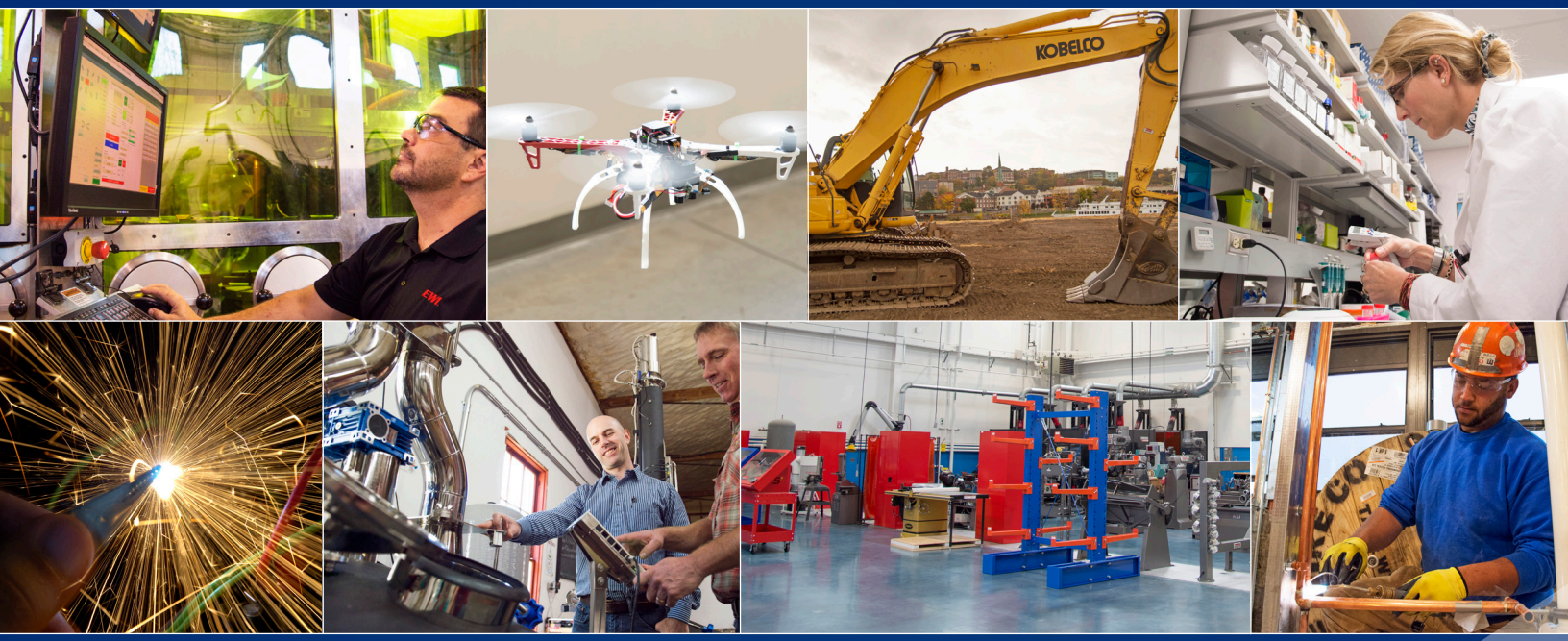
NEW YORK STATE OF OPPORTUNITY

Regional Economic Development Councils



Available CFA Resources

2019

A Division of Empire State Development

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Introduction

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

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

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

Regional Councils are asked to address statewide priorities in ways uniquely tailored to their region which complement the regional vision. The REDCs developed strategic plans with input from a broad spectrum of stakeholders taking into account the unique strengths and weaknesses of each region. The strategic plans serve as a road map, guiding each region's efforts to stimulate economic growth. Each region's strategic plan, implementation agenda and progress reports can be found online at www.regionalcouncils.ny.gov

For Round IX, Regional Councils will once again focus on the implementation of each region's strategic plan, and continue to identify and invest in significant economic development projects. The Governor has directed over $750 million in State resources to be made available in 2019 to support the economic development priorities of the regions and spur job creation across the state, including $225 million in competitive funds from Empire State Development.

In 2019, REDCs will advance projects and other actions identified for implementation and identify new strategies, as appropriate, to pursue. The Regional Councils are having a positive impact on economic development, helping to bring unemployment levels down through the creation and retention of thousands of jobs.

During Round IX, in addition to the strategies established in their regional strategic economic development plans, each REDC is asked to focus on priorities outlined in the 2019 REDC Guidebook.

In addition to the $225 million available for the competitive aspect of the Regional Council process, over $525 million will be available to applicants through the CFA from various State agencies to support economic development projects that align with REDC strategic plans.

This year, there are over 30 programs available through 10 state agencies, including Empire State Development; NYS Canal Corporation; NYS Energy Research and Development Authority; Environmental Facilities Corporation; Homes and Community Renewal; New York Power Authority; Office of Parks, Recreation and Historic Preservation; Department of State; Department of Environmental Conservation, and Council on the Arts. In an effort to provide the most appropriate state resources through this process, participating agencies will be able to review and potentially

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

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

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

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

2019 Available Resources

Empire State Development: Up to $242 million

- Up to $150 million for ESD Grant Funds
- Up to $75 million for Excelsior Jobs Program
- Up to $2 million for Strategic Planning and Feasibility Studies
- Up to $15 million for Market New York

New York State Council on the Arts: Up to $6.75 million

- Up to $5 million for Arts and Cultural Initiatives
- Up to $1.75 million for Arts & Cultural Facilities Improvement Program – Mid-Size Capital Project Fund

Homes and Community Renewal: Up to $26.2 million

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

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

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

Department of State: Up to $21 million

- Up to $15 million for the Local Waterfront Revitalization Program
- Up to $2 million for the Brownfield Opportunity Area Program
- Up to $4 million for Local Government Efficiency Program

New York State Canal Corporation: Up to $1 million

- Up to $1 million for the Canalway Grants Program

New York State Energy Research and Development Authority: Up to $40 million

- Up to $10 million for Energy Efficiency Programs
- Up to $15 million for Net Zero Energy for Economic Development
- Up to $15 million for Commercial and Industrial Carbon Challenge

New York State Power Authority: Up to 144 Megawatts

- Up to 144MW for the ReCharge NY Program

Department of Environmental Conservation: Up to $85.7 million

- Up to $11.7 million for the Climate Smart Communities Grant Program
- Up to $70 million for the Water Quality Improvement Project (WQIP) Program
- Up to $1 million for the Non-Agricultural Nonpoint Source Planning Grant Program
- Up to $3 million for NYS DEC/EFC Wastewater Infrastructure Engineering Planning Grant Program

Environmental Facilities Corporation: Up to $15 million

- Up to $15 million for the Green Innovation Grant Program

Federal Industrial Development Bond Cap: Up to $300 million

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

Empire State Development

Empire State Development Grant Funds

Funding Available: Up to $150 million

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

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

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

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

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

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

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

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

Assistance generally falls into three categories:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vision and Regional Economic Development Strategies:

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

Public/Stakeholders:

- Whether the project has demonstrated support from local government and private sector leaders in the locality and the region where the project will be located;
- Whether the project will have a significant regional impact or is likely to increase the subject community's economic and social viability and vitality; and
- The degree of economic distress in the area where the Applicant will locate the project identified in its application, including downtown revitalization and brownfield areas.

Implementation:

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

Leveraged Resources:

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

Performance Measures:

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

Significant Statewide Programs:

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

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

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

Environmental Justice
Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As we transition to a greener

economy, it is imperative that no subset of the population be marginalized or left behind. Applicants should provide any information about how their project actively works to address these issues.

AWARD CRITERIA DETAILS:

- Notice of a funding award will be given in the form of an incentive proposal outlining the terms of the proposed assistance. The award is subject to approval of the ESD Directors and compliance with applicable laws and regulations. Project funding may only be used for expenses incurred after the date that notice of the funding award is given. Applicants are strongly encouraged to review and countersign ESD's incentive proposal prior to starting the project.

- All Applicants will be requested to certify and agree that any decrease in the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, jobs retained, and jobs created, may result in ESD's reduction of the award, in ESD's sole discretion, in an amount proportionate to any such decrease.

- All Applicants will be requested to certify and agree that any expansion of the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, jobs retained, and jobs created, will not result in the increase of the award by ESD.

- Please note that awarded grants are transferable at the sole discretion of ESD.

- The essential terms for the disbursement of assistance are included in the incentive proposal. Although funding is offered prior to project commencement as an inducement to undertake the project, funds are disbursed in arrears, as reimbursement for eligible project expenditures.

- Grant funds will be subject to pro rata recapture if property is sold within 5 years of disbursement of funds.

- It is expected the project will proceed in the time frame set forth by the Applicant. If the implementation of a project fails to proceed as planned and is delayed for a significant period of time and there is, in the exclusive judgment of ESD, doubt as to its viability, ESD reserves the right to cancel its funding commitment to such project. If awarded, the Incentive Proposal expires two years from the date of acceptance by the Recipient. ESD reserves the right to require Recipient to provide any additional information and/or documentation ESD deems necessary and terminate the project at any point if the applicant fails to provide such documentation in a timely manner.

- For Business Investment projects, partial funding is disbursed upon project completion and interim job creation/retention milestones, with additional funding disbursed upon achievement of job creation/retention milestones. For Infrastructure Investment and Economic Growth Investment projects, funding typically is disbursed upon project completion.

- Projects generally are presented to the ESD Directors once all project expenditures have been undertaken and disbursement of ESD assistance is sought.

- All required public approvals must be in place prior to the start of construction and approval by the ESD Directors, including State Environmental Quality Review (SEQR) and consultation with the State Historic Preservation Office, if applicable. Physical work on an ESD-funded project

may not be started prior to the completion of any necessary environmental, historic and/or smart growth review.

- For projects with job creation and/or retention, job numbers will be verified using the employer's NY-45 and NY-45 ATT and/or payroll reports prior to disbursement of funds and annually thereafter through the required reporting period.

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

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

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

- In accordance with State law, after approval by the ESD Directors, a public hearing will be required if the project involves the acquisition, construction, reconstruction, rehabilitation, alteration or improvement of any property. ESD will schedule a public hearing in accordance with the *New York State Urban Development Corporation Act* ("UDC Act") and will take such further action as may be required by the UDC Act and other applicable law and regulations. The ESD Directors must reconsider the matter if any negative testimony is received at the public hearing. (Generally, this hearing occurs the month after the Directors' initial approval). Approval by the Public Authorities Control Board ("PACB"), New York State Comptroller ("OSC") and the New York State Attorney General ("AG") may then be required. Following approval by the ESD Directors and PACB, OSC and AG approval, if required, the documents for processing the grant award will be prepared by ESD. Notwithstanding the process outlined above, no project shall be funded if sufficient resources are not received by ESD for such project.

- A $250 Application Fee, payable when funding is documented in an Incentive Proposal, and a one percent (1%) non-reimbursable commitment fee based on the grant amount awarded will be assessed to all awardees. The commitment fee will be due when the Applicant executes documents required for processing the award, after approval by the ESD Directors. The Applicant will be obligated to pay for out-of-pocket expenses incurred by ESD in connection with the project, including, but not limited to, expenses related to attorney fees, appraisals, surveys, title insurance, credit searches, filing fees, public hearing expenses and other requirements deemed appropriate by ESD.

- Grant funds originally awarded to projects that have since been cancelled or terminated will be repurposed for economic development projects by ESD at its discretion in consultation with the REDCs.

- Projects having a hotel as a principal function will be required to demonstrate compliance with Section 2879-b of Public Authorities Law regarding labor peace if funding is awarded. Public Authorities Law Section 2879-b prohibits public authorities from providing financing for any project that includes, as one of the principal functions, a hotel with more than fifteen employees unless a labor peace agreement ("LPA") is entered into with a labor organization representing hotel or convention center employees in the State, for a period of at least five years. An LPA is an agreement between the project developer (or its contractors) and a labor organization prohibiting the labor organization and its members from engaging in labor activities that disrupt the hotel's operations.

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

Excelsior Jobs Program

Funding Available: Up to $75 million

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

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

> **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 six percent of eligible research expenditures in NYS.
>
> **The Excelsior Real Property Tax Credit:** Available to firms locating in certain distressed areas and to firms in targeted industries that meet higher employment and investment thresholds (Regionally Significant Project).

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

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

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

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

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

Entertainment Company: means a corporation, partnership, limited partnership, or other entity principally engaged in the production or post production of (I) motion pictures, which shall include feature-length films and television films, (II) instructional videos, (III) televised commercial advertisements, (IV) animated films or cartoons, (V) music videos, (VI) television programs, which shall include, but not be limited to, television series, television pilots, and single television episodes,

or (Vll) programs primarily intended for radio broadcast. Entertainment Company shall not include an entity (l) principally engaged in the live performance of events, including, but not limited to, theatrical productions, concerts, circuses, and sporting events, (ll) principally engaged in the production of content intended primarily for industrial, corporate or institutional end-users, (lll) principally engaged in the production of fundraising films or programs, or (lV) engaged in the production of content for which records are required under section 2257 of Title 18, United Stated Code, to be maintained with respect to any performer in such production.

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

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

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

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

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

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

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

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

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

Targeted Activity	Minimum Job Creation Threshold
Agriculture	5
Back Office	25
Distribution	50
Entertainment Company	100
Financial Services	25
Life Sciences	5
Manufacturing	5
Music Production	5
Scientific R&D	5
Software Development	5

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

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

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

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

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

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

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

Strategic Planning and Feasibility Studies

Funding Available: Up to $2 Million

DESCRIPTION

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

ELIGIBLE TYPES OF APPLICANTS:

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

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

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Assistance is available in the following two categories:

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

INELIGIBLE ACTIVITIES: For Site Assessment and Site Planning grants:

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

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

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

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

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

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

Priority will be given to projects located in Highly Distressed Areas
In determining whether a project is in a highly distressed area, ESD considers whether the area is characterized by pervasive poverty, high unemployment, and general economic distress based on characteristics including but not limited to:

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

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

Vision and Regional Economic Development Strategies:

- The overall economic impact that the project identified in the application will have on a region;
- The project's ability to increase viability of existing businesses, stimulate new enterprises, and analyze potential development opportunities or obstacles to development;
- Whether the project will have a significant regional impact and/or is likely to increase the subject community's economic and social viability and vitality; and
- The degree of economic distress in the area where the applicant will locate the project identified in its application, including downtown revitalization and brownfield areas.

Public/Stakeholders:

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

Implementation:

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

Leveraged Resources:

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

Performance Measures:

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

AWARD CRITERIA DETAILS:

- Notice of a funding award will be given in the form of an incentive proposal outlining the terms of the proposed assistance. The award is subject to approval of the ESD Directors and compliance with applicable laws and regulations. Project funding may only be used for expenses incurred after date that notice of the funding award is given. Applicants are strongly encouraged to review and countersign ESD's incentive proposal prior to starting the project.

- All Applicants will be requested to certify and agree that any decrease in the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, jobs retained, and jobs created, may result in ESD's reduction of the award, in ESD's sole discretion, in an amount proportionate to any such decrease.

- All Applicants will be requested to certify and agree that any expansion of the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, jobs retained, and jobs created, will not result in the increase of the award by ESD.

- Please note that awarded grants are **not transferable** and reimbursement payments may only be made to the awardee.

- The essential terms for the assistance are included in the incentive proposal. Although funding is offered prior to project commencement as an inducement to undertake the project, funds are disbursed in arrears, as reimbursement for eligible project expenditures.

- Projects generally are presented to the ESD Directors once all project expenditures have been undertaken and disbursement of ESD assistance is sought.

- It is expected the project will proceed in the time frame set forth by the Applicant. If the implementation of a project fails to proceed as planned and is delayed for a significant period of time and there is, in the exclusive judgment of ESD, doubt as to its viability, ESD reserves the right to cancel its funding commitment to such project. If awarded, the Incentive Proposal expires two years from the date of acceptance by the Recipient. ESD reserves the right to require Recipient to provide any additional information and/or documentation ESD deems necessary and terminate the project at any point if the applicant fails to provide such documentation in a timely manner.

- All required public approvals must be in place prior to the start of construction (should the project result in construction) and approval by the ESD Directors, including State Environmental Quality Review (SEQR) and consultation with the State Historic Preservation Office, if applicable.

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

- In accordance with the requirements of Article 15-A of the New York State Executive Law: Participation By Minority Group Members and Women With Respect To State Contracts by providing opportunities for MBE/WBE participation, projects awarded funding shall be reviewed by ESD's Office of Contractor and Supplier Diversity, which will set business and

participation goals for minorities and women. Such goals shall typically be included in the incentive proposal.

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

- Following approval by the ESD Directors, the New York State Comptroller, and the New York State Attorney General, as required, the documents for disbursement of the grant award will be prepared by ESD. Notwithstanding the process outlined above, no project shall be funded if sufficient resources are not received by ESD for such project.

- If applicable, the Applicant will be obligated to pay for out-of-pocket expenses incurred by ESD in connection with the project, which may include, without limitation, expenses related to attorney fees, filing fees, and fees associated with other requirements deemed appropriate by ESD. There are no application fees.

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

Market New York

Funding Available: Up to $15 Million

Description

Market New York is a grant program established to strengthen tourism and attract visitors to New York State by promoting destinations, attractions and special events. Funding is available for tourism marketing initiatives, capital/construction projects and the recruitment and/or execution of special events, including meetings, conferences, conventions, festivals, agritourism/craft beverage events, athletic competitions and consumer and industry trade shows. The Market New York program and each funded proposal will work to support the long-term strategic plans for economic growth as put forth by the Regional Economic Development Councils (REDCs). For the 2019-2020 Fiscal Year, up to $15 million will be available through *Market New York*.

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

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

1) **Regional Tourism Marketing (Working Capital) - $7 million**;
(only minimum grant requests of $50,000 or more will be considered); and

2) **Tourism Capital- $8 million**;
(only minimum grant requests of $150,000 or more will be considered).

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

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

ELIGIBILITY REQUIREMENTS

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

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

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

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

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

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

Please note that ESD's agency-wide MWBE (Minority and Women Owned Business Enterprise) utilization goal is 30 percent (30%). Each project will be assigned an individual contract-specific goal, which may be **higher or lower than 30 percent (30%)**. Should an applicant receive a funding award, the applicant shall be required to use good faith efforts to achieve the prescribed MWBE goals assigned to this project. Applicants must maintain records and take the necessary actions to demonstrate such compliance, which includes, but is not limited to updating compliance and utilization records in the New York State Contract System. Failure to comply with MWBE requirements may result in award reductions.

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

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

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

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

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

SIGNIFICANT TOURISM INITIATIVES

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

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

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

FUNDING CATEGORY INFORMATION

I. Regional Tourism Marketing (Working Capital)

Up to $7 million
Only minimum requests of $50,000 or more will be considered.
Any grant requests under $50,000 will be found ineligible and will not be scored.

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

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

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

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

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

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

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

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

- food and / or beverages for consumption, including <u>alcoholic beverages (these costs can be used towards the grantee match ONLY)</u>;
- loan, finance, interest and/or tax fees;
- mini-grants or reallocation of funds to other organizations (other than approved subcontractors for the project);
- legal fees, insurance/liability insurances and / or membership fees;
- in-kind, donated, volunteer services (not reimbursable nor can they be used toward the match); any costs incurred for events held outside New York State;
- wayfinding signage;
- fireworks (<u>these costs can be used towards the grantee match ONLY)</u> competition prizes, prize money and monies paid to participants;
- salaries, wages and / or staff time (outside of the 10% administrative cost);
- fringe benefits (such as health insurance, retirement benefits and other non - mandated benefits);
- expenses reimbursed from any other source or agency;
- capital expenditures (e.g. equipment, hardware, vehicles, computers, etc.). For these purposes, “capital expenditures” are defined as: funds spent to acquire/upgrade physical non-consumable fixed assets in order to maintain or increase the scope of operations. (e.g. property, renovations/upgrades, building construction, long term assets, etc.);
- permanent wayfinding signage (signage produced to be placed on city, county, state roads);
- training;
- operational/overhead expenditures (e.g. rent, utilities, office supplies, etc.); and
- other expenses deemed ineligible by ESD.

Note that travel costs (transportation, lodging, mileage, etc.), as approved by the Division of Tourism, will be eligible toward the grantee's match only and not reimbursed by grant funds;

Required Match
25% of Total Project Cost
ESD generally seeks to provide no more than seventy-five percent (75%) of the financing for Regional Tourism Marketing projects. **An actual cash match of at least 25% of the total project cost is required.** In-kind matches and/or staff time are not eligible for the match requirement. Additionally, funds from any other state agency (including I LOVE NY Matching Funds and the ESD Fund) are ineligible to be used for the match. All expenditures, including the matched expenses, are required to be demonstrated that they were expended from the grantee's account(s). If working with a partner, the partner will need to transfer any cash match into the grantee's account(s). Match Example: the minimum request of $50,000 (75%) would require a match of $16,667 (25%) or more, for a total project cost of $66,667 or more. Another example: if your total project cost is $200,000 you can apply for 75%, which would be $150,000 grant request, and a required match of $50,000 (25%) would need to be demonstrated.

Payment Process
The grantee will receive an Award Letter after the grants have been announced. After that time, the grantee will then receive an Award Confirmation Letter outlining the requirements of the grant program, what is expected of the grantee if they choose to accept the grant, and authorizing spending against the grant. The project will then be brought before the ESD Board of Directors for approval. If approval is received, the grantee will be required to enter into a contract (Grant Disbursement Agreement/GDA) with ESD, which will be sent to the grantee after Board approval.

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

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

All Regional Tourism Marketing Projects are required to complete projects within two years of the date of the award letter (December 31, 2021).

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

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

Reporting
All projects will require that a "Project Performance Measure" report and a final report be completed before a final reimbursement will be made. Requests for reimbursement will be outlined with successful awardees in the GDA, and may be submitted no more frequently than quarterly, up to 75% of the total eligible costs. Reimbursements are eligible for request after the

successful grantee has a signed/approved grant disbursement agreement (GDA). Please note all MWBE and SDVOB requirements must be in compliance and Grants Gateway accounts in pre-qualified status for non-profit organizations, in order for payments to be processed.

II. Regional Tourism Capital

Up to $8 million
(only minimum requests of $150,000 or more will be considered)
Any grant requests under $150,000 will be found ineligible and will not be scored.

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

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

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

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

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

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

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

- acquisition or leasing of land, buildings, machinery and / or equipment;
- pre-development costs;
- remediation costs;
- improve accessibility services;
- purchase of equipment and/or event amenities (ex. permanent staging, fixed assets, etc.)
- acquisition of an existing business and/or assets; and
- new construction, renovation or leasehold improvements.

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

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

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

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

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

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

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

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

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

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

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

- Awarded grants are not transferable.
- All project expenditures (grant and match) must be demonstrated to have been expended from Grantees accounts.
- Expenditures made by partners and/or consultants are not eligible unless the grantee can demonstrate that the partner and/or consultant was directly reimbursed by the grantee for the expenses and/or services rendered.
- Reimbursement payments may only be made to the awardee (other than approved subcontractors for the overall project).
- Mini-grants and/or reallocation of funds to other organization will not be eligible to apply.
- Any use of the I LOVE NY logo as part of the funded project must conform to ESD guidelines and be approved in advance by ESD; non-compliance may result in a reduction and/or termination of an award.
- In the event that I LOVE NY / NYS Division of Tourism would choose to record video footage related to the project or grantee for state tourism purposes, have a tourism promotion presence at public events related to the project or put on by the grantee, and/or distribute I LOVE NY marketing materials at sites controlled by the grantee, no

further money would be exchanged for these purposes, including but not limited to rights and space fee(s).

- If the information in the application regarding a project match fails to show any demonstrated “match” for the program, the overall project may be deemed ineligible.
- Applicants must demonstrate how *Market New York* funding for these expenses will be used to support the desired outcome of their enhancement project, and how these expenses are expected to stimulate increased visitation and spending in the corresponding region of New York State.
- Being awarded a grant does not imply automatic approval of elements in the submitted marketing plan if they do not comply with local/state/federal laws and/or regulations, including the requirements of the *Market New York* grant program itself.
- Market New York Grants are meant to initiate new projects and/or provide support to expand a project beyond what an organization can do on its own. Therefore, projects that have been funded in three (3) consecutive rounds may be deemed ineligible. It is also likely that funding for multi-year or ongoing projects will decrease for each year after the first year of funding in order to facilitate self-sufficiency of these tourism projects
- All grantees are fully responsible for being aware of any taxes required to be paid as a part of accepting an awarded grant. Empire State Development is not able to advise on your tax reporting status.
- All projects will require that a Project Performance Measure report (included in the Grant Disbursement Agreement-Exhibit B), a final report, be completed before a final reimbursement will be made.
- Any changes of an awarded project budget (including the match) over 10% or $1,000, whichever is greater, and/or major changes to the scope of the project may cause a reduction of award amount or termination of your awarded grant.
- Regional Tourism Marketing projects requests must be for $50,000 or more, projects below this minimum request will be deemed ineligible.
- Regional Tourism Capital projects requests must be for $150,000 or more, projects below this minimum request will be deemed ineligible

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

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

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

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

I.ESD TECHNICAL REVIEW [50 Points Total]

INCREASED TOURISM IMPACT [up to 15 Points]
How well does the project plan demonstrate:
- evidence that the project will increase tourism to and within New York State;
- that the theme and/or scope of this project will support the REDC strategic plan for the affected region(s);
- the project's overall positive economic impact on the region(s);
- if the project relates to one attraction/destination, how the project will economically benefit the region(s).

I LOVE NEW YORK ALIGNMENT [up to 15 Points]
How well does the project plan demonstrate that the proposed project aligns with the goals and strategies of I LOVE NY, increasing the perception and consideration of New York State as a travel destination, increasing visitation and creating a positive economic impact.

For example, how well does the project market/promote/showcase, on at least a regional basis, New York State's:
- Unique, world-class destinations;
- Broad array of available activities; and /or
- Strength in creating family memories through activities including but not limited to outdoor recreation, historic sites and museums, food and drink, festivals and the performing arts.

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

BUDGET [up to 10 points]
How well does the project budget demonstrate:
- how the ESD reimbursed funds will be specifically spent;
- how the Grantees Match will be specifically spent;
- an overall clear budget in which all financial figures match throughout the application and project plan.

PROJECT TIMELINE & PERFORMANCE MEASURES/METRICS [up to 5 points]
How well does the project plan demonstrates:
- a timeline for individual project steps;
- performance measures/metrics to quantify the ROI and demonstrate the economic impact.

GRANT MATCH REQUIREMENT [up to 5 points]
How well does the project plan/budget evidence the necessary minimum cash match for total project costs (+ 25% for Region Tourism Marketing projects and/or+ 80% for Capital Tourism projects and projects with any capital components) with information like:

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

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

II. ESD EXECUTIVE REVIEW [30 Points Total]

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

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

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

III. REGIONAL COUNCIL SCORE [20 Points Total]

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

TOTAL POSSIBLE SCORE FOR PROPROSAL – [100 Points Total]

MORE INFORMATION/ASSITANCE

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

New York State Council on the Arts

Arts and Culture Initiatives

Funding Available: Up to $5 million

DESCRIPTION:
Arts and culture activities enrich and strengthen community, civic, and social life in New York State. Funding for arts and culture initiatives is available for eligible non-profit arts and culture organizations and local units of government through the Regional Economic Development Program (REDC). The New York State Council on the Arts (NYSCA) welcomes applications in FY2020 for requests to the categories described below.

This section of the CFA handbook includes the following information: 1) an ***At-A-Glance*** overview of all three funding opportunities available through the NYSCA REDC Initiatives; 2) ***General Information and Eligibility Requirements*** for all initiatives; 3) ***Individual Category Descriptions*** with specific grant requirements and eligibility criteria for each; 4) ***Description of the Review and Scoring Process*** for all categories; 5) ***Post-Award Information***, including payment timeline, reporting requirements and rules associated with accepting a grant award; 6) ***Program Contact Information***.

NYSCA REDC Initiatives At-A-Glance

Total Funding Available: Up to $5 million

NY State Cultural Impact Awards

Program Purpose: to support up to five large-scale public art projects conceived with a high level of artistic scope and ambition that demonstrate a commitment to collaboration across sectors and regions.

Workforce Programs

Workforce Investment

Program Purpose: to support the creation of new full- or part time positions and the expansion of existing part-time positions to full time. Grants are available in two categories:

A. *2-Year Grants for New Positions (Multi-Year Contracts)*
B. *1- Year Renewal Grants for Round 8 Grantees*

Arts Workforce Fellowships

Program Purpose: to support training programs for emerging arts practitioners from communities that have been historically underrepresented in the arts and cultural sector. Grants are available in two categories:

A. *2-Year Grants for New Training Programs (Multi-Year Contracts)*
B. *1-Year Renewal Grants for Round 7 & 8 Grantees*

GENERAL INFORMATION AND ELIGIBILITY REQUIREMENTS FOR ALL PROGRAMS:

- **Eligible Organization Types.** NYSCA awards grants to nonprofit organizations either incorporated in or registered to do business in New York State, Native American tribes in New York State, and units of local government in New York State. An organization must have its principal place of business located in New York serving the state's constituents. See individual program requirements for specific organizational eligibility by program.
- **NYSCA Agency-Wide Requirements.** Please click here to review the eligibility requirements for all NYSCA applicants: http://www.arts.ny.gov/eligibility.
- **Grants Gateway Prequalification.** Organizations must be Prequalified in Grants Gateway **at the time of the CFA deadline** to be considered for funding. Units of local government and Native American Tribes are exempt from the prequalification requirement. Submit your Grants Gateway Document Vault no later than one week before the application deadline. After this date, NYSCA cannot guarantee any issues that arise during review will be resolved by the deadline. NYSCA and Grants Gateway offer resources on how to register and Prequalify: https://www.arts.ny.gov/application-guide/prequalify and https://grantsmanagement.ny.gov/get-prequalified.
- **Review Criteria.** Applicants must meet the evaluative criteria detailed at the end of the NYSCA REDC Initiatives section of this guide, and meet all program-specific requirements detailed in the description of the category to which the organization is applying, below.
- **Regional Priorities.** NYSCA makes REDC Initiatives awards in all ten NYS regions. Panelists and staff will consider regional distribution as part of their application review.
- **New Grantees.** Priority will be given to competitive applicants that have not received NYSCA REDC Initiatives funding in previous years.
- **Request Amounts.** NYSCA rarely funds more than 25% of an organization's overall operating budget for the most recently completed fiscal year. Applicants should take this into consideration when determining a request amount.
- **Exemption from NYSCA Two-Program Limit.** An application made to a NYSCA REDC Initiatives opportunity is exempt from NYSCA's two-grant request limit per applicant per year (however, applicants may not request support for a project for which they are already seeking support through another NYSCA program – see below).
- **One NYSCA REDC Initiative Application Limit.** Applicants may submit only one application to the NYSCA REDC Initiatives (either Cultural Impact Awards OR Workforce Investment OR Arts Workforce Fellowships). Organizations are not restricted from applying to other NYS agencies' REDC Initiatives or other NYSCA programs. Please review the resource guide materials for the other agencies thoroughly.

Ineligible Activities:

- **Multiple NYSCA Requests for the Same Project.** Applicants **may not** request funding for the same project through the FY2020 REDC Initiative and another FY2020 NYSCA grant program, including activities receiving continuing multi-year funding.
- **Fiscal Sponsorship**. Applicants may not apply through a fiscal sponsor.
- **Regranting**. Proposals involving regranting of funds are not eligible for support.
- **Capital Support.** Capital requests for equipment, design, feasibility studies or construction are not eligible for support.
- **Out of State Travel.** Out of state travel costs are not eligible for support.
- **Other Activities** not eligible for support are listed at http://www.arts.ny.gov/eligibility

INDIVIDUAL CATEGORY DESCRIPTIONS & REQUIREMENTS:

NY State Arts Impact Awards At-A-Glance

Program Purpose: to support the expansion of up to 10 large-scale, public arts projects conceived with a high level of artistic scope and ambition that demonstrate a commitment to collaboration across sectors, disciplines, and regions.

- **Grant Size**: $100,000
- **Grant Term*:*** March 1, 2020 – February 28, 2021

GOALS:

Funding opportunities are available through NYSCA's NY State Arts Impact Awards for the significant expansion of existing artistic projects designed to enhance and transform the cultural and economic vitality of New York State communities. Grants will support the scaling or touring of projects that have demonstrated a track record for successfully presenting or exhibiting bold artistic programming in their local communities in ways that both advance the artform and reach a broad constituency.

Organizations that have a proven track record of producing, presenting or exhibiting arts or cultural activities that relate to the distinctive sense of place of the community(ies) or region(s) where the activity occurs may request funds to expand these projects, whether by increasing audiences in the project's current location, or by bringing the project to new locations around New York State. Such projects may include visual, performing, literary, or traditional folk arts that are inspired by and express a community's experience of place.

Examples of the types of projects that would be eligible include (but are not limited to):

- Multi-day, interdisciplinary festivals;
- Mobile productions or exhibitions;
- Site-specific performances, exhibitions, or temporary art installations (or a combination thereof) that animate one or more underutilized public settings;
- Artistic events that include a significant interactive component for audience engagement and learning;
- Artistic events that directly engage local businesses and other partners or stakeholders in their production or presentation.

Successful proposals will demonstrate significant economic and community development impact that positions arts, culture and heritage at the core of local development and revitalization efforts. Competitive proposals will engage partners across disciplines and sectors, support artmaking of ambitious scope and scale, and produce artistic experiences that have the potential to reach expansive and diverse audiences**.** *Projects that span multiple regions and hold the potential to draw substantial tourist interest to less-frequented areas, while maintaining a meaningful commitment to serving local communities are strongly encouraged.* Successful applications will demonstrate an inclusive approach, engaging a variety of stakeholders as part of the proposed project.

Through NYSCA's REDC NY State Art Impact Awards, collaborative arts and cultural projects focused on economic and community development will help to:

- Generate cross-sector collaborative projects;
- Drive and support tourism through events that serve as destinations for visitors;
- Enhance resources for communities experiencing poverty, geographic isolation or other barriers to participation in or access to arts and cultural activities;
- Attract visitors to experience the cultural assets of the community;
- Broaden and encourage public access and participation in arts and culture;
- Expand business opportunities by harnessing the power of the creative economy;
- Develop new and catalytic initiatives to expand public participation in arts and culture;
- Bring public, private, and non-profit sectors together as partners with community members and artists, to strategically enhance local economy and sense of place.

Arts Impact Awards initiatives must cultivate and leverage local cultural assets, generating one or more of the following:

- Livability – quality of life;
- Expanded tourism to previously underutilized areas;
- New and increased revenue for local businesses;
- Job growth, especially in the area of artist compensation;
- Opportunities for local/regional artists to create, market or make a living from their art.

GRANT REQUIREMENTS

- **Grant Amount and Term**. $100,000 grants for use over 1 year. Contracts will run from March 1, 2020–February 2021.
    - **NOTE:** Up to a six-month extension may be requested to spend down funds over a longer period if needed. Extensions will be approved on a case by case basis.
- **Eligible Applicants.** Nonprofit organizations, Native American tribes and local units of government may apply.
- **Ineligible Applicants.** Funds may not support events that are primarily food or beverage festivals or county fairs.
- **Purpose**. Funds will support direct expenses associated with the expansion of the production or exhibition of large-scale, temporary arts or cultural activities that, by design, take place in currently underutilized locations and venues, and have the potential to engage diverse audiences, attract tourists to new areas, and drive economic development across NY State. Projects that are state-wide or span multiple regions, and those that include partners from multiple sectors or disciplines are strongly encouraged.
- **Matching Requirement.** A 1:1 cash match is required on the full grant amount (in-kind services are not permitted). In no case will a NY State Arts Impact Award fund more than 50% of the total project cost.
    - Example: A $100,000 grant must raise an additional $100,000 toward the project.
- **Eligible Costs.**
    - Funds will support direct project expenses, including (but not limited to):
        - Artist fees
        - Site or equipment rental
        - Materials and supplies
        - Staff time dedicated to executing the project
        - Direct expenses incurred by partner organizations
        - Marketing and outreach
    - This category is open only to initiatives that are not part of a current NYSCA FY2020 request and not included in activities receiving continuing multi-year funding.

- **Ineligible Costs.** The following **<u>are not</u>** eligible for support:
    - Permanent public works of art
    - Proposals involving regranting of funds
    - Production support for broadcast/cablecast programming, film and media documentary.
    - Website design, equipment purchases or capital projects
    - General overhead
    - Out-of-state travel expenses and other ineligible expenses listed at http://www.arts.ny.gov/eligibility

APPLICATION REQUIREMENTS

Applicants must complete and submit a Consolidated Funding Application (CFA) which will be reviewed by NYSCA and the REDC for the primary region in which the project is located (or headquartered, if there is not a single project location).

Applicants will be required to respond to a series of questions in the CFA:

- detailing the project activities;
- demonstrating how arts and culture is a central component of the project and the mission of the applicant organization;
- addressing how the project aligns with the program goals/REDC priorities;
- explaining how the applicant has the institutional capacity to undertake the work; and
- outlining the potential benefit that will be derived for the organization, its audience, and the broader community.

Applicants will also be required to submit the following documentation:

1. **1-page Resume(s)** of key program consultant(s) and/or staff
2. **Current Organizational Chart** of lead organization including names and titles of all staff and board members
3. **Representative Work Samples** that showcase the artistic content of the initiative. Up to two video work samples of no more than three minutes each and/or stills. If Submitting stills, no more than 10 stills may be submitted. To provide videos and/or stills, please create a PDF document with a list of active hyperlinks and/or stills. Label each work sample with artist(s), title, year, and for visual arts initiatives, medium(s) and dimensions.
4. **Comprehensive Business and Marketing Plan** that outlines activities and outcomes to-date and describes plans for scaling those activities, including staffing responsibilities, projected costs and revenue (with explanations for how these figures are calculated), and a detailed plan for marketing and audience engagement locally and beyond.
5. **Letters of Partnership** and/or Memorandum of Understanding for all collaborators named as committed to the project in the proposal.
6. **Four-Year Operating Income and Expense Comparison,** including your three most recently completed fiscal years (audited or finalized) and your current fiscal year (projected). ***For each year,*** financial comparisons should detail:
    a. types/amounts of earned/contributed income, and high-level expense categories;
    b. both annual and accumulated surpluses/deficits below the operating lines;
    c. balances of any designated reserve or endowment funds below the operating lines.
7. **Budget Notes** explaining any significant anomalies and plans for addressing structural or accumulated deficits (if applicable).
8. **RECOMMENDED: Letters of Support** from key stakeholders in the applicant's community.

Workforce Development Programs At-A-Glance

Workforce Investment

Program Purpose: to support the creation of new full- or part time positions and the expansion of existing part-time positions to full time.

A. Grants for New Positions

- **Grant Size**: $37,500 - $112,500, plus up to $10,000 for resident artist projects
- **Grant Term*:*** March 1, 2020 – February 28, 2022 *(Multi-Year Contract)*
- **Matching Requirement:** 50% of the grant amount

B. Renewal Grants for Round 8 Grantees

- **Grant Size**: $12,500 - $37,500, *plus up to $10,000 for resident artist projects*
- **Grant Term*:*** March 1, 2020 – February 28, 2021
- **Matching Requirement:** 150% of the grant amount

Arts Workforce Fellowships

Program Purpose: to support training and career development programs for emerging arts practitioners from communities that have been historically underrepresented in the arts and cultural sector.

A. Grants for New Programs

- **Grant Size**: $45,000 - $112,500, *plus* up to $7,500 for organizational equity work
- **Grant Term*:*** March 1, 2020 – February 28, 2022 *(Multi-Year Contract)*
- **Matching Requirement:** 50% of the grant amount

B. Renewal Grants for Round 7 & 8 Grantees

- **Grant Size**: $15,000 - $37,500, *plus* up to $7,500 for organizational equity work
- **Grant Term*:*** March 1, 2020 – February 28, 2021
- **Matching Requirement:** 150% of the grant amount

GOALS:

Funding opportunities are available through the REDC Workforce Programs for new and expanded positions in arts organizations and training programs for practitioners from historically underrepresented communities.

Through NYSCA's REDC Workforce Development Programs, arts and cultural organizations focused on economic and community development will help to:

- expand and diversify the arts and cultural workforce;
- develop and nurture a diverse next generation of arts and culture practitioners;
- create jobs in the arts and culture sector that will provide new opportunities for workers in communities across the state;
- use new and expanded positions to increase the capacity, quality, impact and efficiency of organizations, their programs, and their operations.

1) Workforce Investment

Workforce Investment support is designed to expand opportunities for workers of diverse backgrounds in the New York State arts sector, while enhancing the capacity of NYS arts and cultural organizations, and thereby strengthening the field as a whole. Grant awards will support ONE expanded staff position or ONE new staff position. Organizations with annual operating expenses under $3,000,000 that meet the criteria below are eligible to apply. (Please note there is no limit on the organizational budget size for applications submitted in the Resident Artist focus area.) Applicants must demonstrate the critical need for the employee and provide a substantial sustainability plan to ensure continued employment after the grant term ends.

Diversification of the arts workforce and advancement of cultural equity and inclusion within arts organizations are at the core of NYSCA's REDC priorities, and competitive applications for the Workforce Investment program should reflect meaningful efforts to achieve these goals.

NYSCA recognizes that narrowly focused recruitment strategies and insufficient wages are often barriers to employment for groups that have been historically underrepresented in arts organizations. Applicants should actively consider this reality as they develop their proposed recruitment plans and compensation packages for new and expanded positions, and make the case for how their program will help to mitigate this barrier for groups that may otherwise be unable to participate in the arts workforce. At minimum, hourly financial compensation must meet or exceed New York State minimum wage requirements. Competitive proposals will detail how recruitment plans will reach a broad constituency and how the organization's hiring policies will increase, rather than restrict the number and types of candidates that will be competitive in the process. Applicants must specify the time commitment required for the position, and make the case for how the proposed compensation facilitates access to the opportunity for qualified individuals from low-income backgrounds.

Relatedly, inclusive and equitable organizational cultures are necessary to enable staff from historically underrepresented groups to grow and succeed in their professional roles. Applications must include plans that demonstrate the implementation of equitable recruitment and hiring practices and the efforts the organization has made and will pursue in the future to foster an inclusive working environment and organizational culture. Applicants should demonstrate how this position will contribute to the organization's larger goals relating to diversity and inclusion. Positions to be occupied by members of communities underrepresented in arts and cultural professions are strongly encouraged.

NYSCA defines diversity broadly, and recognizes that the nature of "underrepresentation" may have significantly different meanings across different communities, professions, and artistic disciplines. Applicants to this category are encouraged to define these terms clearly as they relate to their own organizations and regional or community circumstances, and explain how their proposed hiring efforts are designed to appropriately address the structural and cultural obstacles that have limited access and participation for those groups in their area of the arts workforce historically.

The Workforce Investment category includes two areas of support:

A. **Grants for New Positions** (open to applications for entirely new or newly expanded positions for any applicant that did not receive Workforce Investment support in Round 8); or
B. **1-Year Renewal Grants for Round 8 Workforce Investment Grant Recipients**

A. GRANTS FOR NEW POSITIONS

GRANT REQUIREMENTS

- **Grant Amount and Term**. $37,500 – $112,500 total grants to be awarded evenly over two years through equal annual ("multi-year") contracts. For example, for a $40,000 multi-year grant, the first-year grant period amount would be $20,000 and the second-year grant period amount would be $20,000. (Grants would require two one-year contracts commencing March 2020 and ending February 2021, and commencing March 2021 and ending February 2022, respectively.)
    - **NOTE:** Up to a six-month extension may be requested to spend down funds over a longer period if needed. Extensions will be approved on a case by case basis.
- **Purpose**. Funds may support *new* full- or part-time positions, *or* the new expansion of an existing position from part- to full-time. Applicants may propose positions in any department (administrative, artistic, education, curatorial, literary, community engagement, etc.), or may propose the creation of a resident artist position (please see specific requirements below).
- **Matching Requirement.** A 50% cash match is required on the full grant amount (in-kind services are not permitted).
    - Example: A $37,500 grant would be required to raise an additional $18,750 toward the salary and fringe associated with the new position.
- **Eligible Costs.**
    - Grant funds may fund only a SINGLE position. Applications that propose multiple positions will be deemed ineligible.
    - Grant funds may only be applied to base salary.
        - Exception for Resident Artist Positions Only: up to $10,000 for artist discretionary funds (see description below for details).
    - Matching funds **may** be used to support additional salary requirements, as well as benefits, fringe, and employer-paid payroll taxes.
- **Ineligible Costs.**
    - Grant funds **may not** be requested for hiring costs, payroll taxes, fringe benefits, or overhead costs.
    - Funds **may not** support contracted employees or seasonal staff.
- **Spend-down Schedule**. Applicants must split the funds evenly across both years, with 50% of the total grant amount budgeted for Year 1, and 50% budgeted for Year 2.

APPLICANT ELIGIBILITY

- **Eligible Organizations.** Only nonprofit **arts and cultural organizations** incorporated and registered to do business in NY State may apply in this category.
- **Organization Size Requirements.**
    - **For General Positions** applicant's overall operational budget **may not exceed** $3,000,000 as determined by the audit or financial statement provided in the organization's Grants Gateway Document Vault at the time of application.
    - **For Resident Artist Positions:** There is no limit on the organizational budget size for applications submitted for the NYSCA Resident Artist focus area.

- **Applications from previous Workforce Investment grantees.**
    - *Organizations with Round 8 Workforce Investment* grants (contracts begun in March 2019) **<u>are not</u>** eligible to apply for new 2-year positions in this round (but they may apply for 1-year renewals of their current grants – see below).
    - *Grantees from Rounds 7 and earlier* may apply for entirely new positions, or for the expansion of a Workforce Investment-funded part-time position to full-time.
    - Expansions **<u>may</u>** include positions that were funded as part-time through a prior Workforce Investment grant from Round 7 or earlier.
- **Other NYSCA Funding.** This category is open only to initiatives that are not part of a current NYSCA FY2020 request and not included in activities receiving continuing multi-year funding.

For the FY20 grant cycle, requests in the Workforce Investment category must be directed toward ONE of the following focus areas:

FOCUS 1
General Full-Time or Part-Time Position.

- Support will be considered for organizational positions in any department, including (but not limited to): Executive Director, General Manager, Development Personnel, Marketing or Social Media Personnel, Community Outreach Personnel, Artistic Director or Associate (all arts disciplines), Curatorial Staff, Arts Education Personnel, Literary Personnel, Technical Staff, or Community Engagement Personnel.
- Organizations applying to this category must have average operating expenses below $3 million for the three most recently completed fiscal years.

FOCUS 2
Resident Artist Position.

- Support is available for Resident Artist positions that will employ an individual artist to carry out public engagement projects in their own art forms and regions that highlight one or more of the REDC goals. Because NYSCA recognizes the power of artists to transform lives and make communities better places to live, both culturally and economically; this area of workforce investment is intended to encourage the creation of permanent resident artist positions in a variety of institutional and civic settings. It further seeks to demonstrate the long-term value of maintaining these resident artist positions within an organization. Examples of Resident Artist positions include, but are not limited to, city, town, county or regional Poet/Writer Laureates, Teaching Artists, Filmmakers, Composers, Visual Artists, Folklorists, Architects, Designers, and Choreographers.
- Applicants are encouraged to apply for residencies for artists with disabilities as well as for artists with or without disabilities who are skilled American Sign Language Interpreters. In the latter case, a lead applicant may wish to apply for a partnered residency in which an artist/ASL interpreter is shared with another organization, and may, for example, interpret for a deaf designer at one performing arts organization and perform or direct at another over the course of the residency.
- Applications for resident artist positions must have an artist already identified and include a letter of partnership from the artist outlining their proposed vision and expectations for the residency.
- Applicants may include up to $10,000 in discretionary project support for the artist to use on an artistic project to be determined over the course of the residency in collaboration with the grantee organization.
- There is no limit on the organizational budget size for applications submitted in the Resident Artist focus area.

APPLICATION REQUIREMENTS

Applicants must complete and submit a Consolidated Funding Application (CFA) which will be reviewed by the New York State Council on the Arts (NYSCA) and the REDC for the primary region in which the project is located (or headquartered, if there is not one single project location).

Applicants will be required to respond to a series of questions in the CFA:

- detailing the project activities;
- demonstrating how arts and culture is a central component of the project and the mission of the applicant organization;
- addressing how the project aligns with the program goals/REDC priorities;
- explaining the organization's approach and commitment to diversity, equity, and inclusion generally and with respect to the proposed position;
- explaining how the applicant has the institutional capacity to take on and sustain the position; and
- outlining the potential benefit that will be derived for the organization, its audience, and the broader community.

Applicants will also be required to submit the following documentation:

1. **New Hire:** 1-page Job announcement and detailed job description for the new position
   OR
   Expanded Position: 1-page resume of staff member being expanded to fulltime and detailed job description of expanded position
2. **Current organizational chart** including names and titles of all staff and board members. Please note with an asterisk the new or expanded position for which funding is being sought
3. **1-2-page recruitment plan** including key search personnel conducting the search and hire timeline
   a. Note: provide a recruitment plan even if the candidate has been identified
4. **Project Budget** (form provided), detailing the allocation of grant and matching funds for both years of the project.
5. **Four-Year Operating Income and Expense Comparison,** including the organization's three most recently completed fiscal years (audited or finalized) and your current fiscal year (projected). ***For each year,*** financial comparisons should detail:
   a. Types/amounts of earned/contributed income, and high-level expense categories;
   b. both annual and accumulated surpluses/deficits below the operating lines;
   c. balances of any designated reserve or endowment funds below the operating lines.
6. **Budget Notes** explaining any significant anomalies and plans for addressing structural or accumulated deficits (if applicable).
7. **Artist Statement** (for Resident Artist positions only), written and signed by the proposed artist, outlining their plans and expectations for the work they will undertake during the course of the residency.
8. **RECOMMENDED: Up to three letters of support** and/or partnership

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B. 1-Year Renewals for Round 8 NYSCA REDC Workforce Investment Grantees

A major goal of the Workforce Investment program is the creation of positions that can be sustained beyond the end of the period of NYSCA/REDC support to contribute to both the permanent expansion of the workforce in NY State, and the enhanced capacity of arts and cultural institutions in the long term. In that spirit, organizations that received a single year of support through the program in Round 8 will be eligible to apply for an additional year of partial funding to increase the likelihood that they will be able to sustain their new positions into the future.

- **Eligible Organizations.** Only Round 8 grantees may apply for 1-year renewals to help sustain the positions created with their recent grants.
- **Grant Amounts.** Applicants may apply for grants of up to 50% of their previous grant amounts.
    - For example, an organization that received a $25,000 grant would be eligible to apply for a grant of $12,500 for use over 1 year.
    - Renewals of resident artist positions may increase their grants by up to $10,000 for discretionary project support for the artist to use on an artistic project to be determined over the course of the residency in collaboration with the grantee organization, up to a maximum grant amount of $47,500.
- **Matching Requirement.** A 1.5:1 match is required on the full renewal grant amount (A $12,500 grant would require a $18,750 match for use during the 1-year renewal grant period).
- **Eligible Costs.** Funds may not be used to support positions other than those created with Round 8 grant funds, and may only be applied to base salary (discretionary programming support, for Resident Artist positions).

Applicants should keep in mind that review of renewal applications will be a competitive process and renewals or previously awarded grants are by no means guaranteed.

APPLICATION REQUIREMENTS

Applicants must complete and submit a Consolidated Funding Application (CFA) which will be reviewed by NYSCA and the REDC for the primary region in which the project is located (or headquartered, if there is not one single project location).

Applicants will be required to respond to a series of questions in the CFA:

- reporting on the progress of the current grant to-date;
- detailing the project activities for a second year of support;
- demonstrating how arts and culture is a central component of the project and the mission of the applicant organization;
- addressing how the project aligns with the program goals/REDC priorities;
- explaining the organization's approach and commitment to diversity, equity, and inclusion generally and with respect to the proposed position;
- explaining how the applicant has the institutional capacity to retain the position for a second year and sustain it beyond the grant period; and
- outlining the potential benefit that will be derived for the organization, its audience, and the broader community.

Applicants will also be required to submit the following documentation:

1. **Current organizational chart** including names and titles of all staff and board members. Please note with an asterisk the new or expanded position for which funding is being sought
2. **Project Budget** (form provided), detailing the actual expenditures and use of matching funds for the current grant to-date, projections for the remainder of the current grant, and the allocation of proposed grant and matching funds for a second year of the project.
3. **Four-Year Operating Income and Expense Comparison**, including the organization's three most recently completed fiscal years (audited or finalized) and your current fiscal year (projected). ***For each year,*** financial comparisons should detail:
    a. types/amounts of earned/contributed income, and high-level expense categories;
    b. both annual and accumulated surpluses/deficits below the operating lines;
    c. balances of any designated reserve or endowment funds below the operating lines.
4. **Budget Notes** explaining any significant anomalies and plans for addressing structural or accumulated deficits (if applicable).
5. **Updated Artist Statement** (for Resident Artist positions only), written and signed by the artist, discussing the progress of the residency to-date, and outlining their plans and expectations for the work they will undertake during an additional year of the residency.

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2) NYSCA REDC Arts Workforce Fellowships

The NYSCA REDC Arts Workforce Fellowships program is designed to prepare emerging professionals from diverse backgrounds for careers in the arts through innovative training, mentoring, and professional development programs. Recognizing the limited opportunities for underrepresented communities in the arts sector historically, these NYSCA Fellowships are intended to create new avenues for artistic and administrative career advancement. A successful Arts Workforce Fellowship Program will build confidence and experience for at least two emerging professional artists and administrators at a time by combining structured training with work experience, mentorship, job-shadowing, networking, and other professional development opportunities. Fellows should participate fully in the life of the organization, including opportunities to perform, create, curate or produce art. Fellowship programs that incorporate a "pipeline" that includes training and exposure in schools or arts organizations and on-going professional support are welcomed.

