project costs, not to exceed \$200,000

Project Term Completion Dates:

- Contracts are generally limited to 2 yrs. Upon extenuating circumstances contract extensions are considered.

Matching Fund Requirements:

- Capital – EIP capital assistance must be matched with cash, inkind contributions cannot be counted.
- Technical Assistance – Projects must incorporate cash contributions from assisted businesses as well as the service provider.
- Research and Development – Projects must contribute at least 20% of project costs in cash.

Other

During due diligence, EIP will provide the applicant's (or co-implementer's) name to, and consult with, the NYS Department of Environmental Conservation and other pertinent State agencies to ensure the applicant (or co-implementer) is in compliance with all appropriate federal, state and local laws and regulations. EIP review may also seek guidance from experts at the New York State Energy Research Development Authority, universities, trade associations, or other individuals.

Additional Resources:

Please contact the Department for additional details, including a Program Guide. Call 518/292-5340 or e-mail environment@empire.state.ny.us. Visit www.esd.ny.gov/environment.

Glossary:

Co-implementer – a New York State business that achieves capital project outcomes in partnership with the capital project applicant/contractor. The applicant/contractor must be a municipal or non-profit organization, which contracts with EIP and holds title to all EIP-supported equipment or property for the duration of its useful life. The co-implementer subcontracts with the contractor to use the EIP assisted assets to achieve the project results. Project matching funds are provided by the co-implementer. EIP awards are paid on a reimbursement basis to the contractor upon verification that the co-implementer has achieved contractual project outcomes. The Contractor disburses funds to the co-implementer upon receipt of payment.

Example: An industrial development agency (IDA) contracts with EIP to invest in machinery and equipment on behalf of a manufacturer to recycle process wastes and water. The manufacturer is the co-implementer. The manufacturer enters into a separate agreement with the IDA and must successfully operate the new equipment and verify achievement of the contractual recycling outcomes. Variations on this example include any capital project in which a non-profit or municipal contractor invests EIP funds so that a New York State business – the co-implementer – may achieve the project results.

Contractor – For capital projects the contractor is the municipal or non-profit organization which holds title to EIP-supported assets on behalf of a New York State business. For RD&D projects the contractor is a New York State business or non-profit organization that contracts directly with EIP to achieve the project outcomes. For Technical Assistance projects the contractor is a non-profit business service organization or municipality that contracts with EIP to assist New York State businesses.

Employment

Full-time Permanent Employee – A full-time, permanent, private sector employee on Applicant's payroll who works at the project location for a minimum of 35 hours per week for not less than 4 consecutive weeks and who is entitled to receive the usual and customary fringe benefits extended by the applicant to other employees of comparable rank and duties; or 2 part-time, permanent, private sector employees on Applicant's payroll who work at the project location for a combined minimum of 35 hours per week for not less than 4 consecutive weeks and who are entitled to receive the usual and customary fringe benefits extended by Applicant to other employees of comparable rank and duties.

Full-time Contract Employee – A full-time, private sector employee (or self-employed person) who is not on the contractors/co-implementer's payroll but who works for the contractor/co-implementer for a minimum of 35 hrs per week for not less than 4 consecutive weeks providing services

that would otherwise be provided by a full time permanent employee. The position held by a full time contract employee is a year round position.

Retained Jobs – Jobs at risk of being lost or moved out of state should the Project not proceed. Please report only those jobs that are truly at risk.

Match

In-Kind Match – an in-kind match is an already existing and quantifiable resource and cost that the applicant or benefitting business dedicates in full or in part to implement the project. In-kind matching resources may include (but are not limited to) staff time, facility space, equipment and supplies. In-kind resources are valued at the cost already paid to sustain them, and a percentage of that value may be counted as a project match, based on the portion of the resource that is dedicated solely to the implementation of the project. All in-kind matching funds must be approved by EIP at the time of application. For example: an existing staff person dedicates part of his/her time to implement the project. Part of that worker's salary and benefits may be counted as an in-kind match to the project.

Cash Match – a cash match represents a new expenditure the applicant or benefitting business incurs in order to implement the project. Such expenditures must be integral and necessary to complete the project and are likely to cease once the project is completed. All cash matches must be approved by EIP at the time of application. For example: an organization lacks sufficient staff to implement a project and hires a consultant or temporary worker dedicated to the project. The cost of the consultant or temporary worker may be counted as a cash match to the project.

Municipality – a local public authority, public benefit corporation, a county, city, town village, or Indian tribe residing in New York State or any combination thereof.

Non-profit Organization – a 501(c)3 charitable organization.

Project Outcomes – are the measurable environmental and economic results the project commits to achieve. For Capital and Technical Assistance, project outcomes must be expressed as quantifiable and verifiable numbers: as tons of material or millions of gallons of water reused, recycled, reduced or conserved; and as dollars of savings or increased revenue; and as jobs created or retained.

For R&D, project outcomes are precise statements about what the applicant will test and demonstrate and should reflect the research methodology. Applicants must also estimate the ultimate value of the project outcomes. That is, what will be achieved when the R&D results are applied commercially? While somewhat speculative, this must be expressed in quantifiable terms. EIP invests in R&D projects where the project outcomes indicate the highest potential for commercial implementation that will achieve substantive environmental results.

Project outcomes must be realistic and achievable. The project outcomes, milestones and verifications become part of the project contract and form the basis for determining EIP disbursements.

Source Separated Organic Materials – readily degradable organic material such as food, yard and wood waste, including agricultural and food processing waste, which is collected separately from mixed solid waste, but does not include sewage, sewage sludge, sludge or septage.

Source Reduction – any practice which:

- Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and
- Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.
- The term “source reduction” does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service, for example, a company-wide paper reduction program.

Sustainable/Sustainability – a product or process technology that reduces environmental impacts throughout the product life or operation of the technology when compared to current products or practices.

Waste – For the purpose of this program, waste is defined to include:

Air Contaminant – any regulated air emissions, including SO_x, NO_x, Volatile Organic Compounds, Hazardous Air Pollutants and others as defined by the Department of Environmental Conservation under Part 200.1(d). Consult with an Environmental Investment Program specialist to determine applicability.

Hazardous Waste – those wastes that appear on the list, or satisfy the characteristics of hazardous waste promulgated pursuant to section 27-0903 of the Environmental Conservation Law. Hazardous wastes do not include source, special nuclear or by-product material as defined in the Atomic Energy Act of 1954, as amended.

Industrial Process Waste — any liquid, gaseous or solid substance or a combination thereof resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources, which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards adopted in subdivision five of section 17-0105 of the Environmental Conservation Law. Industrial Process Waste does not include hazardous waste.

Solid Waste — all putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of discard or rejection. This can include, but is not limited to, garbage, refuse, industrial and commercial waste, sludges from air

or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal, but does not include sewage and other highly diluted water-carried materials or substances and those in gaseous form. This does not include hazardous waste.

ENERGY AND ENVIRONMENTAL IMPROVEMENTS

Energy Efficiency and Renewable Energy Projects and Programs (up to \$75 million)

Description:

The Existing Facilities Program (EFP) offers Performance-Based incentives to encourage Applicants to implement cost-effective energy efficiency projects that deliver verifiable annual energy savings. EFP also offers Pre-Qualified incentives to encourage Applicants to purchase and install more energy-efficient equipment for small-sized energy projects and equipment replacement projects.

Eligible Types Of Applicants:

Definition: Applicant - The entity receiving the approved incentive amount upon project completion, and will be responsible for delivering the energy savings. Applicants can include third parties such as Energy Service Companies (ESCOs), facility owners, management companies, and/or tenants with the authority to make improvements.

All commercial and industrial Facilities that pay the SBC charge are eligible. Incentives are structured to provide payments for natural gas and electric efficiency projects that reduce energy usage. The Program targets certain market sub-sectors such as commercial, industrial, institutional, municipal, not-for-profits and K-12 schools.

Definition: Facility = The building or structure where the energy efficient measures are being implemented.

Eligible Activities / Program Benefit Requirements:

- Electric and Natural Gas Efficiency incentives are offered to offset capital costs of cost-effective energy efficiency projects that reduce energy consumption at an eligible facility.
- Combined Heat and Power (CHP) incentives are offered to offset the installation costs of clean, efficient, and commercially available CHP systems.
- Demand Response (DR) incentives are offered to offset a portion of the technology costs that enable facilities to participate in Demand Response programs.
- Monitoring-Based Commissioning (MBCx) incentives are offered to support the implementation of continuous commissioning programs, as well as protocols and systems that promote persistent and measurable operational based energy savings.

Overall Eligibility

All equipment covered by ENERGY STAR® must meet the ENERGY STAR® minimum efficiencies. All other equipment must meet the following criteria:

Lighting

- All lighting projects require the Existing Facilities Program Lighting Form found [here](#).
- All four-foot T8 fixtures must be high performance, or low wattage, as defined by the Consortium for Energy Efficiency (CEE).
- Installation of T12 lighting technology is ineligible for funding.
- Only hardwired and pin-based CFLs are eligible. Screw-in compact fluorescent lighting with any type of adapter is ineligible for funding. Any adapter (i.e. locking devices/discs/pin-based converters/etc...) that secures screw-in compact fluorescent lighting does NOT make screw-in CFLs eligible for incentives.
- Re-lamping projects are ineligible for funding. Re-lamping is defined as the replacement of only the removable lamp(s) in a light fixture.
- De-lamping / lamp removal may contribute to no greater than 20% of the total energy savings.
- Applicants implementing Solid State Lighting (SSL) projects should review the most current EFP SSL (LED) policy for eligibility.

Motors

- All motors must qualify as National Electric Manufacturers Association (NEMA) Premium Efficiency Motors.

HVAC

- All HVAC equipment must exceed ASHRAE 90.1 2007 by at least 2% or the Pre-Qualified program standards as listed on the [Measure Worksheets](#), whichever is more stringent.

Custom Projects

- Applicants considering projects other than lighting, HVAC, motors, Variable Frequency Drives (VFDs), or Energy Management Systems (EMS) should contact NYSERDA to discuss eligibility.

Super Efficient Electric Chiller Bonus

- Water-cooled electric centrifugal chillers greater than or equal to 300 tons are eligible for a bonus if the proposed efficiencies exceed the associated ASHRAE 90.1 2007 centrifugal chiller full load standard (Path A) by at least 3% or Integrated Part Load Value (IPLV – Path B) by at least 12.5%. Bonus incentive calculations are based on nameplate efficiencies. New super efficient chillers that are installed to accommodate load growth or to replace existing non-electric cooling are eligible for this bonus. Chillers not covered by ASHRAE 90.1 2007 (addendum m) and backup chillers are ineligible for this bonus incentive.
- For more information, refer to the [Technical Guidance Document for Chillers](#) and the [Super Efficient Electric Chiller Bonus Estimator](#).

Pre-Application Requirements:

None

Successful Applicant Requirements:

Submit a Consolidated Funding Application (CFA). Program Opportunity Notices (PONs) are advertised for a specific time period. CFAs must be received between the start and finish date of a PON.

Pre-Qualified Incentives:

- Check the appropriate Pre-Qualified Measures Worksheets on the Existing Facilities website <http://existingfacilities.nyserda.org> to make sure that all proposed equipment meets the specified eligibility criteria.
- Complete the project: purchase, install, and commission the proposed equipment.
- Complete and submit the following REQUIRED documentation within 90 days of project completion:

Appropriate Pre-Qualified Measure Worksheets

- Current, complete utility bill documenting the System Benefits Charge
- Equipment specification sheets supporting applicable eligibility criteria
- Invoices for equipment verifying purchase and installation
- NYSERDA will evaluate the project using the required program documentation. If approved incentives will be paid directly to the Applicant.

Performance-Based Incentives:

Complete and submit the following REQUIRED documentation before or within 90 days of contracting, and prior to any demolition or removal of existing equipment or installation of new equipment for the project:

- Current, complete utility bill documenting the System Benefits Charge
- Proposed equipment specification sheets supporting applicable eligibility criteria
- For lighting projects, please include the Existing Facilities Program Lighting Form found on our web site (<http://existingfacilities.nyserda.org>)
- For other projects, please include preliminary calculations that reflect the anticipated saving
- NYSERDA evaluates the project based on the submitted documentation. If deemed eligible, a Purchase Order will be issued to the Applicant. The Applicant will have two years from the issue date of the Purchase Order to complete the project.
- The Applicant submits an Engineering Analysis for NYSERDA's approval. The Engineering Analysis includes, but is not limited to, project description, detailed energy savings calculations, and economic evaluation.

- NYSERDA (or a NYSERDA assigned Technical Consultant) reviews the Engineering Analysis and conducts a pre-installation inspection. NYSERDA may request revisions to the Engineering Analysis as necessary. After the pre-installation site inspection and approval of the Engineering Analysis, NYSERDA will notify the Applicant and facility contact that they can implement the project. (An Applicant proceeding with demolition or installation before NYSERDA conducts a pre-installation inspection and reviews the Engineering Analysis does so at its own risk.)
- The Applicant implements the project and notifies NYSERDA that the project is complete and ready for a post-installation inspection.
- The Applicant revises the Engineering Analysis to reflect post-installation conditions and submits it to NYSERDA's assigned Technical Consultant. NYSERDA conducts a post-installation inspection and collects relevant documentation (including invoices) and any other remaining items.
- Upon approval of all final deliverables, NYSERDA issues the full incentive for projects not requiring Measurement and Verification (M&V) to the Applicant, and partial payment for projects requiring M&V. Those projects requiring M&V must be completed in accordance with the approved Engineering Analysis. When the M&V is complete, NYSERDA reviews the results and releases the remaining funds. Final incentive levels may be adjusted based on data gathered during post-installation inspection and/or within the M&V results.

Funding Priorities:

The program is offered as open enrollment, advertised as a Program Opportunity Notice (PON), and is offered on a first come, first served basis subject to funding availability.

Ineligible Activities:

Projects with simple payback periods greater than 18 years (excluding NYSERDA incentives) are ineligible.

- Projects are ineligible if they have a simple payback period less than:
 - Manufacturing and Data Centers: 6 months
 - Farms and on-farm producers: 6 months
 - Commercial and Institutional: 1 year
- NYSERDA's incentives will be adjusted to ensure these payback thresholds are adhered to.
- Applicants may not obtain incentives for the same energy efficiency measures through other NYSERDA programs or from programs offered by their local utility.
- Ineligible projects include power quality, power factor improvements, and fuel switching
- Residential projects are also ineligible for participation in the program.
- Energy-efficiency measures must be cost effective [Defined as a TRC of one (1) or greater].

Selection Criteria:

The program is offered as open enrollment, advertised as a Program Opportunity Notice (PON), and is offered on a first come, first served basis subject to funding availability.

Award Criteria Details:**Eligible Area, City, County Population Limits Or Population Target Types:**

Statewide – Must pay into System Benefits Charge (SBC)

Limitations:**Per Facility caps:**

- Pre-Qualified – \$30,000 – Electric; \$25,000 – Natural Gas (National Fuel only)
- Performance-Based – \$2,000,000 (Electric) / \$25,000 (Gas – National Fuel only) **0.375**

Long Range Goals:

EFP will save 221,899 MWH and 155,927 MMBtu of gas by 2015.

Project Term Completion Dates:

- All measures must achieve savings for at least five years.
- See Successful Applicant Requirements

Matching Fund Requirements / Deadlines:

The total incentive cannot exceed 50% of the project cost for most projects. For Demand Response projects and projects that bundle electric and/or natural gas efficiency and Demand Response, the total incentive cannot exceed 75% of the project cost. Project cost may include equipment, labor, and engineering expenses.

Additional Resources:

EFP Website: <http://existingfacilities.nyserda.org>

EFP Program Manager = Scott Smith (518) 862-1090 x3344 or sas@nyserda.org

New Construction Program**Description:**

The New Construction Program (NCP) provides technical assistance and financial incentives to promote the installation of energy-efficient natural gas and electric equipment in new and substantially renovated commercial and industrial buildings.