Proposed programs must include a clearly developed curriculum that the Fellows will follow throughout their participation in the program, and a staff member with dedicated responsibilities for coordinating program activities and liaising with other organizational staff and instructors on behalf of the Fellows. The NYSCA REDC Fellowships are not intended to supplement organizational staff capacity needs, and expected time commitments should not exceed 40 hours per week. Hands-on work experience can be a beneficial element of workforce training programs, however, such experience must be accompanied by an intentional, consistent, and well-defined training and evaluation, apprenticeship, or mentorship-based educational component. Administrative training programs can encompass any number of areas including: box office operations, front of house operations, bookkeeping for nonprofits, basic grant writing, marketing, and facilities management. Production training programs can encompass any number of areas, including: stage management, company management, curation and program coordination, art handling, design, technical operations (light board, stage craft, electrics, exhibition installation, etc.). Other specific training opportunities that meet overall category criteria will be considered on a case-by-case basis. Applicants may develop curricula that best suit their organizational

strengths, but the substantive contents, goals, expectations of instructors and participants, required time commitment, compensation, recruitment plan, and appropriate prior experience level of participants must all be clearly detailed in the curriculum plan attached to the CFA application.

NYSCA defines diversity broadly, and recognizes that the nature of “underrepresentation” may have significantly different meanings across different communities, professions, and artistic disciplines. Applicants to this category are encouraged to define these terms clearly as they relate to their own organizations and regional or community circumstances, and explain how their proposed programs are designed to appropriately address the structural and cultural obstacles that have limited access and participation for those groups in their area of the arts workforce historically.

Considerations Regarding Recruitment, Compensation, Organizational Culture, and Inclusion

NYSCA recognizes that narrowly-focused recruitment strategies, program costs, and insufficient wages are often barriers to participation in training programs, internships, and entry-level positions for groups that have been historically underrepresented in arts organizations. Applicants should actively consider this reality as they develop their proposed recruitment plans and compensation packages for fellows, and make the case for how their program will help to mitigate this barrier for groups that may otherwise be unable to participate in an arts workforce training opportunity. At minimum, hourly financial compensation must meet or exceed New York State minimum wage requirements. Competitive proposals will detail how recruitment plans will reach a broad constituency. They will specify the time commitment required for participants to complete the curriculum, and make the case for how the proposed compensation facilitates access to the program for interested individuals from low-income backgrounds.

Relatedly, inclusive and equitable organizational cultures are necessary to enable trainees from diverse backgrounds to grow and succeed through rigorous and positive fellowship experiences. Organizations seeking to support diverse groups of emerging practitioners may possess varying levels of experience in doing so, and may exist at varying stages of development along a journey toward an equitable and anti-racist organizational culture. With this in mind, applicants are encouraged to allocate up to $7,500 of the grant funds to support a program of internal cultural equity work that best suits their individual organization’s level of experience and local community context. Such work may include (but is not limited to) execution of a cultural audit to assess challenges and areas for improvement, equity training for staff and board members, or dedicated time for a senior member of staff to serve as a liaison to the Fellows and advance the institution’s commitment to diversity, equity, and inclusion.

Over the course of the grant period, NYSCA will hold regular convenings with the expectation of participation from the Fellows, the grantee organization leadership, or both. These convenings are designed to provide opportunities for networking, cohort-based learning, program evaluation, and information sharing, and to offer space for facilitated discussion about successes and challenges navigating the program. NYSCA will solicit contact information for the Fellows from grantee organizations in order to extend direct invitations to these meetings at the start of the contract period.

For the FY20 grant cycle, requests in the NYSCA REDC Arts Workforce Fellowships category must be directed toward ONE of the following focus areas:

A. **Grants for New Training Programs** (open to applications for entirely new training programs for any applicant that did not receive Workforce Readiness support in Rounds 7 or 8); or
B. **1-Year Renewal Grants for Round 7 & 8 NYSCA REDC Workforce Readiness Grant Recipients**

A. GRANTS FOR NEW TRAINING PROGRAMS

GRANT REQUIREMENTS

- **Grant Amount and Term**. $45,000 – $120,000* total grants to be awarded evenly over two years through equal annual ("multi-year") contracts. For example, for a $40,000 multi-year grant, the first-year grant period amount would be $20,000 and the second-year grant period amount would be $20,000. (Grants would require two one-year contracts commencing March 2020 and ending February 2021, and commencing March 2021 and ending February 2022, respectively.)
    - *Applicants may request up to a maximum of $112,500 for direct programmatic expenses, *plus* up to an additional $7,500 for work that advances the organization's efforts around diversity, inclusion, and cultural equity.
    - **NOTE:** Up to a six-month extension may be requested to spend down funds over a longer period if needed. Extensions will be approved on a case by case basis.
- **Purpose**. Funds may support the development, preparation, and execution of an arts workforce fellowship program for one-to-two cohorts of at least two participants each from groups that have been historically underrepresented in the nonprofit arts sector generally, and within the applicant's organization and community more specifically.
- **Matching Requirement.** A 50% cash match is required on the full grant amount (in-kind services are not permitted).
    - Example: $45,000 grants would be required to raise $22,500 toward the program.
- **Eligible Costs.**
    - Proposed programs must support at least two fellows participating simultaneously. Applications that propose a single fellowship will be deemed ineligible.
    - 30% or more of the overall program budget must be used to compensate participants.
    - Grant funds may only be applied to direct program costs and organizational equity work, including:
        - Wages and reimbursement for travel within NYS for program participants
        - Direct program costs such as program coordinator fees, instructor fees, seminar and other related event fees and recruitment costs;
        - Fees for equity trainings and related consultancy, etc., up to $7,500.
- **Ineligible Costs.**
    - Arts Workforce Fellowship funds **may not** support contracted employees or seasonal staff.
    - These opportunities must not replace or supplement an applicant organization's existing staff.
    - Proposals involving regranting or scholarship of funds **are not** eligible for support.

- **Other Requirements.**
    - **Curriculum**. The applicant must propose a detailed curriculum including a dedicated training component that will be applied consistently over the course of the program.
    - **Staff Coordinator**. Fellows should be assigned a qualified and dedicated staff member in the organization to guide and support the Fellows through program and liaise with leadership and other departments throughout the organization as necessary and appropriate. Should the staff member depart the organization during the grant period, coordinator responsibilities must be reassigned to an equally-qualified individual.
    - **Maximum Hours**. The expected time commitment for Fellows may not exceed 40 hours per week.
    - **Compensation** should be appropriate for the level of experience required of the Fellowship and the work to be completed; at minimum, organizations must comply with NY State minimum wage requirements.
- **Spend-down Schedule**. Applicants must split the funds evenly across both years, with 50% of the total grant amount budgeted for Year 1, and 50% budgeted for Year 2.

APPLICANT ELIGIBILITY

- **Eligible Organizations.** Only nonprofit arts and cultural organizations incorporated and registered to do business in NY State may apply in this category.
- **Applications from previous Workforce Readiness grantees.**
    - *Organizations with Round 7 and 8 Workforce Readiness* grants (contracts begun in March 2018 and 2019) **<u>are not</u>** eligible to apply for new 2-year grants in this round (but they may apply for 1-year renewals of previous grants – see below).
- **Other NYSCA Funding.** This category is open only to initiatives that are not part of a current NYSCA FY2020 request or activities receiving continuing multi-year funding.

APPLICATION REQUIREMENTS

Applicants must complete and submit a Consolidated Funding Application (CFA) which will be reviewed by NYSCA and the REDC for the primary region in which the project is located (or headquartered, if there is not one single project location).

Applicants will be required to respond to a series of questions in the CFA:

- detailing the project activities;
- demonstrating how arts and culture is a central component of the project and the mission of the applicant organization;
- addressing how the project aligns with the program goals/REDC priorities;
- explaining the organization's approach and commitment to diversity, equity, and inclusion generally and with respect to the proposed program, and outlining the use of grant funds to advance those goals ahead of program implementation (if requesting);
- making the case for whether the applicant has the institutional capacity to take on and sustain the program; and
- outlining the potential benefit that will be derived for the organization, its audience, and the broader community.

Applicants will also be required to submit the following documentation:

1. **3-4-Page Curriculum Description and Program Announcement** detailing substantive program contents, program goals, anticipated activities for instructors and participants, required time commitment, compensation, recruitment plan, and appropriate prior experience level of participants, and a program announcement or fellowship agreement letter showing how those expectations (and any others) will be communicated to prospective and selected participants.
2. **1-2-Page Recruitment Plan** including key personnel conducting the search and timeline delineating the selection of program participants.
3. **Current Organizational Chart** including names and titles of all staff and board members. Please note with an asterisk the new or expanded position for which funding is being sought.
4. **1-Page Resume(s)** of key program consultant(s) and/or training staff
5. **Project Budget** (form provided), detailing the allocation of grant and matching funds for both years of the project.
6. **Four-Year Operating Income and Expense Comparison**, including the organization's three most recently completed fiscal years (audited or finalized) and your current fiscal year (projected). ***For each year,*** financial comparisons should detail:
    a. types/amounts of earned/contributed income, and high-level expense categories;
    b. both annual and accumulated surpluses/deficits below the operating lines;
    c. balances of any designated reserve or endowment funds below the operating lines.
7. **Budget Notes** explaining any significant anomalies and plans for addressing structural or accumulated deficits (if applicable).
8. **RECOMMENDED: Letters of support** and/or partnership.

B. 1-Year Renewals for Round 7 & 8 Workforce Readiness Grantees

A major goal of the NYSCA REDC Arts Workforce Fellowships program is the creation of training programs that can be sustained beyond the end of the period of NYSCA/REDC support to contribute to both the permanent expansion of the career pathways for diverse arts workers in NY State. In that spirit, organizations that received a single year of support through the NYSCA REDC Workforce Readiness program in Round 7 or 8 will be eligible to apply for an additional year of partial funding though the Arts Workforce Fellowships program to increase the likelihood that they will be able to sustain their new training programs into the future.

Applicants should keep in mind that review of renewal applications will be a competitive process and renewals or previously awarded grants are by no means guaranteed.

- **Eligible Organizations.** Only Round 7 and 8 Workforce Readiness grantees may apply for 1-year renewals to help sustain the programs created with their recent grants.
- **Program Focus Area.** Organizations with previous grants from either focus area may apply for an additional year of funding, but all applicants must explain how they will support emerging practitioners from historically underrepresented communities in order to be considered for support (regardless of the focus area of their original grant).

- **Grant Amounts.** *Applicants may request up to a maximum of 50% of their previous grant amounts for direct programmatic expenses, *plus* up to an additional $7,500 for work that advances the organization's efforts around diversity, inclusion, and cultural equity.
    - For example, an organization that received a $25,000 grant would be eligible to apply for a grant of $12,500 for use over 1 year.
- **Matching Requirement.** A 1.5:1 match is required on the full renewal grant amount (A $12,500 grant would require a $18,750 match for use during the 1-year grant period).
- **Eligible Costs.**
    - Proposed renewals must either support a new cohort of participants or provide continued support for fellows from the first round (or some combination thereof), and must continue to support at least 2 participants simultaneously. Applications that propose a program for a single participant will be deemed ineligible.
    - 30% or more of the overall program budget must be used to compensate participants.
    - Grant funds may only be applied to direct program costs and organizational equity work, including:
        - Wages and reimbursement for travel in NY State for program participants
        - Direct program costs such as program coordinator fees, instructor fees, seminar and other related event fees and recruitment
        - Fees associated with equity trainings and related consultancy, etc., up to $7,500.
- **Ineligible Costs.**
    - NYSCA REDC Arts Workforce Fellowships funds **may not** support contracted employees or seasonal staff.
    - Proposals involving regranting or scholarship of funds **are not** eligible for support.

APPLICATION REQUIREMENTS

Applicants must complete and submit a Consolidated Funding Application (CFA) which will be reviewed by NYSCA and the REDC for the primary region in which the project is located (or headquartered, if there is not one single project location).

Applicants will be required to respond to a series of questions in the CFA:

- reporting on the progress of the current grant to-date;
- detailing the project activities for a second year of support;
- demonstrating how arts and culture is a central component of the project and the mission of the applicant organization;
- addressing how the project aligns with the program goals/REDC priorities;
- explaining the organization's approach and commitment to diversity, equity, and inclusion generally and with respect to the proposed program, and outlining the use of grant funds to advance those goals ahead of program implementation (if requesting);
- making the case for how the applicant has the institutional capacity to retain the program for a second year and sustain it beyond the grant period; and
- outlining the potential benefit that will be derived for the organization, its audience, and the broader community.

Applicants will also be required to submit the following documentation:

1. **3-4-Page Curriculum Description and Updated Program Announcement** detailing substantive program contents, goals, anticipated activities for instructors and participants, required time commitment, compensation, recruitment plan, and appropriate prior experience level of participants, and a program announcement or agreement letter showing how expectations will be communicated to prospective and selected participants.
2. **Updated 1-2-Page Recruitment Plan** including key personnel conducting the search and timeline delineating the selection of program participants.
3. **Current Organizational Chart** including names and titles of all staff and board members. Please note with an asterisk the new or expanded position for which funding is being sought.
4. **1-Page Resume(s)** of up to 5 key program consultant(s) and/or training staff
5. **Project Budget** (form provided), detailing the actual expenditures and use of matching funds for the previous grant to-date, projections for the remainder of the current grant (if still in-progress), and the allocation of proposed grant and matching funds for an additional year of the project.
6. **Four-Year Operating Income and Expense Comparison**, including the organization's three most recently completed fiscal years (audited or finalized) and the organization's current fiscal year (projected). ***For each year,*** financial comparisons should detail:
    a. types/amounts of earned/contributed income, and high-level expense categories;
    b. both annual and accumulated surpluses/deficits below the operating lines;
    c. balances of any designated reserve or endowment funds below the operating lines.
7. **Budget Notes** explaining any significant anomalies and plans for addressing structural or accumulated deficits (if applicable).
8. **RECOMMENDED: Up to three Letters of support** and/or partnership.

SIGNIFICANT STATEWIDE PROGRAMS

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

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

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

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

TIPS FOR COMPLETING YOUR APPLICATION

- **Adhere to the application deadline date and time.** NYSCA and the CFA do not reopen the application portal for late applications.
- **Do not assume reviewers have familiarity with your organization, project, or region.** Panelists come from many areas across the state and from a variety of professional backgrounds. Applicants should illustrate the need for funding thoroughly and concisely for a diverse audience; be specific about your needs, goals, capacity, proposed activities, and composition of your community. Be as detailed as possible in the space provided, and avoid redundancy.
- **Demonstrate alignment with program priorities.** Make sure responses in the questionnaire collectively explain how the project aligns with the goals of the program and your region.
- **Adhere to eligibility requirements.** Read the program guidelines carefully to ensure the application is not disqualified. Common eligibility issues include: lacking Prequalified status in Grants Gateway at the time of the application deadline; requesting an amount below the minimum threshold for the program; proposing ineligible activities; failing to propose a complete, eligible match, and sourcing more than 50% of the financing for a project from state funds.
- **Double check your budget totals.** Make sure itemized costs add up to your request and overall project totals, and that proposed costs adhere to eligibility requirements.
- **Specify expense allocations.** Explain the itemized costs in your budget in the space available. Be sure to indicate how NYSCA's funds will be expended specifically, and how your costs were calculated.
- **Explain organizational financial statements.** If there are abnormalities in an organization's operating budgets or other financial materials (e.g. large deficits, endowment principal depletions, significant increases in expenses), add budget notes to explain them. Likewise, if there are recent organizational events in your organization that are out of the ordinary and may be apparent upon review of the application or public materials online, applicants should provide an explanation in the application.
- **Provide letters of support.** These are not required, but demonstrated support from stakeholders in your community will strengthen your application.
- **Submit separate CFA applications for capital projects and other types of workforce or programming initiatives.** While the CFA enables applicants to apply to multiple programs with the same application, we strongly encourage applicants to submit separate applications for entirely different types of projects. Capital programs and other types of initiatives are reviewed by different panels, and often require very different types of responses to the shared basic questions (for which there may not be sufficient space to complete satisfactory answers for both proposed projects). Applicants are still encouraged to submit combined applications to multiple agencies *for the same project*; we simply advise against including requests for disparate projects in the same application.

APPLICATION REVIEW PROCESS

ELIGIBILITY REVIEW

NYSCA staff will conduct an initial internal review of all received applications for eligibility based on the objective criteria outlined above (common eligibility issues include failure to submit a final application by the deadline, requesting an amount below the program minimum, requesting funds for a clearly ineligible purpose, failing to identify required matching funds, or failing to demonstrate Prequalification status in the NY State Grants Gateway system at the time of application). Ineligible applicants will be notified of their ineligible status within approximately two weeks of application submission.

SCORING

All eligible applications will undergo a two-part review and scoring process. NYSCA panel scores will make up 80% of the total score for the application, with the other 20% determined by the Regional Councils.

I. NYSCA PANEL REVIEW: [UP TO 80 POINTS OF TOTAL SCORE]

In each program category, the peer panel convenes with program staff present. The panel is composed of five to fifteen people and represents a diverse group of professionals from across the state. Each member has relevant and specific expertise. NYSCA accepts nominations for panelists from the general public. The panel discusses, evaluates and rates each eligible application against the program criteria.

- Panelists will rate each application on a 1-9 scale for EACH of the following categories:
    - Service to the Public;
    - Artistic/Programmatic Excellence; and
    - Managerial/Fiscal Competence.

- If an applicant receives an average rating of 3 or less in any category, that application will not be eligible for funding.

General Review Criteria:

- Feasibility of the proposed project and budget, and achievability of the fundraising goals, based on the information provided.
- How well the proposed project fits within the program priorities and the mission/goals of the organization.
- Evidence of organizational capacity to complete the project.
- NYSCA will consider regional distribution in the determination of awards, to the extent practicable.

Applicants and projects will be rated based on their strength in these areas:

Service to the Public

- **Increased Economic Impact**:
    - evidence that the project will increase arts and cultural activities within NY
    - theme and/or scope of this project support the REDC goals for the affected region(s);
    - the project's overall economic impact on a region(s);
- **Promotion and Outreach** to a broad and diverse audience.
- **Audience Development** activities build appreciation for the organization and its work.

- **Audience/Visitor Participation** demonstrates the organization's commitment to its programs.
- **Safety & Accessibility** standards are maintained and prioritized
- **Diverse Programming** reflects efforts to reach a broad array of artists and audiences
- **Community Service** is demonstrated through local partnerships, free and low-cost events, etc.
- **Communication plans** are in place to educate the public about the proposed project.
- **Geographic Location:** The scarcity or availability of comparable services or activities in the geographic region in which proposed services or activities will take place.

Artistic/Programmatic Excellence

- **Idea**: the concept or artistic impetus behind the proposed project.
- **Practice**: the extent to which the proposed programmatic design will enhance the organization's capacity to deliver on the project most effectively.
- **Context**: the cultural and artistic context in which the project will be undertaken, and the appropriateness of the project in that context.
- **Organizational Distinctiveness/Impact**: the contribution of the organization's artistic work to the development of artists, the art form, and the arts generally, or for services, the contribution of the services to the development of a vibrant arts and cultural community in the state.

Managerial/Fiscal Competence

- **Budget & Grant Match Requirement**
    - how the grant funds and matching funds will be spent;
    - information illustrating the minimum cash match for total project costs: letter(s) from partners confirming financial support, from the grantee committing actual cash to the project, etc.
- **Project Timeline & Performance Measures/Metrics**
    - **Feasible timeline** for individual project steps;
    - **Performance measures/metrics** can quantify the ROI/ economic impact.
- **Mission**: The organization's activities must relate directly to its written mission statement.
- **Governance**: The organization should have a diverse and appropriate governing board, which should provide administrative, financial, and ethical oversight for the organization.
- **Organizational Management:** Determined based on the extent to which leaders of the organization comprehend their roles, advance the mission, and plan for the future; how suited the organization's structure is to its size, operations, and capacity to comply with legal obligations; implementation of board policies; appropriateness of compensation for staff and artists; and development/implementation of an appropriate strategic plan.
- **Financial Management:** Determined based on adequacy and responsible management of human and financial resources relative to an organization's mission; responsible budget development and management; presence of a regularly meeting finance committee and internal monitoring practices and controls; a cost-effective and diversified fundraising strategy and diverse funding base; presence of written financial; reasonable explanations for variances of more than 10% and recurring deficits; and deficit reduction plans for accumulated deficits.
- **Funding Availability**: The availability of other public and private funds for comparable activities.

Average 1-9 ratings will be converted into an 80-point scale for combined scoring with the REDC.

NYSCA RATING SYSTEM SCORE CHART
Panelists will score applications in each of the three categories listed above using the following system:

Score	Descriptor	Additional Guidance on Strengths/Weaknesses
9	Exceptional	Exceptionally strong (model and standard for field or discipline with essentially no weaknesses)
8	Outstanding	Extremely strong with negligible weaknesses
7	Excellent	Very strong with some minor weaknesses
6	Very Good	Strong with numerous minor weaknesses
5	Good	Strong but with at least one moderate weakness
4	Satisfactory	Some strengths but with some moderate weaknesses
3	Fair	Some strengths but with at least one major weakness
2	Marginal	A few strengths and a few major weaknesses
1	Poor	Very few strengths and numerous major weaknesses

Minor Weakness*: An easily addressable weakness that does not substantially lessen impact.*
Moderate Weakness*: A weakness that lessens impact.*
Major Weakness*: A weakness that severely limits impact.*

II. REGIONAL COUNCIL REVIEW: [UP TO 20 POINTS OF TOTAL SCORE]

The Regional Economic Development Councils' review and rating is conducted separate and apart from the NYSCA process. Review and rating by the Regional Economic Development Councils will be based on the degree to which an application advances strategies and goals of the Regional Economic Development Councils.
Please carefully review the regional development priorities when developing an application: http://regionalcouncils.ny.gov/.

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

TOTAL POSSIBLE SCORE FOR APPLICATION – [100 POINTS TOTAL]

POST-AWARD PROCESS

Organizations who are granted awards under this program will receive an Award Letter detailing grant terms and requirements after the grants have been announced. If the grantee accepts the award, the grantee will be and enter into a NY State Master Grants Contract (Grant Disbursement Agreement/GDA) with NYSCA in the Grants Gateway, after Council approval. *Grantees must meet the following requirements prior to approval and execution of a Grant Disbursement Agreement:*

1. Continue to be Prequalified in New York State Grants Gateway;
2. be registered and up-to-date with filings with the New York State Office of the Attorney General's Charities Bureau; and
3. be registered and up-to-date with the New York State Office of the State Comptroller's VendRep System and be signed up for direct deposit payments with the Office of the State Comptroller.

NYSCA FY20 REDC GRANT PAYMENT TERMS AND REPORTING REQUIREMENTS

For one-year grants below $50,000:

- NYSCA will make an advance payment to the grantee, during the initial period, in the amount of 100 percent (100%) of the grant budget.
- Interim and Final Reports must be submitted on the timeline outlined in the award letter.

For one-year grants over $50,000:

- NYSCA will make one advance payment to the grantee in the amount of 25% upon execution of the contract.
- An additional 55% of the budget will be payable three months after the start of the contract period, upon submission and approval of an interim progress report.
- The remaining 20% of the budget will be payable six months after the start of the contract period, upon submission and approval of an interim progress report.
- All three payments will be reconciled upon submission and approval of the Final Report.

Multi-Year Grants in the Workforce Investment and Arts Workforce Fellowship Categories.

- NYSCA's funding is determined annually during the New York State budgeting process and approved by the NYS Legislature. Grantees awarded 2-year grants in FY 20 will not need to apply for NYSCA funding again for the FY21 grant period but the FY21 grant period is contingent on NYSCA funding levels. Further, FY20 multi-year grantees, upon notification from NYSCA during the FY20 year of the grant, will be required to provide updated information and execute the FY21 period of the grant contract among other compliance requirements.
- **For two-year grants below $50,000 *in total*:**
    - NYSCA will make an advance payment each year to the grantee, during the initial period, in the amount of 100 percent (100%) of the grant budget *for that year.*
    - Interim and Final Reports must be submitted on the timeline outlined in the award letter.

- **For two-year grants over $50,000 *in total*:**
    - NYSCA will make one advance payment each year to the grantee in the amount of 25% of the grant budget for that year upon execution of the contract.
    - An additional 55% of the grant budget for that year will be payable three months after the start of the contract period, upon submission and approval of an interim progress report.
    - The remaining 20% of the budget for that year will be payable six months after the start of the contract period, upon submission and approval of an interim progress report.
    - All payments will be reconciled upon submission and approval of the Final Report.

****FOR ALL APPLICANTS WHO APPLY FOR FUNDS UNDER THIS PROGRAM:**

- This Local Assistance support is provided under Article 3 of NYS Arts and Cultural Affairs Law for the planning, presentation and staffing of the performing, literary and visual arts, to encourage broader participation and public interest in the cultural, heritage of the state, and to promote economic development.
- Awarded grants are not transferable.
- Not-for-profit corporations are subject to New York State's Not-For-Profit Corporation Law, and must have proof of incorporation (or equivalent document) from the NYS Department of State or NYS Board of Regents, a charities registration number from the NYS Office of the Attorney General and proof of tax-exempt status under the IRS code.
- All project expenditures (grant and match) must be demonstrated to have been expended from the grantee's accounts.
- Expenditures made by partners and/or consultants are not eligible unless the grantee can demonstrate that the partner and/or consultant was directly reimbursed for the expenses and/or services rendered.
- Grant award payments may only be made to the awardee.
- Being awarded a grant does not imply automatic approval of elements in the submitted project plan if they do not comply with local/state/federal laws and/or regulations, including the requirements of NYSCA's REDC Initiatives grant program itself.
- All grantees will be required to adhere to the terms outlined in the award letter and contract, including all requested documentation, including interim and final reports.
- Major changes to the scope of the project may cause a proportional reduction of award amount or termination of your awarded grant.
- There are no fees associated with this program.

CONTACT/ADDITIONAL PROGRAM INFORMATION:
Additional Resources:

For **program/grant request questions**, applicants should contact NYSCA REDC program staff at:

NYSCA.REDC@arts.ny.gov.

Application questions should be submitted via email to NYSCA.REDC@arts.ny.gov no later than July 15, 2019. Beyond this date, we cannot guarantee that program staff will be able to respond to inquiries before the application deadline. All inquiries should reference "CFA Question" and the organization name in the Subject line.

Click *Regional Priorities* at https://regionalcouncils.ny.gov/ to view detailed information about the Regional Economic Development Councils.

For **technical (computer) questions** on the CFA online application, contact the CFA helpdesk at CFA-tech@ny.gov.

For **Prequalification questions**,

The Grants Gateway Team provides live help desk support for Grants Gateway users weekdays between 8:00 am and 4:00 pm at (518) 474-5595 or grantsgateway@its.ny.gov.

An after-hours support desk is available weekdays between 4:00 pm and 8:00 am for account lockouts and basic questions at (800) 820-1890 or helpdesk@agatesoftware.com.

Arts & Cultural Facilities Improvement Program – Mid-Size Capital Project Fund

Funding Available: Up to $1.75 million

DESCRIPTION

Funding is available for eligible projects that propose to use capital improvements to enhance the quality, efficiency, and accessibility of arts and cultural organizations within New York State, thereby increasing the economic impact in the corresponding region as a result of increased visitation and visitor spending. Grant funding will be allocated among the ten (10) REDC regions, based on NYSCA's programmatic criteria, and on each REDC's strategic plan that sets out a comprehensive vision and strategy for economic development. REDC strategic plan information can be found at: http://regionalcouncils.ny.gov/.

Mid-Size Capital Fund At-A-Glance

Total Funding Available: Up to $1.75 million
Grant Size: $49,500 - $150,000
Grant Term: March 2020 – February 2023
Program Purpose: Strong Capital Fund projects combine excellence in design with informed decisions which will positively affect the artistic quality and future sustainability of New York State arts and cultural organizations across the state. Competitive projects will:

- Improve the quality, efficiency, and accessibility of arts and cultural organizations;
- Strengthen tourism;
- Promote business development.

Funding Supports:

- Renovations and/or expansions of space(s) that are open to the public;
- Modifications to provide for sustainable, energy efficient spaces that would result in overall cost savings;
- Accessibility renovations;
- Technology and other equipment systems that would benefit the public.

ELIGIBILITY REQUIREMENTS

NYSCA Agency-Wide Requirements. Please click here to review the eligibility requirements for all NYSCA applicants: http://www.arts.ny.gov/eligibility.

Exemption from NYSCA Two-Program Limit. An application made to the NYSCA REDC Mid-Size Capital Fund is exempt from NYSCA's two-grant request limit per applicant per year (however, applicants may not request support for a project for which they are already seeking support through another NYSCA program).

Applicants MUST:

- be a **nonprofit arts and culture organization** registered in NY State (an organization must have its principal place of business located in New York serving the state's constituents);
- **be Prequalified in Grants Gateway at the time of the CFA deadline** to be considered for funding. Units of local government and Native American Tribes are exempt from the

prequalification requirement. Submit your Grants Gateway Document Vault no later than one week before the application deadline. After this date, NYSCA cannot guarantee any issues that arise during review will be resolved by the deadline. NYSCA and Grants Gateway offer resources on how to register and Prequalify: https://www.arts.ny.gov/application-guide/prequalify and https://grantsmanagement.ny.gov/get-prequalified;

- show a viable plan to fundraise *at least* 50% of the total project cost from *non-state sources;*
- have secured a 1:1 match against the total grant request amount;
- own their space or hold a long-term lease (minimum 10 years remaining), excluding capital equipment requests;
- own their facility to apply for any exterior rehabilitation projects, such as roof replacement and façade restoration (exceptions may be made for critical exterior safety or accessibility upgrades on a case-by-case basis);
- be able to complete the project within three years of contract execution.

Applicants MAY NOT receive funds if they:

- received *any* funds through NYSCA's Arts and Cultural Facilities Improvement program (Large or Mid-Size) in the last two rounds;
- received funds *for this project* in the most recent NYSCA Facilities grant cycle or are applying for funds in that program in the current grant cycle;
- are applying through a fiscal sponsor;
- lease their facility from a religious organization or share their facility with a religious organization;
- are a public school district, public universities, or state agency, or an arts organization leasing their facility from such an entity.

Eligible Costs

The general purpose of this program is to fund capital expenditures which are defined as: funds spent to acquire/upgrade physical non-consumable fixed assets in order to maintain or increase the scope of operations. These include:

- renovation or expansion of leasehold improvements. For example:
    - renovation, expansion, or restoration projects for eligible buildings for developed projects with required permits and approvals, installation of elevators, wheelchair lifts, boilers, and HVAC systems, etc.
- acquisition of fixed capital equipment/capitally eligible equipment systems. For example:
    - purchase of major equipment to be used on the premises of the applicant's facility especially if it is essential to the production and/or presentation of an art form.
    - theatrical lighting or sound systems, gallery lighting, sprung flooring, assisted listening systems, large-type and Braille printers, theatre seats, projectors, and fire curtains.
    - museum collections storage systems.
    - such professional equipment may be requested for programs focused on professional training/rehearsal as well as arts education. For example, sprung

flooring might be requested for a rehearsal space for professional dancers or dance education programs.

- acquisition of fixtures.
- soft costs of up to 15% of the total grant amount *(excluding design costs and organizational staff salaries).* These may include:
    - construction manager (CM) salaries, permits, fees, and general conditions;
    - insurance, payment and performance bonds;
    - FF&E/initial outfitting;
    - expeditor fees, testing, and controlled Inspection.

Ineligible Costs

- acquisition of land and/or buildings;
- new construction;
- developer fees;
- training;
- recapitalization/refinancing;
- expenses reimbursed from any other source or agency;
- food and/or beverages for consumption, including alcoholic beverages;
- legal fees, insurance/liability insurances and / or membership fees;
- any costs incurred for capital costs outside New York State;
- competition prizes, prize money and monies paid to participants;
- in-kind, donated, volunteer services (not reimbursable nor can they be used towards the match);
- fringe benefits (such as health insurance, retirement benefits and other non-mandated benefits);
- wayfinding signage (permanent signage produced for city, county, state roads);
- general operational/organizational staff salary expenditures (e.g. rent, utilities, etc.);
- residential development (although program funds may be used for the arts/nonprofit component of a mixed-use project);
- generators;
- office furniture, office shelving, stackable chairs, office computers and software, distance learning equipment, food service equipment, and telephones;
- musical instruments;
- soft costs in excess of 15% of the total grant request;
- Design studies or feasibility studies;
- grant-funded expenses incurred prior to the grant period start date of March 1, 2020.

NYSCA is more likely to support projects that meet at least one of the following priorities:

- Projects that improve, expand, or rehabilitate existing buildings to provide access for all;
- Projects that address known health and safety deficiencies;
- Projects that address issues of building stabilization;
- Projects from organizations that further cultural development in rural or minority communities;
- Projects that reduce an organization's operating costs;

- Projects that demonstrate environmental stewardship and/or sustainable building practices.

SIGNIFICANT STATEWIDE PROGRAMS

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

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

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

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

COMPLETING YOUR APPLICATION

APPLICATION REQUIREMENTS

Applicants must complete and submit a Consolidated Funding Application (CFA) which will be reviewed by the New York State Council on the Arts (NYSCA) and the REDC for the primary region in which the project is located (or headquartered, if there is not one single project location).

Applicants will be required to respond to a series of questions in the CFA:

- detailing the project activities;
- demonstrating how arts and culture is a central component of the project and the mission of the applicant organization;
- addressing how the project aligns with the program goals/REDC priorities;
- explaining how the applicant has the institutional capacity to undertake the work; and
- outlining the potential benefit that will be derived for the organization, its audience, and the broader community.

Applicants will also be required to submit the following documentation:

- **A detailed project plan**, including a timeline, detailed cost estimates and project budget (including projected or actual sources of matching funds), design and construction documents (if applicable), and key staff and consultant CVs;
- **A projected itemized project budget** (form provided), detailing anticipated grant expenditures, use and source of matching funds, and breakdown of soft versus hard costs;
- **A three-year operating income and expense comparison**, including your two most recently completed fiscal years (audited or finalized) and your current fiscal year (projected). ***For each year,*** financial comparisons should detail:
    - types/amounts of earned/contributed income, and high-level expense categories;
    - both annual and accumulated surpluses/deficits below the operating lines;
    - balances of any designated reserve/endowment funds below the operating lines;
- **Budget notes** to accompany both the itemized budget form and operating financials;
- **Documentation of property control** (deed or lease agreement);
- **Images** of the facility or property and of relevant previous work of proposed consultants.

MATCHING REQUIREMENTS

The combination of NYSCA and other State funds can support no more than 50% of overall project costs. **Applicants must be able to provide a 1:1 actual cash match to the grant request amount from non-state sources (funds must be secured at the time of application**). In-kind contributions and/or donated staff time are not eligible for the match requirement.

- Funds from any other New York State source (e.g. I LOVE NY Matching Funds, ESD or other NYSCA fund) are ineligible to be used for the match.
- If the information on the application regarding a project match does not show satisfactory demonstrated “match” for the program, the overall project may be deemed ineligible.

Applicants must be able to demonstrate how they will finance the remainder of the overall project (and the most competitive applications will be those that have already raise the majority of that financing). ***Match Example:***

- *$3 million project*
- *NYSCA request: $100,000*
- *Cash match requirement (already raised): $100,000*
- *Demonstrate feasible financing plan for remainder of the $3 million, with at least $1.5 million secured or to be raised from non-state sources.*

NYSCA reserves the right to require proof of the cash match at any time.

TIPS FOR COMPLETING YOUR APPLICATION

- **Adhere to the application deadline date and time.** NYSCA and the CFA do not reopen the application portal for late applications.
- **Do not assume reviewers have familiarity with your organization, project, or region.** Panelists come from many areas across the state and from a variety of professional backgrounds. Applicants should illustrate the need for funding thoroughly and concisely for a diverse audience; be specific about your needs, goals, capacity,

proposed activities, and composition of your community. Be as detailed as possible in the space provided, and avoid redundancy.

- **Demonstrate alignment with program priorities.** Make sure responses in the questionnaire collectively explain how the project aligns with the goals of the program and your region.
- **Adhere to eligibility requirements.** Read the program guidelines carefully to ensure the application is not disqualified. Common eligibility issues include: lacking Prequalified status in Grants Gateway at the time of the application deadline; requesting an amount below the minimum threshold for the program; proposing ineligible activities; failing to propose a complete, eligible match, and sourcing more than 50% of the financing for a project from state funds.
- **Double check your budget totals.** Make sure itemized costs add up to your request and overall project totals, and that proposed costs adhere to eligibility requirements.
- **Specify expense allocations.** Explain the itemized costs in your budget in the space available. Be sure to indicate how NYSCA's funds will be expended specifically, and how your costs were calculated.
- **Explain organizational financial statements.** If there are abnormalities in an organization's operating budgets or other financial materials (e.g. large deficits, endowment principal depletions, significant increases in expenses), add budget notes to explain them. Likewise, if there are recent organizational events in your organization that are out of the ordinary and may be apparent upon review of the application or public materials online, applicants should provide an explanation in the application.
- **Provide letters of support.** These are not required, but demonstrated support from stakeholders in your community will strengthen your application.
- **Submit separate CFA applications for capital projects and other types of workforce or programming initiatives.** While the CFA enables applicants to apply to multiple programs with the same application, we strongly encourage applicants to submit separate applications for entirely different types of projects. Capital programs and other types of initiatives are reviewed by different panels, and often require very different types of responses to the shared basic questions (for which there may not be sufficient space to complete satisfactory answers for both proposed projects). Applicants are still encouraged to submit combined applications to multiple agencies *for the same project*; we simply advise against including requests for disparate projects in the same application.

APPLICATION REVIEW PROCESS

ELIGIBILITY REVIEW

NYSCA staff will conduct an initial internal review of all received applications for eligibility based on the objective criteria outlined above (common eligibility issues include requesting an amount below the program minimum, requesting funds for a clearly ineligible purpose, failing to identify required matching funds, or failing to demonstrate prequalification status in the NY State Grants Gateway system at the time of application). Ineligible applicants will be notified of their ineligible status within approximately two weeks of application submission.

SCORING

All eligible applications will undergo a two-part review and scoring process. A combination of NYSCA panel and staff scores will make up 80% of the total score for the application, with the other 20% determined by the Regional Councils.

I. NYSCA REVIEW: [UP TO 80 POINTS OF TOTAL SCORE]

NYSCA will convene a panel of practitioners with expertise in architecture, engineering, theatrical design, community development, and arts administration to review eligible applications. Panelists and staff will evaluate applications for technical feasibility and alignment with program criteria and priorities.

- Applications will be rated on a 1-9 scale for EACH of the following criteria:
    - Service to the Public;
    - Artistic/Programmatic Excellence; and
    - Managerial/Fiscal Competence.

- If an applicant receives an average rating of 3 or less in any criteria, that application will not be eligible for funding.

General Review Criteria:

- Feasibility of the proposed project and budget, and achievability of the fundraising goals, based on the information provided.
- How well the proposed project fits within the program priorities and the mission/goals of the organization.
- Evidence of organizational capacity to complete the project.
- The program looks favorably on projects that meet one of the following priorities:
    - improving, expanding, or rehabilitating existing buildings to provide access for all.
    - addressing known health and safety deficiencies.
    - addressing issues of building stabilization.
    - furthering cultural development in rural or minority communities.
    - reducing an organization's operating costs.
    - demonstrating environmental stewardship and/or sustainable building practices.
- NYSCA will consider regional distribution in the determination of awards, to the extent practicable.

Applicants and projects will be rated based on their strength in these areas:

<u>Service to the Public</u>

- **Increased Economic Impact**:
    - evidence that the project will increase arts and cultural activities within NY
    - theme and/or scope of this project support the REDC goals for the affected region(s);
    - the project's overall economic impact on a region(s);
- **Promotion and Outreach** to a broad and diverse audience.
- **Audience Development** activities build appreciation for the organization and its work.
- **Audience/Visitor Participation** demonstrates the organization's commitment to its programs.
- **Safety & Accessibility** standards are maintained and prioritized
- **Diverse Programming** reflects efforts to reach a broad array of artists and audiences

- **Community Service** is demonstrated through local partnerships, free and low-cost events, etc.
- **Communication plans** are in place to educate the public about the proposed project.
- **Geographic Location:** The scarcity or availability of comparable services or activities in the geographic region in which proposed services or activities will take place.

Artistic/Programmatic Excellence

- **Idea**: the concept or artistic impetus behind the proposed capital project.
- **Practice**: the extent to which the proposed capital project will enhance the organization's capacity to deliver its artistic work or services most effectively.
- **Context**: the cultural and artistic context in which the capital project will be undertaken, and the appropriateness of the project in that context.
- **Organizational Distinctiveness/Impact:** the contribution of the organization's artistic work to the development of artists, the art form, and the arts generally, or for services, the contribution of the services to the development of a vibrant arts and cultural community in the state.

Managerial/Fiscal Competence

- **Budget & Grant Match Requirement**
    - how the grant funds and matching funds will be spent.
    - information illustrating the minimum cash match for total project costs: letter(s) from partners confirming financial support, from the grantee committing actual cash to the project, or from a bank showing a bank loan committed to the project, etc.
- **Project Timeline & Performance Measures/Metrics**
    - **Feasible timeline** for individual project steps.
    - **Performance measures/metrics** can quantify the ROI/demonstrate economic impact.
- **Mission**: The organization's activities must relate directly to its written mission statement.
- **Governance**: The organization should have a diverse and appropriate governing board, which should provide administrative, financial, and ethical oversight for the organization.
- **Organizational Management:** Determined based on the extent to which leaders of the organization comprehend their roles, advance the mission, and plan for the future; how suited the organization's structure is to its size, operations, and capacity to comply with legal obligations; implementation of board policies; appropriateness of compensation for staff and artists; and development/implementation of an appropriate strategic plan.
- **Financial Management:** Determined based on adequacy and responsible management of human and financial resources relative to an organization's mission; responsible budget development and management; presence of a regularly meeting finance committee and internal monitoring practices and controls; a cost-effective and diversified fundraising strategy and diverse funding base; presence of written financial; reasonable explanations for variances of more than 10% and recurring deficits; and deficit reduction plans for accumulated deficits.
- **Funding Availability**: The availability of other public and private funds for comparable activities.

Average 1-9 ratings will be converted into an 80-point scale for combined scoring with the REDC.

NYSCA RATING SYSTEM SCORE CHART

Applications will be scored in each of the three categories listed above using the following system:

Score	Descriptor	Additional Guidance on Strengths/Weaknesses
9	Exceptional	Exceptionally strong (model and standard for field or discipline with essentially no weaknesses)
8	Outstanding	Extremely strong with negligible weaknesses
7	Excellent	Very strong with some minor weaknesses
6	Very Good	Strong with numerous minor weaknesses
5	Good	Strong but with at least one moderate weakness
4	Satisfactory	Some strengths but with some moderate weaknesses
3	Fair	Some strengths but with at least one major weakness
2	Marginal	A few strengths and a few major weaknesses
1	Poor	Very few strengths and numerous major weaknesses

Minor Weakness*: An easily addressable weakness that does not substantially lessen impact.*

Moderate Weakness*: A weakness that lessens impact.*

Major Weakness*: A weakness that severely limits impact.*

II. REGIONAL COUNCIL REVIEW: [UP TO 20 POINTS OF TOTAL SCORE]

The Regional Economic Development Councils' review and rating is conducted separate and apart from the NYSCA process. Review and rating by the Regional Economic Development Councils will be based on the degree to which an application advances strategies and goals of the Regional Economic Development Councils.
Please carefully review the regional development priorities when developing an application: http://regionalcouncils.ny.gov/.

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

TOTAL POSSIBLE SCORE FOR APPLICATION – [100 POINTS TOTAL]

POST-AWARD PROCESS

Not-for-profit organizations who are granted awards under this program will receive an Award Letter detailing grant terms and requirements after the grants have been announced. If the grantee accepts the award, the grantee must continue to be prequalified with NY State and enter into a NY State Master Grants Contract (Grant Disbursement Agreement/GDA) with NYSCA in the Grants Gateway, after Council approval.

Grantees must meet the following requirements prior to approval and execution of a Grant Disbursement Agreement:

1. continue to be prequalified in New York State Grants Gateway;
2. be registered and up-to-date with filings with the New York State Office of the Attorney General's Charities Bureau; and
3. be registered and up-to-date with the New York State Office of the State Comptroller's VendRep System.

NYSCA FY20 MID-SIZE CAPITAL GRANT PAYMENT TERMS AND REPORTING REQUIREMENTS.

PAYMENT 1:

NYSCA will make one initial payment to the Grantee in the amount of 50% of the grant following contract execution (including approval by the Office of the State Comptroller) with the following additional documentation/compliance:

a) Completed Grants Gateway Contract Forms;
b) Notarized Project Budget form showing itemized hard and soft costs;
c) MWBE Utilization Plan;
d) Facility Use Affidavit;
e) Subcontractor Identification Form;
f) Submit executed copies all sub-contractor contracts valued above $100K;
g) Adherence to other NYSCA requirements (including vendor compliance review).

PAYMENT 2:

The remaining 50% of the budget will be payable upon submission and approval of a progress report in Grants Gateway demonstrating substantial completion of at least 95% of the total project, and containing the following:

a) Updated Project Summary and Performance Measures.
b) Completed NYSCA Reporting Affidavit–Second Claim for Payment and Final Reporting form, including: Project Narrative (summary outlining progress of scope completed to date, including any material changes to design or scope objectives, anticipated costs, and expenditures); MWBE utilization progress report; list of sub-contractor contracts valued above $100K; confirmation of matching funds raised to-date. (Must be notarized.)
c) Updated notarized Project Budget form showing progress payments of at least 95% of project cost, including backup – bills of sale, photos of work in place and stored materials.
d) Subcontractors backup – bills of sale, photos of work in place and stored materials, and copies of subcontracts valued over $100K executed after execution of the contract.
e) Evidence of Project Substantial Completion as certified by the CFO and CEO of the Grantee.

*All payments will be reconciled upon submission and approval of the final progress report.

PARTICIPATION BY MINORITY GROUP MEMBERS AND WOMEN WITH RESPECT TO STATE CONTRACTS

In accordance with the requirements of Article 15-A of the New York State Executive Law: Participation by Minority Group Members and Women with Respect to State Contracts, projects awarded funding shall be reviewed by NYSCA's staff who may set business and participation

goals for minorities and women. Established goals for awarded projects will be designated in the Incentive Proposal.

Please note that NYSCA's agency-wide MWBE utilization goal for this grant opportunity is 30 percent (30%). Projects may be assigned an individual contract-specific goal, which may be **higher or lower** than 30 percent (30%). Should an applicant receive a funding award, the applicant shall be required to use good faith efforts to achieve the prescribed MWBE goals assigned to this project. Applicants must maintain records and take the necessary actions to demonstrate such compliance, which includes, but is not limited to updating compliance and utilization records in the New York State Contract System. Failure to comply with MWBE requirements may result in award reductions.

****FOR ALL APPLICANTS WHO APPLY FOR FUNDS UNDER THIS PROGRAM:**

- Awarded grants are not transferable.
- Not-for-profit corporations are subject to New York State's Not-For-Profit Corporation Law, and must have proof of incorporation (or equivalent document) from the NYS Department of State or NYS Board of Regents, a charities registration number from the NYS Office of the Attorney General and proof of tax-exempt status under the IRS code.
- All project expenditures (grant and match) must be demonstrated to have been expended from Grantees accounts.
- Expenditures made by partners and/or consultants are not eligible unless the grantee can demonstrate that the partner and/or consultant was directly reimbursed by the grantee for the expenses and/or services rendered.
- Grant award payments may only be made to the grantee.
- Being awarded a grant does not imply automatic approval of elements in the submitted project plan if they do not comply with local/state/federal laws and/or regulations, including the requirements of the Mid-Size Capital Project Fund grant program itself.
- All grantees will be required to adhere to the terms outlined in the award letter and contract, including all requested documentation, including interim and final reports.
- Major changes to the scope of the project may cause a proportional reduction of award amount or termination of your awarded grant.
- There are no fees associated with this program.

ADDITIONAL INFORMATION

- **Deferred Maintenance.** Competitive candidates are expected to demonstrate that they are good stewards of the properties for which they are responsible. As such, NYSCA is less likely to fund maintenance projects and capital projects related to disrepair *resulting from deferred maintenance*.

- **Americans with Disabilities Act and Section 504.** Capital Fund Project support is particularly concerned with ensuring access to cultural events and services for all New Yorkers. Applicants whose facilities are not fully accessible to both audience members and artists with disabilities are urged to learn about and work toward compliance with the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

- **State Historic Preservation Office Review.** Per Section 14.09 of the New York State Preservation Act, New York State's Historic Preservation Office (SHPO) must review capital projects funded by New York State to "ensure that the effects or impacts on eligible or listed properties are considered and avoided or mitigated during the project planning process." Organizations must go to: http://www.nysparks.com/shpo/environmental-review/documents/ProjectReviewSubmissionCoverForm.pdf and submit the form, requesting a SHPO consultation.
- **Technical Support.** The Preservation League of New York State administers two grant programs on behalf of the New York State Council on the Arts. Within the Preserve New York program, Building Condition Reports are now available. Additionally, Technical Assistance Grants provide support for modest projects including buildings conditions assessments and structural analyses. Information on the application guidelines and deadlines can be found at: www.preservenys.org

Preservation League of New York State
44 Central Avenue Albany, NY 12206
t: 518.462.5658

CONTACT/ADDITIONAL PROGRAM INFORMATION:

Additional Resources:

For **program/grant request questions**, applicants should contact NYSCA REDC program staff at:

NYSCA.REDC@arts.ny.gov.

Application questions should be submitted via email to NYSCA.REDC@arts.ny.gov no later than July 15, 2019. Beyond this date, we cannot guarantee that program staff will be able to respond to inquiries before the application deadline. All inquiries should reference "CFA Question" and the organization name in the Subject line.

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New York State Homes and Community Renewal

Community Development Block Grant Program

Funding Available: Up to $20 million

Description:
The Community Development Block Grant (CDBG) Program is a federally funded program authorized by Title I of the Housing and Community Development Act of 1974. The CDBG Program is administered by the Office of Community Renewal (OCR) under the direction of the Housing Trust Fund Corporation (HTFC). For 2019, the OCR may make up to $20 million available.

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

Eligible Activities / Program Benefit Requirements:
NYS CDBG applicants must address and resolve a specific community or economic development need within one of the following areas: (1) Public Infrastructure (2) Public Facilities (3) Microenterprise (4) Community Planning.

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

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

   The Public Works activity consists of, but is not limited to, standalone public works components such as streets, parking, open space, and publicly-owned utilities. Public

works activities should be creatively designed to leverage the availability of other Consolidated Funding Application (CFA) funding sources to the greatest extent possible.

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

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

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

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

2) Public Facilities

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

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

3) **Microenterprise**

The NYS CDBG Economic Development program through the CFA includes Microenterprise activities. Eligible applicants must apply on behalf of the business seeking CDBG funds. Awards are made to the applicant community and not directly to businesses. Eligible uses of NYS CDBG funds include, but are not limited to: financing of machinery, furniture, fixtures and equipment; working capital; inventory; and employee training expenses. Funds awarded under the Microenterprise activity may be allocated for all other uses, with the exception of construction or other improvements where Davis Bacon and Related Acts apply.

Eligible non-entitlement units of local government must apply for microenterprise assistance which is defined as a commercial enterprise that has 5 or fewer employees, 1 or more of which is the principal and owns the enterprise at the time of application. The size of the microenterprise includes all part-time and full-time employees (head count, not full-time equivalents).

- A minimum of 50% of the CDBG award must be awarded to start-up businesses. A start up business is defined as an enterprise that has been in operation for fewer than six (6) months at the time of application for assistance.
- Individual grant amount to business: $5,000 (minimum) to $35,000 (maximum).
- Each microenterprise must either be owned by a low- to moderate-income person or the project must result in the creation of at least one full-time equivalent position to benefit a low- to moderate-income person
- At least 51% of all jobs created must be held by or made available to low- and moderate-income persons.
- NYS CDBG can fund up to 90% of a total project cost.
- Minimum of 10% owner equity contribution (cash equity only) to the project is required.
- Certified completion of a locally approved entrepreneurial assistance or small business training program is required. Cost of training may be a CDBG eligible expense; attendee may be reimbursed after completing the training.
- A Business owner cannot be included or reported as a created job unless fulfilling the LMCMC (low-to-moderate income owner) National Objective.

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

The CDBG Economic Development and Small Business applications are not subject to the 2019 CFA deadline. These open round applications may be submitted at any time. Please note, an applicant must submit a standalone CDBG Economic Development or Small Business application. The application cannot request other CFA resources in the same project application. More information is available online, here: https://hcr.ny.gov/community-development-block-grant-economic-development-program

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. Recurring expenses associated with repairing, operating or maintaining public facilities, improvements and services are also ineligible.

4) Community Planning

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

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

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

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

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

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

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

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

Activity Funding Limits:

Public Infrastructure	***Maximum***
Counties, Towns, Cities or Villages	$750,000
*With NYS Co-Funding Initiative	$1,000,000
Joint Applicants	$900,000
*Joint w/Co-Funding Initiative	$1,250,000
Public Facilities	
Counties, Towns, Cities or Villages	$300,000
Microenterprise	
Counties, Towns, Cities or Villages	$200,000
Planning	
Counties, Towns, Cities or Villages	$50,000

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

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

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

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

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

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

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

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

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

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

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

Microenterprise
Applicants may request up to 15% of the CDBG award in program delivery, administration, and training combined. Of the 15%, administration must not exceed more than 5% of the total CDBG award.

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

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

Pre-Application Requirements:
Prior to submitting an application for funding, applicants must comply with citizen participation requirements pursuant to 24 CFR 570.486 and NYS Homes and Community Renewal's Citizen Participation Plan. These require applicants to follow a citizen participation plan providing for a minimum of one public hearing (one in each jurisdiction of a joint application) held **prior** to the

submission of an application and making the application available to the public for inspection at the municipal office(s). The public hearing is held to provide an opportunity for citizen feedback on the community and economic development needs of the applicant community and any proposed project(s). When issuing the notice and holding the public hearing, please note the following:

- **Public hearings must be held by a quorum of the legislative body of the eligible applicant, not by a department or arm of the local government, a Subrecipient or other related organization;**
- The notice for the hearing must specifically mention the municipality's intent to apply for NYS CDBG funds, and must identify activities that may be applied for during the current program year;
- Public hearings must be held in a location accessible to persons with disabilities and/or provide reasonable accommodations to allow all interested parties to participate;
- The municipality must provide a minimum seven (7) day period between the publication of the hearing notice and the hearing itself. Note that the date of publication is day "zero"
- The hearing notice must be conspicuously posted in one or more public locations at least seventy-two (72) hours prior to the actual hearing. This may also be accomplished by posting to the municipal website;
- The public hearing must be conducted at least two (2) weeks prior to finalizing an application; The municipal resolution authorizing the public hearing, the hearing notice, affidavit of publication, list of attendees, and hearing minutes, must be included as an attachment to this CFA; and
- A copy of the application must be available for public inspection at the municipal office(s).

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

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

For Public Infrastructure and Public Facilities Applications
Survey Information:
- Survey Methodology.
- Sample Income Survey Instrument.
- Representative Sample of Income Surveys.
- Summary of Income Survey Data.

Evidence of National Objective Compliance
Purchase Agreements (site control)
Maps (as required) Confidential Materials (Materials that identify a specific person, household or address. For example, surveys, applications, photographs, etc.)

Authorization for Joint Applications:

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

Project Budget-Related Documents:

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

Compliance with Citizen Participation requirements:

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

Civil Rights Materials

- Affirmatively Furthering Fair Housing (AFFH) attachments.

Program Income Report (Required)

For Microenterprise Program Applications

Program Information:

- Program Design Plan.
- Draft program Application and other applicable forms that are to be completed by each program beneficiary.
- 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.
- Entrepreneurial training program syllabus.
- Draft Agreement between Recipient and businesses to receive assistance.

Project Budget-Related Documents:

- Commitment Letter(s) from all other funding sources, including proposed terms.
- 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.)

Compliance with Citizen Participation requirements:

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

Civil Rights Materials

- Affirmatively Furthering Fair Housing (AFFH) attachments.

Program Income Report (Required)

For Community Planning Applications

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

National Objective Compliance

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

Project Budget-Related Documents:

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

Compliance with Citizen Participation requirements:

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

Authorization for Joint Applications:

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

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

- Affirmatively Furthering Fair Housing (AFFH) attachments.

Program Income Report (Required)

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

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

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

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

Significant Statewide Programs:

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

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

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

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

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

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

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

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

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

Public Infrastructure:

Need – 15 Points

The degree to which the applicant has demonstrated:

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

Impact – 15 Points

The degree to which the applicant has demonstrated:

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

Financial Capacity – 25 points

The degree to which the applicant has demonstrated:

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

Administrative Capacity – 25 Points

The degree to which the applicant has demonstrated:

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

Public Facilities:

Need – 10 Points

The degree to which the applicant has demonstrated:

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

Impact – 10 Points

The degree to which the applicant has demonstrated that:

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

Financial Capacity – 30 Points

The degree to which the applicant has demonstrated:

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

Administrative Capacity – 30 Points

The degree to which the applicant has demonstrated:

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

Additional Project Assessment Criteria

Prior Performance

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

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

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

Microenterprise

Applications within the funding category of Microenterprise are rated and scored using the criteria below. Applications are evaluated and ranked against all applications within the Microenterprise Program.

Criteria – up to 100 Points

Total Vision and REDC Strategies –20 points

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

Public Benefit/Impact – 20 Points

- The demonstrated need for the project;
- The overall employment and economic impact of the project;
- The extent to which the project will create permanent, full-time equivalent jobs for persons from low- to moderate-income families and/or assist low- and moderate-income business owners;
- Local support for the project.

Implementation – 22 Points

- The degree of project readiness and ability to implement upon award;
- The degree to which the project is financially and technically feasible within the 24-month term of the grant agreement;
- The administrative capacity of the applicant, and the degree to which the applicant has demonstrated a clear understanding of, and ability to meet, the program requirements.

Leveraged Resources – 20 Points

- The extent to which the project coincides with previous state or program investments;
- The availability and commitment of non-CDBG leverage;
- The CDBG-funded portion of the project.

Performance Measures – 18 Points

- The quality of the program design proposed;
- The quality of the entrepreneurial training program proposed;
- The project's alignment with green principles and sustainable development practices.

Planning Assistance

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

Criteria-up to 100 Points

Total Vision and REDC Strategies – 20 Points

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

Demonstrated Need – 10 Points

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

Public Benefit/Impact – 10 points

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

Implementation – 40 points

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

Leveraged Resources – 20 Points

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

Award Criteria Details:

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

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

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

HTFC reserves the right to award all, a portion of, or none of a program's funds based upon funding availability, feasibility of the applications received, the competitiveness of the applications, an applicant's ability to meet HTFC criteria for funding, the applicant's ability to advance the State's housing goals, and HTFC's assessment of cost reasonableness. HTFC reserves the right to award less than the requested amount, and further reserves the right to review an application requesting project funds as an application for funding under other programs, for which the project is eligible, and to change or disallow aspects of the applications received. OCR may consider certain eligible pre-award costs for eligible costs for **water or sewer/stormwater projects only**, which may include pre-development costs necessary to complete the environmental review process required for all CDBG projects under the National Environmental Policy Act (NEPA). This will encourage projects that are more "shovel-ready" upon award. **Applicants are strongly urged to contact OCR prior to considering incorporating pre-award costs into the project budget to ensure that those costs are eligible.**

Long Range Goals:
Applications will be reviewed in the context of the long range goals established by New York State for the NYS CDBG program over the five-year period as outlined in the HUD-approved 2016-2020 Consolidated Plan. For the NYS CDBG Economic Development program, the goal is to assist 150 businesses with creating 3,500 jobs. For the NYS CDBG Public Infrastructure program, the goal

is the completion of 100 public infrastructure projects serving 50,000 people. For the NYS CDBG Public Facilities program, the goal is the completion of public facilities projects serving 500 people.

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

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

Matching Fund Requirements / Deadlines:
For the Microenterprise Program, up to 90% of the total project cost can be funded with CDBG funds. The remaining 10% of the cost of the project will be required to be provided from owner equity. For Public Infrastructure and Public Facility projects, a match is not required; however, bringing leveraged funds to a project may make the application more competitive. Planning requires a minimum 5% cash match in non-CDBG sources. In-kind services, force account labor, and volunteer services cannot be used as demonstration of match.

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

New York Main Street Program

Funding Available: Up to $6.2 million

Description:

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

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

Eligible Types of Applicants:

Eligible applicants for NYMS program applications are:

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

Eligible Target Area:

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

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

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

Applicants are required to include a Target Area Map to identify the location of the proposed target area.

Pre-Application Requirements:

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

- The resolution must be on official stationery and should hold the official seal. Applicants within New York City must obtain the resolution from the Community Board with jurisdiction over the project target area.
- Draft or proposed resolutions are not acceptable.
- Support letters do not meet this requirement.
- The resolution must be for the current 2019 funding round and the specific NYMS project.
- If the municipality or Community Board provides only a summary letter without the full text of the resolution, a copy of the meeting minutes must be provided to document the vote and formal board resolution.

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

Eligible Activities

Applicants may propose one activity for a 2019 New York Main Street (NYMS) application. Four NYMS activities are available in the 2019 CFA New York Main Street application:

1. **Technical Assistance Project**
   Applicants may request up to $20,000 to complete a project that improves community or property owner readiness to participate in a future New York Main Street renovation activity. Examples of eligible NYMS-TA activities include, but are not limited to the projects described below. Please contact the Office of Community Renewal at 518-474-2057 or HCR_CFA@nyshcr.org to discuss project eligibility prior to applying.

   - Building Reuse or Feasibility Analysis - Analysis of rehabilitation or adaptive re-use options for downtown, mixed-use building(s) to provide property owners with the resources necessary to make informed decisions regarding the feasibility of rehabilitation projects. These studies may include: historic and architectural analysis; building condition assessment; building code analysis; structural engineering study; proposed uses for the building including opportunities for upper story apartments; plan drawings; green technology potential; cost estimates; funding strategies, including historic tax credits; and pro-forma analysis.

   - Design Guidelines - The importance of preserving downtown architecture must not be overlooked in repairing and renovating buildings for new occupants and uses. Design Guidelines should be an educational tool for property owners and provide technical assistance and practical recommendations for repairing and renovating downtown, potentially historic, building facades and storefronts. Proposals to produce Design Guidelines must provide clear community support, and a plan for formal adoption and implementation once produced.

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

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

- Building Renovation: Matching grants available for renovation of mixed-use buildings. Recipients of NYMS funds may award matching grants of up to $50,000 per building, not to exceed 75% of the total project cost in a designated target area. Renovation projects that provide direct assistance to residential units may be awarded an additional $25,000 per residential unit, up to a per-building maximum of $100,000, not to exceed 75% of the total project cost.

- Streetscape Enhancement: Applicants may request up to $15,000 in grant funds for streetscape enhancement activities, such as: planting trees, installing street furniture and trash cans, or other activities to enhance the NYMS target area.
  - Streetscape enhancement grant funds will be awarded only for activity ancillary to a traditional NYMS building renovation project and cannot be applied for on its own. NYMS Downtown Anchor or Downtown Stabilization applicants may not request Streetscape funds.
  - Streetscape enhancement activities must be reviewed for eligibility and approved by HTFC prior to commencement of construction or installation.
  - Streetscape activities must be completed within the proposed target area.

- Administration: Applicants may request up to 7.5% of the grant amount for salaries and other costs associated with the administration of the grant. The administrative funds must be requested at the time of application, and must be included within the maximum request amount.

- Soft Costs: Applicants may request funds to cover architectural and engineering work, required environmental testing and clearances, and filing fees. These expenses must be included in the per-building activity funding limits, require matching funds and may not exceed 18% of the NYMS renovation funds for a specific project. Project costs incurred for work on buildings that eventually prove infeasible and do not receive other investments will not be reimbursed with NYMS funds. Funds for Soft Costs must be requested at the time of application, and must be included within the maximum request amount.

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

Example NYMS Target Area Building Renovation Application Request:

$250,000	**2019 NYMS Request Amount**
$210,000	Building Renovation Funds: to renovate five buildings
$15,000	Streetscape Enhancement Funds: install bike racks and benches
$10,000	Soft Costs: to hire environmental firm to complete five site specific reviews
$15,000	Administration: staff time to administer grant

3. **NYMS Downtown Anchor Project:**

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

Applicants for NYMS Downtown Anchor Project funds must:

- Document a compelling need for substantial public investment and justify how the project qualifies as a Downtown Anchor.
- Document project readiness, as evidenced by funding commitments, developer site control, pre-development planning completed, and local approvals secured;
- Provide cost estimates to substantiate the request amount;
- Identify source(s) of available construction financing and matching funds;
- Demonstrate the importance of the project for the neighborhood, community and region;
- Provide a Business Plan and Market Analysis to demonstrate project viability.

- Administration: Applicants may request up to 5% of the grant amount for salaries and other costs associated with the administration of the Downtown Anchor Project grant. The administrative funds must be requested at the time of application, and must be included within the maximum request amount.

- Soft Costs: Applicants may request funds to cover architectural and engineering work, required environmental testing and clearances, and filing fees. These expenses must be included in the per-building activity funding limits, requires matching funds and may not exceed 18% of the NYMS renovation funds for the project. Project costs incurred for work on buildings that eventually prove infeasible and do not receive other investments will not be reimbursed with NYMS funds. Funds for Soft Costs must be requested at the time of application, and must be included within the maximum request amount.

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

Example NYMS Downtown Anchor Project Application Request:

$250,000	**2019 NYMS Downtown Anchor Project Request Amount**
$227,500	Building Renovation Funds: to renovate one project
$10,000	Soft Costs: to hire firm to complete environmental review
$12,500	Administration: staff time to administer grant

4. **NYMS Downtown Stabilization Project**

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

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

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

New York Main Street (NYMS) Program Ineligible Activities

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

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

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

NYMS Selection Criteria – up to 100 Points

Total Vision and REDC Strategies –20 points

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

Need - 10 points

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

Impact - 10 Points

Measures the extent to which the project described in the application will have a positive public benefit and sustainable positive impact on the commercial and residential conditions in the target area and surrounding community and neighborhoods. Applications should provide clear explanations of the anticipated impact of the proposed program, including but not limited to: enhancement of existing assets in the target area and community, expansion of economic opportunities, ability to spur investment of private resources, improvement of aesthetics, and

preservation and creation of affordable housing in the upper floors of mixed-use buildings. Applications determined to have the greatest impact on increasing the availability of quality, affordable housing and the greatest impact on business conditions, when compared to other applications, will receive the highest scores.

Leveraging & Financing Plan - 20 Points
Measures the quality and completeness of the proposed project budget and status of funding commitments, specifically:

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

Implementation Capacity and Readiness - 40 Points
Measures the extent to which the applicant has organized the proposed project and has assembled sufficient resources to complete the project, and achieve the goals and objectives of the program in a manner that is timely, effective and on-budget. Applications submitted by current awardees with open, on-going contracts may be negatively impacted if substantial expenditures or funding commitments have not been achieved. An applicant's past and current performance in other state programs and contracts will be considered in rating and ranking its application.

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

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

Funding Priorities:

- Ready to go or "shovel ready" projects. Project readiness is best demonstrated by clear funding commitments for permanent and construction financing, documented site control, completed pre-development planning work, local approvals and administrative capacity.

- A proposed NYMS service area should include a mix of uses, such as residential, commercial, and civic buildings. Individual assisted buildings are not required to include both residential and civic or commercial spaces; however, applications should propose a comprehensive approach to strengthen both the commercial and residential sectors. Affordable housing in upper-floor spaces and on adjacent streets helps to strengthen the social and economic vitality of the business district. Incorporating residential units on the upper floors is strongly encouraged and those projects will receive priority consideration.

- For NYMS there is a preference for funding proposals where contiguous buildings will be assisted, maximizing the impact of the investment.

- Applicants able to successfully demonstrate broad local support and linkages between the proposed project and local planning and development efforts, and applicants documenting high percentages of committed matching and leveraged funds will receive the highest scores.

Significant Statewide Programs:

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

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

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

- **Environmental Justice**
  Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As we transition to a greener economy, it is imperative that no subset of the population be marginalized or left behind.

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

Award Criteria Details:

- HTFC reserves the right not to issue an award or contract to any applicant if it has been determined that the applicant is not in compliance with existing state contracts and has not taken satisfactory steps to remedy such non-compliance. Projects that commence prior to contract execution and environmental review will not be eligible for reimbursement.

- HTFC reserves the right to award all, a portion of, or none of a program's funds based upon funding availability, feasibility of the applications received, the competitiveness of the applications, an applicant's ability to meet HTFC criteria for funding, the applicant's ability to advance the State's housing goals, and HTFC's assessment of cost reasonableness. HTFC reserves the right to award less than the requested amount, and further reserves the right to review an application requesting project funds as an application for funding under other programs for which the project is eligible, and to change or disallow aspects of the applications received.

- Award of NYMS funds does not confirm eligibility of all activities included in an application proposal, and HTFC reserves the right to change or disallow aspects of the applications received and may make such changes an expressed condition of its commitment to provide funding to a project.

- HTFC will consider regional distribution in the determination of awards, to the extent practicable.

Limitations:
The list below identifies several program requirements, and limitations, but applicants are advised to review the NYMS Program Guide for additional detail related to activity eligibility and grant administration:
https://hcr.ny.gov/new-york-main-street#forms-and-documents

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

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

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

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

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

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

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

- New York Main Street Technical Assistance Project
  NYMS-TA funds may reimburse up to 95% of the project cost, not to exceed $20,000. The remaining 5% must be provided as a cash match, in kind match will not be accepted. A total project cost of at least $21,053 must be presented to request a $20,000 NYMS-TA grant.

- New York Main Street Building Renovation Project
  The NYMS Program operates as a reimbursement program and the NYMS Program Guidelines require matching funds for each participating building project. NYMS funds may reimburse up to 75% of total, eligible project costs for general building renovations up to a maximum of $50,000 per building, or up to $100,000 for a building renovation project involving direct assistance to a minimum of two residential units.

- New York Main Street Downtown Anchor Project
  NYMS Downtown Anchor Project funds are available to reimburse up to 75% of a total, eligible project cost not to exceed $500,000 in NYMS Downtown Anchor Project funds. The minimum NYMS Downtown Anchor request amount is $100,000.

- New York Main Street Downtown Stabilization Project
  NYMS Downtown Stabilization funds are available to reimburse up to 75% of a total, eligible project cost not to exceed $500,000. The minimum NYMS Downtown Stabilization Project request is $100,000.

Additional Resources:
For more information, applicants should contact the Office of Community Renewal at New York State Homes and Community Renewal, 38-40 State St, Albany, New York 12207, call (518) 474-2057, email HCR_CFA@nyshcr.org

Office of Parks, Recreation & Historic Preservation

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

Funding Available: Up to $19.5 million

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

EPF Parks, Preservation and Heritage grant funding is available for the acquisition, planning, development, and improvement of parks, historic properties, and heritage areas located within the physical boundaries of the State of New York. Grants can fund up to 50% of the total eligible project cost; up to 75% if the project is located in a high-poverty area as defined below. Grant awards are capped at $600,000. If the total project cost is greater than $4,000,000, up to $1,000,000 may be requested.

ELIGIBLE TYPES OF APPLICANTS:

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

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

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

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

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

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

- **Historic Preservation Program** - to acquire, improve, protect, preserve, rehabilitate or restore properties listed on the State or National Register of Historic Places and for structural assessments and/or planning for such projects. All work must conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties and professional qualifications as defined in "Historic Preservation Terms and Professional Qualifications" available at https://parks.ny.gov/grants/consolidated-funding-app.aspx.
  - Properties not currently listed but scheduled for nomination review at the State Board for Historic Preservation meeting of either June 13, 2019 or September 5, 2019, are eligible to apply for funding. Questions about, or proposals for, listing on the State or National Register should be directed to the OPRHP National Register Unit at (518) 268-2213.
  - Preservation covenants or conservation easements will be conveyed to the State for all Historic Preservation grants.
  - Grant funds cannot be used for constructing contemporary additions on an historic property unless that work will provide universal access and/or eliminate code deficiencies for access/egress, such as an elevator or stair tower.
  - Multi-purpose additions to historic buildings and free-standing new construction on historic properties are not eligible for this grant program.
  - The expense of packing/storing of furnishings and artwork is allowed when required to complete an awarded project for grant-assisted interior work, such as installation of a fire suppression system, or plaster/decorative finishes.
  - For projects on sectarian properties, grant assistance can fund only costs necessary for historically accurate restoration to restore and preserve the historic integrity of the historic property, and only to the extent that those costs exceed the cost of basic rehabilitation. Information and instructions on how to structure/present a sectarian project can be found at https://parks.ny.gov/grants/consolidated-funding-app.aspx

- **Heritage Area Program** - for projects to acquire, preserve, rehabilitate or restore lands, waters or structures identified in the approved management plans for Heritage Areas designated under section 35.03 of the Parks, Recreation and Historic Preservation Law, and for structural assessments or planning for such projects. The designated Heritage Areas with approved Management Plans are listed at https://parks.ny.gov/grants/heritage-areas/default.aspx, which also provides links to maps showing exact Heritage Area boundaries.
  - To ensure a public benefit from the investment of state funds, appropriate long-term protections in the form of public access covenants, preservation covenants or conservation easements will be conveyed to the State for all Heritage Area grants.

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

Eligible budget items include:

Pre-Development Planning and Design

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

Construction

- Capital costs can include labor, materials and other necessary costs for permanent capital improvements to the property that are directly related to the recreational, conservation, historic preservation, and/or heritage development purposes of the grant program. The budget should be broken down by categories of expenditure, such as utilities/infrastructure, site preparation, landscaping, carpentry, etc.
- The budget may include purchase of permanent equipment necessary to achieve the project purposes (e.g., playground equipment, interpretive kiosks), but cannot include operational or maintenance equipment such as mowers or automotive equipment.
- The budget may include costs to undertake construction, such as rent/lease of heavy equipment, but cannot offset overhead and operating expenses, such as office rental.
- For historic preservation projects on sectarian properties, grant assistance can fund only costs necessary for historically accurate restoration to restore and preserve the historic integrity of the historic property, and only to the extent that those costs exceed the cost of basic rehabilitation. Instructions on how to structure/present a “Basic vs Restoration” breakdown can be found at https://parks.ny.gov/grants/consolidated-funding-app.aspx.

Acquisition

- The application must identify each parcel proposed for acquisition, the type of interest to be acquired (fee simple, lease, easement, etc.) and method of acquisition (purchase,

donation or transfer from another use), number of acres and estimated fair market value of the parcel(s) documented by a written appraisal valuation (desktop appraisal or exterior only appraisal) by a qualified appraiser. Acquisition costs must be incurred during the project term or up to one year prior to the application deadline.

- Associated acquisition costs, such as the cost of **appraisals** (one appraisal is required for any parcel valued under $300,000; two appraisals are required for any parcel valued at $300,000 or more), **surveys, title search, legal fees, title insurance (required for this grant)** and, where a conservation easement is required, the cost of **title continuation and recordation** are eligible costs.
- In the case where multiple parcels owned by the same entity are to be valued, the appraiser will first determine the highest and best use of the parcels. The highest and best use analysis will determine if the parcels should be marketed as one unit or whether they would have a higher value if marketed separately. If the parcels should be marketed separately, then each one will require its own valuation. Under no circumstances should parcels owned by different entities be valued in the same appraisal.

Administration

- **Construction Supervision** costs are those associated with the coordination, supervision and scheduling of work and may be provided by a qualified member of the applicant's staff, the design professional who prepared the construction documents, or a clerk of the works.
- **Grant Administration** costs include expenses associated with administering the grant after it is awarded, such as preparing the project agreement, affirmative action, solicitation of Minority and Women-owned Business Enterprises (MWBEs), and payment request documentation. In general, these costs **should not exceed ten percent (10%) of the grant amount**. The cost of preparing this application is **NOT** eligible.
- **Procurement Costs** include costs for assuring competitive pricing, such as costs for distributing Requests for Proposals and for public advertising for bids, including the cost of advertising in specialty publications, such as minority newspapers and appropriate construction publications.
- **Audit**: An accounting of grant expenditures and revenues is required. Generally, this is accomplished by detailed auditing of every payment request. Depending upon the grant award and complexity, the State may require an Agreed Upon Procedure Review (AUPR) performed by a representative of the State or a Certified Public Accountant prior to the final reimbursement.
- **Project Sign***:* All grant-funded projects, except for those funding planning only, must have a project sign noting the funding assistance. Signs are available for purchase through the State for approximately $57.

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

- Work completed prior to award is not eligible for reimbursement or for match. There are two exceptions:
    - Professional services and materials purchased or donated, but not installed, up to three years prior to the application deadline may be applied toward the matching share.
    - Acquisition costs retroactive no more than one year prior to the application deadline are eligible costs.
- Comprehensive Planning/Master Planning/Management Plans/Open Space Plans
- Application preparation.

- Contingencies, training, travel, OJT wages, working capital, marketing, taxes, interest, purchase of operational or maintenance equipment, salaries and wages, indirect costs, overhead or operating expenses, rent/lease are ineligible unless noted otherwise above.
- Fundraising events/expenses.
- Bond interest and associated fees. The interest associated with a Bond or Bond Anticipation Note (BAN) cannot be calculated into project cost, whether for reimbursement or local match.
- Lobbying expenses.
- Costs that are not adequately justified or that do not directly support the project.

MATCHING SHARE (APPLICANT SHARE) REQUIREMENTS
This grant program is administered on a reimbursement basis. **Successful applicants will be expected to fund project expenditures upfront, then submit for reimbursement.** Applicants must plan their financial arrangements accordingly.

Successful applicants are reimbursed for up to 50 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 the most recent Census data as provided in the "Poverty Level Table by ZIP Code Tabulation Area (ZCTA)" at https://parks.ny.gov/grants/consolidated-funding-app.aspx), the reimbursement can be up to 75 percent of the eligible project cost. All applicants are expected to raise their share within one year of the award, or risk cancellation of the grant. Principal types of applicant share are:

- **Cash**: Includes grants other than this grant request. Other Environmental Protection Fund grants (i.e., Climate Smart Communities, Water Quality Improvement Project, Local Waterfront Revitalization Program, Greenway Conservancy Trail Grant Program, etc.) cannot be used as match. State and Municipal Facilities Program (SAM) funding cannot be used as a required match or be considered a local share but can be used to pay for additional project costs that are over and above the award and required local match.
- **Force Account**: Applicant's payroll expenses itemized according to job title or job assignment on project. Grant recipients will be required to document time worked, tasks, pay ratio and payment (including components and percentage of fringe benefit rate).
- **Professional Services**: The value of services provided by professional and technical personnel and consultants. Three-year retroactivity applies.
- **Supplies and Materials**: The fair market value of items warehoused (not yet installed). Three-year retroactivity applies; use value current at time items were obtained.
- **Volunteer Labor**: Skilled and professional labor can be computed at the job rate. The value for labor (unskilled labor and work performed by professionals or skilled laborers in an area outside of their area of expertise) of an adult (18 and over) donating time to a project may be computed up to the amount identified as the Value of Volunteer Time for New York State at http://www.independentsector.org/volunteer_time. (For example, a lawyer donating legal services may compute the value based on the standard billing rate, but the value for the same lawyer donating time painting walls will be computed up to the amount identified as the Value of Volunteer Time for New York State).
- **Equipment Usage**: Valued according to its fair market rental cost in the project location.
- **Real Property**: The value of all property acquired, donated or converted from other purposes. One-year retroactivity applies to all three categories. For real property owned by the applicant and converted from other purposes, the value of such property may be

included under the EPF budget, provided it has not been previously designated as parkland or otherwise used for purposes related to this project.

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

- Impact: For park projects, the importance of the project to the community in terms of population served and need for facilities. For historic preservation, the extent to which the project will contribute to preservation of a historically significant property and its features. For Heritage Areas, the extent to which the project will enhance the visitor experience and address the resources and goals of the local Heritage Area.
- Planning Initiatives: For all projects, community support; consistency with state/region/community plans, including and especially the Statewide Comprehensive Outdoor Recreation Plan (SCORP); advancement of the Downtown Revitalization, Strategic Community Investment and/or Environmental Justice Initiatives of the Regional Economic Development Council.
- Reasonableness of Cost: For all projects, sound administrative infrastructure/reasonableness of costs, including demonstration of project planning, administrative structures and a budget that reflects fiscal prudence and readiness to proceed.
- OPRHP Commissioner Priorities for 2019:
    - Projects designed to enhance inclusion by removing barriers, providing accommodation, and expanding the visitor experience to provide welcoming access for new visitors, including those previously marginalized. Examples include: enhanced gateways to parks and trails, multi-lingual and/or pictorial wayfinding signage; recreational and interpretive facilities serving people of diverse abilities; ADA compliance; private unisex bathroom facilities; reopening (i.e., modernizing, rehabilitating, restoring) shuttered recreational facilities in distressed neighborhoods, etc.
    - Projects that enhance and/or create opportunities for walkable public spaces for recreation, fitness, community gardens and open space in underserved neighborhoods (i.e., build green space, revitalize existing athletic and recreational facilities, create and enhance amenities at community gardens and schoolyards).
    - Trail projects that provide linkages to the Empire State Trail, and/or create or enhance multi-use pedestrian and bicycle trails, creating physical and functional connections among already-protected state and local lands, historic sites, greenways, trails and waterways (including landscape and trail improvements and special features or signage to improve programming and interpretation).
    - Projects that are undertaken by OPRHP Friends organizations or other partner groups that occur in State Parks or Historic Sites.

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

APPLICATION REQUIREMENTS:
The following documentation will be required with the application. **Applications lacking these attachments (or an acceptable explanation) are considered incomplete, and may cause the application to be deemed ineligible, or adversely affect the rating points assigned**. Depending upon the particular circumstances of your project, other attachments may be

required. Still other attachments, while not required, may be essential to support rating points. All documents should be current to this grant cycle. See the **ADDITIONAL RESOURCES** section at the end of this document, and the Attachment Checklist at https://parks.ny.gov/grants/consolidated-funding-app.aspx, for additional guidance on required documents as well as supporting documentation that is requested but not required.

For All Applicants:

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

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

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

For Historic Preservation Applicants:

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

For Heritage Area Applicants:

Written approval/endorsement of the project by the local heritage area management entity, if it is not the project sponsor, is required with the application. The letter should reference the appropriate Heritage Area management plan and relevant Heritage Area resources and goals. See a list of approved Heritage Areas at https://parks.ny.gov/grants/heritage-areas/default.aspx.

For Friends/Partner Groups of State Parks or Historic Sites:

Letter(s) of support from the **Regional Director AND Capital Facilities Manager.**

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

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

For Applications where Parkland is being Alienated:

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

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

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

MUNICIPALITIES: The municipality will be 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).

Photos
Provide images (scanned photographs or born-digital; photocopies are not acceptable substitutes) showing the overall project area and documenting existing conditions. Include photos of any structures more than 50 years old within, or immediately adjacent to, the project area. Provide views to these features from the project site, as well as views of the project site from them. Photographs must reflect current conditions. Images that are freely available on the internet may not show current, actual conditions. Key all images to a schematic site plan (see below).

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

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

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

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

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

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

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

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

SUPPORTING DOCUMENTATION:
Depending upon the particular circumstances of your project, other attachments may be required. Still other attachments, while not required, may be essential to support rating points. All documents should be current to this grant cycle. See below for a list of supporting documentation.

- Evidence of local historic preservation or landmark designation
- Clearly marked excerpts from federal, statewide, regional or local planning documents
- Written documentation clearly identifying community need and involvement; if the local plan which identifies the need for the project is 5 years or older, provide evidence that the plan reflects current need (i.e., a copy of the resolution adopting or reaffirming the local plan)

- Documentation from State agencies regarding remediated brownfields, protected species, habitats, etc.
- Documentation of pre-construction planning, procurement of services, consultant qualifications, etc.
- Ground disturbance documentation
- All official project endorsements, partnerships and letters of support
- For stand-alone planning projects, justification of budget estimate

ATTACHMENTS TO SUPPORT APPLICATION:
As outlined above, your application requires you to upload supporting documents. **These files must be in PDF, JPG or ZIP format (unless specifically noted otherwise below) and cannot be larger than 10 MB in size. You may combine multiple PDF files into a single .ZIP file if necessary. Avoid using special characters (like: * % # : ;) in your document name as this will cause errors in the upload.** If an attachment question requires more than one document, you must create a single PDF or JPG file that contains all the required documents or a ZIP file that contains the required documents. More information is available on how to create PDFs from other documents and how to create ZIP files.
You may proceed with your application without uploading these documents. However, since supporting documents are required, you must return to the Documents section and upload the required documents before you can finalize and submit your online application.
For assistance scanning your documents, please bring your documents to any of these Regional Offices.

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

Western New York Region Kate Badgley Beaver Island State Park 2136 West Oakfield Grand Island, NY 14072 (716) 773-5292, FAX (716) 773-4150 kate.badgley@parks.ny.gov COUNTIES: Allegany, Cattaraugus, Chautauqua, Erie and Niagara	Central New York Region Jean Egenhofer Clark Reservation State Park 6105 East Seneca Turnpike Jamesville, NY 13078-9516 (315) 492-1756, FAX (315) 492-3277 jean.egenhofer@parks.ny.gov COUNTIES: Cayuga, Cortland, Madison, Onondaga and Oswego
Finger Lakes Region Kathleen McIsaac 2221 Taughannock Park Road Trumansburg, NY 14886 (607) 387-7041, FAX (607) 387-3390 kathleen.mcisaac@parks.ny.gov COUNTIES: Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming and Yates	Mohawk Valley Region Jean Egenhofer Clark Reservation State Park 6105 East Seneca Turnpike Jamesville, NY 13078-9516 (315) 492-1756, FAX (315) 492-3277 jean.egenhofer@parks.ny.gov COUNTIES: Fulton, Herkimer, Montgomery, Oneida, Otsego and Schoharie
Long Island Region Traci Christian Belmont Lake State Park PO Box 247 Babylon, NY 11702	Southern Tier Region Kathleen McIsaac 2221 Taughannock Park Road Trumansburg, NY 14886 (607) 387-7041, FAX (607) 387-3390

(631) 321-3543, FAX (631) 321-3721 traci.christian@parks.ny.gov COUNTIES: Nassau and Suffolk	kathleen.mcisaac@parks.ny.gov COUNTIES: Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga and Tompkins
<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 merrill.hesch@parks.ny.gov COUNTIES: Bronx, Kings, New York, Queens and Richmond	<u>Mid-Hudson Region</u> Erin Drost NYS OPRHP Taconic Regional Office 9 Old Post Road Staatsburg, NY 12580 (845) 889-3866, FAX (845) 889-8321 erin.drost@parks.ny.gov COUNTIES: Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester
<u>Capital Region</u> Danielle Dwyer Saratoga Spa State Park 19 Roosevelt Drive Saratoga Springs, NY 12866-6214 (518) 584-2000, FAX (518) 584-5694 danielle.dwyer@parks.ny.gov COUNTIES: Albany, Columbia, Greene, Rensselaer, Saratoga, Schenectady, Warren and Washington	<u>North Country Region</u> Sunshine Jenkins Keewaydin State Park Alexandria Bay, NY 13607 (315) 482-2593, FAX (315) 482-9413 sunshine.jenkins@parks.ny.gov COUNTIES: Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, and St. Lawrence

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

I. Project Impact (up to 30 points)

For Parks Projects:

A. Need, as determined by a statewide assessment (0-5):

- For recreation projects: SCORP Relative Index of Needs
- For open space/conservation projects: NYS Open Space Conservation Plan

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

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

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

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

For Historic Preservation Projects:

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

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

For Heritage Area Projects:

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

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

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

II. Planning Initiatives (up to 10 points):

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

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

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

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

C. Advancement of the Downtown Revitalization, Strategic Community Investment and/or Environmental Justice Initiatives.

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

A. Budget

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

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

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

IV. OPRHP Commissioner Priorities for 2019 (0-10)

A. Projects designed to enhance inclusion by removing barriers, providing accommodation, and expanding the visitor experience to provide welcoming access for new visitors, including those previously marginalized. Examples include: enhanced gateways to parks and trails, multi-lingual and/or pictorial wayfinding signage; recreational and interpretive facilities serving people of diverse abilities; ADA compliance; private unisex bathroom facilities; reopening (modernize, rehabilitate, restore) shuttered recreational facilities in distressed neighborhoods, etc.
B. Projects that enhance and/or create opportunities for walkable public spaces for recreation, fitness, community gardens and open space in underserved neighborhoods (i.e., build green space, revitalize existing athletic and recreational facilities, create and enhance amenities at community gardens and schoolyards).
C. Trail projects that provide linkages to the Empire State Trail, and/or create or enhance multi-use pedestrian and bicycle trails, creating physical and functional connections among already-protected state and local lands, historic sites, greenways, trails and waterways (including landscape and trail improvements and special features or signage to improve programming and interpretation).
D. Projects that are undertaken by OPRHP Friends organizations or other partner groups that occur in State Parks or Historic Sites.

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

VI. Statewide Assessment "Commissioner Points" (0-10)

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

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

C. Special Engineering, Environmental, Preservation Benefits. Consideration may be given to develop particularly significant resources and facilities or to develop innovative approaches to preserve valuable resources. This will be based on the type of

resource being developed or rehabilitated; its rarity on a local, regional, statewide and national basis; the ability of an innovative technology to address an emergency or mitigate future problems; how well a technology can be "exported" for use on other properties and resources; and how/if the project will allow public access that would not otherwise be available.

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

TOTAL (0-100)

VII. Project in a Hudson River Greenway Compact Community (5 percent bonus).
Award points if the proposed project is located in a Hudson River Valley Greenway **Compact** Community, and the application documents that the project is consistent with the Greenway criteria of natural and cultural resource protection, regional planning, economic development, heritage and environmental
education, and/or public access to the Hudson River (for information, go to: https://hudsongreenway.ny.gov/community-planning or the Greenway map at https://hudsongreenway.ny.gov/system/files/documents/2018/09/greenway-mapsept-2018.pdf).

AWARD CRITERIA DETAILS

- ELIGIBLE AREA, CITY, COUNTY, POPULATION LIMITS OR POPULATION TARGET TYPES:
  Not less than $10 million of the $19.5 million appropriation must be awarded to projects located in densely populated and/or underserved areas. (Note: $2,050,000 of the appropriation is directed to specific line items, leaving $17,450,000 available for the competitive award program.)
- LIMITATIONS: While applicants may apply for more than one grant category funded under OPRHP's EPF Program, no project will receive more than one grant award in any funding year. There is no statutory limit on the number of grants one property or one applicant may receive, but in the interest of equity and fairness and in consideration of applicant capacity, applicants that have three or more open grants with OPRHP should not receive additional awards. There is an administrative cap of $600,000. If the total project cost is greater than $4,000,000, up to $1,000,000 may be requested. Should project costs increase post-award, the grant award will not be adjusted upward.
- LONG RANGE GOALS: Special consideration should be given to projects that are referenced in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) or included in other state and local planning initiatives.
- PROJECT TERM COMPLETION DATES: Once all conditions of award are met (see SUCCESSFUL APPLICANT REQUIREMENTS below) and a contract is executed with the State, it is anticipated that acquisition and planning projects will be completed within one year and construction projects within two years; projects must be completed within five years from the date of the award of the grant. OPRHP will monitor the progress of project work and will recapture awarded funds if significant progress is not made.

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

reimbursement. Certain conditions of award must be met to the satisfaction of OPRHP before a contract can be executed with the applicant/grantee. These will include:

- Submission of a signed authorizing resolution that names the official authorized to accept the grant funds and enter into and execute a contract (as well as long-term protection documents and other certifications, if required) with the State.
- Submission of a signed Prevention of Sexual Harassment in the Workplace Policy certification. The grantee's Authorized Official shall certify that the grantee (1) has and has implemented a written policy addressing sexual harassment prevention in the workplace and such policy meets the minimum requirements of section two hundred one-g of the labor law and (2) provides annual sexual harassment prevention training to all its employees. In addition, the grantee's Authorized Official shall certify the grantee will make best efforts to retain contractors and/or sub-contractors for grant-related work that also meet the provisions of (1) and (2) above. Alternatively, if the grantee cannot certify the foregoing, the grantee's Authorized Official shall so state and shall furnish a signed statement which sets forth in detail the reasons therefore. NOTE: Information, including model policy and training standards, is available on the New York State Department of Labor's website at: https://www.ny.gov/combating-sexual-harassment-workplace/employers.
- Submission of a signed Non-Discrimination certification. The grantee's Authorized Official shall certify that the grantee does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sexual orientation, gender identity, military status, sex, marital status, disability, or other protected basis. In addition, the grantee's Authorized Official shall certify that the grantee will make best efforts to retain contractors and/or sub-contractors for grant-related work that do not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sexual orientation, gender identity, military status, sex, marital status, disability, or other protected basis. Alternatively, if the grantee cannot certify the foregoing, the grantee's Authorized Official shall so state and shall furnish a signed statement which sets forth in detail the reasons therefore.
- Enrollment in New York State's electronic payment program for vendors. Information on how to enroll can be found here: https://www.osc.state.ny.us/vendors/epayments.htm.
- Registration in the Grants Gateway.
- For not-for-profit grantees:
  - Maintenance of pre-qualification status in the Grants Gateway.
  - Documentation of current coverage or exemption for Workers' Compensation and Disability Insurance.
  - Being current with pertinent filings under Section 501 of the United States Internal Revenue Code and the following New York State Laws, as applicable: Article 7-A of the Executive Law; Section 8-1.4 of the Estates, Powers and Trusts Law; Section 1508 of the Not-for-Profit Corporation Law; or Section 215 of the Education Law.
  - Valid Vendor Responsibility Questionnaire.
- Evidence of ownership interest, including:
  - For development projects:
    - Property deed and affidavit of title or opinion of municipal counsel.
    - If the grantee does not own the property in fee, documentation of the ownership interest, such as a lease, management agreement, or memorandum of agreement.
  - For stand-alone planning grants where the grantee does not have any ownership interest in the property: the owner's written permission for the applicant to access the property as necessary to complete the project.
- Environmental and historic preservation reviews (including archeological review).

- Documentation of all necessary approvals to undertake the project.

Grant contracts will require that prior to commencement of project work, certain procedures must be followed, and documentation provided to and approved by OPRHP including:

- For any project involving ground disturbance (trenching, grading, demolition, new construction, etc.), prior ground disturbance documentation or an archeological investigation will be required.
- Acquisition projects require certification of clear title by the State.
- Any permits required from agencies such as the NYS Department of Environmental Conservation (DEC) or the US Army Corps of Engineers (COE) must be filed with the State before construction begins.
- OPRHP must accept/approve plans and specifications, bidding documents, competitive bidding, and solicitation of MWBEs, etc.

Project costs will be eligible for reimbursement only if the specified grant work meets State standards and the expenditures are made in compliance with State requirements, including:

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

Failure to comply with these requirements could jeopardize full reimbursement.

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

Recreational Trails Program (RTP)

Funding Available: Up to $1.9 million

DESCRIPTION:

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

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

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

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

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

ELIGIBLE APPLICANTS:

- Municipalities
- Pre-Qualified Not-for-Profit Corporations (http://www.grantsreform.ny.gov/Grantees)

Note: There are several terms often used interchangeably to refer to the entity applying for RTP funding and undertaking the project (e.g. "contractor," "grantee," "project sponsor," "recipient," or "non-Federal entity"). In this document, *applicant* refers to the entity during the application stage, and *project sponsor* or *grantee* refers to the entity after a grant is awarded.

PROJECT PHASE AUTHORIZATIONS

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

Below is an overview of each phase (See the RTP Guide for more detailed information):

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

2. **Final Design**: Includes the preparation of final construction plans and specifications for the performance of construction work. All necessary permits should be secured during the Final Design Phase. Projects that do not include acquisition of real property may receive Right-of-way approval in Final Design Phase.
   All RTP projects are subject to New York State Education Law (Articles 145, 147 & 148) regarding the preparation of plans and specifications. Plans which include the design of buildings and/or structures, such as bridges, tunnels, and scenic overlooks, must be stamped, signed and dated by a Licensed Professional, as defined in New York State Education Law.
3. **Right-of-way:** A Right-of-Way Clearance Certificate is required for every RTP project, which certifies that the project sponsor has the legal right to construct, maintain and operate the recreational trail for its intended use. It is the sponsor's responsibility to provide proof of these property rights and demonstrate that all proposed work will occur within the project limits. Evidence to support the current right-of-way status is required with the RTP application.
   All RTP projects must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended. The acquisition of additional right-of-way itself does not need to utilize Federal funds for the rules to apply. When Federal funds are present anywhere in the project, the rules of the Uniform Act apply. This applies to donations as well as purchases.
4. **Construction:** Allows the project to proceed to construction. Project sponsors must use their own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations. Adequate supervision and inspection must be provided by the project sponsor to ensure projects are completed in conformance with design standards, construction contract documents, plans and specifications. OPRHP Regional Grant personnel will oversee administration of the project in accordance with applicable Federal laws, regulations and guidance during construction.

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

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

TRAIL USE CATEGORIES

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

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

PROJECT COST:

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

The minimum and maximum funding guidelines are as follows:

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

ELIGIBLE COSTS:

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

INELIGIBLE COSTS:

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

- Condemnation of any kind of interest in property;
- Condemned Land as Matching Value: An RTP project may be located on land condemned with funds from other sources. However, it is not permissible to use the value of condemned land toward the match requirement for an RTP project;

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

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

MATCHING SHARE REQUIREMENTS:
At a minimum, a local match is required for 20% of the total eligible project costs. Contributions to the Matching Share must be necessary and reasonable for the accomplishment of the project and comply with the requirements of 2 CFR 200.306. Eligible Sources of Matching Share include: cash, donations, eligible matching grant funds, force account (payroll of applicant), professional services, supplies and materials, volunteer labor, equipment usage/donation, and real property. The project sponsor is responsible for any increases in the total cost of the project. Grant awards will not be increased.

The RTP funds may be matched with funds available under other Federal funding programs, if the project is also eligible for funding under the other Federal program. Federal funds received by any project sponsor from another Federal program may be credited as if they were the non-Federal share and may be used to match the RTP project funds up to 100 percent of the project cost. However, other Federal programs may require a non-Federal share, which must be adhered to as part of grant administration (see RTP Guide for examples).

CONTRACTING REQUIREMENTS:
OPRHP is responsible for contracting with the grantee. Federal authorization is required prior to OPRHP signing the New York State Master Contract for Grants. The earliest date of Federal Authorization serves as the start date for all RTP projects. All RTP construction contracts and sub-contracts must include the *RTP Federal Construction Contract Requirements*. When

Federal, State and Local laws and regulations conflict, OPRHP must be contacted for consultation with the FHWA.

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

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

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

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

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

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

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

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

OPRHP will only reimburse the final 10% of the approved maximum grant amount to the project sponsor after all required close-out documentation has been submitted, OPRHP has completed a final on-site inspection and the close-out documentation has been approved by OPRHP.
A minimum payment amount of no less than $500, should be submitted for reimbursement every six (6) months. Failure to submit regular payments for reimbursement, or demonstrate progress, may result in termination of project funding and repayment of previously reimbursed Federal funds.

RECORD RETENTION:
Project sponsors are responsible for retaining project documents during each phase. Examples include, but are not limited to:

- The signed RTP Design Report including all appendices;
- Documentation of NEPA determination;
- Signed Right-of-Way Clearance Certificate;
- Final construction contract documents, including change orders;
- Construction oversight documentation to support payments including;
    - Project Manager and/or Engineer's on-site inspection reports; and
    - Materials certifications, testing data and quantities verification, as applicable.

In addition, all required payment documentation must be retained and available for inspection upon request for a period defined in the *New York State Master Contract for Grants*.

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

- **ALL APPLICANTS**:
    - **State Environmental Quality Review Act (SEQRA) compliance documentation**
        - **Not-for-profit corporations** must complete the *Environmental Review Form* available at https://parks.ny.gov/grants/consolidated-funding-app.aspx
        - **Municipalities** must document compliance with SEQRA or provide status of SEQRA.
            - Type II – statement and justification.
            - Unlisted – Short Environmental Assessment Form (SEAF) – Parts I – III.
                - https://www.dec.ny.gov/permits/6191.html
            - Type I – Full Environmental Assessment Form (FEAF) and either a negative declaration or Final Environmental Impact Statement (FEIS) and SEQRA Findings. https://www.dec.ny.gov/permits/6191.html
    - **Photos** showing the project area and/or the type of equipment to be purchased.

- **Maps** at an appropriate scale to identify the project location. 1:24,000 scale topographic or planimetric maps are recommended. (See "Grants Map for CFA," at https://parks.ny.gov/grants/consolidated-funding-app.aspx or NYS GIS Clearinghouse http://gis.ny.gov/gisdata/quads/).

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

- A signed statement certifying that the lands have been allocated for uses other than wilderness by the approved agency resource management plan or have been released to uses other than wilderness by an Act of Congress, and such construction is consistent with the resource management plan.

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

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

A. Project provides for recreational trail corridor sharing for motorized and/or non-motorized use (Maximum 5 points).

Key Consideration: The most important concern is that two or more uses are compatible and provide a safe recreational experience for all users.

(5) Project involves two or more trails in the same corridor that accommodate both motorized and non-motorized trail uses;
(4) Project involves two or more trails in the same corridor that accommodate either motorized or non-motorized trail uses;
(3) Project involves one trail with motorized and non-motorized concurrent uses;
(2) Project involves time sharing of the trail other than on a seasonal basis;
(1) Project involves seasonal time sharing of the trail;
(0) Criterion is not applicable.

B. Project provides for motorized and/or non-motorized use that will enhance the quality and quantity of recreational trail opportunities (Maximum 5 points).

Key Consideration: An important consideration is that this project will enhance the quality and quantity of recreational trail opportunities available in the community or region.

(5) Project provides for *both* motorized *and* non-motorized use for *both* summer *and* winter activities;
(4) Project provides for *both* motorized *and* non-motorized use for *either* summer *or* winter activities;
(3) Project provides for *either* motorized *or* non-motorized use for *both* summer *and* winter activities;
(2) Project provides *either* motorized *or* non-motorized use for *either* summer *or* winter activities.

C. Project provides urban trail linkages (Maximum 4 points).

Key Considerations:

(a) Project provides linkage to other trail opportunities in urban areas;
(b) Project provides linkage to recreational areas, residential communities, places of employment, commerce, schools, parks, or other public places in urban areas;
(c) Project is located in a census defined Standard Metropolitan/Micropolitan Statistical Area (SMSA);
(d) Project demonstrates advancement of the Downtown Revitalization Initiative and Strategic Community Investment.

(4) Project meets *all* of the criteria above;
(3) Project meets *only two* of the criteria above;
(2) Project meets *only one* of the criteria above;
(0) Project *does not meet any* of the criteria above.

D. Project is identified as a component of a statewide or national trail system or furthers a specific goal of the Statewide Comprehensive Outdoor Recreation Plan (SCORP) or the Statewide Trails Plan or a local trail plan (Maximum 5 points).

Key Consideration: The degree to which the project is clearly identifiable as a priority for action, ties in with specific goals, priorities and implementation strategies, and/or complies with identified needs of the area.

(5) Project is a component of a statewide or national trail system as identified in the SCORP or the Statewide Trails Plan (e.g., National Scenic, Historic, Heritage Area or Recreational Trails, Millennium Trails, Empire State Trail, Canalway Trail or State Snowmobile Plan);

(4) Project furthers a specific goal of a regional trail plan referenced in the Statewide Trails Plan or the SCORP;

(3) Project furthers a specific goal of a local trail plan referenced in regional or local planning documents.

(0) Project does not further the goals of any trails plan.

E. Index of Need – based on the "Relative Index of Needs" table in the SCORP (Maximum 5 points).

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

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

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

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

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

G. Project ties into other trails, greenways, scenic corridors, natural, cultural, historical or recreational areas (Maximum 4 points).

Key Considerations:

(a) Project ties into the Empire State Trail, Hudson River Greenway, or another major trail
(b) Project ties into a designated scenic corridor of National, State or regional significance
(c) Project ties into other trails
(d) Project links natural, cultural, historic or recreation areas or resources

(4) Project meets at least *three* of the above criteria
(3) Project meets only *two* of the above criteria
(2) Project meets only *one* of the above criteria
(0) Project *does not meet any* of the above criteria

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

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

(3 – 6 points) Project schedule is clear, well planned and logical. Applicant has clearly demonstrated an understanding of the program requirements and an approach to implement the project in a timely, efficient and effective manner.
(0 – 3 points) Project planning and schedule is unclear, under-developed or unrealistic, either overly ambitious or under-achieving, based upon the information provided. Applicant demonstrates a lack of understanding of the program requirements.

I. Project will utilize existing corridors, such as existing trail corridors, railroad right-of-way, canal towpath, utility lines, publicly owned river valleys or highland ridges, parkways, etc. (Maximum 4 points).

Key Consideration: The major concern is to maximize the use and maintain the integrity of existing corridors.

(4) The project will utilize *only* existing corridors;
(2) The project will utilize an existing corridor but requires additional right-of-way;
(0) The project will not utilize an existing corridor.

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

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

NON-MOTORIZED USE (Non-Motorized and Diverse Categories):
(4) Project is part of a trail system over 10 miles in length.
(3) Project is part of a trail system 5-10 miles in length.
(2) Project is part of a trail system less than 5 miles in length.

MOTORIZED USE (Motorized and Diverse Categories):
(4) Project is part of a trail system over 50 miles in length.
(3) Project is part of a trail system 5-50 miles in length.
(2) Project is part of a trail system less than 5 miles in length.

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

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

(10 - 15 points) A detailed budget has been provided which contains only eligible and necessary costs. Estimates are justified, cost-effective and based on sound principles and experience. Matching share is identified and will be available for the project term.
(5 - 10 points) A complete budget has been provided but the basis for cost estimates is unclear or not cost-effective. Matching share is identified and will be available for the project term.
(0 - 5 points) A budget has been provided but contains ineligible costs or lacks the necessary details to determine eligibility, cost-effectiveness or matching share requirements.

L. Project addresses State and Federal program initiatives (2 points *each*, Maximum 8 points).

(2) Project utilizes Youth Conservation or Service Corps.
(2) Project specifically provides enhanced recreational access for persons with disabilities.
(2) Project provides for the redesign, reconstruction, nonroutine maintenance, or relocation of recreational trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.
(2) Project will address communities currently lacking recreational opportunities.

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

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

- **Geographic Distribution.** Consideration may be given to projects in areas that have or have not received funding in recent cycles or where funding is not commensurate with the population of the area. This will be based on the proximity to other funded sites and the diversity of projects being funded on a regional and local basis, as well as the service area of the developed or planned facilities.
- **Maximize Use and Accessibility.** Consideration may be given to projects where funding will allow underutilized facilities to be accessed or to develop underutilized resources for public use. This will be based on the resources offered by the facility, the use of those resources and whether the proposed project will help the facility expand and enhance its public use.
- **Special Engineering, Environmental, Preservation Benefits**. Consideration may be given to develop particularly significant resources and facilities or to develop innovative approaches to preserve valuable resources. This will be based on the type of resource being developed or rehabilitated; its rarity on a local, regional, statewide and national basis; the ability of an innovative technology to address an emergency or mitigate future problems; how well a technology can be "exported" for use on other properties and resources; and how/if the project will allow public access that would not otherwise be available.
- **Past Performance.** Consideration may be given to how timely an applicant completed previous projects, including its reporting requirements; how successful it was in outreach, especially to minority- and woman-owned businesses; the ongoing upkeep and maintenance of the property; and its cooperation in allowing OPRHP to complete inspections and other follow-up activities.