Eligible Types Of Applicants:

- State and local governments, businesses, not-for-profit and private institutions, public and private schools, colleges and universities, multi-family buildings (seeking green building certification), and health care facilities in New York State that are electricity or firm gas 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). The program is offered as 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.
- Working with NYSERDA, identify, analyze and document potential energy efficiency measures and incentives. Technical assistance 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.
- Upon NYSERDA approval of project completion, a check will be issued to the customer.

*** 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:

- Applications to the NCP are given equal consideration.
- To ensure eligibility to participate in all services available through the NCP and to maximize NCP 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.

- Ineligible projects include renovations and equipment upgrades at existing occupied facilities where the facility will remain occupied during construction.
- Except as specifically noted under NCP eligibility, residential projects are ineligible for participation in the program.
- Applicants who do not, or will not, pay into the System Benefits Charge through their local utility company are ineligible for participation in the program.
- Applicants may not obtain incentives for energy efficiency measures installed before an application is submitted and an NCP incentive offer is issued by NYSERDA.
- Energy-efficiency measures must be cost effective.
- Energy-efficiency measures involving fuel switching are ineligible.
- Energy-efficiency measures with a simple payback period greater than 18 years (excluding NYSERDA incentives) are ineligible.

Selection Criteria:

- The program is offered as 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.
- Late, 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, multi-family buildings (seeking green building certification), and health care facilities in New York State that are electricity or firm gas 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 NCP offers technical support and financial incentives to effect a permanent transformation in the way buildings are designed and constructed for energy efficiency in New York State.

Project Term Completion Dates:

- Financial incentives are based upon the performance of anticipated building energy efficiency improvements as compared to a designated baseline.

- NYSERDA will provide written pre-approval of all 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:

- Technical assistance is offered on a cost-shared basis. The applicant portion of the cost share is due six months after the applicant's receipt of the NYSERDA offer letter, or six months after NCP project cancellation, whichever is sooner.

Additional Resources:

More information is available at http://www.nyserda.org/programs/New_Construction/default.asp

FlexTech Program: Cost-Shared Studies

Description:

Program provides eligible New York State commercial, industrial, and institutional end users with objective and customized studies and engineering analysis to help make informed energy decisions.

FlexTech is funded through the Systems Benefit Charge (SBC) and Energy Efficiency Portfolio Standard (EEPS). Eligible applicants are a New York State electricity or gas distribution customer of a participating utility company who pay into the SBC. The SBC may be line item on the customer's utility bills.

Eligible Types Of Applicants:

Customers must be contributing to the SBC in order to participate in the program. Eligible applicants include all commercial, industrial, and institutional end users that contribute to the SBC, including but not limited to:

- Municipalities (Local Government)
- State Agencies & Government
- Not-for-profit Corporations
- Commercial Facilities
- Industrial Facilities
- Public and Private K-12 schools

- Colleges and Universities
- Healthcare Facilities
- Agricultural Facilities

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 a statewide geographic distribution of needed technical services. This list is currently available on NYSERDA's website: www.nyserda.org/programs/8extech_consultants_expertise_new.pdf

Alternatively, customers may select their own independent service provider. Potential service providers include, but are not limited to: ESCOs, energy consultants, and engineering companies. Eligible study categories include:

- Energy Feasibility Studies — Studies and customized recommendations consistent with your facility and business goals.
- Master Planning — Ongoing identification of energy opportunities for your business. Services include energy, carbon and sustainability master planning, long-term operational and management support, and RFP preparation.
- Industrial Process Efficiency — These studies focus on increasing productivity and improving energy performance. Use them to help your company define and reduce energy use per unit of production.
- Data Centers — Helps you assess energy efficiency and reduce energy and carbon impacts in your data center support systems. Includes items such as system upgrades or replacement, server virtualization and redundancy optimization.
- Benchmarking — Benchmarking and onsite systems and operational assessments recommending low-cost energy-efficiency improvements.
- Retro-commissioning — This systematic process helps determine how well building systems perform interactively to meet the operational needs of owners and occupants.
- Combined Heat and Power — Rely on these studies to investigate the feasibility of installing combined heat and power.
- Peak-load Reduction & Load Management — Develop comprehensive protocols that allow customers to respond to curtailment calls from the New York Independent System Operator (NYISO) during periods of New York electrical system capacity constraints.
- Farm Energy Audits: Energy feasibility studies that provide farmers with cost effective, energy efficiency opportunities for their farm process.

Pre-Application Requirements:

Customers must be contributing to the SBC. Work conducted prior to application 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 and NYSERDA cost-share will be set aside. 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 amounts are not encumbered 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, that have not been occupied for more than one year are ineligible for funding.
- Whole building or new construction commissioning is not eligible for funding under this program.
- Detailed engineering design is considered an implementation effort and is not eligible for funding under this program.
- Applications seeking funding for single, multifamily, or Publicly Assisted Housing are not eligible under this program, but may apply under NYSERDA's Residential Energy Affordability 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 and Renewable Generation requirements.
- Equipment purchases are not eligible for funding under this program, except for metering equipment, software costs, and other data collection hard costs representing up to 50% of the eligible FlexTech project 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.
- Retro-commissioning studies without the potential for significant energy savings are not eligible for funding. Study costs may be prorated at NYSERDA's discretion with NYSERDA cost-sharing only the energy efficiency components. Funds may be used for evaluation of facilities only and may not be used to correct deficiencies found. Calculations demonstrating the potential energy impacts from repairing each deficiency are required. NYSERDA reserves the right to determine which projects are classified as Retro-commissioning.
- Organizations which generate, transmit, or distribute energy for sale are not eligible for funding under this component of the program.
- Applications for studies of non-renewable generation without a heat recovery component are not eligible for funding.
- Applications seeking assistance with evaluating systems where the potential renewable generation capacity would be larger than 5 MW are not eligible for funding.
- Applications seeking assistance with evaluating CHP systems for which the potential generation capacity would be larger than 50 MW or mechanical equivalent in total prime mover capacity, including back up, are not eligible for funding.
- Applications seeking assistance with evaluating CHP systems for which less than 75% of the electricity generated would be used on-site are not eligible for funding.

Selection Criteria:

FlexTech provides funding on a first-come, first served basis.

Award Criteria Details:

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

- Customers must be contributing to the Systems Benefit Charge (SBC) on their electric or gas 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. Gas utility customers may also be contributing to the SBC on their gas utility bill. Customers of other electric distribution utilities, for example New York Power Authority (NYPA), Long Island Power Authority (LIPA), or municipal utility customers that are not contributing to the Gas SBC are ineligible for funding.

Limitations:

- For most applications, NYSERDA will contribute fifty percent (50%) of the eligible study costs, up to the lesser of either \$1,000,000 or ten percent (10%) of the applicant's annual energy costs, based on an approved Scope of Work.
- Independent service providers and customers using independent service providers are limited to ten (10) open applications at any given time.
- Unless otherwise negotiated, all work funded under this program must be completed within two (2) years of issuance of the Purchase Order.
- Commissioning of new equipment or systems within an existing building is eligible, but must focus on the energy aspects of proper operating parameters. Calculations demonstrating the potential energy impacts from repairing each deficiency are required.
- Service provider travel costs are limited to 3% of the total project cost.
- Interval metering, sub-metering, software program costs, and other hard costs may be eligible for funding where the added expense is justified through increases in the overall effectiveness of the technical evaluation. The purpose and type of interval meter along with installation locations must be detailed in the scope of work. Interval meters must be capable of capturing time sensitive data no less frequently than once-per-hour. Data must be accessible no less than once-per-day. Requested funds for these costs cannot exceed 50% of the eligible FlexTech project costs. NYSERDA reserves the right to reduce the allowable metering costs in a study below 50%.
- 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. The current FlexTech EEPS resource acquisition goal is 332,199 MWh of electric savings and 381,963 MMBtus of natural gas savings and the current SBC goal is 397 GWh of electric savings.

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.

For eligible Farm customers using a NYSERDA FlexTech Consultant, NYSERDA will contribute the first \$1500 towards the cost of the audit, with no customer cost-share required. Eligible additional assistance above \$1500 will be cost-shared 50% by the customer and NYSERDA.

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 set to expire December 2011.

Additional Resources:

[FlexTech Main Page: www.nyserdera.org/programs/flextech.asp](http://www.nyserdera.org/programs/flextech.asp)

FlexTech Cost-Shared studies – outline of process:

www.nyserdera.org/programs/flextechprocess.asp

[FlexTech Program: Audits](#)

Description:

FlexTech Audits offer eligible customers low-cost or no-cost walkthrough audits to identify energy efficiency improvements. FlexTech Audits are funded through the Systems Benefit Charge (SBC), Green Jobs Green New York (GJGNY), and American Recovery and Reinvestment Act (ARRA) funding. Facilities must have an average demand of 100 kW or less to be eligible for FlexTech Audits.

Eligible Types Of Applicants:

Eligible applicants include nonresidential customers with an average demand of 100 kW or less, including but not limited to:

- Municipalities (Local Government)
- State Agencies & Government
- Not-for-profit Corporations - its members, directors, or officers, except as allowed by statute.
- Small Business
- Commercial Facilities

Eligible Activities / Program Benefit Requirements:

FlexTech Audits evaluate standard energy efficiency measures within eligible facilities. These measures include, but are not limited to, lighting, lighting controls, heating, ventilation air conditioning (HVAC), temperature controls, commercial kitchen equipment, and building envelope improvements. At the conclusion of the FlexTech Audit, the customer is presented with a detailed report outlining the recommended improvements, energy and cost savings. The intent of the report is to provide the customer with enough information to make an informed energy decision.

Pre-Application Requirements:

State and Local Government customers must be contributing to the electric SBC prior to application.

Successful Applicant Requirements:

Customers should calculate their average electric demand to ensure eligibility. To determine average electric demand, sum the demand (kW) indicated on your utility for each of the past 12 months and divide it by 12. Only facilities with an average electric demand of 100 kW or less are eligible to participate. State and Local Government customers must be contributing to the electric SBC prior to application.

Funding Priorities:

Eligible applications are accepted on a first-come, first served basis until funds are exhausted.

Ineligible Activities:

Energy efficiency measures beyond the standard measures outlined above may be ineligible for study.

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:

- State and Local Government customers must be contributing to the Systems Benefit 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. State and Local Government customers of other electric distribution utilities, for example New York Power Authority (NYPA), Long Island Power Authority (LIPA), or a municipal utility are ineligible for funding.

Limitations:

- Only facilities with an average demand of 100 kW or less are eligible for FlexTech Audits.
- State and Local Government customers must be contributing to the Systems Benefit Charge (SBC) on their electric utility bill in order to be eligible.

Long Range Goals:

- In addition to contributing to the goals outlined in the FlexTech: Cost-Shared Studies outline, the FlexTech Audits aim to achieve 2100 audits as a result of the Green Jobs Green New York funding, and 800 audits as a result of the American Recovery and Reinvestment Act

Project Term Completion Dates:

- Individual audit times vary. Typical audits are completed within 4-6 weeks from application.

Matching Fund Requirements / Deadlines:

Sector	Cost	
Small Business or Not-For-Profit:	Free	
* State and Local Government:	10 Employees or Less:	\$100
	Greater than 10 Employees:	\$400

* Must contribute to the System Benefits Charge (SBC). Audit Fee is refundable upon implementation of recommended measure(s)

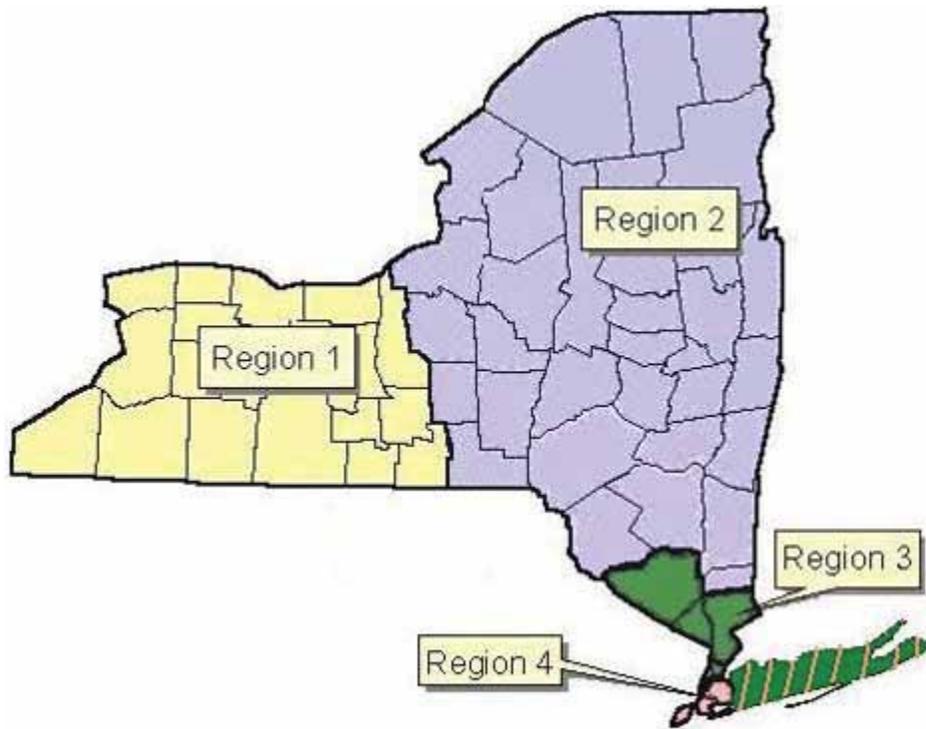
FlexTech Audit funding is set to expire December 2011. Additional funding is pending Public Service Commission approval.

Additional Resources:

FlexTech Audits: www.nyserda.org/programs/energyaudit.asp

FlexTech Audit Contractors:

Region 1 - C.J. Brown Energy Contact: Lisa Grabenstatter Phone: 716-565-9190 FAX: 716-633-5598 Email: lag@cjbrownenergy.com	Region 2 - L&S Energy Services Contact: Michelle Wooddell Phone: 518-383-9405 x223 FAX: 518-383-9406 Email: MWooddell@LS-Energy.com
Region 3 - Daylight Savings Contact: Frank Lauricella Phone: 845-291-1275 FAX: 845-291-1276 Email: flauricella@daylightsavings.us	Region 4 - EME Group Contact: Brendan Liffey Phone: 212-529-5969 FAX: 212-529-6023 Email: bliffey@emegroup.com



Region 1 - Counties

Chautauqua, Cattaraugus, Erie, Niagara, Orleans, Genesee, Wyoming, Allegany, Monroe, Livingston, Steuben, Ontario, Yates, Wayne, Seneca, Schuyler, Chemung, Tompkins, Tioga, Cayuga

Region 2 - Counties

Dutchess, Columbia, Greene, Rensselaer, Albany, Schoharie, Otsego, Washington, Saratoga, Schenectady, Montgomery, Fulton, Herkimer, Oneida, Madison, Onondaga, Oswego, Jefferson, Lewis, Hamilton, Warren, Essex, Clinton, Franklin, St. Lawrence, Cortland, Broome, Chenango, Delaware, Sullivan, Ulster, Putnam

Region 3 - Counties

Orange, Rockland, Westchester, Bronx, Nassau, Suffolk

Region 4 - Counties

Kings, Queens, Richmond, New York, Nassau, Suffolk

FlexTech Program: Benchmarking

Description:

The FlexTech Benchmarking pilot provides customers with benchmarking and operational assessments. The FlexTech Benchmarking pilot augments traditional FlexTech incentives by providing the first \$7,000 of assistance per building with no cost share required. Eligible facilities must be 50,000 sq. ft. or larger. FlexTech is funded through the Systems Benefit Charge (SBC) and Energy Efficiency Portfolio Standard (EEPS). Eligible applicants are a New York State electricity distribution customer of a participating utility company who pay into the SBC. The SBC may be line item on the customer's utility bills.