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

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

ADDITIONAL RESOURCES:
Go to https://parks.ny.gov/grants/ for additional information, including the *Recreational Trails Program Guide*, which contains an overview of RTP grant procedures. For more information,

contact the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) Regional Grants Administrator for your county (https://parks.ny.gov/grants/contact.aspx), or NYSOPRHPGrants@parks.ny.gov.

Department of State

Local Waterfront Revitalization Program

Funding Available: Up to $15 million

I. INTRODUCTION:

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

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

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

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

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

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

The EPF LWRP is a reimbursement program. State assistance awarded and paid shall not exceed 75% of the total eligible project costs set forth in the application and as approved by the Department, except where the proposed project is located in an environmental justice community, in which case state assistance awarded and paid shall not exceed 85% of the total eligible project costs set forth in the application and as approved by the Department. Applicants

must identify the amount, type and source of eligible local match, and demonstrate that it has been secured; failure to do so will result in a reduced award amount for qualifying applications.

Applicants are required to demonstrate that projects are ready to move forward. A contract period will not exceed five years. Special consideration for extensions due to extreme extenuating circumstances will only be granted on a case-by-case basis and only if significant progress has been demonstrated. Only applications for discrete phases of a project (e.g. planning, design, construction) that can be completed within five years will be considered. Applicants will be required to prepare and submit a project work schedule and timeline that includes major tasks and milestones with completion dates for each.

This Request for Applications is available on the Department's website: http://www.dos.ny.gov/funding/.

II. ELIGIBLE APPLICANTS:

Eligible applicants are villages, towns, cities and counties (with the consent and acting on behalf of one or more eligible villages, towns, or cities) which are located along New York's coasts or inland waterways as designated pursuant to Executive Law, Article 42. The list of coastal waterbodies and designated inland waterways is available at http://www.dos.ny.gov/funding/. Applicants may also partner with counties or other organizations; however, only applications from eligible applicants will be evaluated for funding. If successful, all applicable procurement requirements must be met for such partnerships. Applications submitted by not-for-profit organizations (including, but not limited to, community-based organizations and neighborhood groups) and for-profit organizations are ineligible and will not be scored.

Eligible applicants working in partnership with counties or neighboring municipalities to address regional land use, waterfront revitalization, community development, and resource and/or environmental issues or opportunities are encouraged to apply. Only the municipality identified as the applicant (one village, town, or city, or a county with the consent and acting on behalf of one or more eligible villages, towns, cities) will be awarded a contract. For applications submitted by a county, with the consent and acting on behalf of one or more villages, towns, or cities, the county is required to attach either a letter or resolution from each eligible municipality participating in the project which demonstrates their consent and support for the application.

- For general planning needed to advance any of the eligible activities listed below in Section V, an applicant must be a village, town, city, or county with the consent and acting on behalf of one or more eligible villages, towns or cities located along New York's coast or a designated inland waterway.
- For project-specific planning, feasibility, design, and/or marketing needed to advance eligible activities, an applicant must be a village, town, city, or county with the consent and acting on behalf of one or more eligible villages, towns or cities currently preparing an LWRP or LWRP Component or with an approved LWRP or LWRP Component. The proposed project must be located within the LWRP or LWRP Component boundary.
- For construction of projects needed to advance eligible activities, an applicant must be a village, town, city with an approved or substantially completed LWRP or relevant LWRP Component, or a county with the consent and acting on behalf of one or more eligible villages, towns, or cities with an approved or substantially completed LWRP or relevant LWRP Component. The proposed project must be located within the LWRP or LWRP Component boundary.

Applicants that have been awarded Department grants in the past should have demonstrated responsible contracting with the Department to be eligible for an award from this procurement.

III. FUNDING OPPORTUNITY:

The Department is making approximately $15 million available to fund applications for the Local Waterfront Revitalization Program grants, with up to $2 million of this for updates to existing LWRPs to mitigate future physical climate risks. Approximately $9 million of this will be awarded for projects which are in, or primarily serve, areas where demographic and other relevant data demonstrate that the areas are:

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

The maximum State assistance request per grant application is $2 million. There is no minimum State assistance request amount.

IV. NEW YORK STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

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

V. ELIGIBLE ACTIVITIES:

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

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

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

By preparing an LWRP, community stakeholders have the opportunity to evaluate local waterfront resources, develop goals and a comprehensive strategy for the best use of those resources, propose future projects, and adopt a local program that will guide appropriate

development. Development of LWRPs can also provide a regional framework to cooperatively address revitalization issues and advance ongoing and emerging state initiatives including, but not limited to, regional economic development, community resilience and sustainability, smart growth, public health outcomes and environmental justice.

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

Preparing or Updating a Local Waterfront Revitalization Program (LWRP)

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

The LWRP must plan for long term land and water uses for the local waterfront area and specify the legal techniques for implementation. Any of the local land use controls used in New York State, such as zoning, subdivision review, site plan review, cluster, historic preservation, planned unit development, and environmental regulation, may be used to implement the program. It is required that local governments adopt a local consistency review law to require that local agencies carry out their actions in a manner consistent with the approved LWRP. It is therefore, recommended, that adequate resources for legal review are included in the estimated budget for the development of the LWRP.

The State coastal policies are available at:
https://www.dos.ny.gov/opd/programs/pdfs/CoastalPolicies.pdf and the LWRP generic workplan which describes the tasks necessary to prepare a LWRP is available at:
https://www.dos.ny.gov/funding/

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

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

- developing public consensus on a vision for the future of a region or a community through community visioning, public meetings and workshops, focus groups, charrettes, etc.
- identifying regional and local assets, potential risks, opportunities, and issues within the defined waterfront area with regard to: development and infrastructure; fish and wildlife habitats and resources; flooding and erosion hazards; resiliency; public access and recreation; historic and scenic resources; agricultural lands;

energy and ice management; wetlands, water and air resources; and other social, cultural, economic and environmental interests
- developing goals that strike a balance between economic development and preservation to advance State coastal policies
- addressing and incorporating all applicable State coastal policies commensurate with local conditions and circumstances into a new or existing waterfront revitalization strategy or plan
- determining appropriate land and water uses to implement community goals and objectives for the waterfront
- recommending public and private projects to implement the LWRP
- providing the local organizational and legal structure, including the adoption of necessary zoning and local laws to implement the LWRP
- incorporating a NY Rising Community Reconstruction Plan or NY Rising Countywide Resiliency Plan, Long Term Community Recovery Plan or other resiliency plan

Preparing a Local Waterfront Revitalization Program Component

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

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

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

The State coastal policies are available at: https://www.dos.ny.gov/opd/programs/pdfs/CoastalPolicies.pdf and the LWRP generic workplan for reference is available at: https://www.dos.ny.gov/funding/

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

- addressing select State coastal policies commensurate with local conditions and circumstances,
- determining appropriate land and water uses to implement community goals and objectives for the waterfront in support of furthering select State coastal policies
- developing public consensus on a vision for the future of a region or a community through community visioning, public meetings and workshops, focus groups, charrettes, etc.
- identifying regional and local assets and potential risks, and opportunities and issues within the defined waterfront area with regard to one or more of the

following, as appropriate: development and infrastructure; fish and wildlife habitats and resources; flooding and erosion hazards; resiliency; public access and recreation; historic and scenic resources; agricultural lands; energy and ice management; wetlands, water and air resources; and other social, cultural, economic and environmental interests that address one or more of the coastal policies
- developing goals that strike a balance between economic development and preservation to advance State coastal policies
- incorporating applicable State coastal policies into an existing waterfront revitalization strategy or plan
- recommending public and private projects to implement the component LWRP, including public access projects and/or environmental protection projects
- providing the local organizational and legal structure, including the adoption of zoning and local laws to implement the component LWRP and advance the feasibility of future completion of an LWRP

Updating an LWRP to Mitigate Physical Climate Risks

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

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

- incorporation of an NY Rising Community Reconstruction Plan or NY Rising Countywide Resiliency Plan, Long Term Community Recovery Plan or other resiliency plan;
- assessment of risks associated with coastal/riverine flooding and erosion including impacts to wetlands, habitats, and other natural resources
- assessment of risks to critical infrastructure and systems such as water supply, sewage treatment plants, combined sewer overflows, electric utilities, transmission lines, dams, shoreline stabilization infrastructure and other in-water structures, and transportation systems
- assessment of potential impacts to economic sectors including recreation, tourism and agriculture
- assessment of relevant landscape attributes such as impervious surface area, vegetated stream buffers, water storage capacity, and forested land cover to improve resilience
- identification of strategies related to climate change/drought/sea level rise adaptation that can be implemented through both public and private actions
- identification of severe weather mitigation measures to reduce economic risk associated with or attributable to inaction
- identification of strategies to make health and social services more resilient on a daily basis and responsive during an emergency event

- identification of strategies/projects that will reduce the vulnerability of infrastructure to severe weather events
- identification of opportunities for modifying existing or developing new laws, regulations, policies and practices to reduce a community's vulnerability to natural hazards and climate change impacts and improve emergency preparedness, pre-weather event management or response protocols
- creation of development tools that optimize land use patterns to meet the needs of vulnerable populations and future growth demands
- identification of public education efforts concerning potential long term effects from severe weather event damage such as mold, desiccation, contaminated soils and aquifer impacts
- incorporating New York State sea level rise projections into local plans and projects
- consider issues such as risk assessment, combined benefits, critical facilities, value to the community, public health outcomes, and coordination of timing with other improvements within a regional context

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

Applicants with approved or substantially complete LWRPs or LWRP Components may apply for implementation funding for activities on publically-owned property including but not limited to:

- project-specific planning, feasibility, design, marketing or education needed to implement an approved or substantially complete LWRP or LWRP Component (Scope of work for design projects should include completion of final design, permitting and bid documents.)
- constructing projects necessary to implement an approved LWRP or LWRP Component
- developing regional, intermunicipal, or local Geographic Information Systems to improve management of coastal areas and resources, and improve impact prediction and assessment and mitigation and adaptation planning
- site-specific community, waterfront redevelopment, and resiliency projects including design, construction and/or implementation activities related to identified projects in a comprehensive redevelopment program:
    - existing conditions analysis;
    - preparation of concept plans, site redevelopment strategies and RFP for redevelopment projects;
    - project-specific design, cost estimating, construction and permitting documentation;
    - site preparation and construction of public amenities and infrastructure; trails, launch sites and directly related infrastructure and improvements;
    - creation, expansion, or improvement of accessible parks, public gathering spaces and entertainment amenities;
    - adaptive reuse of underutilized and abandoned buildings in public ownership;
    - acquisition due diligence (e.g., title work, appraisals, surveys);
    - development of design guidelines and standards;
    - streetscape and gateway improvements, including but not limited to: pedestrian walkways, sidewalks, bike lanes and multi-use trails; crosswalks and other pedestrian safety enhancements, directional, informational signage; lighting, street trees, benches, planters, bicycle racks, trash receptacles, landscaping, and building facades;

    - installing or ensuring access to secure bike or car parking near transit hubs or shuttle services;
- marketing, promotion, and economic feasibility studies including marketing campaigns, brochures, website design;
- establishment of cultural, historic, arts, and entertainment districts
- implementation of priority actions to improve community resilience and reduce risks associated with sea level rise, erosion, storm surge and flooding
- amendment or adoption of local land and water use controls to improve community resilience to storm events and sea level rise
- incorporate climate resilience vision, goals and strategies into local plans and projects
- development of educational outreach/training materials and programs to improve community resilience to severe weather and sea level rise impacts
- engineering, design, and/or construction of projects to make public facilities more resilient to potential severe weather and sea level rise impacts
- projects for the conservation, restoration, and enhancement of natural protective features and processes such as flood plains, wetlands, vegetated buffers, living shorelines, dunes and sediment transport
- green infrastructure projects that address water quality and stormwater management
- advancement of projects related to building or improving community resilience that advance LWRP policies.
- advancement of projects which celebrate the Bicentennial of the Erie Canal by creating new waterfront public access sites or improving and/or expanding existing sites along the NYS Canal System.

Approved LWRPs are listed at:
http://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_status.html.

LWRP Component: Watershed Management Plan (Planning or Implementation)

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

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

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

Planning

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

- visioning to identify the connections between water quality protection, waterfront revitalization, and climate change mitigation and adaptation
- conducting public participation to develop consensus on issues and actions needed to advance revitalization and water quality goals
- inventorying, analyzing and characterizing the watershed including land cover, land and water uses, and infrastructure
- identifying and assessing key natural, cultural and economic assets
- identifying problems, impairments, and threats including nonpoint and source water impairments, invasive species, chronic flooding, harmful algal bloom, etc. and assessing of their causes
- assessing land and water use controls (laws, programs and practices) to protect water quality and guide appropriate development
- quantifying the benefits of high water quality to local areas and the regional economy
- identifying issues and opportunities
- preparing strategies to protect water quality and promote sustainable economic development and community revitalization
- identifying local, state and other technical and financial resources needed for implementation of proposed projects and actions
- planning for the protection and promotion of natural assets on an intermunicipal watershed basis
- prioritizing projects and actions on an intermunicipal basis to improve and protect water quality
- developing systems to track implementation and measure and report on success
- preparing of a Health Impact Assessment to identify and evaluate public health outcomes of a strategy, approach, or project(s) contained in an existing Watershed Management Plan or one under preparation
- integrating existing LWRP and LWRP Component programs and plans, including those that focus on watershed management, into a more holistic Watershed Management Plan.

Implementation

Applicants with approved or substantially complete LWRP Components focusing on Watershed Management Plans may apply for implementation funding for activities including but not limited to:

- implementation of priority actions to protect and restore water resources
- amendment or adoption of local land and water use controls to provide coordinated watershed management for protecting water quality
- development of education, outreach/training materials and programs to reduce causes of impairments and threats to water quality including the ecological and

financial costs of nonpoint and source water impairments, invasive species, chronic flooding, and harmful algal blooms
- advancement of projects that preserve or restore natural landscapes that protect water quality and catalyze waterfront revitalization including advancing green infrastructure projects that lead to the preservation or restoration of natural landscapes, such as forests, floodplains and wetlands, and/or the reduction of watershed imperviousness and preservation of groundwater infiltration
- feasibility analysis, design or construction water quality projects
- public access projects
- environmental protection projects

VI. REQUIREMENTS FOR IMPLEMENTATION AND CONSTRUCTION PROJECTS

Grant funded work must be done on public property or where there is a permanent public interest established, such as an easement (e.g. public access, conservation), and the predominant purpose is to provide a public benefit. Applicants must indicate the current owner of the land where construction will be performed.

Where the applicant is not the property owner, the applicant must provide:
- the method by which permanent public interest will be established, such as acquisition or easement;
- estimated timeframe when permanent public interest will be secured;
- letter of support from current owner which documents the owner's intent to sell or donate the property; or establish an easement on the property.

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

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

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

In addition to responsibility for compliance with local regulations, the grant recipient is responsible for complying with applicable State and Federal regulations, including, but not limited to:
- State Environmental Quality Review Act;
- State Freshwater and Tidal Wetlands Acts;
- US Army Corps of Engineer permits;
- Coastal Erosion Hazards Areas Act;
- Floodplain Management criteria;
- State and Federal laws and regulations for Historic Preservation; and
- Coastal Zone Management Act (federal)

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

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

VII. FUNDING AND BUDGET GUIDANCE

Determining State Funding Request

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

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

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

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

Eligible Costs

Costs must be adequately justified and directly support the project. Proposed total project costs must be essential to project completion.

Grant funds may be used for the following costs:

> **Personal Services** – including direct salaries, wages, and fringe benefits for activities related to project work by municipal employees, including project management, capacity building, and grant administration. Fringe benefits must be outlined in the application and include the organizations' documented rate.
>
> **Non-Personal Services –** including supplies and materials, travel, equipment, consultant/contractual services for direct project related costs, project management, capacity building, limited grant administration, and other goods and services.

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

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

Grant administration activities may include preparation of reports, vouchers, contract related administration and compliance with grant record keeping and reporting requirements. Grant administration may not exceed 15% of the award amount or $50,000, whichever is less.

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

Ineligible Costs

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

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

Salaries and other expenses of elected officials 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.

Fund raising events/expenses

Federal funding

Other Environmental Protection Fund awards

Land acquisition (except as noted above)

Taxes, insurance, fines, deficit funding

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

Contingency costs

Lobbying expenses

Cost incurred prior to the contract start date

Costs that are not adequately justified or that do not directly support the project

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

Local Match
State assistance awarded and paid shall not exceed 75% of the total eligible cost for the project, except where the proposed project is located in an environmental justice community, in which case state assistance awarded and paid shall not exceed 85% of the total eligible cost for project. The total eligible cost of the project is the total of costs set forth in the grant application, less any federal assistance and other state assistance from the Environmental Protection Fund. In addition, the Environmental Protection Fund grants provided under this program may not be used as the local match for any federal grants without explicit written permission from the Department. Local match must be outlined in the application for consideration. State assistance payments will be made to grant recipients based on actual expenditures for eligible costs up to the amount of the grant awarded.

> **Volunteer services** included in the local match are limited to those that are required to complete project tasks. Volunteer services must be listed in the application. Documented volunteer services (non-professional or administrative) may be valued at up to $15.00 per hour. Credit for project related volunteer services requires submission of detailed accurate records using Department approved forms to account for volunteer services to be included as local match. Failure to do so will result in non-approval of accrued volunteer hours for documented match.
>
> **Paid and unpaid donated professional services** included in the local match are limited to those that are required to complete project tasks and only when services provided are in direct relation to the profession of the individual providing these services. Donated professional services must be listed in the application. Professional or technical services, such as engineering, legal, design, planning, and project management services will be valued at a rate of $60.00 per hour. Construction and other labor services will be valued at the prevailing wage rate set for the locality where the work is performed. Applicants must provide a description of the work to be undertaken by each individual and the reason for using a donated professional services rate rather than the volunteer services rate in the grant application.
>
> Donated services that are not directly related to a profession will be considered as local match at the volunteer services rate. In all cases, detailed accurate records must be kept using Department approved forms to account for services to be included as local match.

Environmental Justice

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

Environmental justice efforts focus on improving the environment in communities, specifically minority and low-income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities. As established in NYS Department of Environmental Conservation Commissioner Policy 29 on Environmental Justice and Permitting (CP-29), Potential Environmental Justice Areas are 2000 U.S. Census block groups of 250 to

500 households each that, in the 2000 Census, had populations that met or exceeded at least one of the following statistical thresholds:

- At least 51.1% of the population in an urban area reported themselves to be members of minority groups; or
- At least 33.8% of the population in a rural area reported themselves to be members of minority groups; or
- At least 23.59% of the population in an urban or rural area had household incomes below the federal poverty level.

Urban and rural designations for census block groups were established by the U.S. Census Bureau. See CP-29 for more information.

Maps depicting potential environmental justice areas are available on the NYS Department of Environmental Conservation website: https://www.dec.ny.gov/public/911.html.

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

- The Project Funding and Program Budget section in the CFA should clearly indicate the applicant is seeking State funding from the Local Waterfront Revitalization Program in the amount equal to 85% of the total project cost. This should also be clearly indicated in the LWRP Budget Summary & Detail spreadsheet, submitted as an CFA attachment.

- For applications to prepare or update an LWRP for one municipality, a portion of the LWRP boundary area must meet the environmental justice criteria for the grant to receive state assistance of 85% of the total project cost.

- For applications for design and construction projects, a portion of the project must be located within an Environmental Justice Area for the grant to receive state assistance of 85% of the total project cost.

- For projects that include multiple municipalities, every municipality must meet the Environmental Justice criteria for the grant to receive state assistance of 85% of the total project cost.

- Department GIS analysis must confirm the project is located within a Potential Environmental Justice Area as mapped by the NYS Department of Environmental Conservation. Confirmation will be determined during the application review.

Sub-contracts

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

VIII. AWARD METHOD

A total score of 100 points is possible for any application, of which up to 80 points is derived from program criteria and 20 points from the Regional Economic Development Council (REDC) endorsement.

REDC points are based on regional economic priorities and are assigned by the REDCs.

The Department will fund the highest scoring applications until the allocated funds are exhausted. Approximately $15 million is anticipated for awards for this procurement, with up to $2 million for updates to existing LWRPs to mitigate future physical climate risks. Approximately $9 million will be awarded for projects which are in, or primarily serve, areas where demographic and other relevant data demonstrate that the areas are:

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

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

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

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

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

IX. APPLICATION EVALUATION CRITERIA

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

Minimum Criteria

Eligible applicants are villages, towns, cities, and counties with the consent and acting on behalf of one or more eligible villages, towns, or cities which are located along New York's coasts or designated inland waterways. Applications will also be assessed to determine if the proposed project is an eligible activity and to ensure that the applicant has documented the ability to provide the required local match. Failure to meet these criteria will result in immediate disqualification of the application, which will not be further evaluated.

Program Criteria (maximum of 80 points)
Applications will be evaluated to assess the degree to which they meet the elements of each criterion.

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

Local Waterfront Revitalization Program (maximum of 4 points)

- Applicant has a Local Waterfront Revitalization Program which has been locally adopted and approved by the NYS Secretary of State. LWRPs for municipalities within the coastal area must also have received or be in the process of obtaining federal concurrence by the U.S. Office of Coastal Management
- Project will prepare an LWRP or LWRP update for one or more eligible municipalities located along New York's coasts or inland waterways as designated pursuant to Executive Law, Article 42

Vision (maximum of 4 points)

- Creates or advances long-term community revitalization goals and capitalizes on assets, or identifies opportunities for addressing problems documented in an existing LWRP, LWRP Components, or Designated Brownfield Opportunity Area Plans where applicable

Process (maximum of 8 points)

Public Engagement *(maximum of 4 points)*
- Describes an effective approach and process that will be followed to ensure ongoing public participation and engagement during project development, including the involvement of partnering municipalities and the general public
- Demonstrates that the public and stakeholders who would be effected by, or who can advance the project, will be engaged in project planning and implementation

Local Capacity and Previous Performance *(maximum of 4 points)*
- Demonstrates that an effective organizational structure exists to advance and complete the project
- Previously demonstrated capacity and effective organizational structure to manage more than one EPF LWRP project (Only pertains to applicants which have one or more open EPF LWRP contracts)
- Demonstrated high quality performance under previous EPF LWRP contracts, timely submission of contract deliverables, completion of work within five years or less and submission of contract close out documents within 60 days of the contract end date
- Required contract status reports submitted to the Department in a timely manner
- Payments to MWBEs recorded in the NYS Contract System in a timely manner
- Payment requests submitted to the Department on a regular basis

Strategies (maximum of 24 points)

Regional Significance *(maximum of 4 points)*
- Improves or protects natural, cultural or economic resources of regional significance
- Advances State coastal policies
- Ensures an appropriate balance between development, open space and natural resource protection within the regional context

- Advances efforts to resolve shared issues through creative intermunicipal partnerships
- Redevelops and/or revitalizes a regional center
- Provides a public facility of greater than local importance
- Advances the completion or implementation of a plan or strategy that addresses critical issues and opportunities of regional significance
- Advances regional strategies which address carbon reduction/abatement, energy efficiency or renewable energy

Local Significance *(maximum of 4 points)*
- Advances an approved or substantially completed LWRP, or LWRP Component
- Advances completion of a new phase of a project previously funded by EPF LWRP
- Creates or implements a plan for community resiliency
- Protects, preserves, enhances or restores archeological, historic and/or cultural resources
- Implements a public amenity that is an identified priority for a community
- Addresses environmental justice issues
- Advances the completion or implementation of a plan or strategy that addresses critical issues and opportunities of local significance

Public Value *(maximum of 4 points)*
- Promotes or implements strategies that include integration of all income, ethnic and age groups
- Ensures predictability in land use regulations and procedures
- Incorporates and advances pedestrian, bicycle and paddling trails that connect people to parks, nature and public spaces; community landscaping using native species; and accessible neighborhood parks
- Advances the completion of a plan or strategy that enhances the quality and availability of public resources within a community or region, including improving, protecting, and restoring water quality
- Improves or expands visual/physical access to public resources, provides new/enhanced public spaces, or enhances community character/visual environment
- Improves or expands water-dependent public recreation opportunities
- Promotes positive public health outcomes and/or avoids or mitigates negative public health outcomes

Resiliency & Sustainability *(maximum of 4 points)*
- Ensures that governmental decision-making is based on sound science and considers cumulative effects
- Promotes a mix of land uses and concentrates new development in urban centers where infrastructure and public services are adequate
- Incorporates and advances green infrastructure through preservation and restoration of natural landscapes, or green infrastructure policies that reduce watershed imperviousness, and preserve groundwater infiltration
- Provides a framework that encourages development or redevelopment of communities in sustainable locations
- Incorporates and advances carbon reduction/abatement, energy efficiency or renewable energy
- Improves community resiliency to a changing climate, including both adaptation and mitigation strategies to proactively address risks and reduce vulnerabilities

Economic Value *(maximum of 4 points)*

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

Natural Resource Value *(maximum of 4 points)*

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

Implementation (maximum of 12 points)

Scope of Work *(maximum of 4 points)*

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

Time Frame *(maximum of 4 points)*

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

Project Readiness *(maximum of 4 points)*

- Demonstrates the ability to proceed with project upon award
- Demonstrates preliminary work needed to advance the proposed project phase has been completed (for example, if a construction project, designs have been prepared, permits and/or other approvals obtained, or at least submitted, to facilitate construction)
- Demonstrates site control has been established (i.e. easements, acquisition etc.)

Leveraging Resources and Partnerships (maximum of 4 points)

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

- Creates or advances regional, intermunicipal, intergovernmental, public, private, or not-for-profit partnerships
- Demonstrates support from stakeholder(s) directly impacted by project

Performance Measures (maximum of 4 points)

- Demonstrates how the project will be monitored and progress recorded to achieve milestones and complete individual products and deliverables according to the project schedule and timeline
- Proposes logical metrics to quantify anticipated benefits of the project

Evaluation of Budget and Cost (maximum of 20 points)

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

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

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

Regional Economic Development Council Endorsement (maximum of 20 points)

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

X. CONTRACT REQUIREMENTS

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

Standard Cost Reimbursement Contract
Each successful applicant must enter into a standard cost reimbursement contract with the Department which includes an agreed upon work plan, any other attachments or exhibits, and

the standard clauses required by the NYS Attorney General for all state contracts including Attachment A along with Article 15-A of the New York Executive Law. The contract will: 1) be subject to approval by the Attorney General and State Comptroller; 2) require submission of final products in both hard copy and electronic format; 3) be subject to payment only upon proper documentation and compliance with reimbursement procedures; and all other contractual requirements. A copy of a standard contract along with Attachment A and Article 15-A is available from the Department.

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

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

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify to the Department that applicable public bidding procedures of General Municipal Law §103 were followed for all service, labor, and construction contracts involving more than $35,000 and all purchase contracts involving more than $20,000. In the case of contracts by municipalities service, labor, and construction contracts involving not more than $35,000 and purchase contracts involving not more than $20,000, the municipal attorney, chief legal officer or financial administrator shall certify that the procedures of the municipality established pursuant to General Municipal Law §104-b were fully complied with, in addition to the MWBE requirements.

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

Record Retention and Audits
The successful applicant shall establish and maintain, in paper or electronic format, complete and accurate books, records, documents, receipts, accounts, and other evidence directly pertinent to its performance under the Master Contract with the Department. Payment requests may be subject to periodic reviews. The successful applicant will be required to agree to produce and retain for the balance of the term of the Master Contract, and for a period of six years from the later of the date of (i) the Master Contract and (ii) the most recent renewal of the Master Contract, any and all Records necessary to substantiate upon audit, the proper deposit and expenditure of funds received under the Master Contract. Such records may include, but not be limited to, original books of entry (e.g., cash disbursements and cash receipts journal), and the following specific records (as applicable) to substantiate the types of expenditures noted (i) personal service expenditures: cancelled checks and the related bank statements, time and

attendance records, payroll journals, cash and check disbursement records including copies of money orders and the like, vouchers and invoices, records of contract labor, any and all records listing payroll and the money value of non-cash advantages provided to employees, time cards, work schedules and logs, employee personal history folders, detailed and general ledgers, sales records, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (ii) payroll taxes and fringe benefits: cancelled checks, copies of related bank statements, cash and check disbursement records including copies of money orders and the like, invoices for fringe benefit expenses, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (iii) non-personal services expenditures: original invoices/receipts, cancelled checks and related bank statements, consultant agreements, leases, and cost allocation plans, if applicable, (iv) receipt and deposit of advances and reimbursements: itemized bank stamped deposit slips, and a copy of the related bank statements.

MWBE Utilization
Applicants are required to create a plan for compliance with the Certified Minority-And Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women requirements as part of this application.

The plan will include a **detailed** statement, with the project description, on how you intend to meet the MWBE goals with your project. The following should be included in the statement:

1. Your project's MWBE goal amount, determined by using the MWBE GOALS CALCULATION Template.
2. The names of general circulation, trade association, and MWBE-oriented publications in which you plan to solicit certified MWBEs for the purposes of complying with the participation goals related to your project.
3. A list identifying the date(s) that all solicitations for certified MWBE participation plan to be published in any of the above publications.
4. A list of all certified MWBEs appearing in the NYS Directory of Certified Firms that will be solicited for purposes of complying with your certified MWBE participation goal. The Directory can be viewed at: https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?XID=7637&TN=ny.
5. Descriptions of the notices, dates of contact, letters, and any other correspondence that will be made to all certified MWBEs.
6. A description of any contract documents, plans, or specifications to be made available to certified M/WBEs for bid solicitation purposes and the proposed date and manner in which these documents will be made available.

The plan for compliance shall be uploaded as part of the application. Additional information may be found in Appendix 1.

If your project is selected for an award, you will be required to comply with all the contractual requirements, including demonstrating that a good faith effort has been made to meet the goals for certified MWBE firms participation as stated in the executed contract and in accordance with Article 15-A of the Executive Law.

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

Contract Period
Subject to the continued availability of funds in the budget, the contract period shall not exceed five years from the start of the project. No extensions are anticipated. The earliest start date of contracts is April 1, 2019. Upon request by the grant recipient, with a showing of good cause, the contract start date may be set to a date in the future not to exceed 12 months beyond the contract execution date. Special consideration for extensions due to extreme extenuating circumstances will only be granted on a case-by-case basis.

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

XI. SATISFACTORY PROGRESS

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

XII. GENERAL SPECIFICATIONS

1. By signing the “Application Form” each applicant attests to its express authority to sign on behalf of the applicant and to the accuracy of the information contained therein. Applications containing false or inaccurate information may be disqualified upon verification of information by the Department.
2. Contractors will possess, at no cost to the State, all qualifications, licenses and permits to engage in the required business as may be required within the jurisdiction where the work specified is to be performed. Workers to be employed in the performance of this contract will possess the qualifications, training, licenses and permits as may be required within such jurisdiction.
3. Submission of any application indicates the applicant’s acceptance of all conditions and terms contained in this RFA, including the terms and conditions of the contract.
4. Provisions upon default:
    a. The services to be performed by the applicant shall be at all times subject to the direction and control of the Department as to all matters arising in connection with or relating to the contract resulting from this RFA
    b. In the event that the applicant, through any cause, fails to perform any of the terms, covenants or promises of any contract resulting from this RFA, the Department acting for and on behalf of the State, shall thereupon have the right to terminate the contract by giving notice of the fact and date of such termination to the applicant

c. If, in the judgment of the Department, the applicant acts in such a way which is likely to or does impair or prejudice the interests of the State, the Department acting on behalf of the State, shall thereupon have the right to terminate any contract resulting from this RFA by giving notice of the fact and date of such termination to the contractor. In such case, the contractor shall receive equitable compensation for such services as shall, in the judgment of the Department, have been satisfactorily performed by the contractor up to the date of the termination of this agreement, which such compensation shall not exceed the total cost incurred for the work in which the contractor was engaged at the time of such termination, subject to audit by the State Comptroller.

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

w. Not to make any awards pursuant to this RFA. This RFA does not commit the Department to award any contracts, to pay the costs incurred in the preparation of a response to this RFA, or to procure or contract for services.

Appendix 1

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

I. MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES PARTICIPATION

NEW YORK STATE LAW

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

Business Participation Opportunities for MWBEs

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

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

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

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

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFA, such finding constitutes a breach of contract and Department may withhold payment as liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had

the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

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

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

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

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

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

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

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

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

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

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

Equal Employment Opportunity Requirements

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

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

A. Submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement (***Form A***) to the Department.

B. Submit a Workforce Utilization Report ***(Form C)*** and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by the Department on a quarterly basis during the term of the Contract, to the Bureau of Fiscal Management at:

   Email: dos.sm.mwbe@dos.ny.gov

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

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

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

If an applicant chooses to move forward with a project prior to any award announcement, they are responsible for meeting MWBE requirements established by the State of New York. The

requested plan, as described herein, is intended to help an applicant think about how to comply with the regulations and provide information showing their due-diligence to comply with the MWBE requirements.

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

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

1. A DETAILED statement with the project description (any special characteristics, needs, specifications, etc.), and an explanation setting forth your basis and justification for requesting a partial or total waiver of the MWBE goals.
2. A copy of the completed MWBE GOALS CALCULATION Template, found on the DOS funding page.
3. The names of general circulation, trade association, and MWBE-oriented publications in which you solicited certified MWBEs for the purposes of complying with your participation goals related to this Contract.
4. A list identifying the date(s) that all solicitations for certified MWBE participation were published in any of the above publications.
5. A list of all certified MWBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified MWBE participation levels.
6. Documentation of your search in the NYS Directory of Certified Firms (e.g.: Printouts, screenshots).
7. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation, if an identical solicitation was made to all certified MWBEs. Any information and/or documentation to support the efforts to follow up with the MWBEs.
8. Copies of responses to your solicitations received by you from certified MWBEs
9. A description of any contract documents, plans, or specifications made available to certified MWBEs for purposes of soliciting their proposals and the date and manner in which these documents were made available.
10. Documentation of any negotiations between you and the MWBEs undertaken for purposes of complying with the certified MWBE participation goals.
11. Any other information you deem relevant which may help us in evaluating your request for a waiver.
12. The name, title, address, telephone number, and email address of your representative authorized to discuss and negotiate this waiver request.
13. Copy of notice of application receipt issued by Empire State Development (ESD), if subcontractors are not certified MWBE, but an application has been filed with ESD.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the

withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

II. SERVICE-DISABLED VETERAN-OWNED BUSINESSES PARTICIPATION

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

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

The Division of Service-Disabled Veterans' Business Development (DSDVBD) is housed within the New York State Office of General Services (OGS), and maintains a directory of the NYS Certified SDVOBs. For assistance with engaging SDVOB vendors in your contracts, please contact the Division of Service-Disabled Veterans' Business Development at the following email address: VeteransDevelopment@ogs.ny.gov, or the DOS Bureau of Fiscal Management – SDVOB Program at dos.sm.sdvob@dos.ny.gov. The directory of certified SDVOB vendors can be found at: https://ogs.ny.gov/Veterans/Docs/CertifiedNYS_SDVOB.pdf

Brownfield Opportunity Area Program

Funding Available: Up to $2 million

I. INTRODUCTION

The Department of State (Department) is soliciting applications through the New York State Consolidated Funding Application (CFA) from eligible municipalities, community-based not-for-profit organizations, and NYC Community Boards to complete: (1) a Brownfield Opportunity Area (BOA) Nomination for a community affected by known or suspected brownfields, or (2) predevelopment activities within a BOA where a Nomination forms the basis for a designation by the Secretary of State (referred to here as a State-Designated BOA).

Brownfields include real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria, or guidance adopted by New York State Department of Environmental Conservation that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Known or suspected site contamination of real property can impede investment and redevelopment, making such property an economic and environmental drain on localities. Through the New York State Department of State BOA Program, these known and suspected brownfields are transformed from liabilities to community assets that generate businesses, jobs and revenues for local economies and provide new housing and public amenities.

The BOA program applies a neighborhood or area-wide approach, rather than the traditional site-by-site approach, to the assessment and redevelopment of known or suspected brownfields and other vacant or abandoned properties. The neighborhood approach enables communities to comprehensively assess existing economic and environmental conditions associated with brownfield blight and impacted areas; identify and prioritize community supported redevelopment opportunities; and attract public and private investment. The types of neighborhoods and areas where program resources are being applied include industrial/manufacturing, commercial corridors, residential, downtowns and waterfronts.

Through the BOA Program, communities are empowered to:

- Address a range of problems posed by multiple known or suspected brownfield sites;
- Build community consensus on the future uses for the area with an emphasis on strategic sites that are known or suspected brownfields;
- Establish sustainable goals and objectives for area-wide revitalization and for redevelopment of strategic sites;
- Identify and establish the multi-agency and private-sector partnerships necessary to leverage assistance and investments to revitalize downtowns, neighborhoods, and communities;
- Address environmental justice concerns and promote environmental equity in areas that may be burdened by negative environmental consequences.
- Engage in post BOA-designation activities to implement the community's vision.

It is expected that BOA Nominations developed through this program will be submitted to the Secretary of State in support of a request for BOA designation. BOA designation conveys certain benefits to an area that promotes redevelopment consistent with the vision, goals and objectives outlined and reported in the BOA Nomination. Applications for pre-development activities are expected to implement the vision, goals and objectives of the State-Designated BOA.

The BOA Program is a reimbursement program. State assistance awarded and paid through the BOA Program shall not exceed 90% of the total eligible project costs set forth in the application and approved by the Department of State (Department). Upon execution of a state-assistance contract, BOA Program grantees may request an advance payment of up to 25% of the total grant. Such advance payment requests are subject to the Department's approval and the availability of funds.

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

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

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

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

The Department is making approximately $2,000,000 available for BOA Program grants.

This Request for Applications is available at http://www.dos.ny.gov/funding/.

II. APPLICANT ELIGIBILITY

Eligible applicants are municipalities, community-based organizations and New York City community boards, as defined below:

Municipality – A municipality is defined as a city, village, town, county, local public authority, public benefit corporation, school district, or special improvement district, or an Indian nation or tribe recognized by New York State or the United States with a reservation wholly or partially within the boundaries of New York State.

Community Based Organization - A community-based organization must be a not-for-profit corporation under Section 501(c)(3) of the Internal Revenue Code at the time of application. In addition, its stated mission must be to promote reuse of brownfield sites or community revitalization within the geographic area in which the community-based organization is located; it must have 25 percent or more of its Board of Directors residing in the community in such area; and it must represent a community with a demonstrated financial need.

Community Board – A Community Board is unique to New York City and is defined and described in Section 2800 of the New York City Charter.

Joint Applications
Two or more eligible applicants are encouraged to work in partnership and jointly apply for funding for a BOA project that would improve an area of mutual interest or concern. Joint applicants should identify the municipality, community-based organization, or community board that the Department should recognize as the primary applicant for all purposes, including contract award.

III. FUNDING

State assistance awarded and paid to a grant recipient shall not exceed 90% of the total eligible cost of a BOA Nomination study or for costs associated with an eligible pre-development project. A grant recipient is required to provide the remaining 10% of total project costs. State assistance payments will be made to a grant recipient based on actual expenditures for eligible project costs up to the amount of the grant awarded, but not to exceed 90% of the eligible expenditures documented.

The maximum grant award under this solicitation is $300,000. There is no minimum State assistance request. Budgets should be fully justified and directly support all proposed activities.

IV. ELIGIBLE ACTIVITIES

Two types of activities are eligible for funding as BOA projects:

(1) Development of a BOA Nomination; and
(2) Undertaking Pre-Development Activities within a State-Designated BOA.

(1) Development of a BOA Nomination

A BOA Nomination is a study that generally consists of a community vision, goals and strategies for revitalization of an area affected by a concentration of known or suspected brownfields. A full Nomination provides an in-depth and thorough description and analysis -- including an economic and market trends analysis -- of existing conditions, opportunities, and re-use potential for properties located in the proposed Brownfield Opportunity Area with an emphasis on the identification and reuse potential of strategic brownfield sites that may be catalysts for revitalization. An integral part of a Nomination is a description of key findings and recommendations to promote area-wide revitalization and redevelopment of strategic sites, including specific projects, initiatives, regulations, and other actions. Nominations may also include, as appropriate, detailed analyses and recommendations to advance redevelopment of strategic sites such as conceptual site design, cost estimation, artist renderings, development of pro formas, and marketing strategies.

Achieving revitalization goals requires broad community support, strong partnerships, and sufficient local and regional capacity to overcome obstacles. Therefore, the preparation of a BOA Nomination is expected to include robust community and stakeholder engagement as well as specific actions to develop partnerships and build the local capacity necessary to realize implementation of the plan.

Applicants may apply for funding to prepare or complete a BOA Nomination that contains all the elements necessary to support a request for designation of the BOA by the Secretary of State

and must commit to making such a request when the BOA Nomination is deemed complete by the Department of State.

Nomination elements required for designation of a BOA can be found in the BOA Designation Guidance, which is available on the Department's website at https://www.dos.ny.gov/opd/programs/pdfs/BOA/BOA_Designation_Guidance.pdf.

(2) Undertaking Pre-Development Activities within a State-Designated BOA

Applicants may apply for funding for pre-development activities within a BOA that has been designated by the Secretary of State to advance the goals and priorities for revitalization and redevelopment of the area as expressed in the BOA Nomination completed for the area. A list of Designated BOAs is available on the Department website: http://www.dos.ny.gov/opd/programs/brownFieldOpp/index.html.

Eligible pre-development activities include:

a) Development and implementation of marketing strategies;
b) Development of plans and specifications;
c) Real estate services;
d) Building conditions studies;
e) Infrastructure analyses;
f) Zoning and regulatory updates;
g) Environmental, housing and economic studies, analyses and reports; and
h) Public outreach.

V. ELIGIBLE AND INELIGIBLE COSTS

Eligible Costs
Costs must be adequately justified and directly support the project. Proposed costs must be essential to project completion. Eligible costs include the following:

(a) Personal Services – Personal services include direct salaries, wages, and fringe benefits of grantee employees for activities related to project work, including project management and grant administration. Fringe benefits must be outlined in the application and include the organization's documented rate.

(b) Non-Personal Services – Non-personal services include consultant/contractual services for direct project related costs, project management, and limited grant administration; project related supplies and materials; necessary travel; and other goods and services required to complete the project.

Notes:
Project management activities may include, but are not limited to, oversight and coordination of tasks needed to produce contractual deliverables, coordination of steering committee activities, consultant procurement and oversight, public outreach, and developing or providing local and/or regional capacity to advance revitalization goals.

Grant administration may include, but is not limited to, activities undertaken to comply with grant budgeting, record keeping and reporting requirements, such as preparation and

submission of payment vouchers and other documents required under the grant. Grant administration may not exceed 15% of the award amount.

Sub-contracts for consultant/contractual services should be competitively procured based on the applicable provisions of New York State General Municipal Law and additional requirements as described in this RFA.

Ineligible Costs
Ineligible costs include the following:

(a) Indirect or overhead costs, such as rent, telephone service, general administrative support, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.

(b) Salaries and other expenses of elected officials, whether incurred for purposes of project direction, execution, or legislation.

(c) Costs incurred outside of the contract term.

(d) Costs that are not adequately justified or that do not directly support the project.

VI. PRE-SUBMISSION REQUIREMENTS

Requirements for all Applications
All applicants must submit a resolution adopted by the applicant's governing authority that authorizes submission of the application and identifies the title of the applicant's authorized representative. A standard resolution template is available on the Department website at the following address:
https://www.dos.ny.gov/funding/

Requirements for all Applications for Development of a BOA Nomination
Applicants requesting funding to develop a BOA Nomination must comply with the following minimum community participation activities prior to submitting an application: (1) provide a public comment period of at least thirty (30) days on a draft application; and (2) hold a public meeting on the draft application. Documentation demonstrating compliance must be submitted with the application, including a copy of a public notice for the comment period and meeting, a record of comments received, and the public meeting attendance list and minutes or summary of the meeting.

Requirements for all Applicants from a Community-Based Organization
A Community-Based Organization must register and be pre-qualified through the NYS Grants Gateway before submitting an application under this program. Such applicants will be required to submit documentation of registration and pre-qualification with the NYS Grants Gateway, to include: (1) the Document Vault Identifier (i.e., GDV-XXXXX-XXXX); and (2) the State Pre-Qualification Application Status Report. Information on this process is available at: http://www.grantsreform.ny.gov/Grantees
An application submitted by a Community-Based Organization for funding to develop a BOA Nomination must include a resolution of support from the city, town or village with planning and land use authority over the proposed BOA.

VII. AWARD METHOD

A total score of 100 points is possible for any application of which up to 80 points is derived from program criteria and 20 points from the Regional Economic Development Council (REDC) endorsement.

The Department will fund the highest scoring applications until the allocated funds are exhausted. Approximately $2,000,000 is anticipated for awards for 2019 BOA Program grants.

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

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

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

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

VIII. APPLICATION EVALUATION CRITERIA

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

Threshold Criteria

(a) The application must be submitted by an eligible applicant as previously defined.
(b) The application must be for an eligible activity as previously defined.
(c) Presubmission requirements, as detailed in Section VI of this RFA, have been met.

Applications submitted by ineligible applicants or for ineligible activities will result in immediate disqualification of the application, which will not be evaluated further.

Program Criteria (maximum 100 points)

Applications meeting the threshold criteria will be evaluated to assess the degree to which they meet all program criteria. “BOA project” or “project” used herein means the eligible activity or activities proposed for funding in an application.

(1) Applications to prepare a BOA Nomination: Presence and Impact of Known or Suspected Brownfields *(maximum 12 points)*

- Extent to which the area demonstrates presence of known or suspected brownfields, including vacant, underutilized, deteriorated and abandoned properties.

- Extent to which evidence is presented of economic distress, risk to public health, or other negative impacts of the known or suspected brownfields on the proposed BOA.
- Extent to which area contains known or suspected brownfields that present strategic opportunities to stimulate economic development, community revitalization or the siting of public amenities.

OR

(1) Applications for pre-development projects within a State-Designated BOA: Community Vision and Strategic Opportunities *(maximum 12 points)*

- Extent to which the proposed project will advance the vision and goals of the BOA program as refined by the community in the BOA Nomination for the area.
- Extent to which the project is consistent with the objectives, desired redevelopment and priorities for investment stated in the BOA Nomination.
- Extent to which project relates to strategic opportunities presented by brownfields to stimulate economic development, community revitalization or the siting of public amenities.

(2) Indicators of Economic Distress *(maximum of 6 points)*

The State-Designated BOA or the proposed brownfield opportunity area is characterized by:

- Poverty rate over 15 percent.
- Median family income less than 50 percent of the surrounding area's median income.
- Unemployment rate 125 percent or greater than the statewide unemployment rate.
- 25 percent or more of the area is vacant, abandoned, or otherwise available for industrial or commercial development.
- Located in a federally-designated Opportunity Zone or an Environmental Zone (En-Zone) as defined by the New York State Department of Environmental Conservation.
- Demonstrated disparity compared to the surrounding community when comparing income, property values, vacancy rates, or other relevant indicators of distress.

(3) Local Capacity & Partnerships *(maximum of 6 points)*

- An effective organizational and staffing structure exists to advance and complete the project.
- Support of the project by multiple entities, including but not limited to municipalities, community-based organizations, and/or NYC Community Boards is demonstrated.
- Project will be carried out jointly by a municipality and a community-based organization and/or NYC Community Boards in partnership

(4) Public and Stakeholder Support *(maximum of 6 points)*

- Local leadership supports and is committed to the goals of the BOA project.
- Evidence is provided of public support for the project,
- Evidence is provided of support from stakeholder(s) directly impacted by the BOA project.

(5) Economic Value *(maximum of 6 points)*

- The project offers strategic opportunities to stimulate economic development through redevelopment of known or suspected brownfields.
- The project has potential to generate new and expanded economic activity in the proposed or State-Designated BOA and in the surrounding region.
- The project has potential to increase housing choice for new and existing residents.

- The project has potential to expand job opportunities and eliminate barriers to employment, especially in distressed and high-need areas.
- Planned or actual efficient use or protection of public investment in resources and infrastructure is described.
- Leverage or potential leverage of direct or indirect private investment is demonstrated.

(6) Environmental Value *(maximum of 6 points)*

- The project will promote positive public health outcomes and/or avoid or mitigate negative public health outcomes, especially in underserved and distressed communities, through the clean-up of significant brownfield sites and other activities.
- Potential actions have the potential to mitigate the impacts of climate change through reduction of carbon emissions and/or increase in community resiliency
- The project includes the potential to enhance, protect or restore natural resources and promote green infrastructure.

(7) Public Value *(maximum of 6 points)*

- The project supports a mix of land uses and concentration of new development in urban centers where infrastructure and public services are adequate.
- Potential to expand access to public open space, historic and cultural resources, and other public amenities in underserved areas is described.
- Dynamic, diverse neighborhoods may result from creating opportunities for development of transformative housing, transportation and community projects that include integration of all income, ethnic and age groups, including new Americans (immigrants and refugees) and veterans.

(8) Scope of Work *(maximum of 10 points)*

- A list of project deliverables is included, that is consistent with program objectives.
- The scope of work clearly defines what is to be done; where and how it will be done; who will do it; and when it will be completed.
- The application includes a realistic schedule and time line that includes major tasks, milestones, and completion dates.
- An effective approach and process that will be followed to ensure ongoing and inclusive public participation and engagement during project development is described.
- Demonstrates that the public and stakeholders who would be affected by, or who can advance the project, will be engaged in project planning and implementation.

(9) Evaluation of Budget and Cost (*maximum of 22 points*)

- The application describes and documents how the budget and cost were determined and identifies the person(s) responsible for compiling the budget including the relevant experience and background of all parties and the method/approach used to arrive at estimates. (*Maximum of 5 points.*)
- The budget narrative clearly demonstrates amount, type, and source of eligible local match and demonstrates identified eligible match sources have been secured (*Maximum of 5 points.*)
- The budget includes adequate detail for all project components involved, is cost-effective, presents necessary and realistic costs, and does not contain extraneous or ineligible expenses. Budget is accurate and thorough. Budget narrative includes an explanation for the estimate of each budget line and clearly supports the applicant's need for financial resources requested to achieve project outcome. Budget narrative describes how the grant recipient will monitor expenditures during the life of the project to ensure that the project stays on schedule and within budget. (*Maximum of 12 points.*)

(10) Regional Support *(maximum of 20 points)*
The Regional Economic Development Council for the region in which the project is located, and which is comprised of local experts and stakeholders from business, academia, municipal, and non-governmental organizations, will rate the degree to which the project advances the regional strategic plan and aligns with regional priorities.

IX. NEW YORK STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

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

X. CONTRACT REQUIREMENTS

Standard Cost Reimbursement Contract

Each successful applicant must enter into a standard cost reimbursement contract with the Department, which includes this Request for Applications, the successful applicant's proposal, an agreed upon work program, any other attachments or exhibits, and the standard clauses required by the NYS Attorney General for all state contracts including Attachment A along with Article 15-A of the New York Executive Law. All necessary municipal resolutions and certifications must be received prior to entering into contracts. The contract will be: 1) subject to approval by the Attorney General and State Comptroller; 2) required to submit final products in both hard copy and electronic format; 3) subject to payment only upon proper documentation and compliance with reimbursement procedures; and 4) subject to all other contractual requirements. (A copy of a standard contract along with Attachment A and Article 15-A is available from the Department.)

To ensure that funds are awarded to applicants that are ready to move forward, the Department of State reserves the right to rescind an award if the state contract is not signed and returned within a reasonable period of time. Expenses incurred prior to the start date of the state contract cannot be reimbursed.

Compliance with Procurement Requirements

<u>Municipalities</u>

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

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

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

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

Not-for-Profit Community-Based Organizations

The chief legal officer or financial administrator of the community-based organization, which is a grant recipient and serves as State Contractor, shall certify to the State that alternative proposals and quotations for professional services were secured by use of written requests for proposals through a publicly advertised process satisfactory to meet the MWBE requirements set forth below and to ensure the prudent and economical use of public funds for professional services of maximum quality at reasonable cost.

Community Boards (in New York City)

Chapter 70 of the New York City Charter provides for the creation of community boards for each community district that has been established in the City. Such community boards do not exist outside of New York City.

Each community board in New York City must comply with all laws, regulations, rules and procedures that govern each such board's procurement of contracts, goods and services, and shall certify compliance with such laws, regulations, rules and procedures to the State. Community boards must also certify to the State that all applicable MWBE requirements, including those that are set forth below, have been met.

Record Retention and Audits

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

and cost allocation plans, if applicable, (iii) non-personal services expenditures: original invoices/receipts, cancelled checks and related bank statements, consultant agreements, leases, and cost allocation plans, if applicable, (iv) receipt and deposit of advances and reimbursements: itemized bank stamped deposit slips, and a copy of the related bank statements.

Minority and Women-Owned Business Enterprise Participation

Applicants will be required to comply with and certify that the requirements of Article 15-A of the New York State Executive Law. For purposes of this solicitation, the Department has established an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs).

Contract Period

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

XI. SATISFACTORY PROGRESS

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

XII. GENERAL SPECIFICATIONS

1. By signing the "Application Form" each applicant attests to its express authority to sign on behalf of the applicant(s) and to the accuracy of the information contained therein. Applications containing false or inaccurate information may be disqualified upon verification of information by the Department.
2. Contractors will possess, at no cost to the State, all qualifications, licenses and permits to engage in the required business as may be required within the jurisdiction where the work specified is to be performed. Workers to be employed in the performance of this contract will possess the qualifications, training, licenses and permits as may be required within such jurisdiction.