Eligible Types Of Applicants:

Eligible applicants include **facilities 50,000 sq. ft. or larger, that are contributing to the electric SBC**. Multifamily properties at least four stories high with five or more residential units are also eligible (up to \$3,000)

Eligible Activities / Program Benefit Requirements:

The FlexTech Benchmarking pilot provides eligible participants with benchmarking services and also includes site-specific reports recommending operational or system modifications that may result in energy savings.

Pre-Application Requirements:

Please confirm building size (50,000 sq. ft. or larger) and contribution to the SBC prior to application.

Successful Applicant Requirements:

Successful applicants will confirm contribution to the electric SBC and meet the required building size (50,000 sq. ft. or larger). Successful applicants will work with one of 15 NYSERDA FlexTech Consultants selected to perform work for the FlexTech Benchmarking Pilot.

Funding Priorities:

Eligible applications are accepted on a first-come, first served basis until funds are exhausted.

Ineligible Activities:

Tasks beyond those mentioned in this description or the FlexTech Cost-Shared Studies description may be ineligible for funding.

Selection Criteria:

FlexTech Benchmarking pilot 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 Systems Benefit Charge (SBC) on their electric utility bill in order to be eligible. Distribution customers of the six major New York State 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. Customers of other electric distribution utilities, for example New York Power Authority (NYPA), Long Island Power Authority (LIPA), and municipal utility customers not contributing to the SBC are ineligible for funding.

Limitations:

- FlexTech Benchmarking pilot provides up to \$7,000 per building for benchmarking and operational assessments of facilities 50,000 sq. ft. or larger. Eligible additional assistance above \$7,000 per building will be cost-shared 50% by the customer and NY-SERDA. Multifamily properties at least four stories high with five or more residential units are also eligible (up to \$3,000)

Long Range Goals:

- The FlexTech Benchmarking Pilot has a goal of 56,000 MWh.

Project Term Completion Dates:

- Individual Benchmarking project timeframes vary. Projects are completed between 60 days and 2 years.

Matching Fund Requirements:

- No customer cost-share is required for benchmarking and operational assessments costing \$7,000 or less per building. Eligible additional assistance above \$7,000 per building will be cost-shared 50% by the customer and NY-SERDA. FlexTech Benchmarking funding is set to expire December 2011. Multifamily properties at least four stories high with five or more residential units are also eligible (up to \$3,000)

Additional Resources:

FlexTech Benchmarking: www.nyserda.org/programs/flextech-benchmarking/

FlexTech Benchmarking Contact: FlexTechBenchmarking@nyserda.org

FlexTech Program: Peak Load Curtailment Plans (PLCP)

Description:

FlexTech provides funding for the development of peak load curtailment plans (PLCP). Service providers may submit an application for funds for the development of a PLCP. The purpose of this component is to encourage service providers to develop comprehensive protocols which allow their customers to respond to load curtailment calls from the NYISO during periods of New York electrical system capacity constraints.

FlexTech PLCP are funded through the Systems Benefit Charge (SBC). Eligible customers are a New York State electricity distribution customer of a participating utility company who pay into the SBC. The SBC may be line item on the customer's utility bills.

Eligible Types Of Facilities:

Customers must be contributing to the SBC in order to participate in the program. Eligible applicants include all commercial, industrial, and institutional end users that contribute to the SBC, including but not limited to:

- Municipalities (Local Government)
- State Agencies & Government
- Not-for-profit Corporations
- Commercial Facilities
- Industrial Facilities
- Public and Private K-12 schools
- Colleges and Universities
- Healthcare Facilities
- Agricultural Facilities

Eligible Activities / Program Benefit Requirements:

NYSERDA will provide funding for the development of comprehensive protocols for customers to respond to load curtailment calls from the NYISO during periods of New York electrical system capacity constraints.

Pre-Application Requirements:

Participating facilities must demonstrate of new NYISO registration and contribution to the electric SBC.

Successful Applicant Requirements:

Proof of customer registration in the NYISO ICAP/SCR is required. This “proof” can be in the form of a forwarded email from the NYISO providing the qualified load. Prior registration of curtailable load with the NYISO must have occurred within an appropriate timeframe.

Funding Priorities:

Eligible applications are accepted on a first-come, first served basis until funds are exhausted.

Ineligible Activities:

Please see limitations section.

Selection Criteria:

Eligible applications are accepted 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 Systems Benefit Charge (SBC) on their electric utility bill in order to be eligible. Distribution customers of the six major New York State 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. Customers of other electric distribution utilities, for example New York Power Authority (NYPA), Long Island Power Authority (LIPA), and municipal utility customers not contributing to the SBC are ineligible for funding.

Limitations:

- Curtailable load must be equal to or greater than 10% of the facility’s peak summer demand and must exceed 100kW.
- Industrial facilities must have a peak summer demand (defined as May-October) exceeding 400 kW. Other facilities must have a peak summer demand exceeding 1000 kW.
- Projects must not have sold the capacity identified in the PLCP into the NYISO Demand Response Program ICAP/SCR more than 90 days prior to application. The sold date refers to the day in which the load becomes eligible for payment from the NYISO or Con Edison.
- PLCPs must demonstrate that the peak-load is technically capable of being curtailed. For all projects, facility-specific loads must be indentified for curtailment.
- A facility must demonstrate that it is capable of curtailing a minimum of 10% of its peak summer demand to be eligible.
- PLCPs must demonstrate that the curtailable peak-load is greater-than or equal-to 100 kW.

- Generator projects must be located within Con Edison territory and are limited to existing emergency/back-up generators. Emissions must be less than 7.5 grams per brake horsepower (g/bhp-h) of NO_x or Department of Environmental Conservation (DEC) regulations if stricter than 7.5 g/bhp-h.
- A facility needs to provide data access instructions for NYSERDA to access interval meter information. The facility should provide the URL, username and password for the interval meter or a print-out of interval meter data by hour for at least 5 weekdays.

Long Range Goals:

- To encourage service providers to develop comprehensive protocols which allow their customers to respond to load curtailment calls from the NYISO during periods of New York electrical system capacity constraints

Project Term Completion Dates:

- Individual PLCP development times vary.

Matching Fund Requirements:

- For PLCP assistance, NYSERDA will provide \$2/kW of the participating facility's peak summer (defined as May-October) demand, up to \$8,000 directly to the service provider.

Additional Resources:

FlexTech Solicitation – please refer to the Peak Load Curtailment Plan (PLCP) sections:
www.nyserdera.org/Funding/1746pon.pdf

Industrial and Process Efficiency Program

Description:

The New York State Energy Research and Development Authority (NYSERDA) assists commercial and industrial manufacturers and data centers in identifying ways to improve energy efficiency through capital investments and process improvements by offering capital incentives and practical technical assistance while recognizing the importance of sustaining reliability and maximizing uptime.

NYSERDA's Industrial and Process Efficiency (IPE) Program will invest over \$100 million of Energy Efficiency Portfolio Standard (EEPS) funds to provide performance-based incentives to manufacturers and data centers implementing energy efficiency and process improvements.

IPE's goal is to help manufacturers and data centers increase product output and improve data processing as efficiently as possible. Incentives are calculated, when appropriate, based on a reduction in energy usage per unit of production or workload.

Eligible Types Of Applicants:

All of New York State manufacturing, industrial and data center facilities that pay into the System Benefits Charge (SBC).

- Manufacturing facilities, or support operations such as warehousing and distribution sites.
- Example: Plastics and Packaging, Chemicals, Petrochemicals, Metals, Paper and Pulp, Transportation Biotechnology, Pharmaceutical, Food and Beverage, Mining and Mineral Processing, General Manufacturing and Equipment Manufacturers.
- Data Centers
- Example: Telecom and IT Infrastructure projects

Eligible Activities / Program Benefit Requirements:

Applications will be accepted on a first-come, first-served basis through December 31, 2011, or until funds are exhausted.

Industrial and Process Efficiency Incentives			
Incentive Type	Utility	ConEd Territory	All Other Utility Territories
Capital Incentives	Electric	\$0.16/kWh	\$0.12/kWh
	Natural Gas	\$20/MMBtu	\$15/MMBtu
Operational Incentives	Electric	\$0.05/kWh	\$0.05/kWh
	Natural Gas	\$6/MMBtu	\$6/MMBtu
Minimum Project Size	at least \$30,000 incentive		
Incentive Caps	50% project cost		
	\$5 million/facility		

Generally, projects that save electricity are eligible; however, NYSERDA’s focus is on projects that improve manufacturing process productivity and data center efficiency. For example, projects that increase throughput, reduce scrap, improve productivity, and prioritization and optimization server loads all have an energy component and may be eligible for a NYSERDA incentive. NYSERDA also provides incentives for improvements to support system efficiency such as motors, VFDs, process cooling, compressed air, air flow management (hot isle/cold isle), and UPS system upgrades.

Pre-Application Requirements:

- Current copy of the facility’s utility bill with SBC notation
- Description of the energy efficiency project
- Facilities can apply to the program and receive incentives directly from NYSERDA or use a third party if desired

Successful Applicant Requirements:

- **Engineering Study:** Incentives are based on a site/process specific engineering analysis. NYSERDA's Technical Reviewers are available to assist with the required engineering analysis at no cost to the facility.
- **Measurement and Verification (M&V):** NYSERDA may use metering and other M&V tools at the Applicant's facility. In addition to the installation incentives described above, any incremental M&V costs will be performed by NYSERDA's technical reviewer at no additional cost to the applicant.
- **Project approval** is in the form of a purchase order issued to the Applicant by NYSERDA. Generally, the purchase order is issued as soon as a reasonably accurate estimate of the energy savings is available. For straightforward projects, a purchase order is issued within a few weeks of application. For more complex projects, a site visit by NYSERDA staff and/or a NYSERDA technical reviewer may be required to develop a clear understanding of the project and to estimate energy savings. In either case, the goal is to approve projects as quickly as possible.

Funding Priorities:

Applications will be accepted on a first-come, first-served basis through December 31, 2011, or until funds are exhausted.

Ineligible Activities:

A facility must pay into the System Benefits Charge (SBC) as electric and/or natural gas distribution customers through one of the following utility companies:

- The Brooklyn Union Gas Company d/b/a National Grid NY
- Central Hudson Gas & Electric Corporation
- Consolidated Edison Company of New York, Inc.
- KeySpan Gas East Corporation d/b/a National Grid (KEDNY/KEDLI)
- National Grid Generation d/b/a National Grid
- National Fuel Gas Distribution Corporation
- New York State Electric & Gas Corporation
- Orange and Rockland Utilities, Inc.
- Rochester Gas and Electric Corporation

Incentives are pro-rated for customers who pay SBC on less than 50% of their energy usage. Projects must qualify for an incentive of at least \$30,000. Projects are ineligible if they have a simple payback period less than 6 months or greater than 18 years. All measures must achieve savings for at least 5 years.

A facility may receive an incentive for a specific energy efficiency measure either through NY-SERDA or a utility company, but not both.

Selection Criteria:

Applications will be accepted on a first-come, first-served basis through December 31, 2011, or until funds are exhausted.

Award Criteria Details:

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

- All of New York State manufacturing, industrial and data center facilities that pay into the System Benefits Charge (SBC).

Limitations:

Minimum project: at least \$30,000 incentive

- Multiple projects can be bundled together to reach the minimum
- Project Incentive Cap: 50% of project cost
- Facility Incentive Cap: \$5 million per facility per year

Long Range Goals:

IPE Program Goals:

- Electric Savings: 840,000 MWh

Project Term Completion Dates:

Project Process/Milestones:

- Applicant submits application
- Technical Reviewer is assigned to project
- Technical Reviewer reviews energy savings of project
- NYSERDA issues purchase order for estimated incentive
- Facility installs project
- Technical Reviewer verifies the installation and energy savings
- NYSERDA awards incentive

A facility may take up to 2 years to complete a project.

Matching Fund Requirements:

The IPE project incentive cap is 50% of project cost.

Additional Resources:

Website: www.nyserda.org/ipe

Contact us: IPEOutreach@nyserda.org

Green Innovation Grant Program (up to \$20 million)**Description:**

The Green Innovation Grant Program (GIGP) provides grants on a competitive basis to projects that improve water quality and demonstrate green stormwater infrastructure in New York. GIGP is administered by NYS Environmental Facilities Corporation (EFC) through the Clean Water State Revolving Fund (CWSRF) and is funded with a grant from the US Environmental Protection Agency (EPA).

At the heart of green infrastructure is the goal to manage rain where it falls, reducing runoff volume and the need to treat it through grey infrastructure – much of which is already at or near capacity. Stormwater runoff can overwhelm sewer systems and other clean-water infrastructure, leading to pollution of our waterways. Traditional grey infrastructure is also expensive to maintain. Green infrastructure includes decentralized, site-specific projects that manage stormwater and provide a myriad of additional benefits such as increasing property values, revitalizing communities, improving air quality, sequestering carbon and other greenhouse gases, creating green jobs, improving the walkability of communities, reducing the urban heat island effect, and providing natural habitats, to name a few. Working in parallel with traditional grey, clean-water infrastructure, green infrastructure is a cost effective and efficient tool for meeting the goals of the Clean Water Act.

There is \$20 million available for Round 3 of GIGP (GIGP 3). Competitive projects will:

- Create and maintain green, wet-weather infrastructure
- Spur innovation in the field of stormwater management
- Build capacity locally and beyond, to construct and maintain green infrastructure
- Facilitate the transfer of new technologies and practices to other areas of the State

GIGP 3 applicants are strongly encouraged to work with their Regional Council to align their project with regional goals and priorities. EFC reserves the right to fund all, or a portion of, an eligible proposed project. Funding will be provided to selected projects to the extent that funds are available.

Eligible Types Of Applicants:

- Municipalities
- State Agencies
- Public Benefit Corporations
- Public Authorities
- Not-for-profit Corporations
- For-profit Corporations
- Individuals
- Firms
- Partnerships
- Associations
- Soil and Water Conservation Districts

In accordance with the laws, rules, and regulations governing the Clean Water State Revolving Fund (CWSRF), projects defined as point source projects under Section 212 of the Clean Water Act (CWA) must be publicly-owned. Green infrastructure projects which are specifically required under Long Term Control Plan, administrative / judicial order, or a draft¹ or final State Pollution Discharge Elimination System (SPDES) permit for a MS4, a Combined Sewer System, or for Stormwater Discharges from Construction Activity are considered point source projects for SRF funding. Therefore, they must be publicly owned. Public ownership is not a requirement for nonpoint source (CWA Section 319) and national estuary (CWA Section 320) projects. If the applicant is a non-municipal entity the project must not be specifically required as part of a Long Term Control Plan, administrative / judicial Order, or a SPDES Permit for a MS4, a Combined Sewer System, or for Stormwater Discharges from Construction Activity.

Non-municipal applicants such as school districts, private or not-for-profit organizations, individuals, firms, partnerships, associations, and soil and water conservation districts should contact the Green Innovation Grant Program Team at 1-800-200-2200 to verify project eligibility, as certain conditions may apply to non-municipal applicants.

Eligible applicants may submit more than one grant application, however, EFC reserves the right to limit GIGP 3 funding to one grant award per applicant.

Eligible Activities / Program Benefit Requirements:

Funding will be available for the following types of projects:

Permeable pavement, e.g. porous asphalt, concrete, or pavers

¹ According to usage in 6 NYCRR Part 624.2(m), the term “Draft Permit” refers to the final proposed permit issued by NYS DEC that goes into effect, barring a request for an adjudicatory hearing.

Permeable pavement is designed to convey rainfall through the pavement surface into an underlying reservoir where it can infiltrate, thereby reducing stormwater runoff from a site. Given appropriate soil and subsurface conditions, permeable pavements can be used in any type of development, for example: roads, parking lots, sidewalks, basketball and tennis courts, playgrounds, and plaza surfaces. Permeable pavement includes pervious asphalt and concrete and pervious pavers such as reinforced turf, interlocking modules and pavers.

Bioretention, e.g. rain gardens or bioswales

Bioretention systems are shallow vegetated depressions often referred to by a variety of names such as bioinfiltration areas, biofilters, rain gardens, bioswales, or recharge gardens. They are very effective at removing pollutants and reducing stormwater runoff. These systems are designed to collect water in the depression where it ponds on the surface. This water is then used by the vegetation in evapotranspiration and infiltrated into the soil. Larger volume systems are designed to include stone storage underneath the soil to provide additional stormwater capacity. Properly designed bioretention techniques mimic natural ecosystems through species diversity, density and distribution of vegetation, and the use of native species, which results in a system that is resistant to insects, disease, pollution, and climatic stresses.

Green roofs or green walls

Green roofs consist of vegetation, growing media, and a drainage layer installed on top of a conventional flat or sloped roof. The rooftop vegetation soaks up rainwater. Some of this water evaporates off the surface, some is used by the plants in evapotranspiration, and in larger storms a portion of the water will runoff. Through storage of water in the plants, the soils and the drainage layer, the green roof reduces stormwater runoff volumes and attenuates peak flows.

Street trees or urban forestry programs designed to manage stormwater

Urban Forestry Programs use a detailed inventory and map of existing and proposed trees to manage and maintain their urban forest. These tools help determine planting sites, select appropriate species, schedule maintenance, and evaluate the most effective practices to ensure tree health and stormwater capacity. By using these tools, an urban forestry program provides water quality benefits in addition to numerous other benefits including: reduced energy usage by shading buildings in the summer to reduce thermal loads and blocking winter winds, providing wildlife habitat, sequestering carbon dioxide and other greenhouse gases, intercepting and absorbing pollutants through their leaves and branches; increasing property values and revenues, reducing crime, engaging residents in creating safer neighborhoods, improving walkability of communities, calming traffic, and promoting smart growth.

Construction or restoration of wetlands, floodplains, or riparian buffers

Riparian Buffers are vegetated or undisturbed natural areas that filter runoff before it enters a waterbody. Riparian zones reduce sediment, nitrogen, phosphorous, pesticides and other pollutants by soaking the water and associated pollutants into the ground where some of these can be broken down. Healthy riparian buffers increase habitat, stabilize channels and banks, improve water quality, provide stream shade and temperature control, and improve aesthetics.

Floodplains are a natural water right-of-way that provide temporary storage for large flood

events, keeping people and structures out of harm's way and preserving riparian ecosystems and habitats. Over time, people have filled-in and built on floodplains thereby reducing nature's ability to cope with large rain events. Restoring floodplains helps provide safe storage of excess water in large storm events, reduce volume through infiltration and evaporation, and filter sediment and nutrients from the water before it reaches or re-enters the larger waterbody.

Constructed Wetlands are shallow marsh systems planted with emergent vegetation that are designed to treat stormwater runoff. They are an extremely effective for pollutant removal, and can also mitigate peak rates and reduce runoff volume. Constructed wetlands have considerable aesthetic and wildlife benefits and are a good option for retrofitting existing detention basins.

Stream daylighting

Stream daylighting includes the removal of natural streams from artificial pipes and culverts to restore a natural stream morphology that is capable accommodating a range of hydrologic conditions while also providing biological integrity. Stream daylighting improves habitat, promotes infiltration, helps reduce pollutant loads and can provide better runoff attenuation because it increases the storage size of the natural system. The historic enclosure of rivers and streams often took place in urbanized areas to accommodate development. Stream daylighting re-establishes stream banks where culverts once existed. This often requires updating of existing grey stormwater infrastructure. When the operation is complete, what was once a linear pipe of heavily polluted water becomes a meandering stream with dramatic improvements to both aesthetics and water quality. Stream daylighting is not only an important water quality practice, but it is also a powerful economic development and community revitalization tool.

Downspout disconnection

Downspout disconnection is the removal of roof runoff from a direct connection to the combined or storm sewer. Historically, many communities required that roofs have stormwater connected to the sewer to rapidly convey the water away from the structure. However, by redirecting the rain to a designated vegetated pervious area, runoff volume can be greatly reduced and water quality benefits can be achieved. When disconnecting a downspout, the runoff is directed to a vegetated and pervious area where plants and soil can filter and infiltrate the water.

Stormwater harvesting and reuse, e.g. rain barrel and cistern projects

Rain barrels are rooftop catchment storage systems typically utilized in residential settings while cisterns are large-scale rain barrels used in commercial and industrial settings. Rain barrels and cisterns capture and store stormwater runoff to be used later for lawn and landscaping irrigation, or water can be filtered and used for non-potable activities such as car washing or filling swimming pools. Rain barrels and cisterns may be constructed of any water-retaining material; their size varies from hundreds of gallons for residential uses to tens of thousands of gallons for commercial and/or industrial uses. The storage systems may be located either above or below ground and may be constructed of on-site material or pre-manufactured.

Pre-Application Requirements:

All applicants are required to submit either an engineering report or a conceptual site plan and feasibility study with their Consolidated Funding Application.

Successful Applicant Requirements:

Recipients must provide documentation of the following before entering into a grant agreement:

- Legal right to own, operate and maintain the project for the duration of its useful life
- Compliance with the Smart Growth Infrastructure Act of 2010 and the State's M/WBE requirements
- Successful completion of all State environmental and historic preservation reviews i.e. SEQR and SHPO
- Detailed final budget and plan of finance including all third party funding agreements, inter municipal agreements, and satisfaction of the minimum 10% local match requirement
- Designation of an Authorized Representative for the project

Funding Priorities:

GIGP 3 will provide funding for green stormwater infrastructure projects with a clear water quality benefit. Projects must provide metrics on benefits to water quality in New York State. All projects must meet or exceed the standards set forth in the New York State Stormwater Management Design Manual <http://www.dec.ny.gov/chemical/29072.html>.

Ineligible Activities:

Projects That Do Not Meet the Definition of Green Infrastructure and which are NOT ELIGIBLE for GIGP funding include:

- Stormwater controls that have impervious or semi-impervious liners and provide no compensatory evapotranspirative or harvesting function for stormwater retention
- Stormwater ponds that serve an extended detention function and/or extended filtration, including dirt-lined detention basins
- In-line and end-of-pipe treatment systems that only filter or detain stormwater
- Underground stormwater control and treatment devices such as swirl concentrators, hydro dynamic separators, baffle systems for grit, trash removal/floatables, oil and grease, inflatable booms and dams for in-line underground storage and diversion of flows
- Stormwater conveyance systems that are not soil/vegetation based (swales) such as pipes and concrete channels
- Hardening, channelizing or straightening streams and/or stream banks
- Street sweepers, sewer cleaners, and vacuum trucks, unless they support green infrastructure projects
- Water meters

Selection Criteria:

EFC will score and select projects based on the following criteria:

- Measurable improvement or protection of water quality, including applicant's proposal for generating water quality metrics (44 points)
- Alignment with the goals and priorities of its designated economic region (20 points)
- The extent to which the project spurs innovation in the area of green stormwater infrastructure, through development or adoption of new technologies and/or sustainable development (7 points)
- Leveraging of additional resources through removing barriers to collaboration, developing new partnerships, utilizing staff and in-kind resources, and securing other funding and investments (5 points)
- Likelihood of project success, based on project development at time of application (4 points)
- Applicant's plan for the long-term operation, maintenance, and monitoring of the project (8 points)
- Public stakeholder engagement in the development of the project (2 points)
- Outreach and educational opportunities provided by the project applicant in order to facilitate the transfer of new technologies, knowledge, and practices to other NYS water quality issues and other regions of the State (6 points)
- Development of workforce through use of new technologies and providing training for the use of new technologies (1 point)
- Revitalization of communities - building projects in municipal centers, utilizing land recycling, retrofits, and/or infill (1 point)
- Fostering safe, healthy, walkable neighborhoods through improved access to affordable multi modal transportation choices as part of green street projects (1 point)
- Reducing dependence on oil (1 point)

Award Criteria Details:

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

EFC encourages applications from every region of the State, from any type of project applicant. EFC must consider regional distribution in the determination of awards, to the extent practicable.

Limitations:

Water quality projects whose primary purpose is water protection are eligible for the entire cost of the project. Projects with a primary purpose other than water quality may be partially eligible for GIGP funding for the portion of the projects that are clearly related to the improvement or protection of water quality.

Long Range Goals:

N/A

Project Term Completion Dates:

Recipients must complete all requirements to enter into a grant agreement by
December 31, 2012

Matching Fund Requirements:

Grants will be available for up to 90% of the total eligible project costs set forth in the application. A minimum 10% match from state or local sources is required.

Additional Resources:

For more information, visit <http://www.nysefc.org/gigp>

LOW-COST FINANCING

Private Activity Cap (Industrial Development Bond Cap)

Description:

Up to \$350 million from the Federal Industrial Development Bond (IDB) Cap will be available for State and local government issuers to sell tax-exempt bonds for private projects that demonstrate a public purpose.

Eligible Applicants/Project Types:

Qualifying projects must be eligible under the Internal Revenue Code (IRC) sections 142-144, and 1394 which include:

- Multi-family and/or elderly rental housing for low income residents;
- Residential Rental Facilities;
- Small manufacturing Projects;
- Local furnishing of electric energy or gas;
- Local district heating or cooling facilities;
- Sewage facilities and solid waste disposal facilities;
- First-time farmer's property, equipment, and other capital improvements;
- Utility projects, including water, sewer, electric and gas;
- Bonds issued to provide loans for first time homebuyers (homeownership)

Pre-Application Requirements:

Applicants seeking IDB Cap must:

- Meet the requirements of a qualifying project (see above)
- Already working with a State or local government issuer
- Received an authorizing resolution adopted by the anticipated issuer regarding the proposed project and bond issuance

Successful Applicant Requirements:

Successful applicants will need to contact Empire State Development (as noted below) for specific program requirements.

Funding Priorities:

Not applicable.

Ineligible Activities:

See Eligibility information above.

Selection Criteria:

Successful applicants will be based on endorsement of the appropriate Regional Economic Development Council(s) and require a tax-exempt bond allocation from the Director of the New York State Budget Division.

Award Criteria Details:

Not applicable.

Additional Resources:

For more information eligible applicants should contact George LaPointe at the Empire State Development, 30 South Pearl St, Albany, NY, call 518 292-5307 or visit <http://www.esd.ny.gov/Resources/>.

MUNICIPAL/PUBLIC INFRASTRUCTURE

Economic Transformation Program

(Grant) (\$50 million in capital funding)

Description:

As part of the 2011-12 State Budget, Governor Cuomo and the Legislature established the Economic Transformation Program to support the economies of communities affected by the closure of correctional and juvenile justice facilities. The Economic Transformation Program provides \$50 million in capital funding for projects that leverage investments to create jobs and support economic development initiatives in these areas.

The Program will be available to eligible entities within an Economic Transformation Area surrounding each closed facility. The Program will be administered in consultation with Regional Economic Development Councils and the affected communities.

Eligible Types Of Applicants:

- Municipalities
- Local Development Corporations
- Industrial development Agencies
- For-Profit Business Entities
- Not-for-profit Organizations * Not-for-profit corporations are subject to 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 IRS code. Copies of these documents must be submitted with the application.
- Funding is available for capital projects that leverage private sector investment and create jobs in an Economic Transformation Area. Targeted industries include high-tech, bio-tech, clean-tech, manufacturing and other strategic industries identified in the Regional Councils' strategic plan.

Eligible Activities / Program Benefit Requirements:

Retail, real estate development, professional services may be included if located at a closed facility pursuant to a reuse plan.

Economic Transformation Program funds may be used for:

1. New construction, renovation or leasehold improvements;
2. Construction or renovation of basic infrastructure systems at closed facilities including drainage systems, sewer systems, access roads, sidewalks, docks, parking, wharves, water supply systems and site clearance, preparation, improvements and demolition;
3. The acquisition or leasing of land, buildings, machinery and equipment

Pre-Application Requirements:

All required public approvals must be in place prior to the start of construction and Board of

Directors' approval, including State Environmental Quality Review (SEQR) and consultation with the State Historic Preservation Office, if applicable.

Successful Applicant Requirements:

Matching contribution of no less than ten percent of the aggregated Economic Transformation Program award amount. Such matching contribution may be cash or the value of in-kind services, contributions or administrative costs dedicated to this project, including funds from federal, state (other than Economic Transformation Program funds) and local government sources and funds from private contributions. Match amounts must be "firmly committed" to support the proposed project. "Firmly committed" shall mean there must be a signed, written agreement to provide the resources and services. The written agreement may be contingent upon an applicant receiving an Economic Transformation Program award.

A 1% commitment fee based on the grant amount awarded (not to exceed \$10,000 and not to be less than \$100) will be assessed to all awardees. The commitment fee will be due upon Board approval.

Funding Priorities:

Strong emphasis will be placed on projects that leverage private sector investments, create and retain jobs and support initiatives that help transform the economies of affected communities. Also factored will be project feasibility, the likelihood of success and readiness to proceed with the project.

Ineligible Activities:

Generally, businesses operating predominantly as retail, real estate development and professional service businesses will be excluded unless an applicant will be located at the site of a closed facility pursuant to an adaptive reuse plan. Tourism destination projects may be considered for funding.

Selection Criteria:

Applicants must complete a consolidated funding application (CFA) that will be submitted to the ESD Regional Office. Applications may be recommended by Regional Councils and will be processed and reviewed for consistency with the strategic plans and priorities of the region.

Award Criteria Details:

An applicant must be located, or plan to be located, within an economic transformation area. The designation of an economic transformation area is either at the closed facility or limited to within a certain radius of the closed facility. The designations are as follows:

Arthur Kill (DOCCS)	NYC (Richmond/Staten Island) Facility
Buffalo Correctional Facility (DOCCS)	Alden (Erie)
Camp Georgetown (DOCCS)	Georgetown (Madison)
Fulton Correctional Facility (DOCCS)	NYC (Bronx)
Mid-Orange Correctional (DOCCS)	Warwick (Orange)
Oneida Correctional (DOCCS)	Rome (Oneida)
Summit Shock (DOCCS)	Summit (Schoharie)

Allen Residential Center (OCFS)	Kortright (Delaware)
Harriet Tubman Residential Center (OCFS)	Auburn (Cayuga)
Industry Secure Facility (OCFS)	Rush (Monroe)
Tyron Girls Center (OCFS)	Johnstown (Fulton)

Additional Resources:

Regions and Regional Offices:

Capital – Albany, Columbia, Greene, Rensselaer, Saratoga, Schenectady, Warren and Washington

Empire State Development
Hedley Park Place
433 River Street, Suite 1003
Troy, NY 12180
P: 518-270-1130

Central NY – Cayuga, Cortland, Madison, Onondaga, and Oswego

Empire State Development
620 Erie Boulevard West - Suite 112
Syracuse, NY 13204
P: 315-425-9110

Finger Lakes – Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming and Yates

Empire State Development
400 Andrews Street - Suite 710
Rochester, NY 14604
P: 585-325-1944

Long Island – Nassau and Suffolk

Empire State Development
150 Motor Parkway, Suite 311
Hauppauge, New York 11788
P: 631-435-0717

Mid-Hudson – Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester

Empire State Development
33 Airport Center Drive - Suite 201
New Windsor, NY 12553
P: 845-567-4882

Mohawk Valley – Fulton, Herkimer, Montgomery, Oneida, Otsego, and Schoharie

Empire State Development

207 Genesee Street

Utica, NY 13501

P: 315-793-2366

North Country East – Clinton, Essex and Franklin and Hamilton

Empire State Development

401 West Bay Plaza

Plattsburgh, NY 12901

P: 518-561-5642

North Country West – Jefferson, Lewis and St. Lawrence

Empire State Development

Dulles State Office Bldg.