3. Submission of any application indicates the applicant's acceptance of all conditions and terms contained in this RFA, including the terms and conditions of the contract between the applicant(s) and the Department acting for and on behalf of the State.
4. Provisions upon default:
   a) The services to be performed by the applicant shall be at all times subject to the direction and control of the Department as to all matters arising in connection with or relating to the contract resulting from this RFA.
   b) In the event that the applicant, through any cause, fails to perform any of the terms, covenants or promises of any contract resulting from this RFA, the Department acting for and on behalf of the State, shall thereupon have the right to terminate the contract by giving notice of the fact and date of such termination to the applicant.
   c) If, in the judgment of the Department, the applicant acts in such a way which is likely to or does impair or prejudice the interests of the State, the Department acting on behalf of the State, shall thereupon have the right to terminate any contract resulting from this RFA by giving notice of the fact and date of such termination to the contractor. In such case, the contractor shall receive equitable compensation for such services as shall, in the judgment of the Department, have been satisfactorily performed by the contractor up to the date of the termination of this agreement, which such compensation shall not exceed the total cost incurred for the work in which the contractor was engaged at the time of such termination, subject to audit by the State Comptroller.
5. The Department reserves the right, including but not limited, to:
   a) Reject any or all applications received in response to this RFA.
   b) Withdraw the RFA at any time, at the agency's sole discretion.
   c) Make an award under the RFA in whole or in part.
   d) Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA.
   e) Seek clarifications and revisions of applications.
   f) Use application information obtained through site visits, management interviews and the State's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or information submitted by the applicant in response to the Department's request for clarifying information in the course of evaluation and/or selection under the RFA.
   g) Prior to the application due date, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available.
   h) Prior to the application due date, direct applicants to submit application modifications addressing subsequent RFA amendments.
   i) Change any of the scheduled dates.
   j) Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders.
   k) Waive any requirements that are not material.
   l) Negotiate with applicants responding to this RFA within the scope of the RFA to serve the best interests of the State.
   m) If unsuccessful in negotiating a state contract with the selected applicant within an acceptable time frame, the Department may begin state contract negotiations with the next ranked qualified applicant(s) in order to serve and realize the best interests of the State.
   n) Utilize any and all ideas submitted in the applications received.
   o) Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an application and/or to determine an applicant's compliance with the requirements of the solicitation.
   p) Waive or modify minor irregularities in applications received.

q) Make awards based on geographic distribution.
r) Not to fund an application that fails to submit a clear and concise work plan or budget.
s) Adjust or correct cost figures with the consent of the applicant if errors exist and can be documented to the satisfaction of the Department.
t) Offer partial or no funding to any applicant if its application cannot fulfill its proposed program within the funding restrictions herein;
u) Make additional awards if funding becomes available;
v) DOS reserves the right to require reporting on forms designed for use solely for this procurement; and,
w) Not to make any awards pursuant to this RFA. This RFA does not commit the Department to award any contracts, to pay the costs incurred in the preparation of a response to this RFA, or to procure or contract for services.

Local Government Efficiency Program

Funding Available: Up to $4 million

DESCRIPTION:

The Local Government Efficiency (LGE) Grant program provides funding to local governments to reduce the cost of operations and service delivery, thereby limiting growth in property taxes. Projects can include local government reorganization, shared services, city or county charter revisions that include functional consolidation, and establishment of regional service delivery.

Local government efficiency projects must demonstrate potential financial savings through new or modernized operations and service delivery. Additional benefits may include improved organizational structures and public access to services.

ELIGIBLE APPLICANTS:

Counties, cities, towns, villages, special improvement districts, fire districts, public libraries, association libraries, public library systems - if they advance a joint application on behalf of member libraries, water authorities, sewer authorities, regional planning and development boards, school districts, and Boards of Cooperative Educational Services (BOCES) only to the extent they advance certain joint applications.

ELIGIBLE ACTIVITIES / PROGRAM FUNDING:

Local governments may apply for planning and implementation projects.

- The maximum funding for planning is $12,500 for each local government involved in the project, not to exceed $100,000.
- The maximum funding for implementation is $200,000 for each local government involved in the project, not to exceed $1,000,000.

Applicants are required to provide matching funds for all projects.

- For a planning project, the local cost share must be at least 50% of the total project cost.
- For an implementation project, the local cost share must be at least 10% of the total project cost. (For projects that implement a planning grant previously funded under the LGE program, the grant award for implementation will be increased by the amount of the local matching funds provided for the planning grant).

All grants are reimbursement grants. To receive full funding, awardees must demonstrate that the project has received all appropriate public consideration and referenda where required.

PRE-APPLICATION REQUIREMENTS:

None

SUCCESSFUL APPLICANT REQUIREMENTS:

The Department of State requires that all successful applicants enter into a contract with the State of New York. The contract will be a fixed term agreement and will be dated January 1, 2020 – December 31, 2024. The Department of State may cancel an award if the state contract is not returned in a timely manner.

If an applicant is awarded a grant, the contract must be returned to the Department of State within ninety (90) days from its receipt to ensure that funds go to applicants that are ready to move forward. All projects must be managed in accordance with the terms and conditions of the state contract and follow state and local procurement policies.

Failure to render satisfactory progress or to complete the project to the satisfaction of the state may be deemed an abandonment of the project and may cause the suspension or termination of any financial obligation of the state. Satisfactory progress includes, but is not limited to, execution of the state contract and submission of all necessary documents for execution by the state, submitting timely payment requests in accordance with the payment schedule in the state contract, completing satisfactory work products, and other tasks negotiated and agreed to in the executed state contract.

Expenses incurred after January 1, 2020 are eligible for reimbursement. Recipients of grants must submit project status reports along with every request for payment. Project close-out requires completion of terms and activities outlined in the state contract, including all deliverables identified in the work plan.

The New York Department of State Division of Local Government Services (DLGS) staff monitors each grant and will make site visits during project completion to determine the rate and quality of progress. Notification of contract related meeting schedules and other media events must be provided to DLGS staff. In addition, some projects may be selected for more extensive review and inclusion in the Local Government Efficiency Annual Report submitted to the Governor and Legislature, and may be used as a resource for providing technical assistance.

INELIGIBLE ACTIVITIES:
For this application, projects shall not include plans for a local government re-organization eligible to receive funding pursuant to the New York Department of State Local Government Citizens Re-Organization Empowerment Grant (CREG). CREG assists local governments with planning and implementation actions for consolidation or dissolution pursuant to General Municipal Law 17-A. Applications for CREG funding can be submitted monthly. Please visit http://www.dos.ny.gov/funding/ for more information on submitting a CREG application.

PROJECT SELECTION CRITERIA:
An application is eligible to receive a total final score of 100, of which 80 percent is derived from program review criteria and 20 percent is allocated to the applicable Regional Economic Development Council (REDC) for concurrency of the project with the regional priorities.

LGE Program Scoring Criteria (Up to 80 points)

Priorities (Possible 15 points)
- The project implements a planning project completed with prior LGE funding. (5 points)
- The project is part of an adopted County-Wide Shared Services Initiative Plan. (5 points)
- The local government utilizes long-term planning, such as comprehensive plans, operating projections and capital investment plans, and has identified how the project is consistent with these plans. (5 points)

Project Need (Possible 5 points)
- Description of the project need based upon existing conditions, including financial challenges, requirements to modify existing services, changes in the municipal workforce or other local government management need.

The Local Government Efficiency program funds both implementation and planning projects and asks different questions based upon the type of application.

Implementation Questions

Fiscal Impact on the Taxpayer (Possible 10 points)

- Description of the potential impact on the property tax levy or user rates from the implementation of the project.

Determination of Cost Savings - (Possible 5 points)

- Description of the analysis and methods used to estimate cost savings to be realized through project implementation. (Applicants must use the Fiscal Impact Worksheet provided in the Request for Application.)

Operational Impact (Possible 5 points)

- Description of the changes expected to occur to current business practices or management operations due to project implementation.

Service Delivery Impact (Possible 5 points)

- Description of the changes to service delivery and public impact from project implementation.

Measuring Future Performance (Possible 5 points)

- Description of the methods that will be used to monitor the long-term performance of the project after implementation.

Project Readiness and Sustainability (Possible 5 points)

- Description of the actions that commit the local governments to complete the project and institutionalize the organizational and/or service delivery changes.

Public Engagement (Possible 5 points)

- Description of the process to be used to ensure transparency, public participation and stakeholder engagement during project development and implementation.

Planning Questions

Type of Planning (Possible 10 points)

- Implementation Plan – 10 points
- Functional Consolidation Study - 6 points
- General Shared Services Study - 3 points

Fiscal Impact on the Taxpayer (Possible 10 points)

- Description of how the project's potential to impact the property tax levy or user rates.

Operational Impacts (Possible 5 points)

- Description of potential changes to business practices or management operations associated with the impacted services.

Service Delivery Impact (Possible 5 points)

- Description of the prospective impacts on the delivery of services and how the public will be affected by the project.

Project/Partner Readiness (Possible 5 points)

- Description of actions taken to commit the local governments to complete the project.

Public Engagement (Possible 5 points)

- Description of the process to ensure ongoing transparency, public participation and stakeholder engagement.

Work Plan and Budget Questions

Work Plan Detail (Possible 5 Points)

- Evaluation of the clarity and detail of the work plan, including the project timeline, specific phases and associated tasks, and deliverables.

Cost Determination (Possible 10 Points)

- Evaluation of the method and approach used to generate budget estimates.

Budget Detail (Possible 5 Points)

- Evaluation of how funding will be used to complete individual tasks for all work plan objectives.

ADDITIONAL RESOURCES: http://www.dos.ny.gov/lg/lge/index.html

New York State Canal Corporation

Canalway Grants Program

Funding Available: Up to $1 million

DESCRIPTION:
The "Canalway Grants Program" includes up to $1.0 million in competitive grants available to eligible municipalities, and 501(c)(3) non-profit organizations along the New York State Canal System for canal related capital projects. The minimum grant request amount is $25,000. The maximum grant request is $150,000. Grant administration and pre-development costs shall not exceed 10% of the grant award amount. These costs may be used as part of the applicant match though, with no cap.

FUNDING PRIORITIES:
Projects proposed for Canal funding should demonstrate how they will achieve some or all of the following for the NYS Canal System including the Canalway Trail: expand public access, increase visitation and recreational use, stimulate private investment, improve services and amenities for Canalway land and water trail users, and enhance the connections between the canal and the corresponding region consistent with the Regional Economic Development Councils Strategic Plans http://regionalcouncils.ny.gov/

Priority in this round will be given to projects that encourage canal related tourism and stimulate private investment in tourism infrastructure

Priority will also be given to projects that enhance physical accessibility, employ principles of universal design and promote social inclusion.

Applicants are also encouraged to explore additional state agency funding sources for tourism marketing projects and/or programs, waterfront development, recreational access and historic preservation

In addition, proposed canal related projects that are consistent with the following state wide initiatives will be looked upon favorably:

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

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

Environmental Justice
Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As we transition to a greener economy, it is imperative that no subset of the population be marginalized or left behind.

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

ELIGIBLE TYPES OF APPLICANTS:

- Municipalities
- 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 project expenses include, but may not be limited to: constructing new buildings, trail sections, vessels or structures; constructing additions or improvements that enlarge, expand, or enhance existing buildings, trail sections, vessels or structures; new systems in existing buildings, vessels or structures (HVAC, plumbing, electrical, mechanical, propulsion); substantial renovations or preservation of existing buildings, trail segments, vessels or other structures, including reconfigurations (removal or construction of walls, ceilings and flooring, windows, window frames, hulls); site preparation and improvements associated with a project (excavation, demolition, roadways, sidewalks, exterior lighting, sprinkler systems, utility hook-ups); acquisition of furnishings, fixtures, machinery and equipment with a useful life in excess of five years including signs and interpretive exhibits, constructing or rehabilitating docks or bulkeaheads for the purpose of public access to and from the Canal System; and/or hazardous waste clean-up associated with a project, retrofitting for energy efficiency

PRE-APPLICATION REQUIREMENTS:

Boundary Eligibility: Projects must be located along one of the four canals of the Canal System (Erie, Champlain, Oswego and Cayuga-Seneca), trail linkages or connections to existing Canalway Trail segments, or the historic canal alignment.

Applicants must demonstrate a minimum of 50% matching funds. Eligible matching funds include federal, local, private and **other agency** state funding (Canal Corporation funds may not be used towards matching funds).
Eligible match also includes the value of in-kind services and donations. See Award Criteria for more details on eligible match.

The applicant is responsible for obtaining all required permits and approvals from federal, state, and local agencies, such as the U.S. Army Corps of Engineers, NYS Department of Environmental Conservation and NYS State Office of Parks, Recreation and Historic Preservation, and any others that may be required by the NYS Canal Corporation.

Please note that the New York State Canal Corporation is subject to the State Smart Growth Public Infrastructure Act (Chapter 433 of the Laws of 2010) and must, to the extent possible, make funding decisions consistent with the provisions of that Act.

SUCCESSFUL APPLICANT REQUIREMENTS:

For projects proposed by a municipality, the municipality will be lead agency for purposes of the State Environmental Quality Review Act (SEQRA) or will be responsible for initiating lead agency designation procedures, if there are other involved agencies. For new projects initiated after receipt of the grant award letter, the Canal Corporation shall be an involved agency. The

municipality shall meet the procedural and substantive requirements of SEQRA and all other state, federal or local law, rules, regulations, ordinances, codes and requirements. For non-profit organizations, the Canal Corporation will determine whether it will proceed as lead agency, initiate the lead agency designation process or refer lead agency to the local municipality. If the project is a Type I or Unlisted Action, the Environmental Assessment Form will be required prior to contract for award. If a Determination of Significance has been established, documentation will be required prior to contract for award.

Grant funds will be provided on a reimbursement basis **ONLY**. Receipts, invoices and other documentation must meet the requirements of the Canal Corporation. Reimbursement will only be provided for projects or portions of a project initiated ***after*** the date of the grant award letter from the Canal Corporation. Projects may be initiated prior to receipt of the award letter, and ***matching expense*** documentation will be accepted for expenses up to one year prior to the date of the award letter, but reimbursement will ***only*** be provided for portions of the project initiated ***after*** the date of the award letter.
Reimbursement payments **will not** be issued prior to final contract execution.

The Canal Corporation reserves the right to reallocate funding and grant awards based upon available funds and grant requests.

INELIGIBLE ACTIVITIES:

- Use of grant funds for land acquisition is prohibited (however the costs of acquisition may be used as a local match)
- Grant funds cannot be used to cover operating expenses

SELECTION CRITERIA

Each project will be rated with the following evaluation criteria. Criteria #1, Regional Council Endorsement will carry 20% weight and an independent weighting committee will assign weights for criteria #2 through #11. Final ranking of project applications will be based on a weighted scoring.

Vision, Regional and Statewide Strategies

- *Is the project endorsed by the corresponding Regional Economic Development Council?*
- *Is the project consistent with regional or intermunicipal plans, including the NYS Canal Recreationway Plan http://www.canals.ny.gov/news/crc/plan.html, NYS Department of State "Local Waterfront Revitalization Program" (LWRP), Erie Canalway National Heritage Corridor Management Plan, https://eriecanalway.org/resources/preserve-plan or other regional and local plans?*
- *Does the project connect to, or enhance the Empire State Trail Initiative, meeting at least one of the* six targeted goals of this initiative*?*

Public/ Stakeholders:

- *Is widespread support from residents and other canal stakeholders demonstrated in the application?*

Financial Viability

- *Are the project costs reasonable and clearly defined both in the Budget sheet and in the supporting documents?*
- *Is viable and accessible match clearly demonstrated in the grant budget?*

Innovation/Effectivesness

- *Will the project draw new visitors to the canal and/or encorouge multi-day stays?*
- *Are the project goals consistent with the principles of universal design and social inclusion?*
- *Does the project protect or enhance historic and/or natural resources of the Canal System?*

Implementation

- *Does the project proposal reflect a reasonable and achievable timeframe for completion of the grant funded project including project milestones including identification of parties responsible for project oversight?*
- *Does the project proposal define a reasonable and achievable strategy for the long term operation and maintenance of the project?*

AWARD CRITERIA DETAILS

A 50% match will be required on all grants and must be fully documented according to the requirements of the Canal Corporation and the Office of the State Comptroller.

Principal types of applicant share are:

- **Cash**: Includes grants other than this grant request.
- **Force Account** (Payroll of applicant): Itemize according to job title or job assignment (on project). At the time of the reimbursement request, grant recipients will be required to document time worked, tasks, pay ratio and payment (including components and percentage of fringe benefit rate).
- **Professional Services**: The value of services provided by professional and technical personnel and consultants. Three-year retroactivity applies.
- **Supplies and Materials**: The current market value of items warehoused (not yet installed). Three-year retroactivity applies; use value current at time items were obtained.

- **Volunteer Labor**: Skilled and professional labor can be computed at the job rate. The value for labor (unskilled labor and work performed by professionals or skilled laborers in an area outside of their area of expertise) of an adult (18 and over) donating time to a project may be computed up to the amount identified as the Value of Volunteer Time for New York State at http://www.independentsector.org/volunteer_time
- (For example, a lawyer donating legal services may compute the value based on the standard billing rate, but the value for the same lawyer donating time painting walls will be computed up to the amount identified as the Value of Volunteer Time for New York State).
- **Equipment Usage**: Compute the value according to its fair market rental value in project location.
- **Real Property**: The value of all property acquired, donated or converted from other purposes should be included in the project schedule. One year retroactivity applies to all three categories.

Canal Corporation assistance toward the costs of the project shall not exceed 50% of the approved project cost. The Canal Corporation shall not be responsible for any increases in the total project costs beyond the grant approval amount indicated in the award letter from the Canal Corporation. Qualifying match types include in-kind services, federal funding, other state funding, donated services or volunteer labor, force account (paid labor), supplies, materials and land acquisition (however, grant funds CANNOT be used for land acquisition.) Donated professional services should be valued at the prevailing hourly rate with overhead costs.

Maintenance and operation of facilities receiving grants will be the responsibility of the applicant. All successful applicants will be required to enter into a formal contract and agree to other legal documents with the Canal Corporation to ensure the long term protection of the property and also restrict changes in the use of the property. A preservation covenant or conservation easement must be conveyed for work involving historic resources.

The liability for projects constructed, owned and maintained by awardees on real property not under the jurisdiction of the Canal Corporation will remain with the grant awardees. Projects on Canal Corporation real property must be designed and constructed with Canal Corporation approval and in accordance with engineering and design standards of the Canal Corporation. Projects must provide for public safety and must not interfere with canal operations or navigation. Projects will be required to meet all applicable insurance requirements.
Projects on Canal Corporation real property may require the purchase, lease or permitting of the real property from the Canal Corporation, in accordance with all applicable laws and regulations and the Canal Corporation's "Canal Real Property Management Policy" and standard operating procedures.
Project plans must be reviewed and approved by the Canal Corporation before advertisement or contract letting. Every project must comply with all applicable local, state and federal laws, rules, regulations, requirements, ordinances and codes.

ADDITIONAL RESOURCES
For more information, eligible applicants should contact the New York State Canal Corporation, 30 South Pearl Street, Albany NY 12207 www.canals.ny.gov
http://www.canals.ny.gov/community/grant.html
procurement@canals.ny.gov

New York State Energy Research and Development Authority

Energy Efficiency Programs
Funding Available: Up to $10 million available

NYS Energy Research and Development Authority - Flexible Technical Assistance

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

ELIGIBLE TYPES OF APPLICANTS:
FlexTech is funded on a first-come, first-served basis until funds are exhausted. Eligible Applicants are New York State electricity distribution customers of a participating utility company, who pay into the System Benefits Charge (SBC). The SBC may be a line item on the customer's utility bills.

Eligible Applicants include, but are not limited to:

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

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:
Customers who are in need of a service provider may choose from NYSERDA's FlexTech Consultant list comprised of firms under NYSERDA contract who have been competitively selected to provide technical services across the state. The current list of FlexTech Consultants is available on NYSERDA's website at www.nyserda.ny.gov/flextech. Alternatively, customers may select their own service provider. Potential service providers include, but are not limited to: ESCOs, energy consultants, and engineering companies.

Eligible study categories include:

- Energy efficiency technical analyses
- Investigation of an advanced technology or system
- Creation of a long-term energy plan
- Investigation of deep energy savings
- Addressing energy as a component of process efficiency improvements through Engineer-on-Demand (for companies engaged in Lean, 6-Sigma, Total Quality Management or other continuous improvement activities)
- Investigation of Clean Heating and Cooling Systems including Air Source Heat Pumps, Ground Source Heat Pumps, Variable Refrigerant Flow, and Solar Heating and Cooling
- Investigation of distributed energy resources
- Use of simulation or infrastructure management tools to investigate energy saving opportunities in data centers

PRE-APPLICATION REQUIREMENTS:
Customers must be contributing to the SBC. Work conducted prior to scope of work receipt is not eligible for cost-sharing.

SUCCESSFUL APPLICANT REQUIREMENTS:
Successful Applicants will work with NYSERDA staff, their NYSERDA FlexTech Consultant, or chosen service provider, to develop a detailed and site specific scope of work. This scope of work will then be reviewed and approved by NYSERDA. Please contact NYSERDA for scope of work requirements.

Upon NYSERDA approval of the scope of work, NYSERDA will issue a Purchase Order for the project. Applicants may begin study execution upon NYSERDA's receipt of the scope of work at their own risk. Cost-share funds are not committed until the application and scope of work are approved and a Purchase Order is issued.

The draft final report will then be developed and submitted to NYSERDA for review and comment. Please contact NYSERDA for final report requirements. Upon NYSERDA approval of the final report, final payment may be issued.

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

INELIGIBLE ACTIVITIES:
- New facilities or those that have undergone substantial renovations, which have not been occupied for more than one year are not eligible for funding.
- Whole building, new construction, new equipment commissioning and retro-commissioning is not eligible for funding under this program.
- Detailed engineering design 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 one of NYSERDA's other programs.
- Applications seeking funds to support the sale or distribution of energy are not eligible for funding under this program except as defined in NYSERDA's CHP requirements.
- Equipment purchases are not eligible for funding under this program, except for metering equipment, software costs, and other data collection hard costs. To be eligible for funding, the equipment must be a necessary component of the funded study.
- No service provider may apply for more than 25% of the funds available under this program.
- Power quality, power factor, and power conditioning studies are not eligible for funding under this program.
- Utility billing error analysis is not eligible for funding under this program.
- Organizations that generate, transmit, or distribute energy for sale are not eligible for funding under this component of the program.
- Applications for generation studies without a heat recovery component are not eligible for funding.
- Applications for studies proposing to evaluate generation systems utilizing fuel sources other than natural gas 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 until funds are exhausted.

AWARD CRITERIA DETAILS

- ELIGIBLE AREA, CITY, COUNTY POPULATION LIMITS OR POPULATION TARGET TYPES: Customers must be contributing to the System Benefits Charge (SBC) on their electric utility bill in order to be eligible. Distribution customers of the six major New York State electric utilities (Central Hudson Gas & Electric Corporation, Consolidated Edison, New York State Electric & Gas Corporation, National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation) may contribute to the SBC.

- LIMITATIONS:
    - For most applications, NYSERDA will contribute fifty percent (50%) of the eligible study costs, up to the lesser of either $500,000 or ten percent (10%) of the Applicant's annual energy costs, based on an approved Scope of Work.
    - Service providers and customers 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.
    - Service provider travel costs are limited to 3% of the total project cost.
    - An independent third-party consultant is required for all projects.

- LONG RANGE GOALS: FlexTech's goal is to increase productivity and economic competitiveness of participating facilities by identifying and encouraging the implementation of cost-effective energy efficiency.

- PROJECT TERM COMPLETION DATES: Individual study schedules vary. Unless otherwise negotiated, all work funded under this program must be completed within two (2) years of issuance of the Purchase Order.

- MATCHING FUND REQUIREMENTS / DEADLINES: If the customer chooses to work with a NYSERDA FlexTech Consultant, NYSERDA's contribution, up to 50% of the total project cost, will be paid directly to the Consultant, provided the work is acceptable to the customer and NYSERDA. The customer will pay the remaining percentage of the total project cost of the Consultant fees directly to the Consultant under terms and conditions to be negotiated by the customer and the consultant.

  If the customer chooses to work with an independent service provider, the customer will pay 100% of the total project cost directly to the independent service provider under terms and conditions to be negotiated by the Applicant and the independent service provider. NYSERDA will reimburse the customer, up to 50% of their contribution to the total eligible project cost, provided the work is acceptable to the customer and NYSERDA.

  All projects must include cost-sharing in the form of matching cash support from the customer. In-kind contributions of any type are not allowed as matching funds.

  FlexTech funding is available on a first-come, first-served basis until funds are exhausted.

ADDITIONAL RESOURCES:

FlexTech Main Page: www.nyserda.ny.gov/flextech

1-866-NYSERDA

NYS Energy Research and Development Authority – Commercial New Construction Program

DESCRIPTION:
The Commercial New Construction Program (CNCP) provides technical and financial support to evaluate energy efficiency options and to promote the installation of energy-efficient electric equipment in new and substantially renovated commercial and industrial buildings.

ELIGIBLE TYPES OF APPLICANTS:
- State and local governments, businesses, not-for-profit and private institutions, public and private K-12 schools, colleges and universities, and health care facilities in New York State that are electricity customers of a participating utility company, and that pay, or will pay, into the System Benefits Charge, are eligible for incentives.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:
- Projects for which an architect or engineer is preparing and certifying construction documents, including:
    - New buildings, or space within a new building.
    - Substantial renovations to existing buildings where the space has been, or will be, vacant for at least 30 consecutive days; or where there is a change of use (e.g. warehouse to office).

PRE-APPLICATION REQUIREMENTS
- None.

SUCCESSFUL APPLICANT REQUIREMENTS:
- Submit a Consolidated Funding Application (CFA).
- Working with NYSERDA, identify, analyze and document potential energy efficiency measures and incentives. Technical support services during this phase may require cost-sharing between NYSERDA and the applicant, with the applicant's prior approval.
- Purchase and install equipment after receiving an incentive offer from NYSERDA.*

  * NYSERDA may elect to inspect projects prior to final approval. If requested by NYSERDA the applicant must also provide access to the site for post-occupancy measurement and verification.

FUNDING PRIORITIES:
- Funding is available on a first-come, first-served basis until funds are exhausted;
- All applications to the CNCP are given equal consideration; and
- To ensure eligibility to participate in all services available through the CNCP and to maximize CNCP benefits, NYSERDA recommends that applications be submitted in the early schematic design phase or sooner.

INELIGIBLE ACTIVITIES:
- Applicants may not obtain incentives for the same energy efficiency measures through other NYSERDA programs or from programs offered by their local utility, unless specifically identified as acceptable in the PON;
- Ineligible projects include renovations and equipment upgrades at existing facilities where the facility will remain occupied during construction;
- Applicants who do not, or will not, pay into the System Benefits Charge through their local utility company at the site where the work is occurring are ineligible for participation in the program;

- Applicants may not obtain incentives for energy efficiency measures installed before an application is submitted and an CNCP incentive offer is issued by NYSERDA; and
- Energy-efficiency measures must be cost effective.

SELECTION CRITERIA:

- The program is open enrollment, advertised as a Program Opportunity Notice (PON), and is offered on a first-come, first-served basis subject to funding availability as of the date of the program offer letter.
- Incomplete or unauthorized applications will be returned.

AWARD CRITERIA DETAILS:

- ELIGIBLE AREA, CITY, COUNTY POPULATION LIMITS OR POPULATION TARGET TYPES: State and local governments, businesses, not-for-profit and private institutions, public and private schools, colleges and universities, and health care facilities in New York State that are electricity customers of a participating utility company, and that pay, or will pay, into the System Benefits Charge, are eligible for incentives.

- LIMITATIONS: Each PON is offered with defined technical assistance and incentive rates and caps. Refer to the current PON for details.

- LONG RANGE GOALS: The CNCP offers technical and financial support to effect a permanent transformation in the way buildings are designed and constructed for energy efficiency in New York State with a focus on replicable, deep energy savings and zero net energy projects.

- PROJECT TERM COMPLETION DATES: Financial incentives are based upon the predicted performance of building energy efficiency improvements as compared to a designated baseline. NYSERDA will provide written pre-approval of custom measure and whole building design applications qualified for financial incentives. This pre-approval authorizes the applicant to proceed with the specification, purchase and installation of specific equipment and building features described in the approved application. NYSERDA will hold the necessary incentive funds for the applicant until the building is completed. The applicant will be asked to provide written certification that the equipment and building features have been installed. Upon NYSERDA review and approval of the completed installation and any technical reports, a check will be issued to the applicant. NYSERDA may elect to inspect any and all projects prior to final approval and the applicant must provide site access to NYSERDA staff or contractors after project completion for possible measurement and verification.

- MATCHING FUND REQUIREMENTS / DEADLINES: Technical assistance is offered on a cost-shared basis and will be invoiced after delivery of the technical assistance report approved by NYSERDA or upon cancellation of the technical assistance services. Payment of the applicant's portion of the cost share is due within 30 days of the invoice date.

ADDITIONAL RESOURCES:

More information is available at http://www.nyserda.ny.gov/new-construction.
1-866-NYSERDA

NYS Energy Research and Development Authority – Industrial and Process Efficiency Program

DESCRIPTION:
The New York State Energy Research and Development Authority (NYSERDA)'s Industrial and Process Efficiency (IPE) Program provide performance-based assistance to manufacturers and data centers implementing energy efficiency and process improvements.

IPE 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. IPE's goal is to help manufacturers and data centers increase product output and improve data processing as efficiently as possible. IPE focuses on projects that improve manufacturing process productivity and data center efficiency. For example, projects that increase throughput, reduce scrap, improve productivity, and prioritize and optimize server loads all have an energy component. Manufacturing, industrial, and data center facilities are eligible for participation in this program and are engaged through effective marketing, which includes key account strategies to build ongoing relationships as the primary energy efficiency resource for customers.

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 located in various business sectors:
  - Example: Manufacturing, Financial, Higher Education, Health Care, Commercial Real Estate, Service Provider, Co-location Facilities, Government, Legal, Insurance, and Telecom.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:
Applications will be accepted on a first-come, first-served basis, or until funds are exhausted.

- NYSERDA's focus is on projects that improve manufacturing process productivity and data center efficiency. NYSERDA's performance-based incentives are calculated from the total annual energy savings that result from implementing energy efficiency measures.
  - For example, projects that increase throughput, reduce scrap, improve productivity, and prioritize and optimize 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 (related to process) such as process cooling, heat recovery, pumping systems, compressed air, air flow management (hot isle/cold isle), and UPS system upgrades.

- O&M incentives are available for projects that deliver verifiable annual energy savings resulting from upgrades or initiatives to improve operations. Projects may involve: Compressed air system leak management, replacement of leaking steam traps, installation of cogged style fan belts, burner tune-up, server power management, air flow controls optimization, or dynamic temperature monitoring and adjustment.

In order to be considered eligible, a facility must pay into the System Benefits Charge (SBC) on their electric bill through one of the following utility companies:

- Consolidated Edison Company of New York, Inc.
- Central Hudson Gas & Electric Corporation
- National Grid Generation d/b/a National Grid
- New York State Electric & Gas Corporation
- Orange and Rockland Utilities, Inc.
- Rochester Gas and Electric Corporation

- Projects must qualify for an incentive of at least $25,000.
- A facility may receive an incentive for a specific energy efficiency measure either through NYSERDA or a utility company, but not both.

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 until funds are exhausted.

SELECTION CRITERIA:

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

- LIMITATIONS:
  Minimum project: at least $25,000 incentive
  Multiple projects can be bundled together to reach the minimum
  Project Incentive Cap: 50% of project cost

Facility Incentive Cap: $2 million per company
$1 million per electric project
$500,000 per fossil fuel project

- LONG RANGE GOALS:
  - To cost effectively reduce utility consumption for eligible customers.

- 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 / DEADLINES:
  - The IPE project incentive cap is 50% of project cost.

ADDITIONAL RESOURCES:

Website: www.nyserda.ny.gov/ipe

Net Zero Energy for Economic Development

Funding Available: Up to $15 million
Program Opportunity Notice (PON) 3881

DESCRIPTION

The New York State Energy Research and Development Authority (NYSERDA) has $15 million of incentives available to support economic development projects across New York State. All projects must demonstrate that the project will help achieve the goals of the Regional Economic Development Council's (REDC's) Strategic Plan or State Priority Issue Areas. The purpose of the funding available in this program is to help the project be designed and operate at net zero energy or net zero carbon performance.

- Projects located in one of the following REDCs must pay into the System Benefits Charge at the site: Capital Region, Central New York, Finger Lakes, Mid-Hudson, Mohawk Valley, New York City, North Country, Southern Tier and Western New York. Projects located in these regions may apply for Category A or Category B, as described below.
- Projects located in Long Island are not subject to this restriction and may only apply for Category A as described below.

Projects paying into the System Benefits Charge ("SBC"), as well as projects located in Long Island are eligible to apply as per the category requirements below. To be an SBC eligible project, the project must be a New York State electricity distribution customer of one of the following utilities: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation.

Projects in areas affected by a utility natural gas moratorium may be eligible for enhanced programs in the recently announced Clean Energy Action Plan. This includes Consolidated Edison Company of New York, Inc., ("Con Ed") customers in Southern Westchester and New York State Electric and Gas Corporation ("NYSEG") customers in Lansing, NY. See the tool located at http://www.nyserda.ny.gov/ActionPlan to determine your eligibility. To be eligible for these enhanced programs, Projects must pay into SBC.

Projects may qualify under one of the two following categories:

Category A:

The Net Zero Energy for Economic Development Program provides eligible New York State commercial, industrial, institutional and mixed-use applicants with incentives on a competitive basis, for the construction of, or renovation to existing, buildings designed to achieve net zero energy or net zero carbon performance.

Incentives are available for the incremental cost of design, construction, and installation of all technologies (as compared to the cost to build/renovate to a code compliant standard) utilized to achieve net zero energy performance. Project awards will be up to 70 percent of eligible costs or $1,000,000, whichever is less. Additional funding may be available to projects that meet certain criteria, depending on availability of funds. Projects sited to pay into the System Benefits Charge as well as projects located in Long Island are eligible to apply under Category A.

Category B:

The Net Zero Energy for Economic Development Program provides eligible New York State community, campus or large-scale private development applicants with incentives on a competitive basis, for the planning of large-scale communities, campuses or developments designed to achieve net zero energy or net zero carbon performance. There is no restriction for building types eligible under this category.

Incentives are available for the cost of planning, design, and technical analysis of community-level, campus-level, or large private development projects that commit to achieve net zero energy or net zero carbon within the boundary of the project. Project awards will be up to 75 percent of the eligible costs, with a minimum project award amount of $2,000,000 and a maximum project award amount of $5,000,000. To qualify for this Category, projects must be at least 2 million square feet (of new construction or rehabilitation), or a total project cost of at least $100 Million. Additional funding may be available to projects that meet certain criteria, depending on the availability of funds. To be eligible for an award under Category B, projects must be sited to pay into the System Benefits Charge.

APPLICATION SUBMISSION

No communication intended to influence this procurement is permitted except by contacting the designated contact Lori Borowiak at (518) 862-1090, ext. 3004 or by e-mail LoriNC@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Tara Mae Tobler at (518) 862-1090, ext. 3444 or TaraMaeSolicitations@nyserda.ny.gov. Contacting anyone other than the Designated Contacts (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

ELIGIBLE TYPES OF APPLICANTS

Eligible Applicants include, but are not limited to:

- Commercial Facilities (not including multifamily or retail)
- Light-Industrial Facilities
- Food Processing Facilities
- Public and Private K-12 schools
- Colleges and Universities
- Healthcare Facilities
- Agricultural Facilities
- Municipalities (Local Government)
- State Agencies & Other State Government
- Not-for-profit Corporations
- Private Developers
- Mixed Use
- Warehouse and Distribution Facilities
- Waste Water Treatment Plants

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS

Category A:

Net zero energy performance, for Category A projects, is defined as an energy-efficient facility where the actual annual energy used on site is less than or equal to the on-site renewable energy produced. If fossil fuels must be utilized for a project due to energy requirements for process or unregulated loads, the Applicant must demonstrate that there is not an all-electric

process that can replace the fossil fuel usage. In this instance, NYSERDA will consider the project's use of the US Department of Energy's publication of A Common Definition for Zero Energy Buildings in determining eligibility.

Net zero carbon performance, for Category A projects, is defined as a highly energy-efficient, all-electric building with passive features, that has enough on-site renewable electricity generation and energy storage available to meet the annual energy consumption minimizing demand from the grid for the building. Buildings which will operate with on-site fuel combustion must only use fuels supplied from clean energy resources. On-site fuel combustion shall be reviewed on a case-by-case basis by NYSERDA to ensure that the use is consistent with a carbon neutral building. Generally, on-site combustion of clean fuels should only be for unregulated and process loads that are unable to be reliably converted to electricity for some reason, or for emergency back-up power purposes and therefore used in extremely limited circumstances.

Projects located in downtown areas where utilities restrict the interconnection of renewable energy technology to prevent back-feeding electricity into the grid, may utilize off-site renewable energy through a durable contractual relationship between the project's owner(s) and the generation systems' owner(s), such as community solar to achieve net zero energy performance.

If the project site cannot accommodate some or all of the renewable energy required for the project, the Applicant may install renewable energy systems on an alternate site owned by the project owner(s) within the same utility territory, and with utility approval that the credits for the renewable energy produced off-site will be applied to the project.

Electric vehicle (EV) charging stations are strongly encouraged to be included in projects. However, it is not required that loads related to EV charging be included in the determination of net zero energy performance.

Incentives will be paid for the incremental cost to design and build the project to net zero energy/carbon performance above the cost of building to the applicable New York State Energy Conservation Construction Code (i.e. the cost of installing a ground source heat pump to heat and cool the building, less the cost of installing a code-minimum heating and cooling system, etc.). The calculation of incentives will include all technologies that contribute to the building achieving net zero energy performance (i.e. energy efficiency, renewable energy, battery storage, electric vehicle charging infrastructure, etc.), thus providing the Applicant with "single-point" access to clean energy incentives for the entire project. Applicants selected for award under this opportunity, will be ineligible to apply for other NYSERDA or utility energy-related incentives for any aspect of the project. Applicants applying for NYSERDA's Net Zero Energy for Economic Development Program incentives must clearly describe the scope, schedule and budget for the project.

While NYSERDA may consider some design costs that occur prior to award to be eligible, all physical work conducted to make capital improvements to the facility prior to a contract being executed will not be eligible for cost-sharing.

Projects that receive an award under this Net Zero Energy for Economic Development Program will not be eligible to apply for any other efficiency or renewable energy incentives from NYSERDA or their utility. However, Applicants that are not awarded through this competitive selection process may be eligible to participate in NYSERDA's Commercial New Construction Program, NYSERDA's renewable energy programs, or utility programs as applicable.

Category B:

Net zero energy performance, for Category B projects, is defined as energy-efficient facilities within a project boundary where the actual annual energy used within the project boundary is less than or equal to the renewable energy produced within the project boundary. If fossil fuels must be utilized for a project due to energy requirements for process loads, the Applicant must demonstrate that there is not an all-electric process that can replace the fossil fuel usage. In this instance, NYSERDA will consider the project's use of the US Department of Energy's Common Definition of Zero Energy Buildings in determining eligibility.

Net zero carbon performance, for Category B projects, is defined as highly energy-efficient, all-electric buildings with passive features, located within the project boundary that has enough on-site renewable electricity generation and energy storage available to meet the annual energy consumption minimizing demand from the grid within the boundary. Buildings within the boundary which will operate with on-site fuel combustion must only use fuels supplied from clean energy resources. On-site fuel combustion shall be reviewed on a case-by-case basis by NYSERDA to ensure that the use is consistent with a carbon neutral building. Generally, on-site combustion of clean fuels should only be for unregulated and process loads that are unable to be reliably converted to electricity for some reason, or for emergency back-up power purposes and therefore used in extremely limited circumstances.

Electric vehicle (EV) charging stations are strongly encouraged to be included in communities, campuses, and large-scale private developments. However, it is not required that loads related to EV charging be included in the determination of net zero energy performance.

If the project site cannot accommodate some or all of the renewable energy required for the project within the project boundary, the Applicant may propose to utilize off-site renewable energy within the same Utility territory through a durable contractual relationship between the project's owner(s) and the generation systems' owner(s), such as community solar to achieve net zero energy or net zero carbon performance.

Incentives will be paid for the incremental cost to plan and/or design a Community, Campus, or large private development project to achieve net zero energy or net zero carbon performance above the cost of traditional project planning expenses.

Projects that receive an award under this Net Zero Energy for Economic Development Program will not be eligible to apply for any other efficiency or renewable energy incentives from NYSERDA or their utility for the same work. However, Applicants that are not awarded through this competitive selection process may be eligible to participate in NYSERDA's Commercial New Construction Program, NYSERDA's renewable energy programs, or utility programs as applicable. For Applicants that are awarded under Category B of this program, the restriction on co-funding is only for the planning and technical assistance work and shall not be deemed to include utility or NYSERDA incentives for the construction costs associated with implementation.

GRANT FUNDS MAY BE USED FOR

Category A:

- Design, Energy Modeling and Integrated Project Delivery
- Energy Efficiency Improvements
- On-site Renewable Energy Systems (photovoltaics, wind, or solar thermal)
- Ground-Source or Air-Source Heat Pumps
- Electric Vehicle Charging Stations
- Battery Storage
- Commissioning
- Or other efficiency or renewable energy technologies, as determined by NYSERDA.

Category B:

- Master/Comprehensive/Site Plan as it pertains to design and energy performance
- Design Parameters as it pertains to energy performance
- Energy Modeling and Technical Analysis
- Development of Zoning Ordinances
- Creation of Bid Documents
- Technical Guidelines & Training for overseeing the installation of energy efficiency measures, renewable energy, energy storage and electric vehicle charging infrastructure
- Case Studies

All Applicants:

At NYSERDA's sole discretion, NYSERDA may determine additional costs to be eligible if the Applicant is able to demonstrate to NYSERDA's satisfaction that these additional cost categories were specifically necessary to achieve net zero energy performance as compared to what would have been necessary to complete a project that complied with New York State Energy Conservation Construction Code, or otherwise result in significant CO_2 savings at the site.

SUCCESSFUL APPLICANT REQUIREMENTS

Successful Applicants will work with NYSERDA to develop a detailed and site-specific scope of work, schedule and project budget.

Category A:

The Scope of Work will need to provide detailed information on the proposed comprehensive design to accommodate all building systems, unregulated energy loads, and renewable energy systems that will result in net zero energy or net zero carbon performance. Expenses incurred on upgrades made to existing buildings prior to submission of a Consolidated Funding Application (CFA) are not eligible expenses in the CFA project budget, however design-related expenses may be considered.

Projects that will incorporate existing renewable energy systems must identify the system in the scope of work, projects cannot propose to use a preinstalled renewable energy system and divert the energy produced from its existing loads.

Category A: Scope of Work must include the following:

A. *Description of Facility:* New Construction or Existing building; building use; energy demands; and the status of design.
B. *Net Zero Energy/Carbon Performance*: provide a description of the comprehensive scope that will be undertaken to achieve net zero energy or net zero carbon performance, including all energy efficiency measures of the project, water conservation strategies, renewable energy systems, storage, electric vehicle charging equipment, etc.
C. *Project Budget:* the project budget must identify the costs of net zero energy/carbon performance as it relates to section B, inclusive of design, engineering, energy modeling, installation and commissioning. The project budget must clearly identify the incremental cost of getting to net zero energy/carbon, above standard building practices.
D. *Project Timeline:* anticipated date for construction documents, construction start date, and construction complete date.

Category B:

The Scope of Work will need to identify the site boundary for the project, and provide the goals for the community, campus, or large private development project, inclusive of how those goals will be publicly committed to. The scope of work will need to identify how the net zero energy/carbon aspect of the project will be planned and implemented, identify the building

types that are anticipated to be included in the project (new and existing buildings), as well as the existing and anticipated renewable energy systems for the project. The project budget for this category must identify the net zero energy/carbon related planning costs of the project.

Category B: Scope of Work must include the following:

A. *Description of Campus/Community/Large-Scale Development project:* Identify the project boundary, including a map of the project site(s). Identify the existing buildings, and the proposed new construction over the course of the project timeline; building uses; energy demands; and the status of the Planning and Design development of the project.
B. *Net Zero Energy/Carbon Performance:* provide a description of the comprehensive scope that will be undertaken to achieve net zero energy or net zero carbon performance for the large-scale development, identify what is needed to plan the project, how will the plan be implemented, and who is responsible for the enforcement of the plan, etc.
C. *Project Budget:* the project budget must identify the costs of Planning and Design development for net zero energy/carbon performance as it relates to section B, inclusive of planning, design development and performance criteria, engineering and technical analysis, and validation.
D. *Project Timeline:* anticipated timeline for project planning and design development, as well as the anticipated project construction start date, and construction complete date.

All Applicants:

Successful Applicants must be able to clearly state in the project proposal how the project is aligned with the applicable REDC's Strategic Plan, and/or Regional/State Priorities, such as the project being within the Region's Economic Clusters.

NYSERDA, at its sole discretion, may choose to award projects in either Category, that are designed to be net zero energy capable or other high performing standards.

Upon NYSERDA selection for an award, NYSERDA will issue an Agreement for the project's estimated/eligible award amount.

FUNDING PRIORITIES

NYSERDA intends to make awards in each REDC region that has a fundable project submitted, but may distribute funds differently if fundable projects are not submitted in each region.

INELIGIBLE APPLICANTS AND ACTIVITIES

Category A:

- Heavy Industrial Facilities
- Residential (including single family and multifamily)
- Retail
- Applicants receiving an award from this opportunity may not obtain incentives through other NYSERDA or utility programs for any efficiency or renewable energy expenses incurred, even if the incentive cap is reached; and
- Applicants may not obtain incentives for measures installed before an application is approved.

Category B:

- Applicants receiving an award from this opportunity may not obtain incentives through other NYSERDA or utility programs for any of the same planning work conducted under this program, however, it is assumed that applicants will be eligible for and receive utility and NYSERDA incentives for the capital costs associated with implementation; and
- Applicants may not obtain incentives for planning and design development, or measures installed, before an application is approved.

SELECTION CRITERIA

An Application is eligible to receive a total final score of 100, of which 80 percent is derived from the NYSERDA review criteria below and 20 percent is allocated to the applicable REDC. The REDC rates the degree to which the project aligns with the REDC's Strategic Plan.

In addition to the criteria noted below, NYSERDA shall have the discretion to consider additional factors in determining the relative merits of projects, demonstration of replicable net zero energy/carbon projects, or other factors determined to advance net zero energy construction in New York State.

Regional and State Economic Development Strategies:

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

Performance Measures:

- The estimated energy performance of the project, including all building systems, unregulated loads and renewable energy systems;
- The applicant's commitment to meet the net zero energy/carbon performance standard;
- Whether the project will include integrated design principals, or will be designed to meet third-party performance validation standards (i.e. Passive House certification, New Buildings Institute); and
- Whether the project is technically feasible, innovative, and superior to alternatives.

Cost Effectiveness/ Replicability:

- The estimated return on investment that the project identified in the application will generate (energy savings, productivity, improved work environment) for the project cost;
- Whether the project scope can be easily replicated for similar development projects within the Region or the State;
- Whether the project site will be located in a(n): area affected by a utility natural gas moratorium as described in the Description above, Opportunity Zone, on a Brownfield; in a previously proposed DRI area, or in a community that has adopted New York Stretch Code;

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

Geographic Region:
- The geographic distribution of fundable Net Zero Energy projects in REDC regions;
- Whether the project has demonstrated support from local government and private sector leaders in the locality and the region where the project will be located; and
- Whether the project is located in an area affected by a utility natural gas moratorium as described in Description above.

Resiliency:
- Whether the project will demonstrate improved recovery time, or protection against factors related to extreme weather events or power outages; and
- The degree to which the project will relieve local energy grid system constraints.

ADDITIONAL FUNDING

Category A: Proposed projects that are located on sites that meet any of the following criteria may be eligible for additional funding:

- Gas Constrained Areas: Projects in areas affected by a utility natural gas moratorium as described in Description above, may qualify for an increased incentive cap for up to $250,000 of additional funding.
- Federal Opportunity Zones: A Federal Opportunity Zone is a low-income census tract with an individual poverty rate of at least 20 percent and median family income no greater than 80 percent of the median area income. Census tracts are selected based on recommendations from the Regional Economic Development Councils, local input, prior public investment and the ability to attract private investment. Designation of a census tract, by New York State, in the Opportunity Zone community development program may be considered for up to $250,000 of additional funding, if available.
- Brownfield Redevelopment: To promote the cleanup and redevelopment of brownfield sites, projects located on a NYS Department of Environmental Conservation-designated brownfield site may be considered for up to $250,000 of additional funding, if available.
- Age-Friendly Communities: NYSERDA will promote economic development that improves community health and wellness and supports New York State's Prevention Agenda's priorities. Projects that support age-friendly communities by impacting the ability of individuals to continue living in their communities in a manner consistent with their abilities, and approaches that build toward a future in which every New Yorker can enjoy wellness, longevity, and quality of life in strong healthy communities, may be considered for up to $250,000 of additional funding, if available.
- Downtown Revitalization Initiative: Each Regional Council may nominate communities for selection in the Downtown Revitalization Initiative (DRI) based on the downtown's potential for transformation of downtown neighborhoods into vibrant communities. Projects located in communities that were selected for the DRI program, should provide evidence as such in their application. Projects within communities that received a DRI Award may be considered for up to $250,000 of additional funding, if available.
- New York Stretch Code: Communities may adopt NYSERDA's New York State Stretch Code to increase the energy performance of new buildings. Projects located in communities that have adopted the New York State Stretch Code may be considered for up to $250,000 of additional funding, if available.

Category B: Proposed projects that are located on sites that contain any of the following criteria may be eligible for additional funding up to a maximum of $1,000,000 in additional funding:

- Gas Constrained Areas: Projects located in areas of the State identified as constrained or in an area affected by a utility natural gas moratorium as s described in Description above, may qualify for an increased incentive cap for up to $500,000 of additional funding.
- Brownfield Redevelopment: To promote the cleanup and redevelopment of brownfield sites, projects located on a NYS Department of Environmental Conservation-designated brownfield site may be considered for up to $500,000 of additional funding, if available.
- Age-Friendly Communities: NYSERDA will promote economic development that improves community health and wellness and supports New York State's Prevention Agenda's priorities. Projects that support age-friendly communities by impacting the ability of individuals to continue living in their communities in a manner consistent with their abilities, and approaches that build toward a future in which every New Yorker can enjoy wellness, longevity, and quality of life in strong healthy communities, may be considered for up to $250,000 of additional funding, if available.

AWARD CRITERIA DETAILS

- An initial screening for eligibility will be conducted several weeks after the close of the CFA. Applicants that are determined to not meet basic eligibility criteria will be informed at that time that they are not eligible for further consideration of this program for this year.

- Notice of a funding award will be given in the form of a contract outlining the terms of the proposed assistance. Project funding may only be used for expenses incurred after the date that notice of the funding award is given. Applicants are strongly encouraged to review and countersign NYSERDA's Agreement prior to starting the project.

- All Applicants will be required to certify and agree that any decrease in the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, may result in NYSERDA's reduction of the award, in NYSERDA's sole discretion, in an amount proportionate to any such decrease.

- All Applicants will be requested to certify and agree that any expansion of the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, may not result in an increase of the award, consideration of scope changes will be at the sole discretion of NYSERDA.

- Please note that awarded grants are transferable at the sole discretion of NYSERDA.

- It is expected the project will proceed in the time frame set forth by the Applicant. If the implementation of a project fails to proceed as planned and is delayed for a significant period of time and there is, in the exclusive judgment of NYSERDA, doubt as to its viability, NYSERDA reserves the right to cancel its funding commitment to such project. NYSERDA reserves the right to require Recipient to provide any additional information and/or documentation NYSERDA deems necessary and terminate the project at any point if the applicant fails to provide such documentation in a timely manner.

- All required public approvals must be in place prior to the start of construction and installation of renewables, including State Environmental Quality Review (SEQR) and consultation with the State Historic Preservation Office, if applicable. Physical work on a NYSERDA-funded project may not be started prior to the completion of any necessary environmental, historic and/or smart growth review.

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

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

- Grant funds originally awarded to projects that have since been cancelled or terminated will be repurposed for economic development projects by NYSERDA at its discretion in consultation with the REDCs.

- ELIGIBLE AREA, CITY, COUNTY POPULATION LIMITS OR POPULATION TARGET TYPES: Applicants in REDC regions (not including Long Island) must be contributing to the System Benefits Charge (SBC) on their electric utility bill in order to be eligible. Distribution customers of the six major New York State electric utilities (Central Hudson Gas & Electric Corporation, Consolidated Edison, New York State Electric & Gas Corporation, National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation) may contribute to the SBC.

- LIMITATIONS:
  - For most Category A applications, NYSERDA will contribute up to seventy percent (70%) of the eligible net zero energy design and construction costs, up to $1,000,000, based on an approved Scope of Work. Additional funding may be available as described above.
  - For Category B applications, NYSERDA will contribute up to seventy-five percent (75%) of the eligible net zero energy planning and design costs, up to $5,000,000, based on an approved Scope of Work. Additional funding may be available as described above.
  - An independent third-party consultant is required for all projects.
  - Energy standards developed by NYSERDA for existing Standard Offer programs, such as NY Sun and Charge NY, including the use of eligible installers, will be required for awarded projects although the project is ineligible to receive incentives from those programs.
  - Post-construction monitoring and verification of performance is required for all awarded projects.

- LONG RANGE GOALS: NYSERDA's goal is to increase the economic competitiveness of facilities by providing technical and financial support for the implementation of cost-effective energy efficiency and renewable energy technologies.

- PROJECT TERM COMPLETION DATES: Financial incentives are based upon the predicted cost of planning, design and/or construction to achieve net zero energy performance, as determined in the approved Scope of Work.

  - <u>Category A:</u> NYSERDA will provide payments of incentives in three designated stages during the design and construction of the project: 1) Design Complete/

Buildings Department Approval; 2) 50% construction complete, with delivery of systems equipment on-site; and 3) when construction is complete.

- Category B: NYSERDA will provide payments for time and materials on a monthly or quarterly basis.

- MATCHING FUND REQUIREMENTS / DEADLINES: The Applicant will pay the remaining percentage of the total project cost of the design and construction of the project.

- All projects must include cost-sharing in the form of matching cash support from the Applicant. In-kind contributions of any type are not allowed as matching funds.

ADDITIONAL RESOURCES

For more information, applicants should contact the New York State Energy Research and Development Authority, 17 Columbia Circle, Albany, New York 12203, call (518) 862-1090 ext 3004, email LoriNC@nyserda.ny.gov or visit: https://www.nyserda.ny.gov/.

Commercial and Industrial (C&I) Carbon Challenge

Funding Available: Up to $15 million available

DESCRIPTION

The New York State Energy Research and Development Authority (NYSERDA) has $15 million of incentives available to support clean energy project portfolios for large Commercial and Industrial customers across New York State. All projects must demonstrate carbon emissions savings and be installed within a 3-year implementation period. The purpose of the funding available in this program is to achieve cost-effective carbon emission reduction by providing large customers with flexible funding streams.

The Commercial and Industrial (C&I) Carbon Challenge provides eligible New York State commercial, industrial, and institutional applicants with incentives on a competitive basis. Applicants identify a carbon savings goal and the requisite dollar award necessary to complete projects capable of meeting that target. Available awards range from $500,000 to 5 million. The primary evaluation criteria for applications will be the ratio of funding requested to the applicant's carbon savings goal, which must meet or exceed $22/mt$CO_2$e.

APPLICATION SUBMISSION

In addition to the CFA Application, Applicants to this program will be required to complete additional required attachments:

- Attachment A, Clean Energy Action Plan - The Clean Energy Action Plan serves as the keystone document for tracking the overall strategic approach of the Applicant throughout the C&I Carbon Challenge program. It will be used to document goals; track timelines and key metrics including costs, savings, and personnel requirements; provide high level overviews of project implementation planning and ongoing progress; and detail measurement and verification approaches as projects are finalized.
- Attachment B, Project Savings Tracker – This calculation and tracking tool is meant to assist Applicants in determining their carbon savings goal. Each project included in the Clean Energy Action Plan must be included on this spreadsheet.

These attachments can be found at https://www.nyserda.ny.gov/cicc.

APPLICATION QUERIES

No communication intended to influence this procurement is permitted except by contacting Sean Mulderrig at (212)-971-5342, ext. 3804 or by e-mail sean.mulderrig@nyserda.ny.gov (for technical questions). If you have contractual questions concerning this solicitation, contact Nancy Marucci (Designated Contact) at (518) 862-1090, ext. 3335 or nancy.marucci@nyserda.ny.gov. Contacting anyone other than the Designated Contacts (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

ELIGIBLE TYPES OF APPLICANTS

Eligible Applicants include, but are not limited to:

- Colleges and Universities
- Food and Beverage Processing
- Health Care Facilities
- Manufacturing
- Mining and Extraction
- Municipal Facilities

- Multifamily Residential
- Not-For-Profit and Private Institutions
- Office Buildings
- Public and Private K-12 Schools
- Retail
- State and Local Governments
- Warehouse and Distribution Facilities
- Wastewater Treatment Plants

PRE-APPLICATION REQUIREMENTS
Applicants must be contributing to the electric Systems Benefit Charge (SBC).

As this program is intended for large Commercial and Industrial entities, applicants must meet NYERDA's minimum energy use requirements:

- Average monthly peak electric demand of 3 MW or greater. This is calculated by averaging the monthly peak demand over the 12-month period preceding the submission of this application. This demand requirement can be met by a single applicant site or aggregating the demand of multiple applicant sites across New York State.
- Average monthly peak electric demand of 1.5 MW or greater that is serviced by market power providers to whom the Applicant pays the SBC.

If selected to receive an award, applicants may be asked to provide additional proof regarding these size requirements.

Work conducted prior to the execution of an Agreement between NYSERDA and the Applicant is not eligible for cost-reimbursement.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS
Grant funds may be used for any energy or industrial-process related projects that can reduce carbon emissions. These actions include, but are not limited to:

- Energy Efficiency Improvements
- On-site Renewable Energy Systems (photovoltaics, wind, or solar thermal)
- Ground-Source or Air-Source Heat Pumps
- Battery Storage
- Other efficiency or renewable energy technologies.

For certain carbon reduction measures, awardees will be required to meet NYSERDA minimum quality standards and work with NYSERDA approved participating contractors, where applicable. More information on approved contractors can be found here: https://www.nyserda.ny.gov/Contractors/Find-a-Contractor.

Selected applicants will work with NYSERDA to develop a 4-year contract agreement commencing in 2020. All carbon reduction projects must be installed within 3 years of agreement execution. The final year will be used to complete any outstanding measurement and verification (M&V), if necessary, and determine final project results.

To provide Applicants with flexible funding, up to 70% of the overall award will be made available as project costs are incurred. NYSERDA and awardees will use the Clean Energy Action Plan and monthly meetings to document expected costs and determine funding requirements, ensuring disbursements are proportional to all project costs anticipated through the Clean Energy Action Plan

and align with progress toward carbon savings goal. Participants will be required to provide NYSERDA with invoices for incurred costs and remittance of payment will be at the discretion of the Project Manager.

All remaining funds will be awarded upon completion of M&V conducted by a third-party evaluator and will be subject to readjustment based on the participant's performance relative to their stated carbon savings goal. The table below summarizes the disbursement for each level of performance:

% of Carbon Savings Goal Realized	Remaining Funds Disbursed
< 70%	No additional funds awarded
70 - 80%	50%
80 - 90%	75%
> 90%	100%

Here is an example of a potential project funding allocation: a selected participant is granted a $2.5 million award and has pledged to save 200,000 mtCO2e. The awardee incurs $3.75 million in eligible expenses, however, is only granted $1.75 million pending M&V (70% of the $2.5 million award). M&V reveals a total carbon savings of 170,000 mtCO2e, 85% of the goal. As such, NYSERDA remits 75% of the remaining funding, $562k, with a total funding amount of roughly $2.3 million.

Projects that receive an award under the C&I Carbon Challenge program will not be eligible to apply for any other efficiency or renewable energy incentives from NYSERDA or the proposer's utility. However, Applicants that are not awarded incentives through this competitive selection process may be eligible to participate in other NYSERDA or utility programs as applicable.

NYSERDA will have discretion to accept only a portion of the submitted portfolio of projects for funding. Any individual project(s) not selected for funding will still be eligible for alternative NYSERDA or utility incentive program funding.

SUCCESSFUL APPLICANT REQUIREMENTS

Selected C&I Carbon Challenge awardees will be expected to work closely with NYSERDA in updating, refining and implementing Clean Energy Actions Plans over the term of the program. Each program participant will receive the benefit of a dedicated NYSERDA Project Manager. The Project Manager will work with participants to track progress, provide feedback and guidance on measures to be implemented, and coordinate cross-collaboration with participants and NYSERDA external resources when necessary or requested.

Both the Clean Energy Action Plan and the Project Savings Tracker will be required to be updated on a bi-annual basis, at a minimum. The originals of these documents submitted in this application will serve as the initial document to which all revisions will be applied. Updates will encompass the following:

- Indication of instances where estimates have been revised or implementation plans have been altered
- A brief summary of all Clean Energy Actions taken to date
- A detailed account of progress on completed measures, including:
    - Project Costs
    - Estimated Savings
    - Verified & Realized Savings
    - Upcoming Measurement and Verification actions
- Identification of new measures, if applicable

SELECTION CRITERIA

An Application is eligible to receive a total final score of 100, of which 80 points are derived from the NYSERDA review criteria below and 20 points are allotted by the applicable Regional Economic Development Council. The REDC rates the degree to which the project aligns with the REDC's Strategic Plan.

Proposals that meet solicitation requirements will be reviewed by a Scoring Committee using the Evaluation Criteria below **listed in order of importance.** After proposals are reviewed, NYSERDA will issue a letter to each proposer indicating the proposal evaluation results. NYSERDA reserves the right to adjust awards and related carbon goals based on available funding.

1. **Goals & Cost Effectiveness (35 points) –** The cost effectiveness of the proposal will be NYSERDA's principal concern when determining challenge winners. Proposers are encouraged to think critically about the level of NYSERDA funding necessary to achieve the measures to be implemented as part of the proposal, bearing in mind that the greater the portion of non-NYSERDA leveraged funds (e.g. proposer co-investment, alternative grant programs, etc.), the stronger the $/mtCO2e metric.
    - How cost effective is the proposal's requested funding to carbon savings goal ratio (calculated by taking the dollar amount requested and dividing it by the carbon reduction goal)? Does it provide more value than NYSERDA's CEF portfolio mean of $22 spent per mtCO2e reduced? Does the proposal provide sufficient detail to justify the anticipated carbon savings? Does the proposal document assumptions made to arrive at this goal? Is the Applicant providing cost share to fund projects?
2. **Clean Energy Action Plan (20 points)**
    - Does the proposer demonstrate a thorough investigation of potential measures and sound reasoning for selecting their proposed approach? Are project costs reasonable and based on customer experience and/or market intelligence? Does the proposed approach utilize well established means of implementing energy efficiency and/or distributed energy resource projects? Does the proposed approach utilize technologies or solutions that have proven themselves in the marketplace? Is the timeline for implementing the proposed approach reasonable and appropriate? Is the proposer willing to share stories of success with the public?
3. **Experience (18 points)**
    - Does the proposer have a demonstrated record of sustainable planning and implementation? Is there a track record of achieving sustainability goals? Has the proposer traditionally undertaken energy efficiency or distributed energy resource projects? Does the personnel detailed in the proposal have adequate experience and expertise to implement the proposed approach?
4. **Regional Impacts (7 points)**
    - Does the proposal promote resiliency in the form of improved recovery time or protection against extreme weather events or power outages? Is the proposal located in an area of natural gas resource constraint (e.g. areas affected by a utility natural gas moratorium)?

In addition to the criteria noted above, NYSERDA shall have the discretion to consider additional factors in determining the relative merits of projects to illustrate innovative carbon-reducing strategies in New York State. NYSERDA may also consider the following program policy factors in making award decisions:

- Diversity of technologies, approaches, and/or methods utilized to achieve carbon savings;
- Additional, non-carbon benefits to the proposed approach (e.g. air pollutant emission reduction, worker health and safety, job retention or creating, water savings, etc.);
- Diversity among awardee sectors and industries; and/or

- Geographic diversity among awardees.

AWARD CRITERIA DETAILS

- An initial screening for eligibility will be conducted several weeks after the close of the CFA. Applicants that are determined to not meet basic eligibility criteria will be informed at that time that they are not eligible for further consideration of this program for this year.

- Notice of a funding award will be given in the form of a contract outlining the terms of the proposed assistance. Project funding may only be used for expenses incurred after the date of contract execution. Applicants are strongly encouraged to review and countersign NYSERDA's Agreement prior to starting the project.

- All Applicants will be required to certify and agree that any decrease in the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, may result in NYSERDA's reduction of the award, in NYSERDA's sole discretion, in an amount proportionate to any such decrease.

- All Applicants will be requested to certify and agree that any expansion of the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, may not result in an increase of the award, consideration of scope changes will be at the sole discretion of NYSERDA.

- Please note that awarded grants are transferable at the sole discretion of NYSERDA.

- NYSERDA expects projects to proceed in the time frame set forth by the Applicant. If the implementation of a project fails to proceed as planned and is delayed for a significant period of time and there is, in NYSERDA's exclusive judgment, doubt as to its viability, NYSERDA reserves the right to cancel its funding commitment to such project. NYSERDA reserves the right to require Recipient to provide any additional information and/or documentation NYSERDA deems necessary and terminate the project at any point if the applicant fails to provide such documentation in a timely manner.

- All required public approvals must be in place prior to the start of construction and installation of renewables, including State Environmental Quality Review (SEQRA). Physical work on a NYSERDA-funded project may not be started prior to the completion of any necessary environmental review.

- Grant funds originally awarded to projects that have since been cancelled or terminated may be repurposed for economic development projects by NYSERDA at its discretion in consultation with the REDCs.

ADDITIONAL RESOURCES

For more information, applicants should contact Sean Mulderrig at the New York State Energy Research and Development Authority, 17 Columbia Circle, Albany, New York 12203, call (518) 862-1090 ext 3804, email sean.mulderrig@nyserda.ny.gov or visit: https://www.nyserda.ny.gov/All-Programs/Programs/CI-Carbon-Challenge.

New York Power Authority

ReCharge New York

Amount available: Up to 144 Megawatts (availability as of 4/1/19)

Description:
ReCharge New York (RNY) is a statewide economic development power program designed to retain or create jobs through allocations of lower cost electricity to businesses and Not-for-Profit Corporations. The majority of the power remaining to be allocated will be for businesses that plan to expand operations in the state or are looking to relocate to New York State. The RNY power program is a valuable tool for promoting economic development within the state. Businesses and Not-for-Profit Corporations are eligible to apply. The program is not available to sports venues, retail businesses, gaming or entertainment related establishments, and places of overnight accommodations.

Allocations of ReCharge New York power will be awarded based on a competitive application process based on legislative criteria. Recommended allocation awards must be approved by the Economic Development Power Allocation Board and the New York Power Authority Board of Trustees. Allocations of RNY power (in kW) will be delivered after the execution of a contract. The contract could be a term of up to seven years and will specify employment commitments and other terms and conditions for retaining the RNY power allocation.

For more information, eligible applicants should call the ReCharge New York Hotline at 888-JOBSNYS (888-562-7697) or email Recharge.NewYork@nypa.gov.

New York State Department of Environmental Conservation

Climate Smart Communities Grant Program

Funding Available: Up to $11.7 million

Program Description

The Climate Smart Communities (CSC) grant program provides funding for municipalities to perform inventories, assessments, and planning projects that advance their ability to address climate change at the local level and become certified Climate Smart Communities. The program also supports municipal mitigation implementation projects that reduce greenhouse gas (GHG) emissions from the non-power sector (transportation, refrigerants, food waste, etc.) and adaptation implementation projects (cooling centers, flood plain restoration, emergency preparedness, etc.) that directly address climate change threats or alleviate hazards in the community exacerbated by climate changes. For general information and questions on the Climate Smart Communities program, please contact the New York State (NYS) Department of Environmental Conservation (DEC or Department), Office of Climate Change (OCC), 625 Broadway, Albany, NY 12233-1030, 518-402-8448, climatesmart@dec.ny.gov or see https://climatesmart.ny.gov/ . For grant specific questions please contact Myra Fedyniak at the DEC OCC, 518-402-8448, email cscgrants@dec.ny.gov or see https://www.dec.ny.gov/energy/109181.html .

Eligibility

Eligible Applicants
All municipalities in the State of New York are eligible to apply for funding in response to this request for applications (RFA). For the purpose of this RFA, a municipality is defined as a county, city, town, village, or borough of the City of New York. Political subdivisions such as municipal corporations, school districts, district corporations, boards of cooperative educational services, fire districts, public benefit corporations, industrial development authorities, and similar organizations are not eligible to apply in response to this RFA.

Applicants need not be a certified or registered CSC, nor be working toward CSC certification, to apply for this grant opportunity.

Two or more municipalities, or one municipality and a quasi-governmental entity or non-profit organization, may collaborate on a project. However, one eligible municipality must be designated as the lead applicant and must assume responsibility for the application, contract development and maintenance in the Grants Gateway, performance of work consistent with this RFA, and compliance with the State of NYS Master Contract for Grants or Letter of Agreement. Projects involving a partnership must submit letters, or other written agreements, signed by all parties substantiating the collaboration at the time of application.

Applicants may submit several applications, but no more than one application may be submitted for the same project or project location.

Eligible Project Types and Funding Levels

Implementation Projects
Eligible implementation projects must be climate change adaptation or non-power sector GHG mitigation projects as described below and be located within the State of New York.

Total available - up to $11,038,554.
Minimum award - $10,000.
Maximum award - $2,000,000.
Design and engineering expenses are limited to a maximum of fifteen percent (15%) of the grant request.

No more than fifty percent (50%) of the total available funds for implementation projects will be awarded to municipalities with populations greater than 100,000 or to any single municipality.

If funding in the implementation category remains after all awards in the implementation category are made on the basis of eligibility, program requirements and goals, and passing score, the Department reserves the right to apply the remaining funding to eligible proposals in the certification category.

Adaptation Implementation Projects
Eligible adaptation project types include any project designed to provide a meaningful reduction of risk to residents, infrastructure, and/or natural resources from hazards projected to become more severe or frequent as a result of climate change. Such projects include, but are not limited to the following:

- Increasing or preserving natural resilience, such as construction of living shorelines and other nature-based landscape features to decrease vulnerability to the effects of climate change and to improve or facilitate conservation, management, and/or restoration of natural floodplain areas and/or wetland systems.
- Flood-risk reduction, including, but not limited to, strategic relocation or retrofit of climate-vulnerable critical municipal facilities or infrastructure to reduce future climate-change induced risks to those facilities.
- Replacing or right-sizing flow barriers, including, but not limited to, right-sizing bridges or culverts, or improving flow barriers to facilitate emergency response or protection of population centers, critical facilities, infrastructure, and/or natural resources, based on assessment of projected future conditions.
- Extreme-heat preparation, including, but not limited to, establishment of cooling centers, construction of permanent shade structures, and implementation of other cooling features or programs.
- Emergency preparedness, including, but not limited to, establishment of emergency warning systems or implementation of emergency preparedness and/or response programs (excluding radio communications).
- Enrollment in and completion of activities that are part of the Federal Emergency Management Agency (FEMA) Community Rating System (CRS) program.

Mitigation Implementation Projects
Eligible projects in the mitigation category must provide a meaningful reduction in GHG emissions from the non-power sector. Mitigation projects shall be one of the following project types:

1. Reduction of Vehicle Miles Traveled (VMT). Transportation is the largest source of GHG emissions in New York State. Reducing the need for single occupancy vehicle trips for

daily needs will reduce GHG emissions. Reduction of VMT projects include, but are not limited to the following:

- Construction of on-road or off-road facilities for non-motorized forms of transportation to facilitate access to daily, non-recreational transportation needs and/or commutes.
- Implementation of transit improvements that have the potential to substantially increase ridership or access to daily needs, and/or increase commuting by mass transit.
- Implementation of projects or programs to reduce the distance commuted in individual gas-powered vehicles, such as densification or implementation of smart-growth strategies.

2. Reduction of Organic Waste**.** These projects divert food waste and other organic material from landfills where it produces methane. Projects include, but are not limited to the following:
    - Construction or installation of equipment to facilitate acceptance of food waste at existing anaerobic digesters at wastewater treatment facilities or existing composting facilities.
    - Implementation or piloting of a food waste pick-up service for residents and/or commercial establishments, prior to delivery to an organics recycling facility.
    - Implementation of food donation and food-waste collection in municipal buildings.
    - Implementation of onsite composting or anaerobic digestion at municipal facilities.

For food donation programs, infrastructure for the storage and management of edible food, establishment or expansion of residential education and outreach programs concerning food donation, home composting, and other related topics please see the DEC Department of Materials Management Funding Opportunities for Food Pantries and Municipalities at https://www.dec.ny.gov/chemical/114499.html .

3. Enhanced Landfill Gas Capture**.** Methane leakage from landfills is a significant source of GHG emissions. Projects include, but are not limited to, the following:
    - Installation of a new or more efficient landfill gas capture system that uses blowers, fans, pumps, or vacuums to induce an area of low pressure allowing for more efficient or additional landfill gas capture and directing the gas to a destruction device such as a flare, internal combustion engine, or pipeline injection for offsite use in place of a passive venting system.
    - Installation of methane leak-detection equipment and implementation of programs at landfills to improve monitoring as part of a GHG mitigation plan.

4. Reduction of Refrigerant Use and Leakage**.** Refrigeration and cooling systems contain fluorinated GHGs which are many times more powerful at trapping heat in the atmosphere than carbon dioxide. Leakage of these refrigerants from refrigeration, air-conditioning, and ice rink equipment is a regular occurrence. Municipalities can reduce or eliminate the harm caused by refrigerants by converting to zero or low global warming potential (GWP) alternatives, instituting leak management systems and repair plans, or providing for the proper disposal of appliances in the community. Projects include, but are not limited to the following:
    - Replacement or retrofit of refrigeration equipment, chillers, or air-conditioning systems with alternative refrigerants of the lowest GWP option available. NOTE: Implementation of a leak management system will be required for a grant award to install any system using a refrigerant with a GWP greater than 700. (For

reference the most common refrigerants R22, R134a, and R-410a have GWP over 1,400.) Currently, systems that run on ammonia have the lowest GWP. Lists of alternatives and their GWP can be found online on the Environmental Protection Agency website at https://www.epa.gov/snap/substitutes-centrifugal-chillers, among others. Applicants should contact potential vendors to determine the available options for low-GWP alternatives in different types of equipment and examine the technical documentation for the associated equipment.

- Installation of refrigerant leakage monitoring equipment and establishment of a monitoring and repair plan.
- Establishment of disposal programs to recover and recycle refrigerants, including those from automobiles, or properly dispose of equipment containing refrigerants.
- Adoption of codes to enable and encourage the use of alternative refrigerants or requirements for proper monitoring, repair, and disposal of refrigerants.
- Establishment of education and outreach programs for businesses within the community that will reduce GHG emissions from refrigerants.

Certification Projects

Certification projects focus on assessments, inventories, and planning activities that are part of becoming a certified Climate Smart Community. Only certain certification actions are eligible for grant funding. These actions create a foundation from which the community may institutionalize adaptation to climate change and mitigation of GHG emissions. They also provide a basis for future grant applications in the implementation category.

Total available - up to $700,000.
Minimum award - $10,000, except that up to five grants of between $2,500 and $9,999 each may be awarded to municipalities of population sizes less than 40,000.
Maximum award - $100,000.

No more than fifty percent (50%) of the total available funds for certification projects will be awarded to municipalities with populations greater than 100,000 or to any single municipality.

If funding in the certification category remains after all awards in the implementation category are made on the basis of eligibility, program requirements and goals, and passing score, the Department reserves the right to apply the remaining funding to eligible proposals in the implementation category.

Work plans submitted as part of an application for a project funded under the certification category must include completion of the minimum requirements for the selected certification action(s) as described in the Climate Smart Communities Certification Portal (CSC Portal) actions page at https://climatesmart.ny.gov/actions-certification/actions/ under subheadings “E. How to Obtain Points for this Action” and “F. What to Submit.”

Eligible projects include completion of any of the following CSC certification actions:

- PE2 Action: Government Operations Greenhouse Gas Inventory https://climatesmart.ny.gov/actions-certification/actions/#open/action/6
- PE2 Action: Community Greenhouse Gas Inventory https://climatesmart.ny.gov/actions-certification/actions/#open/action/7
- PE2 Action: Government Operations Climate Action Plan https://climatesmart.ny.gov/actions-certification/actions/#open/action/10
- PE2 Action: Community Climate Action Plan https://climatesmart.ny.gov/actions-certification/actions/#open/action/11

- PE3 Action: Fleet Inventory
  https://climatesmart.ny.gov/actions-certification/actions/#open/action/147
- PE3 Action: Fleet Efficiency Policy
  https://climatesmart.ny.gov/actions-certification/actions/#open/action/21
- PE5 Action: Construction and Demolition Waste Policy
  https://climatesmart.ny.gov/actions-certification/actions/#open/action/57
- PE6 Action: Comprehensive Plan with Sustainability Elements
  https://climatesmart.ny.gov/actions-certification/actions/#open/action/66
- PE6 Action: Complete Streets Policy
  https://climatesmart.ny.gov/actions-certification/actions/#open/action/74
- PE6 Action: Planning and Infrastructure for Bicycling and Walking (planning only)
  https://climatesmart.ny.gov/actions-certification/actions/#open/action/75
- PE6 Action: Natural Resources Inventory
  https://climatesmart.ny.gov/actions-certification/actions/#open/action/82
- PE7 Action: Climate Vulnerability Assessment
  https://climatesmart.ny.gov/actions-certification/actions/#open/action/85
- PE7 Action: Climate-Smart Resiliency Planning
  https://climatesmart.ny.gov/actions-certification/actions/#open/action/87
- PE7 Action: Climate Adaptation Strategies
  https://climatesmart.ny.gov/actions-certification/actions/#open/action/88
- PE7 Action: Heat Emergency Plan
  https://climatesmart.ny.gov/actions-certification/actions/#open/action/91

Eligible Expenses

The following expenses are eligible as match and for reimbursement:

- *Personnel Services*: salaries of staff, including fringe, directly devoted to project implementation. Grantees will be required to document date and hours worked and tasks completed via time records.
- *Contractual Services*: Tasks completed by professional and technical consultants (e.g., engineering, planning, and legal services directly related to the project).
- *Equipment*: Purchased, in-kind or rental use of equipment (e.g., backhoe) directly required to implement the project. Purchased equipment will be valued by its actual cost at the time of purchase, rental equipment will be valued at the rate charged and hours used, and in-kind use of equipment will be valued at either the NYS Department of Transportation or Federal Emergency Management Administration equipment rates or documented local equipment rental rates.
- *Travel:* Project related travel costs. Mileage will be reimbursed at the current federal rate and lodging at current state per diem rates for the area. Note that consultants should include travel into the overall cost proposal and not bill the grantee separately.
- *Other*: This category includes supplies and materials, volunteer time, and donated professional services.
  Supplies and materials are defined as consumable products needed to directly implement the project (e.g., printing, copying, paving material, crushed stone). Use value at time item(s) were obtained.
  Volunteer time is defined as unskilled labor or work performed by professionals or skilled laborers directly on the project, in an area outside their area of expertise. Values for volunteer time must be computed at the minimum wage at the time the work is performed (currently $13.50 - $15.00 in NYC, $12.00 for Long Island and Westchester, and $11.10 for the rest of New York State).

Donated professional services is defined as work performed by professionals or skilled laborers in their area of expertise directly on the project. For example, a lawyer donating legal services to the project may compute value based on the standard billing rate, but the same lawyer donating time painting walls must calculate the value using minimum wage.

Fees related to accessing tools for climate change adaptation and GHG mitigation for the duration of the project are permissible if directly related to the proposed project (e.g., ICLEI ClearPath, the Temperate tool, GHG software). Approval of these expenses will be made by the DEC during application review.

Ineligible Expenses

The following expenses are not eligible as match or for reimbursement:

- Costs for purchase of zero-emission vehicles and/or installation of electric vehicle service equipment or other charging or clean vehicle re-fueling infrastructure. If interested in clean vehicles, charging infrastructure, or hydrogen fuel cell filling station grant opportunities please see the Grants Gateway at https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx and search for zero-emission.
- Indirect or overhead costs of the municipality. This category includes but is not limited to rent, telephone service, general administrative support, general-use computers, office equipment, general office supplies, and other general operations costs such as memberships and subscriptions (e.g., newspapers, professional and municipal associations).
- Salaries and other expenses of elected officials, whether incurred for purposes of project direction, execution, or legislation.
- Fund-raising expenses.
- Taxes, insurance, fines, deficit funding, bond interest, and associated fees.
- Contingency costs.
- Federal funds.
- Other NYS funds.

Application Requirements

Grants Gateway Registration

Eligible applicants must be registered in the NYS Grants Gateway. Applicants must have a valid Federal Employee Identification Number (FEIN) and a NYS Vendor Identification Number to complete their Grants Gateway registration. If a municipality passes a resolution authorizing a department under its jurisdiction to apply for funding, that department can apply only if it is registered in the NYS Grants Gateway. Registration in the NYS Grants Gateway is necessary for municipalities to be able to do the following:

- apply for a NYS grant opportunity,
- enter into a grant contract,
- amend an existing contract,
- apply for grant payments (note: DEC does not utilize the Grants Gateway for payments at this time).

Registration is NOT an online process.
Register now to allow time for processing and postal mail delivery.

Grants Gateway registration instructions

1. Visit the Grants Management website at https://grantsmanagement.ny.gov/register-your-organization . Scroll down to the "How to Register Section" and click on the "Registration Form for Administrators" link.
2. Complete the form according to the instructions provided. The completed form must be signed and notarized.
3. Mail the original, signed and notarized, hard copy to the address provided in the instructions.
4. After the form is received and reviewed at Grants Management, the person designated "Grantee Delegated Administrator" in the registration form will be provided with a username and password allowing access the Grants Gateway.
5. The Grantee Delegated Administrator may then log in to the Grants Gateway at https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx and change their password at the bottom of the profile page when prompted. Enter a new password and click the SAVE button located on the top, right-hand side of the page.
6. The Grantee Delegated Administrator must now create roles for the "Grantee" and "Grantee Contract Signatory." The "Grantee" is often the municipal project manager or consultant who will upload all the required documentation and edit the work plan and budget. The "Grantee Contract Signatory" is the municipal CEO who is legally authorized to sign the state assistance contract. Refer to Section 2.2 of the "Grantee User Guide," located on the Grants Management website at https://grantsmanagement.ny.gov/grantee-documents for instructions on creating user roles in the Grants Gateway.

If you have previously registered and do not know your username, please email grantsgateway@its.ny.gov . If you do not know your password, click the Forgot Password link from the main log in page and follow the prompts.

Local Match

Per NYS Environmental Conservation Law §54-1511(3), a local match equal to **50 percent (50%) of total eligible project costs** is required. For example, a project with an eligible total cost of $100,000 is eligible for a $50,000 grant and must provide a $50,000 local match.

Only expenses listed in the Eligible Expenses section above and cash and real property, as detailed below, may be used as match with approval by the DEC, except for expenses covered by other NYS or federal funding sources.

The applicant must identify all sources of match in the budget at the time the application is submitted.

Cash: Includes general municipal funds, other grants from non-state or non-federal funding sources, and donations from community or corporate sponsors.

Real Property: The cost of acquisition of land that is necessary for and directly related to the proposed project may be used as **match only.** The cost of land acquisition cannot be supported with DEC grant funds. At the time of application, the applicant must submit the following acquisition documentation when real property is being used as match:

- map identifying the property;
- current appraisal report; and
- copy of the recorded deed conveying title.

Land acquisition as match must be approved by DEC as part of the application review process. Match for which complete land acquisition documentation is not submitted with the application will be deemed ineligible.

NOTE: Projects for which a complete match is not identified will have the award reduced to the eligible match amount or may be deemed ineligible if available funding is unlikely to ensure successful completion of the project.

Resolution
A municipal resolution authorizing application submittal and documenting the availability of local match must be submitted at the time of application. The resolution must be adopted by the legislative body of the lead municipal applicant. See Attachment A for a template. Only county governments may submit a letter signed by the county executive in place of the resolution, if the resolution cannot be obtained before the application deadline. The letter must conform to the template in Attachment A.

Map
Maps are required as part of the application in three instances.

1. Real property value is requested as match. A map identifying the property and its spatial relationship to the project is required along with the appraisal report and recorded deed conveying title to the applicant.
2. The project is an implementation project. For implementation projects provide one or more maps depicting the location, site features, and specific climate vulnerabilities associated with the project including the location(s) of populations and resources at risk associated with the proposed project, and if applicable, location on a flood insurance rate map or other applicable risk map.
3. The project site is located in a potential Environmental Justice area as mapped by the Department of Environmental Conservation. Upload a map of the potential Environmental Justice area from https://www.dec.ny.gov/public/911.html , indicating the project site on the map.

Work Plan and Budget
Work Plan – Each application must contain a detailed work plan. The work plan must be completed on the template provided, which uses the Grants Gateway format of objectives (goals of the project), tasks (from creation of an RFP to final reporting), and the performance measures (deliverables provided to the state).
The DEC OCC will require certain objectives, tasks, and performance measures for certain project types to be included in the work plan; these may include measuring the benefits and outcomes of the project. Details will be provided upon award.
Budget – Each application must contain a detailed budget with total project costs, including match. The budget submitted in the template upload must match the budget submitted as part of the CFA application questions.

Justification

Adaptation Implementation Projects
Applications for adaptation implementation projects should include the following:

1. Summary of current climatic conditions that have a direct connection to the proposed project's objectives (e.g., flood or flow levels, number of extreme-heat days).
2. A discussion of anticipated changes to conditions discussed above in #1 given scientifically supported projections of future local or regional climate conditions or local data documenting recent changes.
3. An analysis of how changes to the current conditions are affecting or will affect the project location; include specific climate vulnerabilities and populations and resources at risk.
4. A discussion and analysis of how the proposed project will alleviate the anticipated threats or reduce the risk from threats to the populations and resources identified in #3. Provide quantifiable evidence (e.g., model results, calculations, data) that demonstrates the value of the project in improving climate resilience and the methods, assumptions, and tools used to estimate anticipated risk reduction.

Mitigation Implementation Projects

Applications for GHG mitigation implementation projects should include the following:

1. The results of local and/or regional GHG emissions inventories at https://www.dec.ny.gov/energy/57170.html#Regional .
2. The GHG emissions to be targeted by this project.
3. Quantifiable evidence (e.g., model results, calculations, data) that demonstrates how the proposed project will achieve a meaningful reduction in GHG emissions.
4. The planning process used to identify, prioritize, and design the proposed project.

Certification Projects

For certification projects the application should include the following:

1. A description of why the project is needed in the community (i.e., any events, problems, and/or missing data that substantiate the need for the project).
2. How funding for this project is expected to meet the local/regional needs, alleviate problems, or provide critical information presented in #1.
3. How the products resulting from this grant award will be used by the community to implement GHG mitigation or climate change adaptation projects in the community.
4. A description of the municipality's approach to build capacity and engage the public, local businesses, and non-governmental organizations in a sustained effort to engage in an evolving process of climate action.
5. The requirements and deliverables for certification as listed at https://climatemart.ny.gov

Agreements

Partnerships

Two or more municipalities, or one municipality and a quasi-governmental entity or non-profit organization, may collaborate on a project. However, only one eligible municipality, designated as the lead applicant, may submit the application for grant funding. Letters or other written agreements, signed by all parties, substantiating the collaboration are required at the time of application. The lead applicant must assume the responsibility for the project application, contract development and maintenance in the Grants Gateway, performance of work consistent with this RFA, and compliance with the State of New York Master Contract for Grants or Letter of Agreement. Applicants must provide letters of commitment or other written agreements substantiating collaboration from each partner directly participating in the proposed project at the time of application.

Climate Change Mitigation Easement

Pursuant to the requirements of Title 15 of the Environmental Protection Fund (Environmental Conservation Law (ECL) §54-1501 et seq.), the grantee must own the property upon which the proposed development, improvement, restoration, and/or rehabilitation project will be implemented, or obtain a climate change mitigation easement (CCME) from the owner of the project site. If the applicant does not own the property upon which the proposed project will be implemented, the applicant is required to submit a landowner agreement at the time of application, as follows:

- If the property owner is another municipality, submit a certified resolution by the municipal property owner in support of the project indicating agreement to enter a CCME with the applicant.
- If the property owner is not a municipality, a notarized written statement from the property owner in support of the project indicating an agreement to enter a CCME with the applicant.

If awarded, during the term of the CSC grant contract for development, improvement, restoration, and/or rehabilitation projects of which the grantee is not the landowner, the grantee

must develop, execute, and file with the appropriate county clerk's office a CCME that ensures the following:

- The property shall be accessible to the municipality for any necessary work to achieve the funded purpose throughout the anticipated life of the project.
- The property shall provide the identified public benefit throughout the anticipated life of the project.
- The property shall be used to achieve climate protection and mitigation goals pursuant to ECL Article 54, Title 15 "Climate Smart Communities Projects" throughout the anticipated life of the project.
- The property owner shall provide information and data to the municipality or will provide access to the municipality for collection of data, as specified in the grant contract.
- A ten-year minimum term for the easement is required to adequately reflect the expected useful life of the project.
- The easement is to be enforced as a conservation easement pursuant to ECL Section 49-0305 and 6 NYCRR Part 492.

See Attachment B for a CCME template.

Smart Growth Public Infrastructure Policy Act

New York State's Smart Growth Public Infrastructure Policy Act (ACT), Environmental Conservation Law Article 6, requires the Department and all State infrastructure agencies to assess whether each public infrastructure project that receives state funding is consistent with the State smart growth public infrastructure criteria specified in ECL §6-0107, or that compliance is considered to be impracticable, before making any commitment to fund such project(s). Applicants are required to provide smart growth assessment information as part of the Consolidated Funding Application process.

Application Review and Scoring

Each application is first assessed for eligibility based on the pass/fail criteria. If an application is deemed ineligible, it is disqualified from further review. DEC will mail a letter to the contact listed in the CFA application informing the applicant of the determination. If the application is deemed eligible the application will move on to technical scoring by an evaluation team convened by DEC.

Using information provided by the applicant, reviewers will score each eligible project according to the selection criteria outlined below. An application must score a minimum of 40 points, out of a possible 100 points, and provide meaningful mitigation of GHG emissions or adaptation to climate change to receive an award. Technical reviewer scores will be averaged, and Regional Economic Development Council priority points will be incorporated to develop a numerical score; the scores will then be ranked highest to lowest.

Funding will be recommended based on the highest to lowest overall score ranking within each funding category, within the expressed funding limits for municipalities with population sizes over 100,000 and/or any single municipality and accommodating grants of less than $10,000 for municipalities of less than 40,000 population size, as described in this RFA, until available funding has been exhausted.

In the event of a tie score, in which two or more applications for funding are judged based on their written applications to be equal in quality, the applicant with the highest combined score on project criticality and effectiveness of proposal will receive the award. In the event of a tie scores on project criticality and effectiveness of proposal, the applicant with the highest score on implementation readiness will receive the award. In the event of a tie score on project readiness, the applicant with the highest score on reasonableness of cost will receive the award.

Pass/Fail Criteria

A failure to meet any one criterion below will disqualify the application from further consideration:

- The applicant is a county, city, town, or village of the State of New York, or a borough of New York City.
- A copy of a municipal resolution authorizing application submittal and a description of the required fifty percent (50%) match has been included.
- The application directly addresses one of the eligible project categories.
- The applicant provides a completed expenditure budget in the requested format that itemizes costs and an eligible match.
- The applicant provides a detailed work program and timeline for work, outlining individual work tasks and their sequence, from initiation through completion.
- If applicable, documentation of land ownership and/or the necessary land access and use agreement(s) and or partnership agreements are provided.

Implementation Projects

Eligible projects in the adaptation category will be evaluated for potential to provide a meaningful response, at the municipal level, to anticipated future conditions resulting from climate change. Scores will be based on the anticipated effectiveness of the proposed project to reduce risk to residents, infrastructure, and/or natural resources under projected climate conditions. Applications must include an analysis of how climate change will affect the project location, population, natural resources, etc., as relevant to the project type, and how the project will alleviate those anticipated threats.

Eligible projects in the mitigation category will be evaluated for their potential to provide a meaningful reduction in GHG emissions. Scores will be based on the anticipated effectiveness of the proposed project to reduce GHG emissions. Applications should describe the source of GHG emissions data, current GHG emissions, future GHG emissions due to project implementation, and the methods and assumptions used to estimate GHG reductions.

Implementation Scoring Overview

Category	Max. Points					Min. Points
Financial Hardship	4	2	0	-	-	0
CSC Status	8	6	3	0	-	0
Significant Statewide Initiatives	3	2	1	0	-	0
Project Criticality	15	8	3	0	-	0
Effectiveness of Proposal	14	10	5	0	-	0
Planning Context	6	3	0	-	-	0
Implementation Readiness	5	3	2	0	-	0
Reasonableness of Cost	20	15	7	3	0	0
Quality of Application	5	3	1	0	-	0
Regional Economic Development Council (REDC) Priority	20	*To be awarded by the regional economic development council (REDCs)*				
Total Available Points	100					

Implementation Scoring Criteria and Values

Category	Criterion	Points
Financial Hardship	Applicant is a community with a Median Household Income (MHI[1]) less than 80% of the 2017 Statewide MHI (*i.e.*, MHI less than $50,212).	4
	Applicant is a community with a MHI less than the 2017 Statewide MHI but not less than 80% of the 2017 MHI (*i.e.*, MHI greater than or equal to $50,212 but less than $62,765).	2
	Applicant is not a financial-hardship community, as defined above	0
CSC Status	Applicant is a certified silver Climate Smart Community	8
	Applicant is a certified bronze Climate Smart Community	6
	Applicant is a registered Climate Smart Community	3
	Applicant is not a Climate Smart Community	0
Significant Statewide Initiatives	Project site is located in a DEC potential Environmental Justice (EJ) area. Maps of potential EJ areas can be found on the DEC EJ webpage at http://www.dec.ny.gov/public/911.html .	2
	Project site is not located in a DEC potential environmental justice area. Maps of potential EJ areas can be found on the DEC EJ webpage at http://www.dec.ny.gov/public/911.html .	0
	Project advances downtown revitalization and smart growth as relevant to the goals of the CSC program.	1
	Project does not advance downtown revitalization and smart growth as relevant to the goals of the CSC program.	0
Project Criticality	**ADAPTATION:** Application identifies **specific** climate vulnerabilities (including populations and resources at risk) and describes, quantitatively, the scientifically supported projections of future local or regional climate conditions[2] that will create or exacerbate those vulnerabilities. **MITIGATION:** Application identifies the results of local and/or regional GHG emissions inventories[3] and the GHG emissions to be targeted by this project.	15
	ADAPTATION: Application **generally** identifies climate vulnerabilities (including populations and resources at risk) and generally describes the scientifically supported projections of future climate conditions at any scale that will create or exacerbate those vulnerabilities.	8

[1] Median Household Income (MHI) may be established using publicly available census data and does not require detailed demographic and economic data from the municipality. Per the U.S. Census American Community Survey (https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2017/), the 2017 Statewide MHI for total households in New York State is $62,765.

[2] See, e.g., New York State "ClimAID" report (https://www.nyserda.ny.gov/climaid), National Climate Assessment (http://nca2014.globalchange.gov/) and New York State Climate Change Science Clearinghouse (https://www.nyclimatescience.org).

[3] See NYS regional GHG emissions inventories and other inventory information at http://www.dec.ny.gov/energy/57170.html . Email climatesmart@dec.ny.gov for updated GHG inventory information.

	MITIGATION: Application describes information or data on GHG emissions at any scale and the GHG emissions to be targeted by this project.	
	ADAPTATION: Application generally describes a relationship between climate change and vulnerable populations or resources. **MITIGATION:** Application generally describes the value of GHG emission reduction.	3
	ADAPTATION: Application does not provide sufficient information to demonstrate a climate vulnerability expected to be exacerbated by climate change. **MITIGATION:** Application does not provide sufficient information to demonstrate an expected GHG emission reduction.	0
Effectiveness of Proposal	Application **specifically** identifies and provides quantifiable evidence (e.g., model results, calculations, data) that demonstrates the climate **adaptation** value of the project (i.e., how it will improve local climate resilience and/or minimize the effects of climate change) or the **GHG mitigation** value of the project (i.e., how it will result in a meaningful reduction of GHG emissions).	14
	Application **generally** and credibly identifies and describes the climate **adaptation** or GHG **mitigation** value of the project.	10
	The proposed project may lead to indirect, secondary, or partial benefits associated with climate **adaptation** or GHG **mitigation**.	5
	The proposed work will not lead to identifiable benefits associated with either climate **adaptation** or GHG **mitigation.**	0
Planning Context	The proposed project is **specifically recommended** by an adopted local or regional plan or is a documented initiative of a climate, energy, or GHG task force or committee.	6
	The proposed project identifies and is consistent with the purpose of, or provides indirect benefit related to, a local or regional plan or documented initiative of a climate, energy, or GHG task force or committee.	3
	The application does not describe a local or regional planning context or does not provide sufficient information to evaluate the relationship of the proposed project with local or regional plans, task force, or committee.	0
Implementation Readiness	Application clearly describes **all** of the following: • the planning used for identification, prioritization, selection, and design of the project as proposed; • a realistic schedule for obtaining all necessary permits or approvals; • project participants and their roles; • necessary project partnerships and agreements; and • ownership of and/or permission to use the property or facilities proposed for work.	5
	Application clearly describes **at least 4** of the above factors, including the following:	3

	• the planning used for identification, prioritization, selection, and design of the project as proposed, and • a realistic schedule for obtaining all necessary permits or approvals.	
	Application clearly describes **at least 3** of the above factors, including the following: • a realistic schedule for obtaining all necessary permits or approvals.	2
	Application does not identify an available source of eligible match, has not outlined a realistic schedule for obtaining all necessary permits or approvals, and/or does not clearly describe the factors listed above.	0
Reasonableness of Cost	To determine the reasonableness of cost, the following ten questions will be considered: 1. Have costs been thoroughly documented using quotes, pricing sheets, previous final budgets for similar projects, or similar documentation? 2. Is budget complete with proper amounts of grant and local share and does the budget template match the CFA application budget? 3. Has a specific source of local match, such as general fund, highway department budget, or donation been allocated? 4. Are budget lines detailed with information, such as: type of contractor and amount, construction vs design; title of personnel, hours expected, and hourly or annual rate; purpose and location of travel; list of materials, title and hourly rate of donated professional services, or number of volunteers and hours anticipated? Engineering costs allocated to grant cannot exceed 15% of the total requested in application. 5. Are the size and scope of the project suitable to accomplish the desired outcome? 6. Does the applicant leverage municipal staff, non-contractual services, or other resources to accomplish the proposed work? 7. Will the completed project provide a meaningful GHG mitigation or climate change adaptation benefit relative to anticipated project costs? 8. Will the project catalyze additional action related to the project's purpose that will not require state funding? 9. Does the project demonstrate a new technology or innovative approach? 10. Will the work or the approach be transferable to other communities or replicable in other sectors?	
	Projects that meet 8 or more of the criteria listed above.	20
	Projects that meet at least 6 of the criteria listed above.	15
	Projects that meet at least 4 of the criteria listed above.	7
	Projects that meet at least 3 of the criteria listed above.	3
	Projects that meet fewer than 3 of the criteria listed above.	0

Quality of Application	The application is complete, including an anticipated schedule, work plan, a detailed budget breakdown, and all necessary questions have been answered. The project is clearly and specifically described and all supporting information and documentation is included.	5
	The application generally describes the project but some questions have not been fully or adequately answered, supporting documentation is missing, and/or the budget or schedule generalizes across broad categories.	3
	The application does not clearly describe the project or there are discrepancies in the proposal or between the work proposed and the included budget.	1
	The application is missing a significant amount of information, does not address the stated purpose of the grant program and its eligible project categories, and/or does not provide sufficient budget information to understand the amount of funding requested.	0
REDC Priority	To be awarded separately by the REDCs.	0, 5, 10, 15, or 20

Statewide Programs

Downtown Revitalization Initiative and Strategic Community Investment

Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization and strategic place making through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses - creating dynamic neighborhoods where tomorrow's workforce will want to live, work, and raise a family. Projects that reflect general principles of smart growth and sustainable development will receive 1 point.

Environmental Justice

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people including a racial, ethnic, or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Projects located in a potential environmental justice area as defined by DEC, and for which the applicant has submitted a map of the environmental justice area showing the location of the proposed project, will receive two points. To determine if your project is located in a potential environmental justice are, consult the maps on the DEC environmental justice webpage at http://www.dec.ny.gov/public/911.html .

Certification Projects

Applications must identify all CSC certification actions to be completed and how the products will be used by the municipality in the future to advance GHG mitigation and climate change adaptation. Projects will be scored based on the effectiveness of the proposed project or plan to address future climate conditions and/or support GHG reduction.

Certification Scoring Overview

Category	Max. Points				Min. Points
Financial Hardship	6	2	0	-	-
CSC Status	8	6	3	0	-
Certification Readiness	3	0	-	-	-
Project Criticality	14	12	8	4	2
Effectiveness of Proposal	10	8	5	0	-
Planning Context	6	3	0	-	-
Implementation Readiness	8	6	4	0	-
Reasonableness of Cost	20	15	7	3	0
Quality of Application	5	3	1	0	-
REDC Priority	20	*To be awarded by the REDCs*			
Total Available Points	100				

Certification Scoring Criteria and Values

Category	Criterion	Points
Financial Hardship	Applicant is a community with a Median Household Income (MHI[4]) less than 80% of the 2017 Statewide MHI (*i.e.*, MHI less than $50,212).	6
	Applicant is a community with a MHI less than the 2017 Statewide MHI but not less than 80% of the 2017 MHI (*i.e.*, MHI greater than or equal to $50,212 but less than $62,765).	2
	Applicant is not a financial-hardship community, as defined above	0
CSC Status	Applicant is a certified silver Climate Smart Community	8
	Applicant is a certified bronze Climate Smart Community	6
	Applicant is a registered Climate Smart Community	3
	Applicant is not a Climate Smart Community	0
Certification Readiness	Applicant has provided documentation showing formation of a CSC task force and two meetings in the past year, as per https://climatesmart.ny.gov/actions-certification/actions/#open/action/2	3
	Applicant has NOT provided documentation showing formation of a CSC task force and two meetings in the past year, as per https://climatesmart.ny.gov/actions-certification/actions/#open/action/2	0
Project Criticality	To determine project criticality, the following questions will be considered: 1. Why is the project needed in the community? Name any local or regional events and/or problems that substantiate the need for the project.	

[4] Median Household Income (MHI) may be established using publicly available census data and does not require detailed demographic and economic data from the municipality. Per the U.S. Census American Community Survey (https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2017/), the 2017 Statewide MHI for New York State is $62,765.

	2. Describe how the project will provide critical information that is currently missing. 3. How will funding for this project help meet the needs or alleviate the issue(s) presented in #1 above? 4. How will actions completed through this project build on previous work? 5. What was the method used to prioritize this project over other climate-related projects (data, immediate needs, etc.)? 6. How will this project support the municipality's efforts to encourage the public, local businesses, and non-governmental entities to act on climate change?	
	Applications that provide well-reasoned answers to all the criteria above.	14
	Applications that provide well-reasoned answers to at least 4 of the criteria above, including 1, 2, and 3.	12
	Applications that provide well-reasoned answers to at least 3 of the criteria above, including 1 and 3.	8
	Applications that provide well-reasoned answers to at least 2 of the above criteria, including #1.	4
	Applications that do not provide well-reasoned answers at least 2 of the questions above.	2
Effectiveness of Proposal	Application **specifically** identifies and describes how the proposed project will build local capacity and lead to specific implementation projects and policies that improve local or regional resilience, minimize local or regional impacts of climate change, or achieve a meaningful reduction in GHG emissions.	10
	Application **generally** describes how the proposed project will lead to additional efforts that improve local or regional resilience in the community, minimize local or regional impacts of climate change, or achieve a meaningful reduction in GHG emissions.	8
	The proposed project may lead to indirect, secondary, or partial benefits for local or regional resilience, or the minimization of climate change impacts, or may indirectly support or facilitate reduction of GHG emissions.	5
	The proposed project will not lead to an identifiable climate change resilience benefit or reduce GHG emissions; or the application does not provide sufficient information to evaluate the effectiveness of the proposed project.	0
Planning Context	The proposed project is specifically recommended by an adopted local or regional plan or is a documented initiative of a climate, energy, or GHG task force or committees.	6
	The proposed project identifies and is consistent with the purpose of, or provides indirect benefit related to, a local or regional plan or documented initiative of a climate, energy, or GHG task force or committee.	3
	The application does not describe a local or regional planning context or does not provide sufficient information to evaluate	0

	the relationship of the proposed project with local or regional plans, task forces, or committees.	
Implementation Readiness	To determine the Implementation readiness, the following questions will be considered: 1. Is the work plan clear and concise and does it contain the requirements and deliverables listed at https://climatemart.ny.gov ? 2. Does the budget align with the work plan? (I.e., do they contain the same categories?) 3. Does the applicant have adequate labor (staff, partners, volunteers) and resources to complete the project? 4. Does the application demonstrate an existing or proposed organizational structure that will sustain implementation of the project? 5. Does the applicant have, or can obtain, the technical expertise needed to complete the assessment, inventory, or planning project? 6. Does the project include adequate public engagement?	
	Application addresses at least 4 of the items above, including #1 and #3.	8
	Application addresses 3 of the items above, including #1.	6
	Application addresses 2 of the items above.	4
	Application addresses 1 of the items above.	0
Reasonableness of Cost	To determine the reasonableness of cost, the following questions will be considered: 1. Have costs been thoroughly documented using quotes, pricing sheets, previous final budgets for similar projects, or similar documentation? 2. Is budget complete with proper amounts of grant and local share and does the budget template match the CFA application budget? 3. Has a specific source of local match, such as general fund, highway department budget, or donation been allocated? 4. Are budget lines detailed with information such as type of contractor and amount; title of personnel, hours expected, and hourly or annual rate; purpose and location of travel; list of materials, title and hourly rate of donated professional services, or number of volunteers and hours anticipated? 5. Are the size and scope of the project suitable to accomplish the desired outcome? 6. Does the applicant leverage municipal staff, non-contractual services, or other resources to accomplish the proposed work? 7. Will the completed project provide a meaningful GHG mitigation or climate change adaptation benefit relative to anticipated project costs? 8. Will the project catalyze additional action related to the project's purpose that will not require state funding? 9. Does the project demonstrate a new technology or innovative approach?	