Watertown, NY 13601

P: 315-785- 7941

New York City

Empire State Development

New York City Regional Office

633 Third Avenue

New York, NY 10017

P: 212-803-3130

Southern Tier – Broome, Chenango, Chemung, Delaware, Steuben,
Schuyler, Tioga and Tompkins

Empire State Development

Binghamton Office State Office Building

44 Hawley Street, Room 1508

Binghamton, NY 13901

P: 607-721-8605

Western NY – Allegany, Cattaraugus, Chautauqua, Erie and Niagara

Empire State Development

95 Perry Street, Fifth Floor

Buffalo, NY 14204

P: (716) 846-8200

Economic Transformation Program (Tax Credits)

Description:

As part of the 2011-12 State Budget, Governor Cuomo and the Legislature established the Economic Transformation Program to support the economies of communities affected by the closure of correctional and juvenile justice facilities. The Tax Credit component of the Economic Transformation Program provides job creation and investment incentives for new firms that locate in an Economic Transformation Area. The five tax credits for which participants may be eligible are:

- A jobs tax credit of 6.85% of the wages of each net new job.
- An investment tax credit of 6% of capital investments with the credit increasing to 10% if it is at the site of closed facility. This credit is capped at \$4 million for investments outside the facility and \$8 million for investments at the facility.
- A real property tax credit of 25% of eligible property taxes in the first year, phasing down to 5% in year five. The credit is 50% of eligible property taxes for firms located at the facility phasing down to 10% in year 5. Localities are also authorized to provide a matching tax benefit to firms locating at the facility.
- A job training tax credit of 50% of training expenses, capped at \$4,000 per eligible employee per year. This credit is limited to former facility employees hired by a new firm.
- A refund of sales tax paid on tangible personal property used for construction at an eligible firm site.

The Program will be available to eligible entities within an Economic Transformation Area to include the closed facility and the surrounding area. It will be administered in consultation with Regional Economic Development Councils and the affected communities.

Eligible Types Of Applicants:

For-profit business entities including corporations, limited liability companies, partnerships, sole proprietorships.

Eligible Activities / Program Benefit Requirements:

Targeted industries include high-tech, bio-tech, clean-tech, manufacturing and other strategic industries identified in the Regional Councils' strategic plan. Businesses must not be currently operating in or located within the Economic Transformation Area and must not be transferring existing jobs into the area from another area within the state. Businesses that create at least five net new jobs and demonstrate a cost benefit analysis of at least 10:1 are eligible.

Pre-Application Requirements:

N/A

Successful Applicant Requirements:

A participant may claim tax credits pursuant to Section thirty-five of the Tax law commencing

in the first taxable year in which the participant creates five net new jobs. A participant may claim such benefits for the next four consecutive taxable years, provided that the participant demonstrates to the Commissioner of Taxation and Finance that it continues to maintain five net new jobs.

Funding Priorities:

Projects recommended by the Regional Economic Development Councils will receive priority.

Ineligible Activities:

Projects involving retail, real estate development and professional service businesses may only be eligible if located at a closed facility pursuant to a reuse plan.

Selection Criteria:

Applicants must complete a consolidated funding application (CFA) that will be submitted to the Empire State Development regional office. Applications may be recommended by Regional Councils and will be processed and reviewed for consistency with the strategic plans and priorities of the region.

Award Criteria Details:

Applications must be submitted by the latter of (1) the date that is three years after the date of the facility closure in the Economic Transformation Area in which the business will operate or (2) January 1, 2015

Additional Resources:

Regions and Regional Offices:

Capital – Albany, Columbia, Greene, Rensselaer, Saratoga, Schenectady, Warren and Washington

Empire State Development
Hedley Park Place
433 River Street, Suite 1003
Troy, NY 12180
P: 518-270-1130

Central NY – Cayuga, Cortland, Madison, Onondaga, and Oswego

Empire State Development
620 Erie Boulevard West - Suite 112
Syracuse, NY 13204
P: 315-425-9110

Finger Lakes – Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne,

Wyoming and Yates

Empire State Development
400 Andrews Street - Suite 710
Rochester, NY 14604
P: 585-325-1944

Long Island – Nassau and Suffolk

Empire State Development
150 Motor Parkway, Suite 311
Hauppauge, New York 11788
P: 631-435-0717

Mid-Hudson – Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester

Empire State Development
33 Airport Center Drive - Suite 201
New Windsor, NY 12553
P: 845-567-4882

PARKS, HISTORIC PRESERVATION AND HERITAGE AREAS

Municipal Parks and Historic Preservation Projects

Environmental Protection Fund Municipal Grant Program (up to \$13 million)

Description:

Title 9 NYSCRR sections 439.1 – 443.4 implement the Environmental Protection Fund (EPF) Act of 1993 (title 9 of article 54 of the Environmental Conservation Law) and created OPRHP’s Municipal Grant Program.

“In enacting the Environmental Protection Act, the New York State Legislature found that preservation, enhancement, restoration, improvement and stewardship of the State’s environment are among the government’s most fundamental obligations and that appropriate actions to make the State’s invaluable natural and historic resources available for public use, enjoyment or benefit are key components of the environmental and social policy of the State. And, it further found the State has the capacity to protect the environment and public health, safety and welfare by providing assistance to State agencies, public benefit corporations, public authorities, municipalities and not-for-profit corporations for park, recreation, historic preservation or heritage area projects.” (Section 439.1 Title 9 NYSCRR)

Funding is available under the EPF Municipal Grant Program for the acquisition, planning, development, and improvement of parks, historic properties, and heritage areas. Municipalities and not-for-profit organizations with an ownership interest in the property are eligible to apply. Historic properties must be listed on the State or National Registers of Historic Places. Properties not currently listed but scheduled for nomination review at the State Review Board meeting of October 19, 2011 are eligible to apply. Heritage Areas projects must be identified in the approved management plans for Heritage Areas designated under section 33.01 of the Parks, Recreation and Historic Preservation Law. All grant awards under this program come with long term protections, either through parkland alienation law, conservation easements or covenants recorded against the deeds.

Eligible Types Of Applicants:

- Municipalities
- State Agencies
- Public Benefit Corporations
- Public Authorities
- Not-for-profit Corporations

- Not-for-profit corporations are subject to 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 IRS code. Copies of these documents must be submitted with the application.
- Not-for-profits must submit the endorsement of the municipality in which a park project is located. A sample of an acceptable endorsement is located at <http://www.nysparks.com/grants>.

To be eligible for this funding category, all applicants must submit by the application deadline the following documentation (see “Additional Resources” below for more information):

Ownership documentation – The deed(s) showing liber and page number or electronic filing number and documentation of any liens or restrictions (e.g. title policy). If ownership interest is less than fee simple, submit a copy of the documentation showing the interest in the property (i.e. lease, management agreement, etc.). If acquisition is proposed, describe the status of purchase negotiations and document the owner’s intent to sell (e.g. signed purchase contract, option agreement, or letter of intent).

Signed authorizing resolution passed at an official meeting of the governing body of the applicant that names the contact for the grant and authorizes that contact to apply for the grant. A sample is located at <http://www.nysparks.com/grants>.

SEQR compliance documentation – Not-for-profits must fill out the Environmental Review Form available at <http://www.nysparks.com/grants>. Municipalities must document or describe where they are in the SEQR process.

Eligible Activities / Program Benefit Requirements:

Funding under the EPF Municipal Grant program is available for the following grant categories and project elements:

Park Acquisition, Development and Planning Program - for the acquisition, development and 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. To ensure the public benefit from the investment of state funds, 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 park acquisition projects undertaken by not-for-profit corporations. Any park project undertaken by municipalities is subject to the State’s Parkland Alienation Law. The Parkland Alienation Handbook is available at <http://www.nysparks.com/grants>.

Historic Property Acquisition, Preservation and Planning Program - to improve, protect, preserve, rehabilitate, restore or acquire properties listed on the State or National Registers of Historic Places and for structural assessments and/or planning for such projects. Properties not currently listed but scheduled for nomination review at the State Review Board meeting of October 19, 2011, 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) 237-8643. All work must conform to the Secretary of the Interior’s Standards for the Treatment of Historic Properties. To ensure the public benefit from the investment of state funds, preservation covenants or conservation easements will be conveyed to the State (OPRHP) for all historic property grants.

Heritage Areas System Acquisition, Development and Planning 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 33.01 of the Parks, Recreation and Historic

Preservation Law and for structural assessments or planning for such projects. The designated Heritage Areas with approved Management Plans are listed below. For exact Heritage Area boundaries, contact the Heritage Area or call (518) 473-7787.

- * Albany
- * Buffalo
- * Kingston
- * Hudson-Mohawk (Cohoes, Colonie, Green Island, Troy, Waterford Town/Village, Watervliet)
- * Lake Erie Concord Grape Belt (portions of Chautauqua County)
- * Long Island North Shore Heritage Area (Nassau and Suffolk Counties north of Rte. 25/I-495)
- * Mohawk Valley Heritage Corridor (Oneida, Herkimer, Montgomery, Fulton, Schenectady, Schoharie, Saratoga, and Albany Counties, excluding Adirondack Park)
- * Susquehanna (Broome and Tioga Counties)
- * Western Erie Canal Heritage Corridor (Erie, Niagara, Orleans, Monroe and Wayne Counties)
- * Harbor Park (NYC)
- * Ossining
- * Rochester
- * Sackets Harbor
- * Schenectady
- * Saratoga Springs
- * Seneca Falls
- * Syracuse
- * Whitehall

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. Consultant contracts in excess of \$25,000 must be awarded on a competitive basis. If you use a consultant selected on a non-competitive basis, the cost of that contract will not be eligible for grant reimbursement. In general, pre-development costs should not exceed fifteen percent 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) to determine the need and anticipated costs for archeology.

Construction - Include only work items related to this grant application.

Acquisition

- Provide a breakdown for each parcel showing the type of interest 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) as determined by a qualified appraiser. *A written estimate of value (windshield appraisal/market valuation) for each parcel must be included.* Include the value of any land that will be acquired through donation to the project or converted from other purposes.

- Acquisition costs must be incurred during the project term or up to one year prior to the application deadline. If a grant is awarded, the value of each parcel must be established by a full, self-contained appraisal, the standards for which can be found at www.nysparks.com/ (under *Grants*, click on *Forms & Resources*).
- For any parcel valued at \$300,000 or more, two full, self-contained appraisal reports are required.
- Associated acquisition costs should also be included under this category. Eligible items include the cost of appraisals, 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.

Administration

- Construction Supervision costs are those associated with the coordination, supervision and scheduling of work 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, MWBE, and payment request documentation. The cost of preparing this application is NOT eligible. In general, these costs should not exceed ten percent of the grant amount.
- 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: Upon completion of the project, an independent audit performed by a Certified Public Accountant is required for all projects. Prior to final reimbursement, the audit must be submitted to and approved by OPRHP.
- Project Sign: All grant-funded projects must have a project sign noting the funding assistance signs are available for purchase through the State for approximately \$120.

Pre-Application Requirements:

The checklist for required and supportive documentation is provided below under "Additional Resources" and is also available at OPRHP's website <http://www.nysparks.com/grants>.

Successful Applicant Requirements:

Successful applicants are advised NOT to begin work until a project contract has been fully executed. Certain conditions of award must be met before a contract can be executed. These will include environmental and historic preservation reviews (including archeological review) and OPRHP acceptance of plans and specifications, bidding documents, competitive bidding, and solicitation of Minority and Women-owned Business Enterprises (MWBEs), etc. Proceeding without advance OPRHP approval will jeopardize grant reimbursement.

Archeology is required in any project that will result in any ground disturbance and must be included in the project budget. A CPA audit of project expenditures and revenues is required and must be included in the budget in order to be reimbursed. Title insurance is required for acquisition projects, whether funded by the grant or as part of the match, and must be included in the project budget in order to facilitate Attorney General review of clear title documentation. The State will share in these expenses.

All parties with an ownership interest in the property, including lien holders, will be required to sign the project agreement. All lien holders must subordinate their interests to those of the State.

Long term protections are required under this grant program. Any work involving a historic resource will require that a preservation covenant be conveyed to OPRHP. Any not-for-profit corporation undertaking a park development project will be required to convey a public access covenant to OPRHP. Any not-for-profit acquiring land for recreation or conservation purposes must grant the State a permanent conservation easement to the property. All park projects undertaken by municipalities are subject to State alienation law. The Alienation Handbook is available at <http://www.nysparks.com/grants> for more information.

Project costs will be eligible for reimbursement only if grant work meets State standards and the expenditures are made in compliance with State requirements, including 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 historic preservation projects must be satisfactorily documented so that the State Historic Preservation Office can ensure work was done to the Secretary of the Interior Standards.

Failure to comply with these requirements could jeopardize full reimbursement.

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

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 economic stimulus, impetus to community renewal, revenue generation, visual appeal, health and vitality to the community and community involvement and support of the project. For historic preservation, describe the extent to which the project will contribute to preservation of a historically significant property. For Heritage Areas, describe the extent to which the project will contribute to the local Heritage Area.
- Community support and consistency with state/region/community plans, including and especially the State Outdoor Recreation Plan (SCORP).

- Sound administrative infrastructure/Reasonableness of costs, including demonstration of project planning, administrative structures and a budget that reflects fiscal prudence and readiness to proceed.
- The Commissioner’s priorities for the grant program:
- Projects that include “green” improvements that restore, improve and maintain park lands and infrastructure and in doing so promote sustainability, increase energy conservation and/ or efficiency and decrease long term maintenance and management costs.
- Projects that enhance the public’s access to parks and their environmental and recreational resources, including landscape and trail improvements to facilitate connections.
- Projects that are undertaken by partner groups in State Parks and Historic Sites.

Ineligible Activities:

Work completed prior to award is not eligible for reimbursement or for match. There are two exceptions: 1) 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 and 2) Acquisition costs retroactive no more than one year prior to the application deadline are eligible costs.

Selection Criteria:

Each application will be reviewed for eligibility and, if determined eligible, will be rated according to the Grant Selection 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. Poverty Level (0-10 predetermined, based on zip code)

II. Resource Impact (up to 25 points)

For Parks Projects:

A1. Local Commitment and need (0-15)

A2. Community Impact (0-10)

For Historic Preservation Projects:

B1. Level of Significance (0-10)

B2. Severity/Immediacy of Threat (0-15)

For Heritage Area Projects:

C1. Addresses current Heritage Area programs (0-10)

C2. Addresses Heritage Area goals (0-15)

III. Planning Initiatives (up to 5 points)

For Parks Projects:

A1. Statewide Index of Need (predetermined by SCORP)

For Historic Preservation and Heritage Area Projects:

B1. Community Support

B2. Consistent with Plans

IV. Reasonableness of Cost (0-20)

A. Budget

B. Readiness

C. Feasibility

V. OPRHP Commissioner Priorities (0-10)

A. Green improvements

B. Enhanced access, connections, resources

C. Partners to State Parks

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

VII. Statewide Assessment (0-10)

A. Geographic Distribution

B. Maximize Use and Accessibility

C. Special Engineering, Environmental, Preservation Benefits

D. Past Performance

TOTAL (0-100)

VIII. Project In A Hudson River Greenway Compact Community (5% bonus)

Award Criteria Details:

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

\$6.5 million of the \$13 million appropriation must be awarded to projects located in Inner City/ Underserved areas. Note: \$675,000 is directed in total to Olmstead Park, Hyde Park, Darwin Martin House and Graycliff Manor, leaving \$12,325,000 available for the competitive award program.