	10. Will the work or the approach be transferable to other communities or replicable in other sectors?	
	Projects that meet 8 or more of the criteria listed above.	20
	Projects that meet at least 6 of the criteria listed above.	15
	Projects that meet at least 4 of the criteria listed above.	7
	Projects that meet at least 3 of the criteria listed above.	3
	Projects that meet fewer than 3 of the criteria listed above.	0
Quality of Application	The application is complete, including an anticipated schedule, work plan, a detailed budget breakdown, and all necessary questions have been answered. The project is clearly and specifically described and all supporting information and documentation is included.	5
	The application generally describes the project but some questions have not been fully or adequately answered, supporting documentation is missing, and/or the budget or schedule generalizes across broad categories.	3
	The application does not clearly describe the project or there are discrepancies in the proposal or between the work proposed and the included budget.	1
	The application is missing a significant amount of information, does not address the stated purpose of the grant program and its eligible project categories, and/or does not provide sufficient budget information to understand the amount of funding requested.	0
REDC Priority	To be awarded separately by the Regional Economic Development Councils (REDC)	0, 5, 10, 15, or 20

Awards

Applicants selected to receive grant awards will be notified by an official Department award letter after the announcement of the REDC awards has been made in December 2019. A “next steps” e-mail with follow up details on the execution process will be sent in January 2020, once the Grants Gateway files have been created. Successful applications for awards of less than $10,000 will be processed via a Letter of Agreement (LOA) and awards of $10,000 or more will be processed via the Master Contract for Grants (MCG).

IMPORTANT NOTE: By accepting an award, applicant agrees to abide by all MCG or LOA and Attachment A-1 Terms and Conditions. Any changes to the terms and conditions will not be accepted and may affect applicant’s award.

Letter of Agreement (LOA) and Master Contract for Grants (MCG)

Applicants selected to receive an award of less than $10,000 will first be required to negotiate the budget and work plan with the DEC OCC program manager and supply insurance information as described below under Insurance Requirements. Once the budget and work plan are approved by both parties and the insurance information is provided, the grantee will be mailed a Letter of Agreement (LOA) package consisting of the LOA, Attachment A-1 Program Terms and Conditions (see http://www.dec.ny.gov/energy/109181.html for a copy of Attachment A-1), signed purchase order, quarterly report form, and reimbursement forms. The purchase order will have the same five-year term as the MCG. Project related costs must be incurred within the term of the purchase order to be considered eligible for reimbursement or match. Payments will not be approved or processed by the DEC until a LOA is fully approved by the DEC, expenses are incurred, and a payment request is submitted with all required

documentation. Advance payments are not authorized as part of the CSC grant program. Contract extensions will be considered on a case-by-case basis upon written request from the grantee.

Applicants selected to receive an award of $10,000 or greater will be required to complete the contract development and approval process within the Grants Gateway. Grantees will negotiate the budget and work plan with the DEC program manager and supply insurance information as described below in Insurance Requirements. Once the budget and work plan are approved by both parties and the insurance information is provided, the grantee will be given access to the contract within the Grants Gateway and required to input the approved budget, work plan, and insurance documentation. The contract will then move to the next step of the execution process. Contracts should be executed within 90 days from the time of the award notification. Failure to submit required MCG documents in a timely fashion may cause a grantee to lose its award. Once a contract is executed the DEC project manager will provide the grantee with the grantee guidelines, voucher paperwork, and draft signage if applicable. Payments will not be approved or processed by the Department until a MCG is fully approved by the Department and, as applicable, the Attorney General and the State Comptroller, expenses are incurred, and payment request is submitted with all required documentation. Advance payments are not authorized as part of the CSC grant program. Contract extensions will be considered on a case-by-case basis upon written request from the grantee.

The start date for all MCGs and LOAs awarded through this request for applications will be March 15, 2020. Project costs must be incurred between March 15, 2020 and March 14, 2025 to be considered eligible for reimbursement or match. Applicants should not submit applications in response to this RFA if they do not anticipate they can complete their projects within five years of the contract start date, i.e., by March 14, 2025.

Applicants should review and be prepared to comply with all LOA and MCG Terms and Conditions if grant funding is awarded. The standard MCG and Attachment 1-A Program Terms and Conditions for CSC is available on the OCC grants webpage at http://www.dec.ny.gov/energy/109181.html .

Insurance Requirements

Grantees will be required to carry appropriate insurance as specified in Attachment A-1 Program Specific Terms and Conditions and to agree that each project consultant, project contract, and project subcontractor secures and delivers to the Grantee appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies held by the grantee must name the State of New York and the NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1030 as an additional insured and certificate holder, with appropriate limits, covering Grantee's public liability and property damage insurance, Grantee's contingency liability insurance, "all-risk" insurance, workers' compensation, and disability coverage for the project. Additional insurance or insurance riders may be requested by the Department based on the project work plan.

State Environmental Quality Review (SEQR) Documentation

With respect to the project, the Grantee will certify that it has complied, and shall continue to comply, with all requirements of the State Environmental Quality Review Act (SEQRA). The Grantee will further certify that it has notified, and shall continue to notify, the Department of all actions proposed for compliance with the environmental review requirements imposed by SEQRA. By entering into a contract with the Department, the Grantee agrees to provide all SEQR documentation, and other environmental documents as may be required by the Department, to the Department upon their completion and/or approval.

Iran Divestment Act
As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. By entering into a Contract, the Grantee certifies that it is not on the "Entities Determined to Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website at http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additional detail on the Iran Divestment Act can be found in the Attachment A-1 Program Specific Terms and Conditions.

Acknowledgement of Financial Support
The following statement acknowledging DEC funding for the project must be included in any press releases or other public announcement, including newspaper articles and web posting, as well as all documents, brochures, reports, signage, maps, and exhibits: "This project has been funded in part by the Climate Smart Communities Grant Program, Title 15 of the Environmental Protection Fund through the New York State Department of Environmental Conservation."
If a ribbon-cutting or other promotional event is planned for the project, the event must be coordinated with the DEC Press Office.

Certification Standards and Portal
For certification actions funded in the CSC Certification category, the grant recipient shall include in the work plan, all deliverables required for each action as described in the CSC Portal at https://climatesmart.ny.gov/actions-certification/actions/ under subheadings "E. How to Obtain Points for this Action" and "F. What to Submit" and provide these items as deliverables under the MCG or LOA.

Metrics and Reporting
The grant recipient shall provide estimates of the project's GHG emissions reductions, risk reduction, or other appropriate metrics, as approved by the program manager, through the end of the contract term, in the quarterly report, and/or final project report as applicable. Progress Reports must be submitted on a quarterly basis, within 30 days following the end of the quarter. Quarterly reports are due to the OCC program manager as follows:

- Q1 - January 1 to March 31, due April 30
- Q2 - April 1 to June 30, due July 31
- Q3 - July 1 to September 30, due October 31
- Q4 - October 1 to December 31, due January 31

Minority/Women Business Enterprises (MWBE) and Equal Employment Opportunities (EEO) Requirements
The Department is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 ("MWBE Regulations") for all State contracts with a value (1) in excess of $25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of $100,000 for real property renovations and construction. Applicants subject to executing a future NYS MCG agree, in addition to any other nondiscrimination provision of the MCG and at no additional cost to the Department, to fully comply and cooperate with the Department in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women ("EEO") and contracting opportunities for certified minority and women-owned business enterprises ("MWBEs"). Contractor's demonstration of "good faith efforts" pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required

by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, state or local laws.
For the purposes of the CSC program, an MWBE requirement of 20% of the grant amount will pertain to awards in excess of $100,000 for construction projects only. There are no MWBE requirements for contracts with grant awards of $100,000 or less for construction, or for grant awards for CSC Certification projects. Please refer to the NYS MCG Article IV.(J) and Attachment A-1 Program Specific Terms and Conditions Article X of the contract to review specific MWBE and EEO requirements for each project.
The local government is responsible for designating someone to serve as their Affirmative Action representative. The governing body should make this designation through official means.
A list of certified MWBE enterprises can be obtained via the internet from the NYS Department of Economic Development at
https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=9885 .
Contracts which meet the established MWBE-EEO thresholds require the Contractor to submit Quarterly Reports. Required MWBE and EEO related forms can be found at
http://www.dec.ny.gov/about/48854.html .
Failure to comply with MWBE and EEO requirements may result in a Department finding of non-responsiveness, non-responsibility, and/or a breach of contract leading to the withholding of funds or such other actions, liquidated damages, or enforcement proceedings.

The following MWBE-EEO “Fair Share” goals are established as follows:
Minority and Women Owned Business Enterprise (MWBE) Overall Participation Goals:

- Construction/Engineering – 20% (for construction projects over $100,000)
- Commodities – 0%
- Services/Technologies – 0%

Equal Employment Opportunity (EEO) Participation Goals

- EEO Minority Workforce Participation Goals (DEC Regions 1- 9) 0%
- EEO Female Workforce Participation Goals (DEC Regions 1-9) 0%

DEC MWBE Compliance, Bureau of Contract and Grant Development, MWBE Program, 625 Broadway, 10th Floor, Albany, New York 12233-5028, Phone: (518) 402-9240, Fax: (518) 402-9023, mwbe@dec.ny.gov .

Climate Change Mitigation Easement
Pursuant to the requirements of Title 15 of the Environmental Protection Fund, the grantee must own the property upon which the proposed development, improvement, restoration, and/or rehabilitation project will be implemented, or obtain a climate change mitigation easement (CCME) from the owner of the project site. If the applicant does not own the property upon which the proposed project will be implemented, the applicant is required to submit a landowner agreement at the time of application, as follows:

- If the property owner is another municipality, submit a certified resolution by the municipal property owner in support of the project indicating agreement to enter a CCME with the applicant.
- If the property owner is not a municipality, a notarized written statement from the property owner in support of the project indicating an agreement to enter a CCME with the applicant.

If awarded, during the term of the CSC grant contract for development, improvement, restoration, and/or rehabilitation projects of which the grantee is not the landowner, the grantee must develop, execute, and file with the appropriate county clerk’s office a CCME that ensures the following:

- The property shall be accessible to the municipality for any necessary work to achieve the funded purpose throughout the anticipated life of the project.

- The property shall provide the identified public benefit throughout the anticipated life of the project.
- The property shall be used to achieve climate protection and mitigation goals pursuant to ECL Article 54, Title 15 “Climate Smart Communities Projects” throughout the anticipated life of the project.
- The property owner shall provide information and data to the municipality or will provide access to the municipality for collection of data, as specified in the grant contract.
- A ten-year minimum term for the easement is required to adequately reflect the expected useful life of the project.
- The easement is to be enforced as a conservation easement pursuant to ECL Section 49-0305 and 6 NYCRR Part 492.

See Attachment B for a CCME template.

Retainage

Per 6 NYCRR Part 492, Climate Smart Communities Projects, a retainage of five percent (5%) will be withheld from each payment request for adaptation and mitigation projects (implementation). The retainage is held in case a project is not completed or all required match is not provided by the grantee. All accumulated retainage will be added to the final payment request upon project completion, match fulfillment, and submission of all deliverables.

30-Day Notice

Grantee agrees to notify the Department in writing thirty (30) calendar days prior to the start of construction or, if the start of construction began on or after the contract start date, upon approval of the contract. The grantee shall notify the Department in writing within thirty (30) calendar days as to the status of any construction. The grantee agrees that it shall notify the Department in writing thirty (30) days following initial start-up operation of the project.

Permit Requirements

If applicable, grantees agree to obtain all required permits including, but not limited to local, state, and federal permits prior to the commencement of any project-related work. The grantee agrees that all work performed in relation to the project by the grantee or its agents, representatives, or grantees will comply with all relevant federal, state, and local laws, rules, regulations and standards, zoning and building codes, ordinances, operating certificates for facilities, or licenses for an activity. The applicant is responsible for assuring that any SEQR determinations, permits, approvals, lands, easements, and rights-of-way that may be required to carry out the activities of the project are obtained.

Vendor Responsibility Questionnaire

If any one sub-contractor will be receiving over $100,000 in grant funds, the contractor must complete the Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, the contractor can follow the VendRep instructions available at http://www.osc.state.ny.us/vendrep/vendor_index.htm or go directly to the VendRep System online at https://portal.osc.state.ny.us . More information is available in section XVII. Vendor Responsibility of the Attachment A-1 Program Terms and Conditions.

Americans With Disabilities Act

In the event the monies defined herein are to be used for the development of facilities, outdoor recreation areas, transportation, or written or spoken communication with the public, the Contractor shall comply with all requirements for providing access for individuals with disabilities as established by Article 4A of the New York State Public Buildings Law, Americans with Disabilities Act, and relevant sections of the New York State Uniform Fire Prevention and Building Code. Standards for certain Recreation Facilities are found in the 2010 ADA Standards for Accessible Design while others are found in the Architectural Barriers Act Accessibility

Guidelines for Outdoor Recreation Areas https://www.access-board.gov/guidelines-and-standards .

Procurement of Contractors/Subcontractors
Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Failure to comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.
Historic Preservation Review Requirements
For projects that involve properties listed on the State or National Registers of Historic Places, all work undertaken as part of a grant-assisted project must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. Questions about or proposals for listing on the state or national register should be directed to the Office of Parks, Recreation, and Historic Preservation (OPRHP) National Register Unit at (518) 237-8643. To ensure the public benefit from the investment of state funding, preservation covenants or conservation easements will be conveyed to the OPRHP for all historic property grants

Ownership
Pursuant to ECL §54-1515, all infrastructure funded through the CSC program must be owned by the grantee and cannot be transferred to another entity for the duration of the infrastructure's useful life. Through a Climate Change Mitigation Easement, the infrastructure may be placed on property not owned by the municipality.

Sexual Harassment Prevention Certification
State Finance Law §139-l requires all applicants of grant funding to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees.
Where applying for grant funding is required pursuant to statute, rule or regulation, every application submitted to the state or any public department or agency of the state must contain the following statement: "By submission of this application, each applicant and each person signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law."
Applications that do not contain the certification will not be considered for award; provided however, that if the applicant cannot make the certification, the applicant may provide a signed statement with their application detailing the reasons why the certification cannot be made.
Applicants are required to sign and upload the Sexual Harassment Prevention Certification form or upload a signed statement with their application detailing the reasons why the certification cannot be made.

Payments and Reporting
Pursuant to State Finance Law, municipalities are not eligible to receive advance payments. Project costs eligible for reimbursement and project match must be incurred between the MCG start and end dates. Costs incurred prior to the MCG term start date or after the MCG term end date will not be considered eligible for grant reimbursement or match. Copies of supporting cost documentation (paid invoices, receipts, cancelled checks, etc.) must be audited and approved by the Department for costs to be eligible for grant reimbursement.
Quarterly reports must be submitted in narrative form, no later than 30 days from the end of each quarter, beginning with the first full quarter after contract execution. Quarterly reports must summarize project progress toward meeting project objectives and deliverables during the

quarter. Expenditure reports (section VI Financial Status of the quarterly report form), detailed by object of expense as defined in the MCG Attachment B-1 Expenditure Based Budget, must accompany the quarterly reports.
Quarterly MCG payment reimbursement requests will be accepted prior to submittal of a final closeout reimbursement request. Approved project design, required permits, landowner permissions, and quarterly reports must be in place to submit a reimbursement request. Per 6 NYCRR Part 492, Climate Smart Communities Projects, a retainage of 5% will be withheld from each payment request for adaptation and mitigation projects (implementation). The retainage is held in case a project is not completed or all required match is not provided by the grantee. All accumulated retainage will be added to the final payment request upon project completion, match fulfillment, and submission of all deliverables.
A final report must be submitted and approved by the Department prior to the release of the final contract payment to the Grantee. The Grantee must submit the final report no later than 60 days after the end of the contract period. The final report should report on all aspects of the program, include photographs and copies of media promotion, detail how grant funds were utilized in achieving the goals set forth in the work plan, and summarize the obstacles experienced and how they were overcome. For mitigation projects, an estimate of GHG reduction must be included.
Draft copies of appropriate deliverables (e.g., inventory and/or management plan) must be submitted by the Grantee and approved by the Department before a final draft is produced.
An on-site inspection by the Department may be required to confirm all work was completed in accordance to the approved project work plan.

Department of Environmental Conservation Oversight
The Department of Environmental Conservation reserves the right to do the following:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- Award an agreement for any or all parts of this RFA in accordance with the method of award or withdraw the RFA at any time at the Department's sole discretion.
- Award only one application for funding in the event there are several application submittals for a single project or for portions of a single project.
- Award to the next highest scoring application in the event a grantee fails to negotiate a grant contract with the Department within 90 days of a grant award.
- Monitor the progress of all grant awards and withdraw grant funding if the grantee fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.
- Not fund projects that are determined not to be consistent with the NYS Smart Growth Public Infrastructure Policy Act (Environmental Conservation Law Article 6).

Debriefing
In accordance with section 163 of the NY State Finance Law, the Department must, upon request, provide a debriefing to any unsuccessful offeror that responded to the RFA, regarding the reasons that the proposal or bid submitted by the unsuccessful offeror was not selected for an award. An unsuccessful offeror wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that their proposal did not result in an award.

Attachment A: Resolution Template

Sample Municipal Resolution Authorizing Application for a New York State Climate Smart Communities Grant

Resolution #

Whereas, [name of municipality] hereby requests financial assistance from the New York State Climate Smart Communities Grant Program pursuant to Environmental Conservation Law Article 54 Title 15.

Whereas, [name of municipality] certifies that it has identified and secured $[amount of match] of matching funds from [location – general fund, donation, etc.] pursuant to the requirements of Environmental Conservation Law Article 54 Title 15.

Therefore, be it resolved, that [name of municipality] hereby authorizes [name and title of authorized representative], an official or employee, to act on its behalf in submittal of an application through the Consolidated Funding Application for $[amount requested], to be used for [project title].

Adopted this [date] day of [month], [year].

I hereby certify that the foregoing resolution was duly adopted by [name of municipality] at a legal meeting on the [date] day of [month], [year].

[Name]

[Title]

Water Quality Improvement Project (WQIP) Program

Funding Available: Up to $70 million

DESCRIPTION

The Water Quality Improvement Project (WQIP) program is a competitive, statewide reimbursement grant program open to local governments and not-for-profit corporations to implement projects that directly address documented water quality impairments or protect a drinking water source. This funding is for construction/implementation projects, not projects that are exclusively for planning.

It is highly recommended that all potential WQIP applicants read the WQIP Program Overview, particularly the section for their project type, in its entirety before applying for WQIP funding.

PROJECT TYPES SUMMARY TABLE

Funding is available for the following project types (see project type sections for all information):

Project Type	Maximum Award	Required Match	Eligible Applicants[5]	Required Attachment(s)
Wastewater Treatment Improvement	$1,000,000 to $10,000,000 depending on project subtype and overall project cost	25% (high priority projects) or 60% (secondary priority projects) of award amount	Municipalities	Budget worksheet Engineering report Project map Sexual Harassment Prevention Certification Form (Appendix A)
Non-Agricultural Nonpoint Source Abatement and Control	$500,000 to $3,000,000 depending on project subtype	25% of award amount	Municipalities Soil & water conservation districts	Budget worksheet Project map See Nonpoint Source section for attachments required for certain project subtypes Sexual Harassment Prevention Certification Form (Appendix A)

[5] The applicant name must exactly match the name of the eligible entity registered in the NYS Grants Gateway. It may not be the name of an individual.

Project Type	Maximum Award	Required Match	Eligible Applicants[5]	Required Attachment(s)
Land Acquisition for Source Water Protection	$4,000,000	25% of award amount	Municipalities Soil & water conservation districts Not-for-profit corporations	Budget worksheet Monitoring and enforcement protocol Project map Fiscal reports (programs only) Sexual Harassment Prevention Certification Form (Appendix A)
Salt Storage	$500,000	50% of award amount	Municipalities Soil & water conservation districts	Budget worksheet Project map Sexual Harassment Prevention Certification Form (Appendix A)
Aquatic Connectivity Restoration	$250,000	25% of award amount	Municipalities Soil & water conservation districts Not-for-profit corporations	Budget worksheet Landowner agreements as applicable Project map Sexual Harassment Prevention Certification Form (Appendix A)
Municipal Separate Storm Sewer Systems (MS4s)	$500,000 or $600,000 depending on project subtype	25% of award amount	Regulated Traditional or Non-traditional MS4s Municipalities Soil & water conservation districts	Budget worksheet Project map Letters of support from participating municipalities Mapping Status Table Catch basin clean-out plan and procedures (if available) with vacuum truck applications Sexual Harassment Prevention Certification Form (Appendix A)

INELIGIBLE PROJECTS/APPLICATIONS

Applications are ineligible that:

- Do not address water quality impairments or protect a drinking water source
- Include ineligible activities or costs **(view the section for your project type)**
- Are seeking funds for studies, planning, or design only
- Do not include required attachments **(view the section for your project type for a full list of required attachments)**
- Do not meet the requirements for that project type or subtype
- Are from entities not registered in the Grants Gateway at the time of application
- Are from not-for-profit organizations that do not have a current prequalification in Grants Gateway as of the application deadline
- Fail to meet the minimum scoring criteria as detailed for each project type in this Program Overview. A project must receive an agency score of at least 30 to be eligible for funding.
- Do not show match and a match source, or use ineligible match sources
- Are seeking funds for costs incurred before May 1, 2019

APPLICATION LIMITS

Applicants may only apply for one project type per application. Only one application may be submitted per project per round. Applicants are limited to five applications per round. Applicants that have received funding in a previous round will not receive additional funding in this or a future round for the same scope of work. However, the WQIP program will fund distinct phases or different activities and costs of a project in consecutive rounds of funding if the applicant sufficiently describes how the planned scope of work is distinctly different from the previous scope of work.

MORE INFORMATION ON MATCH

- Match for WQIP is a percentage of the **award amount**, not the total project cost.
- Only eligible WQIP costs/activities may be used for match
- Applications that do not show sufficient match will have their potential award amounts decreased accordingly.
- Match consists of cash contributions and in-kind services for the project and must come from a local source.
- State grants/funding are not acceptable sources of match, except for loans that will be repaid (e.g. State Revolving Fund loans). Federal grants/funding are also not acceptable sources of match for Aquatic Connectivity Restoration projects.

Match Formula: Requested Award Amount x Required Match Percentage = Required Match Amount

Match Calculation Example:

Project type: General wastewater treatment improvement

Required match percentage: 60% of award amount

Requested award amount: $2,500,000

$2,500,000 x .60 = $1,500,000

Required match amount: $1,500,000

Wastewater Treatment Improvement

ELIGIBLE APPLICANTS

- Municipalities[6]

DESCRIPTION

Funding is available for wastewater treatment improvements to municipal wastewater systems.

REQUIREMENTS FOR ALL WASTEWATER TREATMENT IMPROVEMENT APPLICATIONS

- Applicants under an Order on Consent with DEC must be in compliance with the terms and schedule of the Order at the time of application

Required Attachments

- Engineering report prepared, stamped and dated by a NYS-registered Professional Engineer
    - Feasibility reports and engineering plans not accompanied by engineering reports do not fulfill the engineering report requirement.
    - DEC recommends engineering reports follow the Environmental Facilities Corporation (EFC) engineering report guidelines (see resources list below)
    - Engineering reports must include at a minimum the following elements:
        - Project background and history/Problem statement
        - Alternatives analysis with cost estimates
        - Summary and comparison of alternatives
        - Recommended alternative
- Map with the project area clearly identified. Map must be a 1:24,000 scale USGS or DOT planimetric map.
- Budget worksheet
- Sexual Harassment Prevention Certification Form (Appendix A)

PROJECT SUBTYPES AND REQUIREMENTS

Please note that:

- All high priority projects may be funded before secondary priority projects. DEC reserves the right to fund one project from each high priority category scoring 70 or above before awarding additional high priority wastewater projects.
- Projects that apply for a high priority category but do not meet all requirements will be scored as secondary priority and will be required to meet the 60% match if awarded.
- DEC reserves the right to skip over a project in the final scored ranked list if the same activities in the project will be funded by the Environmental Facilities Corporation's Water Infrastructure Improvement Act grant.

[6] For the purposes of Wastewater Treatment Improvement projects under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof (Environmental Conservation Law §56-0101).

Project subtype	Description	Maximum award	Required match	Special Requirements
High Priority				
Wastewater Effluent Disinfection	Projects to install effluent disinfection and backup power at facilities that do not disinfect	$1,000,000	25% of award amount	Applicants **must** have been notified by DEC via letter or modified permit that their treatment system requires an upgrade to add effluent disinfection.
Combined Sewer Overflow (CSO) / Sanitary Sewer Overflow (SSO)	Projects to upgrade municipal systems to meet CSO or SSO discharge requirements	$10,000,000 for projects with an overall project cost[7] equal to or greater than $20,000,000 $5,000,000 for projects with an overall project cost less than $20,000,000	25% of award amount	CSO projects **must** be listed under an approved long-term control plan (LTCP). SSO projects **must** be for an SSO in a capacity, management, operation and maintenance (CMOM) program, a DEC-approved sanitary sewer evaluation survey plan or listed as a Type I or Type II outfall in a SPDES permit or Order on Consent.
Watershed Plan Implementation	Projects to upgrade municipal systems to meet DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed plan or DEC HABs Action Plan) nutrient requirements	$10,000,000 for projects with an overall project cost equal to or greater than $20,000,000 $5,000,000 for projects with an overall project cost less than $20,000,000	25% of award amount	Project **must** address a nutrient pollutant(s) of concern identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan) and be necessary to meet the effluent limits in the SPDES permit.

[7] Overall project cost including non-WQIP funding sources. Project budget detail and match should still reflect requested WQIP award amount.

Project subtype	Description	Maximum award	Required match	Special Requirements
Municipal Systems to Serve Multiple Properties with Inadequate On-site Septic Systems	Projects to construct municipal systems to serve multiple properties with inadequate on-site septic system	$10,000,000 for projects with an overall project cost equal to or greater than $20,000,000 $5,000,000 for projects with an overall project cost less than $20,000,000	25% of award amount	The Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment assessment nearest the project **must** list septic systems as a source of impairment; or the need for the project **must** be documented in a completed sanitary survey conducted and/or approved by the Department of Health or a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or HABs Action Plan). A sewer district **must** be formed before applying.
Wastewater Treatment Facility Nitrogen Abatement for Shellfishing Waters	Projects to reduce and/or eliminate nitrogen impairments in shellfishing waters	$5,000,000	25% of award amount	
Secondary priority				
Other Wastewater Treatment Improvements	All other wastewater projects	$10,000,000 for projects with an overall project cost equal to or greater than $20,000,000 $5,000,000 for projects with an overall project cost less than $20,000,000	60% of award amount	

ELIGIBLE COSTS

- Equipment
- Contractual costs (construction, equipment, supplies/materials)
- Construction inspection (on-site activities typically performed by a licensed professional engineer, e.g. inspection of methods and materials)
- Salary and fringe benefits

INELIGIBLE COSTS/ACTIVITES/APPLICATIONS

- Design and specification costs
- Construction oversight (e.g. monitoring the schedule and budget, contract performance and quality control)
- Engineering costs
- Non-construction costs incurred during the construction phase
- Indirect costs (e.g. travel, space/property rent, utilities, office supplies)
- Administrative costs[8]
- Legal fees
- Costs incurred outside the start and end date of the contract (no earlier than May 1, 2019)
- **Applications that do not attach an engineering report or other required attachments**
- Applications for non-municipal systems
- Projects also being funded through the State Septic System Replacement Fund
- Applications for new sewer areas that have not formed a sewer district before applying
- Applications for planning or to create a study

RESOURCES

- NYS EFC engineering report guidelines: https://www.efc.ny.gov/EPG
- DECinfo Locator (most up to date source of WI/PWL segment assessments[9]): https://www.dec.ny.gov/pubs/109457.html
- New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act: https://www.dec.ny.gov/energy/102559.html#Implementation
- HUC 12 watersheds map: https://nysdec.maps.arcgis.com/apps/webappviewer/index.html?id=a02867dc903f40a2831c904c7eb1b7d8

CONTACT

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[8] The following are examples of administrative costs, and therefore ineligible: preparing, completing, submitting the WQIP application for funding; preparing, completing, submitting information and documents need to get a contract in place; preparing, completing, submitting information for progress reporting, payment requests and contract amendments; preparing, completing and submitting environmental regulatory approvals/permits needed to implement the project. Costs directly related to implementing the project are eligible: e.g. reviewing invoices for materials associated with the project; contacting municipalities to schedule projects; costs associated with bidding out for project materials, construction subcontractors, etc.

[9] For projects impacting surface water, the applicant must provide the correct WI/PWL segment ID and HUC 12 watershed of the closest waterbody the project will impact. To find the closest WI/PWL segment assessment, visit the DECinfo Locator and click the link for "Environmental Quality Map View". In the left column of the map, click "Information List" and check the box for "Rivers, Streams and Shorelines" AND "Lakes, Reservoirs, and Estuaries" to display these map layers. Enter the address or project location in the "Search Near Me" search bar. Click the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL assessment for that waterbody, click the "Download Fact Sheet" link in the box. For guidance on how to read the WI/PWL assessments, visit http://www.dec.ny.gov/chemical/36730.html

WASTEWATER TREATMENT IMPROVEMENT SCORING CRITERIA

Agency Points	***Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Project Readiness or Experience and Ability will not be funded.***				
Performance Measures *40 to 5 points possible*	**40 POINTS:** Wastewater treatment projects that are designed to meet requirements in a finalized Order on Consent compliance schedule or a finalized compliance schedule associated with the facility's SPDES permit **AND** one of the following: Wastewater effluent disinfection projects for facilities that currently do not disinfect their effluent who have been notified by DEC that their treatment system requires an upgrade to add effluent disinfection **OR** CSO projects that are under a Long-term Control Plan (LTCP) **OR** SSO projects that are for an SSO included in a capacity, management, operation and maintenance (CMOM) program, a DEC-approved sanitary sewer evaluation survey plan, or identified as a Type I or Type II outfall in a SPDES permit or listed in an Order on Consent **OR** Watershed plan implementation projects that address a nutrient pollutant(s) of concern identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan) and are necessary to meet the effluent limits in the SPDES permit **OR** Projects to reduce and/or eliminate nitrogen impairments in shellfishing waters	**30 POINTS:** CSO projects that are under a Long-tern Control Plan (LTCP) **OR** SSO projects that are for an SSO included in a capacity, management, operation and maintenance (CMOM) program, a DEC-approved sanitary sewer evaluation survey plan, or identified as a Type I or Type II outfall in a SPDES permit or listed in an Order on Consent **OR** Watershed plan implementation projects that address a nutrient pollutant(s) of concern identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan and is necessary to meet the effluent limits in the SPDES permit **OR** Municipal systems to serve multiple properties with inadequate on-site septic systems that are: listed in the WI/PWL segment assessment as a source of impairment; listed in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan); or have a completed sanitary survey conducted and/or approved by the Department of Health	**20 POINTS:** Projects that address the discharge of a pollutant identified as impacting a waterbody listed in the WI/PWL segment assessment as "precluded" or "impaired" **OR** Projects that address the discharge of a pollutant identified as impacting a waterbody located in the HUC 12 watershed of waterbodies classified as a Class A or Class AA waterbody with an active public water system and where drinking water use is listed in the WI/PWL segment assessment as "stressed" or "threatened" **OR** Projects that are in a compliance schedule for an Order on Consent or SPDES permit but are not a WQIP high priority project **OR** Projects that will reduce CSOs but are not specifically listed in the applicable LTCP	**10 POINTS:** Projects that address the discharge of a pollutant identified as impacting a waterbody listed in the WI/PWL segment assessment as "stressed" or "threatened". **OR** Projects that address the discharge of a pollutant identified as impacting a waterbody located in the HUC 12 watershed of waterbodies classified as Class A or Class AA without an active public water system.	**5 POINTS:** Projects that will not address the known pollutant for an impairment listed in the WI/PWL segment assessment **OR** Projects that are necessary to preserve or protect a surface waterbody not listed in the WI/PWL.

Classification Points Factor *10 to 2 points possible*	**10 POINTS:** AA, SA, A(T), GA (primary water supply aquifer), AA special	**8 POINTS:** A, A special, B(T), GA (other), GSA	**6 POINTS:** B, SB, C(T), C(TS)	**4 POINTS:** C, SC, I	**2 POINTS:** D, SD, GSB

Reasonable-ness of Cost[10] *20 to 0 points possible*	**20 POINTS:** Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project. Also to be considered: If the project is within a 100-year floodplain, the engineering report addresses storm and flood resiliency.	**10 POINTS:** Cost is good as it applies to both achieving the project objectives and being a fiscally sound project.	**5 POINTS:** Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project.	**0 POINTS:** Cost not reasonable for this type of project.

Project Readiness *5 to 0 points possible*	**5 POINTS:** Project has all necessary permits (or does not need permits) and approvals. The project is ready to move forward with construction.	**3 POINTS:** Project is not ready to proceed with construction but has some of the necessary approvals and is expected to lead to construction without delay.	**0 POINTS:** Project has not secured any of the necessary approvals and is not ready to proceed to construction. ***Applications that fall into this category will not be funded.***

Experience and Ability *5 to 0 points possible*	**5 POINTS:** Applicant has shown the ability to complete all WQIP and/or Engineering Planning Grant (EPG) projects for the past 10 years in a timely manner	**3 POINTS:** Applicant has shown the ability to complete most WQIP and/or EPG contracts in the past 10 years in a timely manner **OR** Applicant has not been awarded a WQIP or EPG grant in the past 10 years but appears to have the experience and ability to carry out the project	**0 POINTS:** Applicant has demonstrated poor management of WQIP and/or EPG contract(s) in the past 10 years **OR** Applicant has not been awarded a WQIP or EPG grant in the past 10 years and does not appear to have the experience and ability to carry out the project. **OR** Applicant is under an Order on Consent with the DEC but is not in compliance with the terms and schedule of the Order at the time of application ***Applications that fall into this category will not be funded.***

Regional Economic Development Priority Points	***Up to 20 points for this criterion are provided by the Regional Economic Development Councils***
Total Maximum Points	***100 points***

[10] Also to be considered: If the applicant is a Climate Smart Community and has completed one or more of the following actions: PE10 Action: Green House Gas Tracking System; PE3 Action: Energy Benchmarking for Government Buildings; PE7 Action: Climate Vulnerability Assessment; and/or PE7 Action: Watershed Assessment

Non-Agricultural Nonpoint Source Abatement and Control

ELIGIBLE APPLICANTS

- Municipalities[11]
- Soil and water conservation districts (excluding Decentralized Wastewater Treatment Facilities for Failing On-Site Treatment Systems project subtype)

DESCRIPTION

Funding is available for non-agricultural nonpoint source projects or programs that improve a documented water quality impairment, or that protect a drinking water source.

REQUIREMENTS FOR ALL NONPOINT SOURCE APPLICATIONS:

- Only nonpoint source best management practices (BMPs) included on https://www.dec.ny.gov/chemical/96777.html are eligible for WQIP funding.

Required Attachments:

- Budget worksheet
- Sexual Harassment Prevention Certification Form (Appendix A)
- Map with the project or program area clearly identified. Map must be a 1:24,000 scale USGS or DOT planimetric map.
- See special requirements column in below table for required attachments for specific project subtypes.
- In addition to required attachments, all applicants **should** attach any site assessments, permits, feasibility studies, landowner agreements or other documentation that demonstrates the likelihood of project success and/or feasibility.

PROJECT SUBTYPES AND REQUIREMENTS

Project Subtypes	Description	Maximum award	Required match	Special Requirements
Decentralized Wastewater Treatment Facilities for Failing On-Site Treatment Systems or Long Island On-Site Treatment Systems that Do Not Currently Abate Nitrogen	Projects to construct a decentralized wastewater treatment facility in areas with failing on-site treatment systems, including the necessary collection and conveyance system; or on-site treatment systems to abate nitrogen pollution in Nassau and Suffolk counties.	$3,000,000	25% of award amount	**Must** consist of a subsurface treatment and disposal system. Collection **may** be: septic tank effluent pump or gravity, grinder pump or gravity sewer. Projects **must** be designed by a professional engineer. Applicants **must** demonstrate that necessary approvals and agreements can be in place within 12 months of award to complete the

[11] For the purposes of Non-agricultural Nonpoint Source Abatement and Control projects under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof. (Environmental Conservation Law §56-0101)

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				process of sewer district formation.
Green Infrastructure Practice[12] / Stormwater Retrofits	Green infrastructure projects to address combined sewer overflows, reduce a pollutant impacting a waterbody or address a regional water quality issue; or projects to install green infrastructure retrofits designed to capture and remove the pollutant causing a water quality impairment.	$1,000,000	25% of award amount	**Must** be designed in accordance with the *NYS Stormwater Design Manual*. **Must** go above and beyond water quality volume treatment and/or reduction requirements in the SPDES Construction General Permit. **Must attach** a feasibility study (see Appendix B for minimum green infrastructure feasibility study requirements). **Should** include policies and procedures for maintaining BMPs.
Great Lakes Nature-Based Shoreline	Nature-based or "soft engineering" shoreline stabilization projects located along the open shorelines and embayments of Lake Erie, Lake Ontario, the St. Lawrence River, the Niagara River and the Finger Lakes to reduce erosion, enhance coastal resilience and improve water quality and coastal habitat	$500,000	25% of award amount	Projects incorporate natural features and materials alone or in combination with structural components to manage erosion and stabilize shorelines, and enhance aquatic habitat, natural coastal processes and access. Projects may include, but are not limited to, natural buffer zones, constructed or restored wetlands, "living" sills or breakwaters, beach and dune restoration and/or nourishment. Nature-based stabilization techniques may include tree/rootwad revetments, live crib walls, vegetated

[12] Green infrastructure practices generally slow, hold and/or infiltrate water on the landscape in a manner that abates pollution contained in stormwater and/or limits the erosive force of stormwater that results in sedimentation and associated pollution.

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				rip-rap and vegetated geogrids. Projects **must** be designed to meet NY's Coastal Consistency requirements. Projects requiring a permit **must** be designed to meet all necessary State and Federal permit requirements.
Streambank Stabilization and Riparian Buffers	Projects to address sedimentation of waterbodies caused by eroding streambanks and/or to treat surface runoff with riparian vegetation	$1,000,000	25% of award amount	Streambank stabilization practices include, but are not limited to: staking, erosion control matting, root wads and rip-rap (rip-rap **may only** be used in conjunction with natural restoration principles that incorporate vegetative materials) Streambank stabilization projects paired with replanting of riparian buffers are preferred. Riparian buffers projects are to replant vegetation within the riparian zone of waterbodies to filter nutrients and sediment, prevent streambank erosion and reduce thermal impacts to streams. Proposals to stabilize streambanks at two or more locations should apply under the Nonpoint Source Program subtype described below.
In-Waterbody Controls for Nutrients	Projects that reduce internal loading of nutrients (mainly phosphorus) within waterbodies experiencing	$1,000,000	25% of award amount	Eligible practices **are limited to**: • Hypolimnetic aeration • Destratification systems for polymictic lakes • Hypolimnetic withdrawal

Project Subtypes	Description	Maximum award	Required match	Special Requirements
	internal nutrient cycling leading to excessive algae and plant growth, low water quality, and other water quality impairments			• Dredging **Must attach** documentation[13] of projects that are completed or underway to control external sources of nutrients (see Appendix C for minimum documentation requirements). **Must attach** a study acceptable to DEC by a qualified professional[14] that identifies significant internal waterbody loading and justification for use of the BMP. For destratification systems, the study **must** identify the waterbody as a polymictic lake. For hypolimnetic aeration, destratification systems and hypolimnetic withdrawal, **must attach** a plan for long-term operation and maintenance. **Must** secure appropriate permits prior to submitting application.
Beach Restoration	Projects to implement designs recommended in beach restoration green infrastructure design reports	$1,000,000	25% of award amount	**Must attach** a completed beach sanitary survey. **Should** include topographic surveys and borehole percolation test information. Projects **may** include but are not limited to:

[13] DEC will evaluate documentation provided to determine if external nonpoint sources (landside) have been sufficiently controlled. DEC reserves the right to only fund in-waterbody control applications that meet this criterion.

[14] A qualified professional as demonstrated through work experience and/or education (e.g. certified lake manager, professional engineer, marine scientist, or limnologist).

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				• Porous pavement, bioinfiltration / bioretention • Rain gardens • Stormwater tree trenches, greenways • Beach re-naturalization • Beach sand enrichment / nourishment • Beach sloping / grading • Constructed wetlands • Trumpeter swan or coyote decoys
Culvert Repair and Replacement	Projects to address erosion and erosion risks caused by failing or inadequately sized culverts through culvert repair or replacement	$1,000,000	25% of award amount	The primary purpose of the project **must** be to address erosion and/or erosion risks caused by failing or inadequately sized culverts, as documented in the WI/PWL segment assessment or photographs (must show erosion on the upstream side of the culvert). Proposals to repair or replace culverts at two or more locations should apply under the Nonpoint Source Program subtype (below). Projects that also improve aquatic organism connectivity, reduce flooding and protect infrastructure will receive additional points. However, projects that are for the primary goal of improving aquatic organism passage should apply under the Aquatic Connectivity Restoration project type.

Project Subtypes	Description	Maximum award	Required match	Special Requirements
Nonpoint Source Program	Programs to implement particular nonpoint source BMPs within a defined geographic area. Geographic areas include, but are not limited to: counties, watersheds, municipalities, or sanitary sewer overflow (SSO) areas.	$1,000,000	25% of award amount	Eligible programs are limited to **one** of the following types of BMPs per application: • Hydroseeding • Culvert repair and/or replacement • Road ditch stabilization • Streambank stabilization and riparian buffers • Septic tank pump-out • Vacuum trucks in non-MS4 areas • Street sweeping truck with vacuuming capability • Rain garden/rain barrel program for SSO areas (applicant **must** have an ongoing Order on Consent or have a Type I, II or III SSO listed in their SPDES permit to be eligible for this category) Culvert repair, road ditch and streambank stabilization programs **must** implement two or more projects to be considered under this program category and **must** identify all project locations at time of application. For hydroseeding, vacuum truck in non-MS4 areas, sweeper truck with vacuuming capability, and rain garden/rain barrel programs, project locations or geographic areas in which programs will be implemented **must** be identified at time of application Culvert repair and replacement programs

Project Subtypes	Description	Maximum award	Required match	Special Requirements
				must address erosion caused by failing or inadequately sized culverts as documented in the WI/PWL segment assessment(s) or photographs (must show erosion on the upstream side of the culverts).

ELIGIBLE COSTS

- Equipment
- Equipment operating expenses
- Contractual services
- Construction
- Construction inspection
- Salary and fringe
- Travel
- Planning, design, administrative and construction oversight costs (total may not exceed 20% of award amount)

INELIGIBLE COSTS/ACTIVITES/APPLICATIONS

- Land purchases
- Indirect costs (e.g. space/property rent, utilities, office supplies)
- Legal fees
- Costs incurred outside the start and end date of the contract (no earlier than May 1, 2019)
- Applications that do not include required attachments with application
- Projects that do not address a water quality impairment or protect a drinking water source
- Monitoring
- Aquatic vegetation harvesting projects or programs
- Algaecides
- Permeable reactive barriers
- Water circulators, bubblers or other equipment designed to move water
- Culvert replacement projects/programs that do not address erosion issues
- Culvert replacement projects for the primary purpose of improving aquatic organism passage (should apply under the Aquatic Connectivity Restoration category of WQIP)

RESOURCES

- Information on preferred, nature-based methods of shoreline stabilization: http://www.dec.ny.gov/permits/50534.html.
- DECinfo Locator[15] (most up to date source of WI/PWL segment assessments): http://www.dec.ny.gov/pubs/109457.html
- HUC 12 watershed map: https://nysdec.maps.arcgis.com/apps/webappviewer/index.html?id=a02867dc903f40a2831c904c7eb1b7d8
- Green Infrastructure Required Documents Guidelines: Appendix B of this Program Overview
- In-Waterbody Control of Nutrients Documentation Requirements: Appendix C of this Program Overview
- Eligible WQIP BMPs: https://www.dec.ny.gov/chemical/96777.html.
- Pollutant Source Prioritization Table: http://www.dec.ny.gov/pubs/4774.html
- EPA Guidance for Sanitary Surveys: https://www.epa.gov/dwreginfo/sanitary-survey-guidance-manuals
- NYS Stormwater Design Manual: https://www.dec.ny.gov/chemical/29072.html
- North Atlantic Aquatic Connectivity Project (NAACC): https://streamcontinuity.org/naacc

CONTACT

NYS Department of Environmental Conservation, Division of Water

- Decentralized Wastewater Treatment Facilities for Failing On-Site Treatment Systems – Ken Kosinski, (518) 402-8086
- Green Infrastructure Practices/Stormwater Retrofits -Ryan Waldron, (518) 402-8244
- Great Lakes Nature-Based Shoreline – Shannon Dougherty, (716) 851-7070
- Streambank Stabilization & Riparian Buffers – Lauren Townley, (518)402-8283
- In-Waterbody Controls for Nutrients – Lauren Townley, (518) 402-8283
- Beach Restoration – Karen Stainbrook, (518) 402-8095
- Culvert Repair and Replacement – Lauren Townley, (518) 402-8283
- Nonpoint Source Programs – Karen Stainbrook, (518) 402-8095

[15] For projects impacting surface water, the applicant must provide the correct Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment ID and HUC 12 watershed of the closest waterbody the project will impact. To find the closest WI/PWL segment assessment visit the DECinfo Locator and click on the link for "Environmental Quality Map View". In the left column of the map, click on "Information List" and check the box for "Rivers, Streams and Shorelines" AND "Lakes, Reservoirs, and Estuaries" to display these map layers. Enter the address or project location in the "Search Near Me" search bar. Click on the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL segment assessment for that waterbody, click on the "Download Fact Sheet" link in the box. For guidance on how to read the WI/PWL segment assessments, visit: http://www.dec.ny.gov/chemical/36730.html

NONPOINT SOURCE PROJECT SCORING CRITERIA

Agency Points	***Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Reasonableness of Cost, Project Readiness, or Experience and Ability will not be funded.***				
Vision *40 to 1 point(s) possible*	Vision will be calculated by multiplying Performance Measures times Impact Factor. Performance Measures points and Impact Factor points will not be included in the total project score, only the combined Vision points.				
Performance Measures *10 to 1 point(s) possible (as part of Vision score)*	**10 POINTS:** Projects that address a primary pollution source identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table **AND** benefit an active public drinking water supply **OR** Great Lakes Nature Based Shoreline projects that demonstrate protection of infrastructure vulnerable to impacts of coastal erosion and flooding **OR** Beach Restoration projects that are specifically listed as a priority in a beach restoration report funded through Ocean and Great Lakes Environmental Protection Fund (EPF) pilot beach closure mitigation project **OR** Green infrastructure projects that reduce stormwater flow to a combined sewer system **OR** Projects identified in a DEC-approved watershed/flood analysis plan that address nonpoint source pollution **AND** that benefit an active public drinking water supply	**8 POINTS:** Projects that address a primary pollution source identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table **OR** Projects located in the HUC 12 watershed of a Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment with uses listed as either "precluded" or "impaired" and that will address pollutant(s) listed in the WI/PWL segment assessment as impacting that segment. **OR** Projects that address a documented nonpoint source of pollution impacting an active public drinking water supply **OR** Retrofit projects required under an MS4 permit **OR** Projects that support multiple actions in a DEC Watershed Action Agenda or Plan **OR** Beach restoration projects that are for a type of project that is the focus of a beach restoration report funded independently or based on a sanitary survey **OR** Projects identified in a DEC-approved watershed/flood analysis plan that address nonpoint source pollution	**6 POINTS:** Projects that address a secondary pollution source identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table **OR** Projects that support an action or priority identified in a DEC Watershed Action Agenda or Plan **OR** Projects located in the HUC 12 watershed of a WI/PWL segment with uses listed as either "stressed" or "threatened" and that will address pollutant(s) listed in the WI/PWL segment assessment as impacting that segment. **OR** Green infrastructure projects that also address aquatic habitat connectivity and/or flood resiliency	**4 POINTS:** Great Lakes Nature Based Shoreline projects addressing a water quality impairment not listed in the WI/PWL segment assessment that has been reported and substantiated by a credible agency	**1 POINT:** Projects located in the HUC 12 watershed of a WI/PWL segment that is listed as "unassessed"

Impact Factor *4 to 1 point(s) possible (as part of Vision score)*	*Decentralized Wastewater Treatment Facilities for Failing On-Site Systems projects*	**4 POINTS:** Projects that address a primary pollution source in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table	**3 POINTS:** Projects where on-site septic systems are impacting a WI/PWL segment listed as "precluded" or "impaired" in the WI/PWL segment assessment	**2 POINTS:** Projects that address a secondary pollution source in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table **OR** Projects where on-site septic systems are impacting a WI/PWL segment listed as "stressed" or "threatened" in the WI/PWL segment assessment and the proposed project serves properties located directly on the waterbody segment	**1 POINT:** Projects where on-site septic systems are impacting a WI/PWL segment listed as "stressed", "threatened" or "unassessed" in the WI/PWL segment assessment **AND** the proposed project serves properties located within the HUC 12 watershed
	Green Infrastructure Practice / Stormwater Retrofits	Total water quality volume (WQv) treated or reduced 7,500 cubic feet (ft^3) or more	Total WQv treated or reduced 5,000 to 7,499 ft^3	Total WQv treated or reduced 2,500 to 4,999 ft^3	Total WQv treated or reduced 2,499 ft^3 or less
	Great Lakes Nature-Based Shoreline Projects	Projects that demonstrate protection of infrastructure **AND** the proposed project is located within the HUC 12 watershed of waterbodies identified in the W/IPWL segment assessment with uses listed as "precluded" or "impaired"	Projects that demonstrate protection of infrastructure **AND** the proposed project is located within the HUC 12 watershed of waterbodies identified in the WI/PWL segment assessment with uses listed as "stressed" or "threatened"	Projects that either demonstrate protection of infrastructure **OR** the proposed project is located within the HUC 12 watershed of waterbodies identified in the WI/PWL segment assessment with uses listed as "precluded" or "impaired"	Projects that do not demonstrate protection of infrastructure **AND** the proposed project is located within the HUC 12 watershed of waterbodies identified in the WI/PWL segment assessment with uses listed as "stressed", "threatened", or "unassessed"
	Streambank Stabilization / Restoration and Riparian Buffers	Projects that implement streambank stabilization **AND** riparian buffers directly adjacent to a waterbody that has been identified in the WI/PWL segment assessment as "precluded" or "impaired" due to streambank erosion	Projects that implement streambank stabilization **OR** riparian buffers directly adjacent to a waterbody that has been identified in the WI/PWL segment assessment as "precluded" or "impaired" due to streambank erosion (streambank stabilization) or urban stormwater runoff (riparian buffers)	Projects that implement streambank stabilization **AND** riparian buffers directly adjacent to a waterbody that has been identified in the WI/PWL segment assessment as "stressed"" or "threatened" due to streambank erosion	Projects that implement streambank stabilization **OR** riparian buffers directly adjacent to a waterbody that has been identified in the WI/PWL segment assessment as "stressed", "threatened" or "unassessed" due to streambank erosion (streambank stabilization) or stormwater runoff (riparian buffers)

	In-Waterbody Controls for Nutrients	Projects where internal loading has been identified as the primary source of pollution in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table	Projects where internal loading was identified in the WI/PWL segment assessment as the primary source of pollution in a waterbody that has been identified in the WI/PWL segment assessment as "precluded" or "impaired" for nutrient pollution	Projects that were identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan) where internal loading was identified as a secondary source of pollution as listed in DEC's Pollutant Source Prioritization Table	Projects where internal loading was identified in the WI/PWL segment assessment as the primary source of pollution in a waterbody that has been identified in the WI/PWL segment assessment as "stressed", "threatened", or "unassessed" for nutrient pollution
	Beach Restoration	Projects that combine two or more practices (e.g., porous pavement, rain gardens and bioswale) to reduce/restore waterbody (such that the water quality benefit is greater than any one practice alone) **AND** the proposed project is located on the beach or within the beach/park property	Projects that combine two or more practices (e.g. porous pavement, rain garden and bioswale) to reduce/restore waterbody (such that the water quality benefit is greater than any one practice alone) **AND** the proposed project is located on a tributary adjacent to the beach that has been identified as a source of pollution	Projects with one practice to reduce/restore waterbody **AND** the proposed project is on a tributary adjacent to the beach that has been identified as a source of pollution	Projects with one practice to reduce/restore waterbody **AND** the proposed project is located within the HUC 12 watershed of that waterbody
	Culvert Repair and Replacement	Projects where undersized, improperly placed, or failing culverts have caused erosion of stream bed and/or banks **AND** that will help protect high risk or critical infrastructure[16] **AND** that would improve NAACC score[17] by at least one level	Projects where undersized, improperly placed, or failing culverts have caused erosion of stream bed and/or banks **AND** that would improve NAACC score by at least one level	Projects where undersized, improperly placed, or failing culverts have caused erosion of stream bed and/or banks **AND** that that will help protect high risk or critical infrastructure	Projects where undersized, improperly placed, or failing culverts have caused erosion of stream bed and/or banks **AND** improvement of NAACC score is unlikely or does not have a NAACC score
Waterbody Assessment (for all projects EXCEPT Green Infrastructure Practice/ Stormwater Retrofits project	*Waterbody Classification*	**3 POINTS:** AA, A special, SA, GA (primary supply aquifer), AA special, A(T) or has a watershed plan	**2 POINTS:** A, GA (other), GSA, B(T), C(T), C(TS)	**1 POINT:** B, SB, C, SC, I, D, SD, GSB	**0 POINTS:** Waterbody not listed in the WI/PWL
	Water Quality Problem Severity	**3 POINTS:** Precluded or impaired or has a watershed plan	**2 POINTS:** Stressed or threatened	**1 POINT:** Fully supported	**0 POINTS:** Unassessed or Waterbody not listed in the WI/PWL

[16] Infrastructure is located on the primary ingress and/or egress from a community or a significant portion of a community that serves a substantial number of residents and/or businesses; or is located on a designated emergency evacuation route.