Limitations:

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 more than three open grants with OPRHP should not receive additional awards. There is an administrative cap of \$400,000 for 2011-12 awards. 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 State Comprehensive Outdoor Recreation Plan (SCORP). Additional consideration should be given to projects that are included in other state and local planning initiatives. The Commissioner's priorities for this grant program are:

- Projects that include "green" improvements that restore, improve and maintain park lands and infrastructure and in doing so promote sustainability, increase energy conservation and/or efficiency and decrease long term maintenance and management costs.
- Projects that enhance the public's access to parks and their environmental and recreational resources, including landscape and trail improvements to facilitate connections.
- Projects that are undertaken by partner groups in State Parks and Historic Sites.

Project Term Completion Dates:

All conditions of award must be met before OPRHP can execute a contract with successful applicants. This includes environmental and historic preservation reviews (including archeological review) and OPRHP acceptance of plans and specifications, bidding documents, competitive bidding and solicitation of Minority and Women-owned Business Enterprises (MWBs), etc. When these materials are provided and are deemed satisfactory, OPRHP can develop a contract with the applicant. Once a contract is executed, all projects must be completed within five years from 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 applicants are expected to raise their full share within one year of the grant award. Failure to do so could result in the recapture of the grant award in order to fund viable, ready projects.

Matching Fund Requirements:

Successful applicants are reimbursed for 50 percent of their eligible expenditures. For projects located in impoverished areas (as defined by 10 percent or more of the population below the poverty level according to most recent Census data), the reimbursement can be up to 75 percent of the 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.

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. Unskilled labor and work performed by professionals or skilled laborers in an area outside of their area of expertise must be computed at the minimum wage. (For example, a lawyer donating legal services may compute the value based on the standard billing rate, but the same lawyer donating time painting walls must calculate the value using minimum wage).

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:

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.

Additional Resources:

For more information, eligible applicants should contact Melinda Scott, Chief of Grants at the Bureau of Grants Management, New York State Office of Parks, Recreation and Historic Preservation, The Governor Nelson A. Rockefeller Empire State Plaza, Agency Building One, 16th Floor, Albany, NY 12238, call (518) 474-0427 or visit <http://www.nysparks.com/grants>. Or contact the OPRHP Regional Grant Administrator for your county:

<p><u>Allegany Region</u> Lynn LeFeber Allegany State Park ASP Rte 1, Salamanca, NY 14779 (716) 354-9101, FAX (716) 354-2255 COUNTIES: Allegany, Cattaraugus and Chautauqua</p>	<p><u>Central Region</u> Jean Egenhofer Clark Reservation Jamesville, NY 13078-9516 (315) 492-1756, FAX (315) 492-3277 COUNTIES: Broome, Chenango, Cortland, Delaware, Herkimer, Madison, Oneida, Onondaga, Oswego, and Otsego</p>
<p><u>Finger Lakes Region</u> Laurie Moore 2221 Taughannock Park Road Trumansburg, NY 14886 (607) 387-7041, FAX (607) 387-3390 COUNTIES: Cayuga, Chemung, Ontario, Seneca, Schuyler, Steuben, Tioga, Tompkins, Wayne and Yates</p>	<p><u>Genesee Region</u> Karen Ferguson Letchworth State Park Castile, NY 14427-1124 (585) 493-3613, FAX (585) 493-5272 COUNTIES: Genesee, Livingston Monroe, Orleans, and Wyoming</p>
<p><u>Long Island Region</u> Traci Christian Belmont Lake State Park PO Box 247 Babylon, NY 11702 (631) 321-3543, FAX (631) 321-3721 COUNTIES: Nassau and Suffolk</p>	<p><u>Niagara Region</u> Noelle Kardos Niagara Reservation State Park PO Box 1132 Niagara Falls, NY 14303-0132 (716) 278-1761, FAX (716) 278-1744 COUNTIES: Erie and Niagara</p>

<p><u>New York City Region</u> Merrill Hesch NYS OPRHP Adam Clayton Powell, Jr. State Office Building 163 West 125th Street, 17th Floor New York, NY 10027 (212) 866-2599, FAX (212) 866-3186 COUNTIES: Bronx, Kings, New York, Queens and Richmond</p>	<p><u>Palisades and Taconic Regions</u> Erin O’Neil NYS OPRHP Taconic Regional Office 9 Old Post Road Staatsburg, NY 12580 (845) 889-3866, FAX (845) 889-8321 COUNTIES: Orange, Rockland, Sullivan, Ulster Columbia, Dutchess, Putnam, Westchester</p>
<p><u>Saratoga/Capital District Region</u> Cathy Jepson Saratoga Spa State Park 19 Roosevelt Drive Saratoga Springs, NY 12866-6214 (518) 584-2000, FAX (518) 584-5694 COUNTIES: Albany, Essex, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren and Washington</p>	<p><u>Thousand Islands Region</u> Gayle Underhill-Plumb Keewaydin State Park Alexandria Bay, NY 13607 (315) 482-2593, FAX (315) 482-9413 COUNTIES: Clinton, Franklin, Hamilton, Jefferson, Lewis, and St. Lawrence</p>

Attachments listed below in boldface are required of every application; applications lacking these attachments (or an acceptable explanation) will be deemed incomplete. 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 additional guidance.

Required Documentation:

Ownership Documentation, including documentation of liens and restrictions, such as:

- Title Policy
- SEQR compliance documentation
- Signed Authorizing Resolution
- Photos showing the project area
- 1:24,000 scale topographic or planimetric map with the subject property circled
- Schematic Site Plan

For Municipal Applicants:

Legislative authorization of alienation

Only not-for-profit applicants must submit the additional following attachments:

1. Proof of incorporation from NYS Department of State or NYS Board of Regents
2. IRS Determination letter listing Federal ID number
3. Signed Municipal Endorsement

Supporting Documentation:

- Evidence of local historic preservation or landmark designation, written endorsement of the project from the local Heritage Area Director or Advisory Commission.
- Highlighted excerpts from project-specific planning documents.
- Highlighted excerpts from federal, statewide, regional or local planning documents.
- Written documentation clearly identifying community involvement, including resolution that local plan was adopted or reaffirmed within 5 years, if in a formally adopted 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.
- Written estimate of fair market value (market valuation), for any property that will be acquired or used as match.

Permits

Canal Corporation approval.

All official project endorsements, partnerships and letters of support , including endorsement of facility manager if property is a State Park or State Historic Site.

For stand alone planning projects, submit documentation of components of final product and justification of budget estimate

Ownership Documentation

Provide a clear and legible copy of the current recorded deed to the property, showing Liber and Page number or electronic filing number of recording. In addition, if the applicant has less than fee simple ownership in the property, a clear and legible copy of the documentation showing such interest in the property (i.e., lease, management agreement, etc.) must be provided. If there are any restrictions on the use or ownership of the property, provide documentation of such liens or restrictions (e.g., Title Policy Schedule B). If acquisition is proposed, describe the status of purchase negotiations and document the owner's intent to sell (*signed purchase contract, option agreement, or letter of intent*).

State Environmental Quality Review Act Compliance (SEQR)

NOT-FOR-PROFIT CORPORATIONS: Complete the *Environmental Review Form* available online at <http://www.nysparks.com/grants>, *Grants, Forms & Resources*. 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 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 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).

Authorizing Resolution

Sample of an acceptable resolution is available at: <http://www.nysparks.com/grants>

Not-for-profits Additional Required Documentation

Not-for-profit corporations are subject to 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 IRS code. Copies of these documents must be submitted with the application.

Not-for-profits must submit the endorsement of the municipality in which the project is located. A sample of an acceptable endorsement is located at <http://www.nysparks.com/grants>

Photos

Provide images (photographs or digital print-outs; 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. Key all images to a schematic site plan (see below).

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. Go to the NYS GIS Clearinghouse www.nysgis.state.ny.us/gisdata/quads/ for downloadable, printable maps.

Schematic Site Plan

Provide a plan and/or elevations that depict the project site and its immediate surroundings identifying both existing conditions and proposed project elements as described in the project narrative.

Project-specific Planning Documents

Provide highlighted excerpts in support of the project narrative, clearly citing date and source, or a link if posted online.

Local, State and Federal Planning Documents

Provide highlighted excerpts in support of the project narrative AND either a copy of the resolution adopting or reaffirming the local plan within the last five years OR if the project is not specifically identified in a formally adopted plan, *provide written documentation clearly identifying community involvement (e.g., 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.*

Permits

Depending on the project scope, some grant projects will require permits from agencies such as the NYS Department of Environmental Conservation (DEC) or the US Army Corps of Engineers (COE). Contact the permitting agencies directly to determine if any permits are needed, especially if your project is located in or adjacent to a water body (e.g., stream, river, lake, wetland, canal).

Canal Corporation Approval

Any project that is approved for funding and is located on land under the jurisdiction of the Canal Corporation must receive all necessary approvals of the Canal Corporation prior to the final execution of a project agreement.

Stand Alone Planning Grants

If the grant proposal is for a planning project other than the preparation of contract documents (plans and specifications), identify in detail the components of the final product. Submit a draft table of contents or equal.

For planning budgets involving just the preparation of plans and specifications, provide at least two professional estimates for construction costs or submitted construction bids to justify the proposed consultant costs. For other planning projects (condition studies, etc.) submit justification for consultant costs.

SUSTAINABILITY AND PLANNING ASSISTANCE

Cleaner, Greener Communities Regional Sustainability Planning Program (up to \$9.6 million)

Description:

The Cleaner, Greener Communities program was announced by Governor Cuomo in his 2011 State of the State address as a \$100 million competitive grant program to encourage communities to develop regional sustainable growth strategies. The Regional Sustainability Planning program is the first stage of the Cleaner, Greener Communities program and is intended to provide the necessary resources for each region in New York State, as defined by the boundaries of the Regional Economic Development Councils (REDCs), to develop a comprehensive sustainability plan. Engaging in the planning process will allow each region to develop its vision, goals, and objectives for a sustainable future and to identify the activities or types of projects needed to achieve that future. It is expected that regions will develop their plans within 8 months of receiving their grant funding.

The plans that result from this program will:

- Establish a statewide sustainability planning framework that will aid in statewide infrastructure investment decision making
- Outline specific and tangible actions to reduce greenhouse gas emissions consistent with a goal of 80% carbon reductions by the year 2050
- Inform municipal land use policies
- Serve as a basis for local government infrastructure decision making
- Help guide infrastructure investment of both public and private resources
- Provide each region with a sustainability plan that will enable them to strategically identify and prioritize the projects they submit for consideration to the Implementation Grant stage of the program

In stage two of the Cleaner, Greener Communities program – the Implementation Grant stage – funding will be provided on a competitive basis for implementation of specific projects that provide the greatest opportunities for achieving carbon reductions, energy efficiency savings, and renewable energy deployment consistent with a region's sustainability and REDC strategic plans. Other actions identified in the plan may be eligible for funding from other sources.

Eligible Types Of Applicants:

Applicants must be a municipality (county, city, town, village, Indian tribe or nation residing within New York State) acting on behalf of a consortium of other municipalities within the region. If selected for a grant, the municipality submitting the application on behalf of the consortium will hold fiscal and administrative responsibility for regular interaction with the New York State Energy Research and Development Authority (NYSERDA).

Consortiums shall:

- Identify a lead municipality to act as applicant and a leadership team to guide the planning process
- Have a membership that is representative of the municipalities within the region
- Provide accountability for the development of the regional sustainability plan and demonstrate a region's ability to successfully engage and enable collaboration within the region
- Develop a governance structure that reflects the diversity of its partners and will allow (if funding is awarded) for maximum inclusion of other municipalities and the engagement of non-municipal stakeholders in strategy development, decision making, and plan implementation
- Identify a Sustainability Planning Team (e.g., planning consultant, municipal planners or regional planning board members) to provide planning services and technical assistance

Municipalities may only sign on to participate in one consortium per region. Evaluation will consider the percentage of a region's municipalities that are represented by each consortium and the number of participating municipalities that have made the Climate Smart Communities pledge.

Consortiums should make every effort to use the existing planning resources within their regions, which may include municipal planning offices, regional planning boards or Metropolitan Planning Organizations (MPOs), but it is expected that applicants may also need to engage planning consultants to provide technical assistance and the necessary staff to conduct a comprehensive sustainability planning process within the 8-month timeframe. In this case, applicants will need to identify a planning consultant before applying for funding. If a planning firm is the identified consultant for more than one regional proposal the applicant must demonstrate that the consultant has sufficient capacity to serve both regions simultaneously.

Eligible Activities / Program Benefit Requirements:

This program is intended to provide funding for the development of regional sustainability plans. The guidance below pertains to what NYSERDA expects to receive from each region after it has engaged in its 8-month plan development process. The following guidance should only be used to inform your proposed plan development strategy.

A Regional Sustainability Plan shall include:

- A baseline assessment of the region, including inventories of greenhouse gas emissions and energy use as well as assessments of natural resource and economic assets, liabilities and opportunities. The plan will identify data gaps and steps to fill them.
- Long-term and short-term sustainability goals for the region including greenhouse gas reductions and sustainability goals for energy supply, transportation, water management, waste management, land use, open space, agriculture, housing and economic development. The plan should include metrics for each goal and a commitment to annual reporting.

- Actions to achieve greenhouse gas reduction or other sustainability goals, including barriers to successful implementation and proposed means for removing such barriers. Descriptions should include metrics of progress and co-benefits such as job creation and taxpayer savings.
- An implementation plan showing how the municipalities will collaborate and their schedule with timetables of targeted milestones and completion dates for actions described in the plan.
- Stakeholder involvement throughout plan development and implementation.

A regional sustainability plan can improve environmental quality by reducing air, water and land pollution and improve quality of life through smart growth and sustainable development. Smart growth promotes land use practices such as compact growth, transit-oriented and mixed-use development, walkable and bicycle friendly practices, complete streets, context-sensitive design, and protection of critical land, water and natural resources. Sustainable development strives to enhance environmental, economic and social well being without degrading current or future natural, economic and social resources. Projects identified by this planning process should improve energy efficiency throughout the community, promote renewable energy and result in reduced emissions of carbon.

Funding Priorities:

A total of \$9.6 million dollars is available for the Cleaner, Greener Communities Regional Sustainability Planning Program. Funding will be available for up to \$1 million per regional sustainability plan and only one award will be made per region.

Funding will be based on demonstrated need and as need is expected to vary between regions it is not expected that each region will receive the same level of funding. Applicants that provide co-funding and other resources and demonstrate the ability to leverage other funding sources to support the planning process will be considered favorably. NYSERDA will decide how best to distribute grants equitably based on each region's proposed budgets, existing resources and expressed needs.

Proposed budgets should only include activities necessary for the development of the region's sustainability plan. Budgets may not include any funds for project implementation. Grant funding cannot be used to supplant existing government agency or non-profit budgets or to pay any portion of the salary for a REDC member.

Regions with existing regional sustainability plans may use funding from the program to expand the scope of their plans, align the goals of their existing plan with their region's REDC strategic planning efforts or to conduct additional planning work that will support the prioritization of projects that will contribute to the state's carbon reduction, renewable deployment and energy savings goals.

Selection Criteria:

Scoring of applications received via the CFA will consider endorsement of the respective REDC (weighted 20% in the evaluation) and the NYSERDA criteria identified below. NYSERDA's scoring criteria, while based on a 1-100% score, will be weighted 80% in the overall evaluation.

Vision (5%)

- The applicant/consortium provides a clear vision of how its regional sustainability planning process will successfully engage stakeholders to develop a comprehensive sustainability plan that increases energy efficiency, renewable energy, and carbon abatement

Process (10%)

- The applicant/consortium provides evidence of effective coordination and planning methodology
- The application to develop the regional sustainability plan includes comprehensive stakeholder involvement

Strategies (35%)

- The application to develop the regional sustainability plan is based on sound data collection and analysis methodology
- The application to develop the regional sustainability plan has identified appropriate milestones within the designated planning period
- The application to develop the regional sustainability plan has identified an appropriate budget
- The application to develop the regional sustainability plan has identified appropriate delineation of responsibilities
- The regional sustainability plan will be comprehensive in scope and will address all appropriate focus areas for the region
- The applicant/consortium clearly shows how the regional sustainability plan will promote energy efficiency, renewable energy and/or carbon abatement technologies

Implementation (15%)

- There is a likelihood of completing a high quality regional sustainability plan based on the:
- Composition of the consortium, including the breadth of participation by the region's municipalities and number of participation municipalities that are Climate Smart Communities
- Qualifications of the sustainability planning team

Leveraging (15%)

- The application to develop the regional sustainability plan shows how the consortium will leverage and expand upon existing planning efforts

- The applicant/consortium provides reasonable co-funding and resources to develop the regional sustainability plan

Performance measures (20%)

- The application to develop the regional sustainability plan indicates how consistency with the Regional Economic Development Council's Strategic Plan will be maintained
- The application to develop the regional sustainability plan clearly indicates what metrics will be used to assess the most effective opportunities for achieving carbon reductions, energy efficiency savings, and renewable energy deployment

Additional Resources:

Further guidance on sustainability planning is available at <http://www.dec.ny.gov/energy/76483.html>.

For technical questions concerning this program, contact Lindsay Robbins at NYSERDA, 485 7th Avenue Suite 1006, New York, NY 10018, (212) 971-5342, ext. 3008 or LRR@nyserda.org. If you have contractual questions concerning this program, contact Venice Forbes at (518) 862-1090, ext. 3507 or VWF@nyserda.org.

TRANSPORTATION INFRASTRUCTURE

Rail and Port Infrastructure Projects (up to \$27 million)

Description:

The Rail and Port Program, authorized pursuant to the Rebuild and Renew New York Transportation Bond Act of 2005, provides funds for passenger rail, freight rail, and port capital improvements to preserve and/or improve service in the State's major trade and passenger travel corridors, including capacity, clearance, intermodal facilities, yards and other projects that enhance competitiveness and economic development.

Please see the NYSDOT website <https://www.nysdot.gov/programs/RegionalEconomicDevelopmentCouncils> for detailed program information.

Eligible Types Of Applicants:

- Municipalities
- Counties
- State Agencies
- Federal Agencies
- Public Benefit Corporations
- Public Authorities
- Common Carrier railroads*
- Intercity Passenger railroads*
- Tourist railroads*
- Any entity, as defined in Transportation Law Section § 14-d, which owns or operates public ports, marine terminals and marine transportation facilities, exclusive of those under the jurisdiction of the Port Authority of New York and New Jersey.

*Railroads must be in good standing with NYSDOT, defined as having submitted their most recent annual report and have paid their annual rail safety fee, as required by New York State Transportation Law Section 116 and Section 135, respectively.

Eligible Activities / Program Benefit Requirements:

Rail: Any rail capital infrastructure improvement with a 30 year life, including but not limited to: track construction and rehabilitation; bridge construction and rehabilitation; elimination of clearance obstructions, yard, terminal and siding construction and rehabilitation; signal and train control systems; grade crossing elimination; and rolling stock acquisition with a 20 year life.

Ports: Any port capital infrastructure improvement with a 15 year life, including but not limited to: dock and wharf construction and rehabilitation, material handling and storage equipment and facilities.

Eligible Costs: Work elements eligible for reimbursement will conform to **23 CFR Part 140, Subpart I**, and include: engineering, construction management, site preparation, the preparation of designs, plans, specifications, estimates, environmental impact statements, appraisals and surveys, and the acquisition of real property. *The net salvage value of materials recovered must be included in the estimate as a credit against project costs.* **Project expenses incurred prior to final execution of the agreement by the Office of the State Comptroller are not eligible for reimbursement by the State.**

Pre-Application Requirements:

Railroad applicants must be in good standing with NYSDOT, defined as having submitted their most recent annual report and have paid their annual rail safety fee, as required by New York State Transportation Law Sections 116 and 135, respectively.

Successful Applicant Requirements:

Please see the NYSDOT website for detailed program information:

<https://www.nysdot.gov/programs/RegionalEconomicDevelopmentCouncils>

Successful applicants will be required to submit a current New York State Vendor Responsibility Form. See **http://www.osc.state.ny.us/vendrep/vendor_index.htm**

In the case of rail projects, applicants must agree to provide service for the duration of the useful life of the capital project, which can vary depending on the type of improvement or the fund source. Projects funded by the 2005 Transportation Bond Act require the grantee to operate and maintain the improvement for 30 years for rail infrastructure projects; 20 years for rail rolling stock; and 15 years for port projects.

Funding Priorities:

Railroads: Bond funds will be allocated to urban, commuter and intercity passenger rail, freight rail, and passenger and freight facilities and equipment, including facilities used jointly by commuter railroad companies and freight railroad companies, but otherwise exclusive of those operated by or under the jurisdiction of the Metropolitan Transportation Authority and its subsidiaries, the New York City Transit Authority and its subsidiaries and the Triborough Bridge and Tunnel Authority. Funds will be allocated to support the following objectives:

- Promote increased rail safety.
- Preserve and improve infrastructure of the shortline railroads with emphasis given to projects that help attain line capacity for 286,000 pound rail cars.
- Increase capacity along Class I railroad corridors to provide more timely rail service between rail-truck terminals throughout New York State.
- Promote the development of rail-truck freight terminals in key locations, to reduce the distance that goods need to be moved to New York State businesses.
- Increase reliability of passenger rail service in New York State, reduce travel time and improve safety will also be advanced as part of this program.

Ports. Bond funds will be allocated to ports, marine terminals and marine transportation facilities exclusive of those under the jurisdiction of the Port Authority of New York and New Jersey. Funds will be allocated to support the following objectives:

- Improve access to upstate port facilities
- Improve their cargo handling capabilities.

Ineligible Activities:

- Projects located on facilities operated by or under the jurisdiction of the Metropolitan Transportation Authority and its subsidiaries that do not contain a rail freight component are ineligible for funding.
- Port facilities under the jurisdiction of the Port Authority of New York & New Jersey are ineligible for funding.
- Projects that do not meet the minimum service life requirements are ineligible for funding.
- Work elements not consistent with **23 CFR Part 140, Subpart I** are ineligible for reimbursement.
- Projects that are not consistent with the New York State Smart Growth Infrastructure Policy Act, as determined by NYSDOT, are ineligible for funding.

Selection Criteria:

	Max Points
APPLICATION EVALUATION FACTORS	
<p>Regional Economic Development Councils Endorsement of the project by the Regional Economic Development Council. (Note that each of the 10 Regional Economic Development Councils will establish their own criteria for endorsement of project applications.)</p>	20
<p>Vision The project will be evaluated for its ability to further the achievement of the Vision, Goals, Objectives and Strategies for Rail Service in New York established in the 2009 New York State Rail Plan</p>	5
<p>Process The project will be evaluated on the level of public outreach and stakeholder involvement, as evidenced by:</p> <ul style="list-style-type: none"> • Consistency of the project with the Strategies for Rail Service or listing of the Project in Appendix B of the 2009 State Rail Plan • Project-specific public and stakeholder outreach • Coordination of the project with other private and public investments 	10

<p>Strategies The project will be evaluated against the project criteria and prioritized project types outlined in Appendix C of the 2005 Transportation Bond Act MOU on the following scale:</p> <ul style="list-style-type: none"> • Highly Recommended • Recommended • Neutral • Not Recommended 	25
<p>Implementation</p> <ul style="list-style-type: none"> • Applicant history with prior NYSDOT grants, as evidenced by: • Were prior projects progressed in a timely fashion? • Were prior projects progressed in accordance with NYSDOT procedures? • Project Priority as indicated by the Applicant 	10
<p>Leverage Resources Applicant share in excess of 10% min. match requirement</p>	10
<p>Performance Measures</p> <ul style="list-style-type: none"> • Project's Public Benefit / Cost Ratio • The quality of the supporting public benefit cost analysis will be evaluated on the following scale: • Very Useful • Useful • Marginally Useful • Not Useful 	20

Award Criteria Details:

Limitations:

- While there is no limit on the number of applications that may be submitted, applicants will be limited to one award from this solicitation.

Matching Fund Requirements:

- Projects require a minimum 10% local share of total project costs. Preference will be given to those applications that are able to provide a greater local share of total project costs.

Additional Resources:

For more information, eligible applicants should contact Raymond Hessinger, New York State Department of Transportation, Consolidated Funding Application, c/o Policy and Planning Division, POD 6-4, 50 Wolf Road, Albany, NY 12232, call (518) 457-2320, email cfa.nysdot@dot.state.ny.us or visit <https://www.nysdot.gov/programs/RegionalEconomicDevelopmentCouncils>

Airport Improvement Projects (Up to \$16.4 Million)

Description:

The Aviation Capital Grant Program, authorized pursuant to the Rebuild and Renew New York Transportation Bond Act of 2005, provides funding for capital projects aimed at enhancing the state's airport infrastructure and improving the safety and efficiency of the state's aviation services to increase economic competitiveness.

Please see the NYSDOT website <https://www.nysdot.gov/programs/RegionalEconomicDevelopmentCouncils> for detailed program information.

Eligible Types Of Applicants:

Applicants for Aviation Capital Program Grants may be:

- A municipal corporation
- A public authority or public benefit corporation, except a bi-state authority
- Other owners of public-use airports
- A county pursuant to a written agreement may act on behalf of one or more cities, towns, or villages
- Any combination of permitted applicants.

Eligible Activities / Program Benefit Requirements:

Eligible grant project types include:

- Construction, reconstruction, improvement, reconditioning, and preservation of capital facilities with a service life of at least ten years
- Pavement maintenance/management projects with a service life of at least ten years
- Purchase of airport equipment with service life of at least ten years. Equipment acquired must be operated and stored on airport property
- Purchase and installation of navigational aids (ten year service life)
- Acquisition of land and easements
- Perimeter Control (such as fencing and gates)
- Police substations (at airports accommodating aircraft with a maximum takeoff weight of 12,500 lbs. or greater)
- Lighting
- Surveillance systems
- Other capital security projects.

Pre-Application Requirements:

Airports wishing to apply for funding under the Aviation Capital Grant Program must:

- Be included in the State Airport System Plan (SASP). The SASP is subject to annual review.
- Be a public-use airport.
- Have an Airport Layout Plan (ALP) approved by the Department.
- Not be operated by a Bi-State Authority.

Successful Applicant Requirements:

Please see the NYSDOT website <https://www.nysdot.gov/programs/RegionalEconomicDevelopmentCouncils> for detailed program information.

- Privately owned airports which receive an award will be required to submit a current New York State Vendor Responsibility Form. See http://www.osc.state.ny.us/vendrep/vendor_index.
- Airports receiving grants under this program must remain open to the public for the duration of the useful life of a capital project or the grant must be repaid to the State on a prorated basis.

Funding Priorities:

Applicants should consider the following while preparing one or more grant applications for submission:

- Projects funded under the Aviation Capital Grant Program must be for improving a public use airport. For privately owned public use airport applicants, NYSDOT must specifically determine that the project will serve a public purpose. Accordingly, privately owned public use airport applicants must provide sufficient information to support a public purpose finding by NYSDOT.
- The State Aviation Capital Grant Program must be complementary to the federal AIP funding by not displacing AIP funding and by potentially encouraging increased federal discretionary funding to NYS airports. The applicant may address this subject in its application NYSDOT will, however, coordinate funding for AIP eligible projects submitted for the Aviation Capital Grant Program with the FAA.

Ineligible Activities:

Ineligible projects and elements include:

- Projects at airports owned or operated by a bi-state authority
- Project funds may not be used to cover salaries, overhead or services provided by the applicant for administrative functions they would normally perform
- NYSDOT funds under the program may not be used to provide the non-federal matching share of federal grants

- Projects at private-use airports
- Projects that do not meet the minimum service life requirements
- Projects that do not result in a usable, completed product
- Applications not consistent with the Smart Growth Policy Act as determined by NYSDOT

Selection Criteria:

- The Department will initially screen applications for eligibility (see eligibility criteria described in previous sections). Following the initial screening, eligible project applications will be rated (on a 100 point scale) as described below.
- REDC Endorsement (20 points). The recommendation/endorsement of the appropriate Regional Economic Development Council will constitute up to 20% (20 points) of the total score.
- Vision (5 points). The project will be evaluated for its ability to further achievement of the Vision and Goals as established in the State Aviation System Plan (SASP).
- Process (10 points). The project will be evaluated regarding the level of public outreach and stakeholder involvement, as evidenced by:
 - Identified project-specific public/stakeholder outreach efforts
 - Coordination of the project with other public and private investments
- Strategies (25 points). The project proposal will be evaluated regarding how well the proposed project supports the following aviation priorities:
 - Improving safety (including improving aircraft access to the airport in periods of adverse weather or darkness)
 - Improving security (project types may include Perimeter Control, Police Substations, Lighting, and Video Surveillance Systems with useful life of 10 years or more, etc)
 - Providing appropriate pavement maintenance and preservation activities (i.e., activities that reduce the life cycle cost of preserving airport pavement by extending intervals between reconstruction and major rehabilitation)
 - Providing equipment to adequately and reliably perform needed airport functions
- Implementation (10 points). The proposal will be evaluated regarding key implementation criteria, including:
 - Applicant demonstrated grant and project management history
 - Project priority, as indicated by the applicant
- Leveraged Resources (10 points). The project will be evaluated regarding how well the proposed project leverages other public, private and other funds and investments (i.e., the proposed share in excess of the 10% minimum match requirement)

- Performance Measures (20 points). The project will be evaluated regarding how well the proposed project contributes to the accomplishment of established performance metrics, including:
 - o The calculated project benefit/cost
 - o Demonstrated importance of the project/airport to the community, the local economy, business users, etc.
 - o Documented improved economic viability of the airport, including providing basic facilities necessary to accommodate and attract activity

Award Criteria Details:

Limitations:

While there is no limit on the number of applications that may be submitted, applicants will be limited to one award per airport from this solicitation.

Matching Fund Requirements:

Projects require a minimum 10% local share of total project costs. Preference will be given to those applications that are able to provide a greater local share of total project costs.

Additional Resources:

For more information, eligible applicants should contact Gerardo Mendoza, New York State Department of Transportation, Consolidated Funding Application, c/o Policy and Planning Division, POD 6-4, 50 Wolf Road, Albany, NY 12232, call (518) 457-2320, email cfa.nysdot@dot.state.ny.us or visit

<https://www.nysdot.gov/programs/RegionalEconomicDevelopmentCouncils>

Multi-Modal Transportation Infrastructure Program (up to \$6.9 million)

Description:

The Multi-Modal Transportation Infrastructure Program, authorized pursuant to Section 14-k of the New York State Transportation Law, provides funds for capital improvements to rail freight & passenger facilities, port facilities, aviation facilities, local roads and bridges, and fixed ferry facilities.

Please see the NYSDOT website <https://www.nysdot.gov/programs/RegionalEconomicDevelopmentCouncils> for complete program eligibility information.

Eligible Types Of Applicants:

Applicants may include but are not limited to: municipal corporations; municipal and privately-owned airports; State, municipal, or privately-owned ports; rail freight and intercity rail passenger operators; State, municipal, or privately-owned ports; and municipal and privately-owned ferry lines.

Eligible Activities / Program Benefit Requirements:

Transportation Multi-Modal (MM) funding is limited to Highway (including bridges), Airport,

Railroad, Port, and Fixed Ferry Facility “modal” categories. Each category has its own capital project work type and sponsorship eligibility requirements. MM funding is not available for Transit (e.g., bus, trolley, intra-city subway) or Maritime (e.g., ferry boat or marine vessel) transportation projects.

All projects must be primarily for an eligible public transportation purpose and use. It is not sufficient that certain transportation capital projects merely be “open to public access” or otherwise provide only partial or minor public use. All projects must have a continuous service life of ten (10) or more years following project completion and NYSDOT reimbursement.

Highway/Bridge Projects

Transportation Multi-Modal funding is for project costs of construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of State, county, town, city and village roads, highways, parkways and bridges. Transportation Multi-Modal Program funds cannot be used for the required local match on federally funded projects.

Aviation Projects

Transportation Multi-Modal funding is for construction, reconstruction, improvement, reconditioning and preservation of capital facilities of Municipal owned Airports and Privately-owned public use airports. All Transportation Multi-Modal funded airport projects must also be consistent with a NYSDOT approved Airport Layout Plan.

Railroad Project Eligibility

Transportation Multi-Modal funding is for rail freight facilities and intercity rail passenger facilities and equipment. Capital project costs for construction, reconstruction, improvement, reconditioning and preservation are eligible for reimbursement.

Port Project Eligibility

Transportation Multi-Modal funding is for construction, reconstruction, improvement, reconditioning and preservation of all State, municipal, or privately-owned ports. For the purposes of this program, a port is defined as “*any shoreline-based commercial cargo operation used for import/export navigation by deep water vessels engaged in international trade or interstate commerce, or the shoreline-based facilities which support a public transportation service (e.g., public ferry or water taxi service)*”.

Fixed Ferry Facility Project Eligibility

MM Funding is for construction, reconstruction, improvement, reconditioning and preservation of fixed ferry landing based facilities of municipal and privately-owned ferry lines used for public transportation purposes.

Pre-Application Requirements:

Not applicable.

Successful Applicant Requirements:

Successful applicants will need to contact NYSDOT (as noted below) for specific program requirements.

Funding Priorities:

Not applicable.

Ineligible Activities:

See Eligibility information above.

Selection Criteria:

Successful applicants will be based on endorsement of the appropriate Regional Economic Development Council(s) and nomination by the Executive.

Award Criteria Details:

Not applicable.

Additional Resources:

For more information, eligible applicants should contact Diane Kenneally, New York State Department of Transportation, Consolidated Funding Application, c/o Policy and Planning Division, POD 6-4, 50 Wolf Road, Albany, NY 12232, call (518) 457-2320, email cfa.nysdot@dot.state.ny.us or visit <https://www.nysdot.gov/programs/RegionalEconomicDevelopmentCouncils>

WORKFORCE DEVELOPMENT

Workforce Investment Act related training and workforce development activities (up to \$3 million)

Business Hiring and Training Incentives - Incumbent Worker Skill Upgrade Training programs

Description:

The *Business Hiring and Training Incentives – Incumbent Worker Skill Upgrade Training* program will provide \$3 million in Workforce Investment Act funds to businesses to train their current (i.e., incumbent) workers in specific occupational skills needed by the business or industry that lead to potential career growth.

Eligible Types Of Applicants:

- Private Sector For-Profit Businesses, including Corporations, LLCs, LLPs, etc. with four or more employees
- Private Sector Not-for-Profit Businesses

Note: Not-for-profit corporations are subject to 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 IRS code. Copies of these documents must be submitted with the application.

Eligible Activities / Program Benefit Requirements:

- Short-term (one year or less) classroom training or distance learning to train incumbent (employed) workers in specific transferable (marketable) occupational skills needed by the business that also lead to potential career growth and increased wages.
- The position(s) targeted for training must exist and be filled at the time the proposal is submitted.
- The applicant's employees to be trained will work in NYS upon completion of the training, and that the business(es) participating in this proposal are headquartered in NYS or have at least one site located in NYS
- Applicants utilizing Independent Contractors or contract employees are not eligible under this program.
- Applicants with leased employees may be eligible under this program.
- If any of the workers targeted for training in this proposal are laid off within one year of the end date of the resulting contract, the applicant business will be liable for the reimbursement to the State for the cost of training associated with the laid-off worker(s).

- A three trainee minimum exists for in-house training.
- Training must take place on company time; trainees must be compensated at no less than their normal rate of pay while they are attending training.
- Any award will be expended on program activities in NYS.

Pre-Application Requirements:

None.

Successful Applicant Requirements:

- The applicant must disclose all training grants received in the past five (5) years and provide the required information on each one.
- Bidders should be aware of the requirements of WIA, Section 505 which provides that WIA funds may not be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a et seq.).
- Applicants will undergo a Due Diligence process

Funding Priorities:

The Incumbent Worker Training Program will provide funds to businesses to train incumbent (employed) workers in specific occupational skills needed by that business or industry that lead to potential career growth and increased wages.

The applicant's Regional Economic Development Council (REDC) must approve their application (indicate that it is in alignment with the Council's priorities.)

Ineligible Activities:

- Indirect costs;
- The acquisition, construction, or renovation of buildings or other real estate;
- The purchase of any equipment or software;
- The payment of employee wages and/or benefits while attending training;
- Any administrative costs associated with this project;
- One-on-one training;
- Support services such as child care, transportation costs, lodging costs, and meals for the trainees;
- Transportation, lodging and meal costs for trainers;
- Advertising;

- Entertainment;
- Interest costs incurred by provider agencies;
- Costs of organized fund raising;
- Sales training;
- Human Resources Training;
- Conferences and seminars;
- Safety training, Sexual Harassment training, Diversity training, Orientation training (the provision of these types of training are each employer's responsibility and a normal cost of doing business);
- Start-up costs, curriculum development and assessment costs;
- Exam, registration and certification fees;
- Soft skills training (including but not limited to resume writing, punctuality, grooming, attendance);
- Training for owners, sole-proprietors, or partners;
- Payment of fees associated with attendance at seminars; conferences or meetings or professional organizations;
- Training required as part of a federal, state or local government mandate;
- English as a Second Language (ESL) training (as a stand-alone course of study);
- Purchase of videos;
- Trainee acquisition of college degrees (The Incumbent Worker Training Program is intended for short-term occupational skill acquisition);
- Customized training as defined in the Workforce Investment Act Regulations, Section 663.715 (see Attachment);
- Any funds being requested under this proposal will not be used in connection with the relocation of employment from facilities in other locations which have resulted in any employee losing his or her job at the original location
- Any other costs deemed inappropriate by the New York State Department of Labor, such as training that does not result in a transferable skill, activities that are determined to be business consulting rather than training (e.g. coaching, follow-up, reinforcement, etc.), and any costs that do not meet the intent of the RFP.

Selection Criteria:

The Vision (3 points) The compelling need for the proposed training, including the nature of the skills assessment performed, the results of the assessment, and the current state of the business, industry and economy that dictate the need for training; and provides full descriptions of every course and the names and titles of the workers that will be attending each course.

The Process (6 points)

- A breakdown of the individuals to be trained relative to the following groups: women, minorities, formerly incarcerated, disabled, limited English. 3 points
- Location of the applicant business in an area determined to be of “high need”. The Department will make this determination. 3 points

The Strategies (21 points)

- The occupational skills to be acquired and how they are transferable. 15 points
- The sector or industry cluster to which the applicant business belongs. Points will be awarded to applicants that belong to sectors/clusters that have been designated as a priority by New York State – health care, advanced manufacturing, clean energy, construction and transportation. 6 points

The Implementation (9 points)

- The necessary steps, timeframes, resources and responsibilities for implementation of the proposed training, and the method of delivery for the training (e.g. classroom training, work experience, related instruction, etc.).

The Leveraged Resources (9 points)

- The resources and value of the resources that will be leveraged (if any) to complement the funding request of the proposal, including in-kind or matching funds by the applicant and/or other members of the collaboration. Match percentages of 0% to 49% = 0 points; 50% to 75% = 3 points; 76% to 100% = 6 points; 101% and up = 9 points.

The Outcomes (12 points) The proposed outcomes of the program including:

- The percentage of the trainees that are expected to be retained after the training. 6 points
- The amount that the trainees’ wages will increase after training. 3 points
- The percentage of trainees who will receive an industry recognized credential or certification upon completion of the training and a description of the credential/ certification. 3 points

The Program Cost (20 points) The cost per participant as compared to other proposals submitted in response to this RFP. Points will be assigned as follows:

- 20 points – if the cost per participant is in the lowest 25%; 15 points – if the cost per participant is in the 26% - 50% range; 10 points – if the cost per participant is in the 51% - 75% range; 5 points – if the cost per participant is in the highest 25%

Regional Economic Development Council Endorsement (20 points) The Regional Economic Development Council will review each application to determine if it aligns with priorities set for the region.

Award Criteria Details:

Limitations:

- Eligible applicants may apply for up to \$50,000.00 training funds per program, and may apply under more than one program.
- For applicants applying under more than one program, there is an overall cap of \$100,000.00 per applicant organization.
- There is a per-trainee cap of \$3,000.00.

Long Range Goals:

- The workers' acquisition of transferable (marketable) occupational skills.
- Retention of the worker after the training.
- Increase in the employees' wages after training.
- Receipt of an industry-recognized credential or certification upon completion of the training.

Project Term Completion Dates:

Training must be completed within one year

Matching Fund Requirements:

No match requirement

Additional Resources:

<http://labor.ny.gov/cfa/index.shtm>

The contact for this program is Andrew Gehr, New York State Department of Labor, Division of Employment and Workforce Solutions, State Office Campus, Building # 12, Room # 440, Albany, New York 12240, (518) 457-0361.

Business Hiring and Training Incentives – On-the-Job Training (OJT) Program

Description:

The *Business Hiring and Training Incentives – On-the-Job Training* (OJT) program will provide \$3 million in Workforce Investment Act funds to businesses to train newly hired workers that come from the ranks of the long-term unemployed.

Eligible Types Of Applicants:

- Private Sector For-Profit Businesses, including Corporations, LLCs, LLPs, etc.
- Private Sector Not-for-Profit Businesses

Note: Not-for-profit corporations are subject to 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 IRS code. Copies of these documents must be submitted with the application.

Eligible Activities / Program Benefit Requirements:

- On-the-Job Training (OJT) of newly hired workers that come from the ranks of the long-term unemployed.
- OJT pertains to training and related supervision given to a new employee at the work place while engaged in actual work, and accelerates the employee's proficiency in the knowledge, skills and abilities necessary to satisfactorily perform the job.
- Long-term unemployed workers are individuals who have exhausted their initial 26 weeks of unemployment insurance benefits or who are within 5 weeks of exhausting their initial 26 weeks of benefits.
- The OJT program provides an incentive to businesses who hire long-term unemployed workers, and to provide these workers with a competitive advantage in the labor market. Businesses hiring new workers that need OJT will be eligible to receive up to 50% of the newly hired employee's wages reimbursed to them for a period of time appropriate for the employee to become proficient in the occupation.
- The OJT must occur at a physical business location in New York State.
- The OJT must apply to a job opportunity for full-time employment (defined as 35 hours or more per week) in New York State paying a minimum of \$10.00/hour.
- Wage calculations to determine OJT reimbursement may not include payment for holiday or overtime hours worked.
- The hires must be employees of the business, and not independent contractors or contract employees.

- The applicant may not apply for seasonal positions or positions based on the addition of commission or tips to a sub-minimum wage base salary.
- The business receiving OJT funds must be in good standing regarding: the Responsibility Questionnaire; Unemployment Insurance records; WARN notices; open investigations with NYSDOL's Public Works, Labor Standards and/or Safety and Health Divisions; registration with the NYS Department of State's Division of Corporations; Workers Compensation Insurance and Disability Insurance coverage; federal OSHA records; and grants from NYS-DOL received during the past five years.
- The hiring business must be willing to assure that:
 - The intention in hiring is for the newly hired employee to remain employed with the business upon completion of the OJT.
 - The OJT will take place during the newly hired employee's work hours (i.e., during the shift/hours for which the worker was hired) and the employee will be compensated at no less than their normal rate of pay.
 - No currently employed worker shall be displaced by the newly hired OJT employee, including a partial displacement such as a reduction in the hours, wages, or employment benefits.
 - It will be in compliance with New York State labor law and federal law for the protection of workers.

Pre-Application Requirements:

None.

Successful Applicant Requirements:

- The applicant must disclose all training grants received in the past five (5) years and provide the required information on each one.
- Bidders should be aware of the requirements of WIA, Section 505 which provides that WIA funds may not be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a et seq.).
- Applicants will undergo a Due Diligence process

Funding Priorities:

The OJT Program will provide funds to businesses to train newly hired workers that come from the ranks of the long-term unemployed.

The applicant's Regional Economic Development Council (REDC) must approve their application (indicate that it is in alignment with the Council's priorities.)

Ineligible Activities:

Any and all activities other than the training and related supervision given to a new employee at the work place while engaged in actual work, that accelerates the employee's proficiency in the knowledge, skills and abilities necessary to satisfactorily perform the job

Selection Criteria:

The applicant must fully describe, identify and document:

The Vision. (3 points) The compelling need for the proposed training, and the name of the person to be trained, the training schedule (number of hours per day, number of hours per week, number of weeks, total number of hours, start date, end date), the position (job title, training location, supervisor/instructor name and title, job description), and the Individual Training Plan (specific occupational skills to be learned and the estimated training hours).

The Process. (6 points)

- A breakdown of the individuals to be trained relative to the following groups: women, minorities, formerly incarcerated, disabled, limited English. 3 points
- Location of the applicant business in an area determined to be of "high need"? The Department will make this determination. 3 point

The Strategies. (21 points)

- The occupational skills to be acquired and how they are transferable. 15 points
- The sector or industry cluster to which the applicant business belongs. Points will be awarded to applicants that belong to sectors/clusters that have been designated as a priority by New York State – health care, advanced manufacturing, clean energy, construction and transportation. 6 points

The Implementation. (9 points) The necessary steps, timeframes, resources and responsibilities for implementation of the proposed training, and the method of delivery for the training.

The Leveraged Resources. (9 points) The resources and value of the resources that will be leveraged (if any) to complement the funding request of the proposal, including in-kind or matching funds by the applicant and/or other members of the collaboration. Match percentages of 0% to 49% = 0 points; 50% to 75% = 3 points; 76% to 100% = 6 points; 101% and up = 9 points.

The Outcomes. (12 points) The proposed outcomes of the program including:

- The percentage of the trainees that are expected to be retained after the training. 6 points
- The amount that the trainees' wages will increase after training. 3 points
- The percentage of trainees who will receive an industry recognized credential or certification upon completion of the training and a description of the credential/ certification. 3 points

The Program Cost (20 points) The starting hourly wage, number of hours of OJT, reimbursement rate and total OJT cost.

Regional Economic Development Council Endorsement (20 points) The Regional Economic Development Council will review each application to determine if it aligns with priorities set for the region.

Award Criteria Details:

Limitations:

- Eligible applicants may apply for up to \$50,000.00 training funds per program, and may apply under more than one program.
- For applicants applying under more than one program, there is an overall cap of \$100,000.00 per applicant organization.
- There is a per-trainee cap of \$5,000.00.

Long Range Goals:

- The workers' acquisition of transferable (marketable) occupational skills.
- Retention of the worker after the training.
- Increase in the employees' wages after training.
- Receipt of an industry-recognized credential or certification upon completion of the training.

Project Term Completion Dates:

- Training must be completed within one year

Matching Fund Requirements:

50% of the trainees wages

Additional Resources:

<http://labor.ny.gov/cfa/index.shtm>

The contact for this program is Andrew Gehr, New York State Department of Labor, Division of Employment and Workforce Solutions, State Office Campus, Building # 12, Room # 440, Albany, New York 12240, (518) 457-0361.