[17] NAACC score refers to the North Atlantic Aquatic Connectivity Collaborative's Aquatic Passability Score which uses a numeric scale from 0.0 to 1.0 with six associated levels from "severe barrier" to "no barrier." Culvert repair or replacement must raise the passability score such that the associated descriptor level will change/improve. Where scoring is unavailable, professional judgement will be used to categorize the passability of each structure.

subtype) *10 to 0 points possible*	*Type of Pollutant* (must be a nonpoint source pollutant)	**2 POINTS:** Known		**1 POINT:** Suspected	**0 POINTS:** Unconfirmed **OR** Unassessed or Waterbody not listed in the WI/PWL
	Source of Pollutant	**2 POINTS:** Known		**1 POINT:** Suspected	**0 POINTS:** Unconfirmed **OR** Unassessed or Waterbody not listed in the WI/PWL
Waterbody Assessment (for Green Infrastructure Practice/ Stormwater Retrofits project subtype) *10 to 1 point(s) possible*	*Water Quality Problem Severity*	**4 POINTS:** Precluded or impaired	**3 POINTS:** Stressed or threatened	**2 POINTS:** Fully supported	**0 POINTS:** Unassessed or Waterbody not listed in the WI/PWL
	Type of Pollutant (must be a pollutant traditionally identified with CSO discharges)	**3 POINTS:** Known		**2 POINTS:** Suspected	**0 POINTS:** Unconfirmed **OR** Unassessed or Waterbody not listed in the WI/PWL
	Source of Pollutant	**3 POINTS:** Known		**1 POINT:** Suspected	**0 POINTS:** Unconfirmed **OR** Unassessed or Waterbody not listed in the WI/PWL
Reasonable-ness of Cost *20 to 0 points possible*	**20 POINTS:** Budget clearly details costs related to implementation of a non-agricultural nonpoint source project; project costs provide exceptional value as it applies to achieving pollutant reduction		**10 POINTS:** Budget provides some detail on costs related to implementation of a non-agricultural nonpoint source project; project costs provide reasonable value as it applies to achieving pollutant reduction		**0 POINTS:** Budget does not clearly detail costs associated with a non-agricultural nonpoint source project; costs do not provide a good value as it applies to achieving pollutant reduction ***Applications that fall into this category will not be funded***
Project Readiness *5 to 0 points possible*	**5 POINTS:** Project has all necessary permits (or does not need permits) and approvals **AND** the project is ready to move forward with construction. Any needed engineering, design, and planning are complete		**3 POINTS:** Project is not ready to proceed with construction but has some of the necessary approvals and is expected to lead to construction without delay. Any needed engineering, design, and planning are partially complete		**0 POINTS:** Project has not secured any necessary approvals and is not ready to proceed with construction Any needed engineering, design and planning have not been started ***Applications that fall into this category will not be funded***

Experience and Ability *5 to 0 points possible*	**5 POINTS:** Applicant has shown the ability to complete all WQIP contracts for the past 10 years in a timely manner.	**3 POINTS:** Applicant has shown the ability to complete most WQIP contracts in the past 10 years in a timely manner. **OR** Applicant has not been awarded a WQIP grant in the past 10 years but appears to have the experience and ability to carry out the project	**0 POINTS:** Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years. **OR** Applicant has not been awarded a WQIP grant in the past 10 years and does not appear to have the experience and ability to carry out the project ***Applications that fall into this category will not be funded***
Regional Economic Development Priority Points	***Up to 20 points for this criterion are provided by the Regional Economic Development Councils.***		
Total Maximum Points	***100***		

NONPOINT SOURCE PROGRAM SCORING CRITERIA

Agency Points	***Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Reasonableness of Cost, Project Readiness, or Experience and Ability will not be funded.***				
Vision *40 to 1 point(s) possible*	Vision will be calculated by multiplying Performance Measures times Impact Factor. Performance Measures points and Impact Factor points will not be included in the total project score, only the combined Vision points.				
Performance Measures (Programs) *10 to 1 point(s) possible (as part of Vision score)*	**10 POINTS:** Programs that address a primary pollution source identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table **AND** impact an active public drinking water supply	**8 POINTS:** Programs that address a primary pollution source identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table **OR** Programs where work will be completed in the watershed of a WI/PWL segment with uses listed as either "precluded" or "impaired" and that will address pollutant(s) listed in the WI/PWL segment assessment as impacting that segment	**6 POINTS:** Programs that address a secondary pollution source identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan) as listed in DEC's Pollutant Source Prioritization Table **OR** Programs where work will be completed in the watershed of a WI/PWL segment with uses listed as either "stressed" or "threatened" and that will address pollutant(s) listed in the WI/PWL segment assessment as impacting that segment	**4 POINTS:** Programs where work will be completed in the watershed of a WI/PWL segment that is listed as "unassessed"	**1 POINT:** Programs where work will be completed in the watershed of a waterbody not listed in the WI/PWL
Impact Factor *4 to 1 point(s) possible (as part of Vision score)*	**4 POINTS:** Program will be implemented in the watershed of a waterbody with a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or HABs Action Plan) **AND** implements a practice recommended in the implementation section of that document **OR** Program will implement projects identified in a DEC-approved watershed/flood analysis plan that address nonpoint source pollution	**3 POINTS:** Program addresses pollutant impacts to at least two WI/PWL segments identified as "precluded" or "impaired" in the WI/PWL segment assessment **OR** Program addresses aquatic habitat connectivity and/or flood resiliency in addition to nonpoint source pollution	**2 POINTS:** Program addresses pollutant impacts to at least one WI/PWL segment identified as "precluded or impaired" in the WI/PWL segment assessment **AND** at least one WI/PWL segment identified as "stressed" or "threatened" in the WI/PWL segment assessment **OR** At least two WI/PWL segments identified as "stressed" or "threatened" in the WI/PWL segment assessment	**1 POINT:** Program will address pollutant impacts to at least one WI/PWL segment identified as "stressed" or "threatened" in the WI/PWL segment assessment **AND** at least one WI/PWL segment identified as unassessed in the WI/PWL segment assessment **OR** At least two WI/PWL segments identified as unassessed in the WI/PWL segment assessment	

Program Scale *10 to 0 points possible*	**10 POINTS:** Programs that will be implemented at a watershed scale (HUC 12 or greater)	**5 POINTS:** Programs that will be implemented at a county scale	**2 POINTS:** Programs that will be implemented at the municipal scale
Reasonable-ness of Cost *20 to 0 points possible*	**20 POINTS:** Budget clearly details costs related to implementation of a non-agricultural nonpoint source program; program costs provide exceptional value as it applies to achieving pollutant reduction	**10 POINTS:** Budget provides some detail on costs related to implementation of a non-agricultural nonpoint source program; program costs provide reasonable value as it applies to achieving pollutant reduction	**0 POINTS:** Budget does not clearly detail costs associated with a non-agricultural nonpoint source program; costs do not provide a good value as it applies to achieving pollutant reduction ***Applications that fall into this category will not be funded***
Program Readiness *5 to 0 points possible*	**5 POINTS:** Program has all necessary permits (or does not need permits) and approvals **AND** is ready to move forward with construction. Engineering, design, and planning are complete.	**3 POINTS:** Program is not ready to proceed with construction but has some of the necessary approvals and is expected to lead to construction without delay. Engineering, design, and planning are partially complete.	**0 POINTS:** Program has not secured any necessary approvals and is not ready to proceed with construction. Engineering, design and planning have not been started. ***Applications that fall into this category will not be funded.***
Experience and Ability *5 to 0 points possible*	**5 POINTS:** Applicant has shown the ability to complete all WQIP contracts for the past 10 years in a timely manner.	**3 POINTS:** Applicant has shown the ability to complete most WQIP contracts in the past 10 years in a timely manner. **OR** Applicant has not been awarded a WQIP grant in the past 10 years but appears to have the experience and ability to carry out the program.	**0 POINTS:** Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years. **OR** Applicant has not been awarded a WQIP grant in the past 10 years and does not appear to have the experience and ability to carry out the program. ***Applications that fall into this category will not be funded.***
Regional Economic Development Priority Points	***Up to 20 points for this criterion are provided by the Regional Economic Development Councils.***		
Total Maximum Points	***100***		

Land Acquisition for Source Water Protection

ELIGIBLE APPLICANTS

- Municipalities[18]
- Soil and water conservation districts
- Not-for-profit corporations[19]

DESCRIPTION

Funding is available to purchase land for the purpose of protecting surface or groundwater drinking water supplies.

REQUIREMENTS AND ADDITIONAL INFORMATION FOR ALL LAND ACQUISITION APPLICATIONS

- Before starting an application, applicants are strongly encouraged to investigate steps that must be taken and state and local approvals that are needed to start a project of this type (permits, easements, etc.). Applicants who have questions about what is needed for their project are encouraged to call the contact below.
- **Only** active public water supplies[20] as defined by the New York State Department of Health (NYSDOH) are eligible.
- **Only** land acquisition projects or programs associated with established and active public water supplies are eligible.
- Land Acquisition Projects must drain to the surface water source that is identified as the public water supply.
- Monitoring and enforcement of properties or easements obtained through this grant may be performed by a subcontractor. Monitoring and enforcement protocol and the associated property may be subject to inspection, even after the grant contract is closed / upon the department's request
- Parcels acquired prior to an executed contract are not guaranteed reimbursement.
- For both projects and programs targeting protection of surface waterbodies, parcels adjacent to waterbodies used as a water supply or adjacent to tributaries draining to a water supply **must** contain an existing riparian buffer or wetland OR restore a riparian buffer or wetland. Both existing and restored riparian buffers and wetlands **must** meet the requirements listed below. Only restoration activities performed on properties or easements acquired through this grant opportunity are eligible for funding.
- Riparian Buffer Requirements (Surface Water Projects or Programs):
    - Riparian buffers **must** be revegetated using only native trees, shrubs, or grasses appropriate for the site conditions.
    - Riparian buffers **must** have a minimum average width of 100 feet if they are adjacent to tributaries.
    - Riparian buffers **must** have a minimum average width of 300 feet if they are adjacent to reservoirs.

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[18] For the purposes of Land Acquisition Projects for Source Water Protection under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof (Environmental Conservation Law §56-0101) .

[19]"Not-for-profit corporation" means a corporation formed pursuant to the not-for-profit corporation law and qualified for tax-exempt status under the federal internal revenue code (Environmental Conservation Law, Article 56-0101 (16))

[20] NYSDOH defines a public drinking water supply as "any system with at least 5 service connections or that regularly serves an average of at least 25 people daily for at least 60 days out of the year".

    - For newly created or restored buffers, the applicant **must** develop and implement a maintenance plan during the buffer establishment period, defined as 3-5 years after planting of vegetation.
    - Streambanks **must** be stable prior to creation or restoration of riparian buffers. "Soft" streambank stabilization practices including, but not limited to, live staking, contour wattling, erosion control matting, and root wads, are eligible for funding as part of a buffer project. Hard armoring of streambanks, including stone rip rap, is **not** eligible for funding under this category.
    - Selective cutting of trees, removal of invasive species, or supplemental planting of trees, shrubs, or grasses are allowed provided they improve habitat and function of the riparian buffer or remove, mitigate, or warn against unreasonable harm to people, property or health of native species on or around the defined riparian buffer area.
    - Field drains through the riparian buffer are **not** allowed. Existing field drains **must** be terminated prior to entering the riparian buffer in a manner that will allow infiltration of field drain discharge.
- Wetland Requirements (Surface Water Projects or Programs):
    - Project plans **must** describe how the work in and near wetlands will protect drinking water supplies and provide improved wetland function.
    - Work within or immediately adjacent to existing wetlands **must** be limited to activities that will improve wetland function. Disturbances that compromise ecological functions are ineligible.
    - Projects **cannot** mitigate for impacts to regulated wetlands. Wetland mitigation projects are ineligible.
    - The applicant **must** develop and implement a maintenance plan for any wetland creation or enhancement. The maintenance plan **must** include protocols for addressing problems for a minimum of 3 years following creation or enhancement.
- Land Purchase and Conservation Easement Requirements
    - All **municipalities**, whether a project or program, **must** submit a complete water withdrawal permit modification application for all properties being acquired.[21]
    - Lands currently protected by a federal or state easement program are **not** eligible
    - Conservation easements **must** be acquired in perpetuity.
    - If the property is used for activities which interfere with the accomplishment of approved purposes, the violating activities **must** cease, and any resulting adverse effects **must** be remedied.
    - Disturbances that compromise the ecological condition of the riparian buffer or wetland areas, including, but not limited to, livestock access, wood or timber harvesting, excessive mowing and recreational vehicular use **must** be prohibited.
    - Per Environmental Conservation Law §15-3303, DEC **cannot** provide funding for any land acquisition project by a not-for-profit if any town, village, or city objects to such acquisition. A not-for-profit contact **must** notify any town, village, or city of their interest in acquiring such project. The town, village, or

[21] Water withdrawal permitting requirements as stated in 6 NYCRR Part 601.6. See https://govt.westlaw.com/nycrr/Document/I4ebfafbecd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)

city has 90 days after such notification to object by resolution. A not-for-profit contractor **must** provide DEC with copies of such notification and any responses received from any town, village or city, or certify to DEC that no responses were received within 90 days.
    - Phase I environmental assessment reports **are required** for lands acquired in fee and conservation easements. Phase I reports **must** be completed by a qualified consultant.
    - The applicant **must** hold title to any land or easement acquired through this grant.
    - Upon approval of the Department, an applicant who acquired an interest in real property using monies obtained through this program may sell, lease, exchange or donate the real property to a not-for-profit or municipality, who will continue to use the real property for the same public purpose, without an express act of the New York State Legislature. Any sale, lease, exchange or donation which will result in the real property no longer having a public purpose must be approved by an express act of the New York State Legislature.
- Public access and passive recreational activities (i.e. hiking trails) will be reviewed by DEC on a case-by-case basis. The applicant **must** provide a thorough description and maps showing public access points, proposed activities, proximity to the public water supply, and justification for public access to assist DEC in making the determination of whether public access will have an impact to the drinking water supply. In the case of a municipality, this documentation is to be provided at the earliest date practicable but not later than 120 days prior to closing on a property. In the case of a not-for-profit or Soil and Water Conservation District, documentation **must** be provided concurrently with notification of the municipality of its interest in acquiring such projects.
- Transaction requirements (post-award):
    - Appraisals **are required** for all properties prior to reimbursement.
    - Appraisals **must** be completed by a state general certified appraiser following the Uniform Standards of Professional Appraisal Practice (USPAP) and submitted as non-restricted narrative appraisal reports according to DEC's Appraisal standards.
    - DEC may reimburse for purchase of land or development rights above appraised value if, in DEC's opinion, a parcel has exceptional source water value that cannot be factored into a determination of fair market value. DEC may reimburse at a price above the highest approved independent appraisal provided: 1) the price was the result of documented negotiations between the Grantee and the seller and 2) the Grantee demonstrates the unique source water protection value and how it accomplishes the objective of this program to DEC's satisfaction.
    - Boundary surveys **are required** for all properties. Surveys **must** be completed by a professional land surveyor.
    - Appraisals, surveys, title report and insurance, baseline data and easement language (if applicable), and Phase I environmental assessments, **must** be reviewed and approved or disapproved by DEC for all projects/programs. No reimbursement will be made until the final approval is given by the Department. DEC will have a minimum of 120 days from the date all documents are received to review and approve or disapprove parcel(s) being proposed.
    - A completed water withdrawal permit application (municipalities only) **must** be submitted for all properties prior to reimbursement.

Required Application Attachments

- Detailed protocol for monitoring and enforcement of properties or easements. The protocols **must** include all the Required Elements listed in the WQIP Required Land Acquisition for Source Water Protection Documentation Guidance (Appendix D).
- Detailed expenditure-based summary budget. The budget summary **must** estimate the value of the land or development rights being acquired, transactional costs, staff salaries directly devoted to or connected to the project or program, restoration costs, contractual costs and travel costs.
- Map(s) depicting the active public drinking water supply(s), location of wells, intakes, or springs, parcel location(s), areal extent of the zone of contribution, watershed boundary, land use (National Land Cover Dataset 2011), and circles showing distance to 1,000 feet and 1,500 feet from groundwater wells (if applicable). The map(s) **must** include all the Required Elements listed in the WQIP Required Land Acquisition for Source Water Protection Documentation Guidance (Appendix D).

PROJECT SUBTYPES AND REQUIREMENTS

Subtype	Description	Maximum award	Required match	Special Requirements
Land Acquisition Projects	Projects to purchase conservation easements or parcels of land for the purpose of protecting one or more active public surface water drinking supplies (streams, lakes, rivers, and reservoirs) **OR** for the purpose of protecting one or more active public groundwater drinking water supplies (groundwater wells)	$4,000,000	25% of award amount	Land parcel(s) **must** be specifically identified at the time of application to be considered for funding under the Project category. Projects are expected to acquire all parcels identified in application unless unusual circumstances arise.
Land Acquisition Programs	Programs to purchase conservation easements or parcels of land at multiple locations throughout the HUC 12 watershed of one or more active public surface water drinking water supplies (streams, lakes, rivers, and reservoirs) OR parcels at multiple locations within the areal extent of the zone of contribution[22] of one or more active public groundwater drinking water supplies.	$4,000,000	25% of award amount	**Must** provide fiscal information, such as annual reports, that demonstrate the ability to sustain the level of effort being funded under this grant if grant funds will be used for personal services. Parcels are not required to be specifically identified at the time of application to be considered for funding under the Program category, but programs that have identified and

[22] Areal extent of the zone of contribution as defined by USGS. See https://water.usgs.gov/admin/memo/GW/gw03.02.html

Subtype	Description	Maximum award	Required match	Special Requirements
				prioritized parcels are preferred.

ELIGIBLE COSTS

- The value of the land or development rights being acquired, provided such value associated with the purchase of the property or purchase of a conservation easement is from an appraisal deemed acceptable by DEC
- Personal services (e.g. salary, fringe)
  - Grantees will be required to document time worked, tasks, pay ratio and payment, and itemize salaries according to job title and roles/responsibilities. Staff salaries cannot exceed 10% of the award amount for applications in the Project category and 30% of the award amount for applications in the Program category.
- Non-personal services (e.g. contractual services, travel)
  - Value of contractual services provided by professional and technical personnel and consultants (i.e. engineering and architectural services, surveys, plans and specifications, research, design and development of a project, consultant and legal services directly related to a project, feasibility study for a property, etc.)
  - Travel Costs (within New York State) must be directly associated and required to implement the project or program.
- Transactional costs, provided they result in final acquisition of land or perpetual conservation easement and/or restoration of new riparian buffers or wetlands. Transactional costs can be submitted for reimbursement as incurred throughout the contract term, but payments may need to be returned to the State should the land transaction not successfully close.
  - Transactional costs are limited to:
    - Title reports
    - Title insurance
    - Property surveys
    - Appraisals
    - Certified appraisal review
    - Easement holder and landowner's legal fees to negotiate/close the conservation easement transaction and to review title reports and, as necessary, prepare title curatives, filing fees or other closing costs
    - Map and GIS/remote sensing data
    - Phase I environmental assessment
    - Baseline documentation reports
    - Stewardship or management plans
    - Easement stewardship fee
    - Project specific defense liability insurance fees
    - Property taxes
    - State or local real estate transfer taxes
- Riparian buffer or wetland restoration costs as defined above and deemed acceptable by DEC. Streambank stabilization and/or field drain restoration (including equipment rental) costs cannot exceed a total of 25% of the award amount.
- Planning and design costs (up to 20% of the award amount)

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS

- Out-of-state travel costs and any travel not directly required to implement the project or program
- Project or program costs funded from other state and/or federal funding sources
- Indirect costs, including overhead/operating expenses (space, rent, utilities)
- Costs incurred outside the start and end date of the contract (no earlier than May 1, 2019)
- Applications that do not include required attachments with application
- Applications that do not clearly detail costs associated with a land acquisition project or program; or detail costs that do not provide a good value as it applies to achieving source water protection
- Endowment funds
- Major capital expenditures, such as computers
- Any fee or other contribution deposited to a legal defense fund other than a conservation easement defense liability insurance policy
- Restoration projects that include hard armoring of streambanks, including stone rip rap
- Costs exceeding the maximum allowable percentage for that type of cost as listed above
- Wetland mitigation projects
- Projects that do not include land acquisition as part of the grant
- Construction oversight
- Projects to acquire land to be used for a new well
- Acquisition of land that is known or highly suspected of being contaminated (e.g. where past contamination is not uncommon)
- Any remediation/restoration work associated with removal of contaminants (e.g., hazardous waste, petroleum products).
- Phase II environmental assessment reports unless requested by the DEC
- Land determined to be contaminated in either a Phase I or Phase II report shall be reimbursable at DEC's sole discretion. If conditions are considered unacceptable, DEC will notify awardee within 30 days of receipt of the environmental report.
- Costs associated with water withdrawal permit modification (e.g., completion of engineering reports, water withdrawal program forms)

RESOURCES

- WQIP Required Land Acquisition for Source Water Protection Documentation Guidance: Appendix D of this Program Overview
- HUC 12 watershed map: https://nysdec.maps.arcgis.com/apps/webappviewer/index.html?id=a02867dc903f40a2831c904c7eb1b7d8
- Guidance on designing and maintaining riparian buffers: http://www.dec.ny.gov/chemical/106345.html
- "Soft" streambank stabilization guidance: http://www.dec.ny.gov/permits/67096.html.
- Examples of maps meeting all required elements: https://www.dec.ny.gov/pubs/4774.html

CONTACT

NYS Department of Environmental Conservation, Division of Water
Kristin Martinez, (518) 402-8086

LAND ACQUISITION FOR SOURCE WATER PROTECTION PROJECT SCORING CRITERIA

Agency Points	***Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Performance Measures, Reasonableness of Cost, Source Water Protection Prioritization, Project Readiness or Experience and Ability will not be funded.***			
Performance Measures[23] *30 to 0 points possible*	**30 POINTS:** Projects identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan) **OR** Parcel(s) to protect surface waterbodies used as an active public drinking water supply that are within 1,000 feet of the intake **OR** Parcels to protect a lake or reservoir used as an active public drinking water supply and are within 500 feet of the shoreline[24] **OR** Parcels to protect a lake or reservoir used as an active public drinking water supply that are within 200 feet of the tributary shoreline and are no more than 1 mile upstream of the reservoir **OR** Parcels within 1,000 feet of a water supply wellhead permitted as an active public drinking water source **OR** Parcels specifically identified for drinking water protection in the New York State Open Space Plan and within 10 miles of the public water supply intake	**20 POINTS** Parcels to protect surface waterbodies used as an active public drinking water supply that are located within 1,000 feet of the intake and less than 50% of the parcel is in this area **OR** Parcels to protect a lake or reservoir used as an active public drinking water supply and are within the area 501 feet to ½ mile from the shoreline **OR** Parcels to protect a river or stream used as an active public water supply that are no more than 1 mile upstream of the intake and within 500 feet of the shoreline[25] **OR** Parcels within 1,001 – 1,500 feet from a water supply wellhead permitted as an active public drinking water source	**10 POINTS** Parcel(s) within the HUC 12 watershed of a lake or reservoir used as an active public drinking water supply **OR** Parcels to protect a river or stream used as an active public water supply that are no more than 1 mile upstream of the intake and within ½ mile from the shoreline **OR** Parcels more than 1,500 feet away from a water supply wellhead permitted as an active public drinking water source and is(are) identified in a protection plan as needing protection	**0 POINTS:** Projects that target protection of land parcel(s) outside the HUC 12 watershed of a surface waterbody used as an active public drinking water supply **OR** Greater than 50% of the parcel(s) is(are) more than 1,500 feet away from a water supply wellhead permitted as an active public drinking water source ***Applications that fall into this category will not be funded***
Reasonable-ness of Cost *20 to 0 points possible*	**20 POINTS:** Budget clearly details costs related to implementation of a land acquisition project; project costs provide exceptional value as it applies to achieving source water protection	**10 POINTS:** Budget provides some detail on costs related to implementation of a land acquisition project; project costs provide reasonable value as it applies to achieving source water protection	**0 POINTS:** Budget does not clearly detail costs associated with a land acquisition project; costs do not provide a good value as it applies to achieving source water protection ***Applications that fall into this category will not be funded***	

[23] Projects will be scored based on the area where the majority (over 50%) of the parcel lies. If the majority of the parcel meets the criteria for 0 points, the project will not be funded.
[24] Lateral distance from the shoreline
[25] To view a sample schematic showing how points are determined for rivers and streams, visit http://www.dec.ny.gov/pubs/4774.html.

Source Water Protection Prioritization *15 to 0 points possible*	**15 POINTS:** At least 50% of the parcel is located within an area designated for the protection of source water identified in a conservation overlay district, wetlands protection plan, DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan) or other plan produced by a licensed geologist, Rural Water authority or Regional Planning authority **OR** At least 50% of the parcel is designated as wetlands, forested land, open space, or grasslands by the 2011 National Land Cover Dataset	**10 POINTS:** At least 50% of the parcel is designated as agriculture or low/medium intensity developed area by the 2011 National Land Cover Dataset **OR** 35% - 49% of the parcel is located within an area designated for source water protection or classified as wetlands, forested land, open space or grasslands by the 2011 National Land Cover Dataset	**5 POINTS:** At least 50% of the parcel is designated as high density developed area by the 2011 National Land Cover Dataset **OR** 35% - 49% of the parcel is designated as agriculture or low/medium intensity developed area by the 2011 National Land Cover Dataset	**0 POINTS:** National Land Cover Dataset not included in submitted maps ***Applications that fall into this category will not be funded***

Project Readiness *10 to 0 points available*	**10 POINTS:** Parcels have been identified and at least 50% of landowner endorsement is demonstrated by a letter of commitment **AND** Applicant has provided protocols for monitoring and enforcement of properties meeting all requirements listed in Appendix D	**5 POINTS:** Parcels have been identified but 49% or less of landowner endorsement has been demonstrated **AND** Applicant has provided protocols for monitoring and enforcement of properties meeting all requirements listed in Appendix D	**0 POINTS:** Specific parcels have not been clearly identified **OR** Applicant has not provided protocols for monitoring and enforcement of properties meeting all requirements listed in Appendix D ***Applications that fall into this category will not be funded***

Experience and Ability *5 to 0 points available*	**5 POINTS:** Applicant possesses the knowledge, skills and ability to complete the project, and has prior experience with WQIP Land Acquisition for Source Water Protection grants, and completed all tasks in a timely manner **AND/OR** Applicant is accredited through the Land Trust Accreditation Commission	**3 POINTS:** Applicant possesses the knowledge, skills and ability to complete the project, but does not have prior experience with WQIP Land Acquisition for Source Water Protection grants	**0 POINTS:** Applicant does not possess the knowledge, skills and ability to complete the project and does not have prior experience with WQIP Land Acquisition for Source Water Protection grants **OR** has previous experience with WQIP Land Acquisition for Source Water Protection grants and did not complete all tasks in a timely manner ***Applications that fall into this category will not be funded***

Regional Economic Development Priority Points	***Up to 20 points for this criterion are provided by the Regional Economic Development Councils.***
Total Maximum Points	***100***

LAND ACQUISITION FOR SOURCE WATER PROTECTION PROGRAM SCORING CRITERIA

Agency Points	***Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Performance Measures, Reasonableness of Cost, Program Readiness or Experience and Ability will not be funded.***			
Performance Measures *30 to 0 points possible*	**30 POINTS:** Programs identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan)	**20 POINTS:** Watersheds specifically identified for drinking water protection in the New York State Open Space Plan	**10 POINTS:** Programs that demonstrate that some level of planning has taken place using tools or methods to prioritize acquiring lands to protect public water supplies **OR** Inclusion of source water protection in comprehensive plans, municipal resolutions, etc. of the majority of municipalities in the HUC 12 watersheds being proposed	**0 POINTS:** ***Applications that do not meet any of the previous performance measures will not be funded***
Reasonable-ness of Cost *20 to 0 points possible*	**20 POINTS:** Budget clearly details costs related to implementation of a land acquisition program; program costs provide exceptional value as it applies to achieving source water protection	**10 POINTS:** Budget provides some detail on costs related to implementation of a land acquisition program; program costs provide reasonable value as it applies to achieving source water protection	**0 POINTS:** Budget does not clearly detail costs associated with a land acquisition program; costs do not provide a good value as it applies to achieving source water protection ***Applications that fall into this category will not be funded***	
Source Water Protection Prioritization *15 to 5 points possible*	**15 POINTS:** Program prioritizes parcels using scientific methodology or tool that ranks parcels based on greatest impact to water quality (i.e. steep slopes, lack of riparian buffers, intensive development)	**10 POINTS:** Program prioritizes parcels based on proximity to the drinking water source	**5 POINTS:** Program prioritizes parcels based on vacancy or availability for acquisition	
Program Readiness *10 to 0 points available*	**10 POINTS:** Watershed parcels have been identified and prioritized; at least 50% of landowner endorsement is demonstrated by letters of commitment; applicant has provided protocols for monitoring and enforcement of properties meeting all requirements listed in Appendix D; for projects involving personal service costs, applicant has demonstrated the ability to maintain the level of effort funded by this grant	**8 POINTS:** Watershed parcels have been identified but 49% or less of landowner endorsement has been demonstrated; applicant has provided protocols for monitoring and enforcement of properties meeting all requirements listed in Appendix D; for projects involving personal service costs, applicant has demonstrated the ability to maintain the level of effort funded by this grant	**5 POINTS:** Drinking water supply watershed targeted for protection has been identified; applicant has provided protocols for monitoring and enforcement of properties meeting all requirements listed in Appendix D; for projects involving personal service costs, applicant has demonstrated the ability to maintain the level of effort funded by this grant	**0 POINTS:** Drinking water supply watershed targeted for protection has not been clearly identified **OR** Applicant has not provided protocols for monitoring and enforcement of properties meeting all requirements listed in Appendix D. **OR** For projects involving personal service costs, applicant has not demonstrated the ability to maintain the level of effort funded by this grant ***Applications that fall into this category will not be funded***

Experience and Ability *5 to 0 points available*	**5 POINTS:** Applicant possesses the knowledge, skills and ability to complete the program, and has prior experience with WQIP Land Acquisition for Source Water Protection grants, and completed all tasks in a timely manner **AND/OR** Applicant is accredited through the Land Trust Accreditation Commission	**3 POINTS:** Applicant possesses the knowledge, skills and ability to complete the program, but does not have prior experience with WQIP Land Acquisition for Source Water Protection grants	**0 POINTS:** Applicant does not possess the knowledge, skills and ability to complete the program and does not have prior experience with WQIP Land Acquisition for Source Water Protection grants **OR** Has previous experience with WQIP Land Acquisition for Source Water Protection grants and did not complete all tasks in a timely manner ***Applications that fall into this category will not be funded***
Regional Economic Development Priority Points	***Up to 20 points for this criterion are provided by the Regional Economic Development Councils.***		
Total Maximum Points	***100***		

SALT STORAGE

ELIGIBLE APPLICANTS

- Municipalities[26]
- Soil and water conservation districts

DESCRIPTION

Funding is available for projects to construct a permanent structure to cover a salt or a salt/sand mixture storage pile.

REQUIREMENTS FOR ALL SALT STORAGE APPLICATIONS

- Projects must adhere to the New York State Office of General Services salt storage specifications to be eligible for this grant. (https://online.ogs.ny.gov/DNC/MasterSpec04/MasterSpecListing.asp?Div=13)

Required Attachments

- Map with the project area clearly identified. Map must be a 1:24,000 scale USGS or DOT planimetric map
- Budget worksheet
- Sexual Harassment Prevention Certification Form (Appendix A)

PROJECT SUBTYPES

Project subtype	Description	Maximum award	Required match	Additional Information
High Priority				
New structures	Projects to construct new structures to enclose an uncovered salt or salt/sand mixture storage pile	$500,000	50% of award amount	Highest priority are projects to construct a new structure to enclose an uncovered salt or salt/sand mixture storage pile that is currently located near a groundwater drinking water source or surface water used for a public water system; or within a primary, principal or sole source aquifer
Low Priority				
Replacement structures	Projects to replace an existing salt or salt/sand mixture storage structure	$500,000	50% of award amount	Applications will receive minimum points for Vision
Capacity expansion	Projects to expand the capacity of an existing salt or salt/sand mixture structure	$500,000	50% of award amount	Applications will receive minimum points for Vision

[26] For the purposes of Salt Storage projects under this grant opportunity, “Municipality” means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof (Environmental Conservation Law §56-0101).

ELIGIBLE COSTS

- Costs related to the construction of the salt or salt/sand mixture storage structure
- Planning and design costs up to 20% of the award amount
- Construction of access road and impervious pad surrounding structure necessary to load and unload salt

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS

- Applications that do not include construction of a permanent structure to cover a salt or salt/sand mixture storage pile will be ineligible for this category
- Projects with planning and design costs in excess of 20% of the award amount may be deemed ineligible
- Costs for stormwater controls that are required under the SPDES General Permit for Construction activities
- Projects that include any costs that are not for construction of the structure itself (e.g. office space, additional maintenance facilities, etc.) will be deemed ineligible.
- Administrative costs

RESOURCES

- Office of General Services Specifications for salt storage facilities: https://online.ogs.ny.gov/DNC/MasterSpec04/MasterSpecListing.asp?Div=13
- DECinfo Locator[27] (most up to date source of WI/PWL segment assessments): http://www.dec.ny.gov/pubs/109457.html
- HUC 12 watershed map: https://nysdec.maps.arcgis.com/apps/webappviewer/index.html?id=a02867dc903f40a2831c904c7eb1b7d8
- Principal aquifers[28] map: https://www.dec.ny.gov/lands/36119.html.
- Primary aquifers[29] map: https://www.dec.ny.gov/lands/36119.html
- Sole source aquifers[30] map: https://www.dec.ny.gov/lands/36151.html

CONTACT

NYS Department of Environmental Conservation, Division of Water
Don Tuxill, (518) 402-8168
Ryan Waldron (518) 402-8244

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[27] For projects impacting surface water, the applicant must provide the correct Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment ID and HUC 12 watershed of the closest waterbody that the project will impact. To find the closest WI/PWL segment assessment visit the DECinfo Locator and click on the link for "Environmental Quality Map View". In the left column of the map, click on "Information List" and check the box for "Rivers, Streams and Shorelines" AND "Lakes, Reservoirs, and Estuaries" to display these map layers. Enter the address or project location in the "Search Near Me" search bar. Click on the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL segment assessment for that waterbody, click on the "Download Fact Sheet" link in the box. For guidance on how to read the WI/PWL segment assessments, visit http://www.dec.ny.gov/chemical/36730.html

[28] Principal aquifers are aquifers known to be highly productive or whose geology suggests abundant potential water supply, but which are not intensively used as sources of water supply by major municipal systems at the present time.

[29] Primary aquifers are defined as highly productive aquifers presently utilized as sources of water supply by major municipal water supply systems.

[30] Sole source aquifers are designated by the US Environmental Protection Agency as the sole or main source of drinking water for a community, under provisions of the Federal Safe Drinking Water Act

SALT STORAGE SCORING CRITERIA

Agency Points	***Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Project Readiness or Experience and Ability will not be funded.***				
Vision *40 to 1 point(s) possible*	Vision will be calculated by multiplying Performance Measures times Impact Factor. Performance Measures points and Impact Factor points will not be included in the total score, only the combined Vision points.				
Performance Measures *10 to 1 point(s) possible (as part of Vision score)*	**10 POINTS:** Projects to construct a new structure to enclose an exposed salt or salt/sand mixture storage pile that is currently located: Less than 300 feet from a groundwater drinking water source or surface water used for a public water system **OR** Within a principal aquifer **OR** Within a primary aquifer **OR** Within a sole source aquifer	**7 POINTS:** Projects to construct a new structure to enclose an exposed salt or salt/sand mixture storage pile that is currently located: 300 feet or more but less than 1,000 feet from a groundwater drinking water source or surface water used for a public water system **OR** Less than 500 feet from a private well	**5 POINTS:** Projects to construct a new structure to enclose an exposed salt or salt/sand mixture storage pile that is currently located: 1,000 feet or more but less than 2,000 feet from a groundwater drinking water source or surface water used for a public water system **OR** 500 feet or more but less than 1,000 feet from a private well	**3 POINTS:** Projects to construct a new structure to enclose an exposed salt or salt/sand mixture storage pile that is currently located: 2,000 feet or more but less than 4,000 feet from a groundwater drinking water source or surface water used for a public water system **OR** 1,000 feet or more but less than 1,500 feet from a private well	**1 POINT:** Projects to build a structure that replaces an existing structure **OR** Projects that expand the capacity of existing salt or salt/sand mixture structure **OR** Projects to construct a new structure to enclose an exposed salt or salt/sand mixture storage pile that is currently located: 4,000 feet or more from a groundwater drinking water source or surface water used for a public system. **OR** 1,500 feet or more from a private well
Impact Factor *4 to 1 point(s) possible (as part of Vision score)*	**4 POINTS:** Projects to construct a new structure to enclose an uncovered salt or salt/sand mixture storage pile currently located within 300 feet of a groundwater drinking water source or surface water used for a public water system **OR** Projects located within a principal aquifer **OR** Projects located within a primary aquifer **OR** Projects located within a sole source aquifer	**3 POINTS:** Projects to construct a new structure to enclose an uncovered salt or salt/sand mixture storage pile currently located 300 feet or more but less than 2,000 feet from a groundwater drinking water source or surface water used for a public water system or within 1,000 feet of a private well	**2 POINTS:** Projects to construct a new structure to enclose an uncovered salt or salt/sand mixture storage pile that do not fall within the first two impact factor criteria	**1 POINT:** Projects to replace an existing salt or salt/sand storage structure or that expand the capacity of an existing structure	

Reasonable-ness of Cost *20 to 0 points possible*	**20 POINTS:** Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project	**10 POINTS:** Cost is good as it applies to both achieving the project objectives and being a fiscally sound project	**5 POINTS:** Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project	**0 POINTS:** Cost not reasonable for this type of project

Classification Points Factor *10 to 1 point(s) possible*	**10 POINTS:** AA, SA, GA (principal water supply aquifer, primary water supply aquifer, sole source aquifer), AA special	**5 POINTS:** A, A special, GA (other), GSA	**1 POINT:** B, SB, C(T), C(TS), C, SC, I, D, SD, GSB
Project Readiness *5 to 0 points possible*	**5 POINTS:** Project has all necessary permits (or does not need permits) and approvals. The project is ready to move forward with construction.	**3 POINTS:** Project is not ready to proceed with construction but has some of the necessary approvals and is expected to lead to construction without delay	**0 POINTS:** Project has not secured any of the necessary approvals and is not ready to proceed to construction ***Applications that fall into this category will not be funded***
Experience and Ability *5 to 0 points possible*	**5 POINTS:** Applicant has shown the ability to complete all WQIP contracts in the past 10 years in a timely manner	**3 POINTS:** Applicant has shown the ability to complete most WQIP contracts in the past 10 years in a timely manner **OR** Applicant has not been awarded a WQIP grant in the past 10 years but appears to have the experience and ability to carry out the project	**0 POINTS:** Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years **OR** Applicant has not been awarded a WQIP grant in the past 10 years and does not appear to have the experience and ability to carry out the project ***Applications that fall into this category will not be funded***
Regional Economic Development Priority Points	***Up to 20 points for this criterion are provided by the Regional Economic Development Councils***		
Total Maximum Points	***100 points***		

AQUATIC CONNECTIVITY RESTORATION (Previously Aquatic Habitat Restoration)

ELIGIBLE APPLICANTS

- Municipalities[31]
- Soil and water conservation districts
- Not-for-profit corporations

DESCRIPTION

Funding is available for projects that improve aquatic habitat connectivity at road/stream crossings or dams.

REQUIRED ATTACHMENTS

- Budget worksheet
- Sexual Harassment Prevention Certification Form (Appendix A)
- Map with the project area clearly identified. Map must be a 1:24,000 scale USGS or DOT planimetric map.
- Landowner agreements (if property not owned by applicant)[32]

Description	Maximum award amount	Required match	Requirements
Projects that improve aquatic habitat connectivity at road/stream crossings or dams	$250,000	25% of award amount	Projects **must** focus on culverts, bridges or dams that are causing the aquatic connectivity obstructions. Applicant **must** own the property or obtain an access agreement for the proposed site. Projects with a total cost that exceeds the maximum award amount **must** demonstrate in their application that they have secured funding for the remainder of the project cost to be eligible. Projects **should** remove barriers to aquatic connectivity. Sample projects include but are not limited to: upgrade and replacement of road stream crossing structures (culverts and bridges) to a larger size and appropriate

[31] For the purposes of Aquatic Connectivity Restoration projects under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof. In the case of aquatic habitat restoration projects, the term municipality shall include the state. (Environmental Conservation Law §56-0101).

[32] If the property owner is a municipality: a resolution by the municipality supporting the project; If the property is not owned by the applicant: a formal written agreement between the applicant and the landowner that allows the applicant access to the property, represent the landowner, and accomplish the proposed project; If the applicant is a not-for-profit proposing a project on municipal property: a signed municipal endorsement that provides authorization for the not-for-profit to conduct the proposed project on municipal property

Description	Maximum award amount	Required match	Requirements
			design to increase ecological connectivity and hydrologic capacity; removal or breach of stream barriers such as dams or weirs that limit aquatic connectivity and meet the natural resource management goals for the area.

ELIGIBLE COSTS

- Salary and fringe
- Contractual costs
- Travel
- Equipment
- Planning, design, administrative and construction oversight costs (total may not exceed 20% of award amount)
- Monitoring costs (may not exceed 20% of award amount)
- Construction inspection
- Maintenance
- Reconstruction
- Revitalization
- Rejuvenation activities

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS

- Costs incurred outside the start and end date of the contract (no earlier than May 1, 2019)
- Indirect costs (e.g. space property rent, utilities, and other office supplies)
- Legal fees

US FISH AND WILDLIFE SERVICE REVIEW

Aquatic Connectivity Restoration projects recommended for an award through WQIP may also be reviewed by the U.S. Fish and Wildlife Service. This review may impact the decision to award a grant.

RESOURCES

- DECinfo Locator[33] (most up to date source of WI/PWL segment assessments): http://www.dec.ny.gov/pubs/109457.html

[33] To find the closest WI/PWL segment assessment, visit the DECinfo Locator and click on the link for "Environmental Quality Map View". In the left column of the map, click on "Information List" and check the box for "Rivers, Streams and Shorelines" AND "Lakes, Reservoirs, and Estuaries" to display these map layers. Enter the address or project location in the "Search Near Me" search bar. Click on the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL segment assessment for that waterbody, click on the "Download Fact Sheet" link in the box. For guidance on how to read the WI/PWL segment assessments, visit http://www.dec.ny.gov/chemical/36730.html

- Guidance for projects to upgrade and replace road stream crossing structures to a larger size and appropriate design to increase ecological connectivity and hydrologic capacity: http://www.dec.ny.gov/permits/49066.html.
- Species of Greatest Conservation Need (SGCN): http://www.dec.ny.gov/animals/9406.html
- North Atlantic Aquatic Connectivity Project (NAACC): https://streamcontinuity.org/naacc

CONTACT

NYS Department of Environmental Conservation, Division of Fish and Wildlife
Corbin Gosier, 518-402-8872

AQUATIC CONNECTIVITY RESTORATION SCORING CRITERIA

Agency Points	***Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Performance Measures, Project Readiness or Experience and Ability will not be funded.***					
Performance Measures *40 to 0 points possible*	**40 POINTS:** *Species Miles*[34]: 5 or more *Barrierity*[35]: Significant or greater	**30 POINTS:** *Species Miles:* 3 to 4.9 *Barrierity:* Significant or greater	**20 POINTS:** *Species Miles:* 1 or more *Barrierity:* Moderate or greater	**10 POINTS:** *Species Miles:* 0.1 or more *Barrierity:* Moderate or greater	**5 POINTS:** *Species Miles:* Less than 0.1 *Barrierity:* Minor or greater	**0 POINTS:** *Species Miles:* 0 *Barrierity:* Minor or less ***Applications that fall into this category will not be funded***
Reasonable-ness of Cost *20 to 0 points possible*	**20 POINTS:** Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project	**10 POINTS:** Cost is good as it applies to both achieving the project objectives and being a fiscally sound project	**5 POINTS:** Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project	**0 POINTS:** Cost is not reasonable for this type of project		
Vision *10 to 0 points possible*	**10 POINTS:** Proposed project will improve a waterbodies impairment level as it pertains to the goals of the Aquatic Connectivity Restoration category or such impairments as listed on the Waterbodies Inventory/Priority Waterbodies List (WI/PWL) segment assessment by two levels or will eliminate the impairment	**5 POINTS:** Proposed project will improve a waterbodies impairment level as it pertains to the goals of the Aquatic Connectivity Restoration category or such impairments as listed in the WI/PWL segment assessment by one level	**0 POINTS:** Proposed project will have no reduction to the impairment level as it pertains to the goals of the Aquatic Connectivity Restoration category or such impairments as listed in the WI/PWL segment assessment			
Project Readiness *5 to 0 points possible*	**5 POINTS:** Project has all necessary permits (or does not need permits) and approvals. The project is ready to move forward with construction	**3 POINTS:** Project is not ready to proceed with construction but has some of the necessary approvals and is expected to lead to construction without delay	**0 POINTS:** Project has not secured any of the necessary approvals and is not ready to proceed to construction **AND/OR** Project cost exceeds maximum grant amount and has not secured remaining funding needed ***Applications that fall into this category will not be funded***			

[34] Species Miles: See explanation at the end of this matrix.

[35] Barrierity: See explanation at the end of this matrix.

Experience and Ability *5 to 0 points possible*	**5 POINTS:** Applicant has shown the ability to complete all WQIP contracts in the past 10 years in a timely manner	**3 POINTS:** Applicant has shown the ability to complete most WQIP contracts in the past 10 years in a timely manner **OR** Applicant has not been awarded a WQIP grant in the past 10 years but appears to have the experience and ability to carry out the program	**0 POINTS:** Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years **OR** Applicant has not been awarded a WQIP grant in the past 10 years and does not appear to have the experience and ability to carry out the program ***Applications that fall into this category will not be funded***
Regional Economic Development Priority Points	***20 points for this criterion are provided by the Regional Economic Development Councils***		
Total Maximum Points	***100 points***		

Species Miles
Describes the functional gain achieved by removing a barrier to aquatic organism passage. The total number of Species of Greatest Conservation Need (SGCN) (http://www.dec.ny.gov/animals/9406.html) or other aquatic species of management concern to DEC is multiplied by the total number of stream miles that will be made accessible to these species. Stream miles is calculated by totaling the linear distance of each stream segment, including tributaries, from the existing barrier traveling upstream until the next impassable barrier. (Species x Stream Miles = Species Miles)

Barrierity
Describes the severity to which a structure creates a barrier to aquatic organism passage. It is derived from a protocol for calculating this value as part of the North Atlantic Aquatic Connectivity Project (NAACC) found at https://streamcontinuity.org/naacc. When this methodology is not possible, professional judgement will be used to assess a structure that most closely replicates the categories used by NAACC.

Severe	0.19 or less
Significant	0.20 – 0.39
Moderate	0.40 – 0.59
Minor	0.60 – 0.79
Insignificant	0.80 – 0.99

Municipal Separate Storm Sewer Systems (MS4) [36]

ELIGIBLE APPLICANTS

- Regulated Traditional MS4s
- Municipalities[37]
- Soil and water conservation districts

DESCRIPTION

Funding is available for mapping projects **or** the purchase of one vacuum truck if your community has not received WQIP funding for a vacuum truck in the past. For now, only one vacuum truck per MS4 will be funded through WQIP.

This grant program encourages and supports cooperation among regulated MS4s to complete mapping of their stormwater systems or to purchase and share the use of a vacuum truck.

REQUIREMENTS FOR ALL MS4 APPLICATIONS

- Projects **must** meet the minimum MS4 permit requirements
- Applicants **must** participate in an area-wide municipal cooperative stormwater group if one exists. If one does not exist, the application must document the steps that are being taken to develop a group, which **must** be formed prior to receiving a grant award. In the rare case where a coalition does not exist nor will be established, the application **must** justify the reasons in the application.
- Applications **must** request funding for either mapping or a vacuum truck—not both. If an applicant sends in separate applications for each of the project subtypes, the application for the vacuum truck will only be considered if the applicant/cooperative stormwater group has completed the basic and intermediate elements mapping.
- Funding will be considered for proposals submitted on behalf of multiple regulated MS4s. **Only the lead applicant needs to register in the NYS Grants Gateway (http://grantsreform.ny.gov).** Projects being undertaken by multiple regulated MS4s in the same county or Urbanized Area will receive additional points. A list of the cooperating MS4s must be provided in the application.

Required Attachments

- Budget worksheet
- Letters of support from regulated MS4 entities participating in and/or benefitting from this project
- Map with the project area clearly identified. Map must be a 1:24,000 scale USGS or DOT planimetric map

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[36] 40 CFR 122.26(b)(16)(i), Small municipal separate storm sewer system means all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that are discharges to waters of the United States.

[37] For the purposes of Municipal Separate Storm Sewer Systems projects under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York state, or any combination thereof (Environmental Conservation Law §56-0101).

- Applications for a vacuum truck should attach a catch basin clean-out plan and procedures if completed (See Appendix E for minimum documentation requirements)
- Mapping Status Table worksheet for each of the parties in the cooperative agreement for this project demonstrating level of mapping complete at time of application (See Appendix F)
- Sexual Harassment Prevention Certification Form (Appendix A)
- Also see “Special Requirements” in the table below.

PROJECT SUBTYPES AND REQUIREMENTS

Project Subtype	Description	Maximum Award	Required Match	Special Requirements
Mapping	Projects to complete comprehensive, stormwater system maps as defined in the mapping table below	$500,000	25% of award amount	Applications **must** include the creation of electronic or GIS system of mapping or specify the use of an already established electronic or GIS system to be expanded upon. Basic mapping elements (red in table below) are either required by the NYS Small MS4 General Permit-0-15-003 or considered by DEC to be necessary for effective system management. Therefore, all Basic elements **must** be completed before grant or match funds can be used for items in the Intermediate or Advanced elements map categories. Intermediate mapping elements (yellow in table below) are considered to improve system management and should only be included following the completion of the Basic elements mapping. Advanced Elements Mapping (green in table below) are beyond the mapping requirements of the NYS Small MS4 General permit 0-15-003 and are considered by DEC to be beneficial data to include in a map. Simultaneous mapping of Basic, Intermediate, and Advanced elements is permitted but any unmapped Basic elements must be included in the application scope of work. Information from the WI/PWL **must** be included in the maps/deliverables created.

Project Subtype	Description	Maximum Award	Required Match	Special Requirements
Vacuum Truck	The purchase of one vacuum truck	$600,000	25% of award amount	Applicants **must** attach a catch basin clean-out plan and procedures or include development of a plan and procedures in their application scope of work. DEC will not reimburse for a vacuum truck until the plan and procedures are created. To be eligible for purchase of a vacuum truck, the applicant **must** have completed Basic elements mapping (red column in table below) by the date of application submittal. Completion of this mapping must be demonstrated by attaching completed Mapping Status Table worksheet(s) (Appendix F) with the application.

Comprehensive System Mapping Table for All MS4 Applications
The table below lists the elements of a comprehensive MS4 system map, and is duplicated as a worksheet in Appendix F. For any Mapping and Vacuum truck applications to be eligible for this grant, a completed worksheet showing level of mapping complete **must be attached** for each MS4 participating or benefitting directly or indirectly from the proposed project. The worksheet will help applicants identify their mapping needs if they are applying in the mapping subcategory or identify the mapping elements completed if they are applying for a vacuum truck.

For mapping applications, the simultaneous mapping of Basic, Intermediate, and Advanced Elements as described below is permitted, but any unmapped Basic Elements must be included in the application.

	Basic Elements Map (Application must include these elements if they are not already included in map)	**Intermediate Elements Map** (Applications must look to include these elements if they are not already included in map)	**Advanced Elements Map** (Elements beyond the required permit elements)
Outfall Mapping			
Electronic or GIS Map	X		
Receiving waterbody name	X		
Type of conveyance (i.e. open drainage, closed pipe, catch basin, etc.)	X		
Outfall material	X		
Outfall shape	X		

Outfall Prioritization (See Draft MS4 GP 0-17-002 Part VI.C.4. /VII.C.4. for guidance.)	X		
Type of outfall (i.e. direct, indirect, interconnected MS4 outfall)	X		
Submerged in water?	X		
Submerged in sediment?	X		
Land use in drainage area			X
Inspection data			X
Owner			X
Structure/facility ID			X
Latitude/longitude			X
Storm Sewer System Mapping			
Type of conveyance system (closed pipe or open drainage)	X		
Closed pipe or open drainage Description: material, shape, size	X		
Direction of flow	X		
Drop inlet, catch basin, and manhole locations	X		
Number of connections to catch basins and manholes, depth of structure, sump depth	X		
Location of points receiving discharge from updrainage connections with adjacent MS4s (include name and contact information for adjacent MS4 Operator)		X	
Receiving waterbody name		X	
Owner			X
Structure/facility ID			X
Latitude/longitude			X
Stormwater Management Practice (SMP) Mapping			
Location/address	X		
Latitude/longitude	X		
Type of SMP (pond, bioretention, swale, rain garden, etc.) [38]		X	
Post construction specific SMPs		X	
Ownership of SMP		X	
Receiving waterbody name		X	
Date practice was installed		X	
Responsible party for maintenance		X	

[38] Stormwater Practice Type defined in *NYS DEC Maintenance Guidance: Stormwater Management Practices*, March 31, 2017.

Location of documentation depicting O&M requirements and legal agreements for practice			X
Frequency of inspection of practice			X
Reason for SMP (retrofit, new development, flood control, etc.)			X
Location where SMP discharges (Does SMP drain to MS4?)			X
Contributing drainage area to SMP (if known)			X
Construction date (if known)			X
Last inspection date (if known)			X
Structure/facility ID			X
Municipality owned/operated facilities			
Location/address	X		
Latitude/longitude	X		
Name		X	
Type (Municipal buildings, DPW garage, vehicle and fleet maintenance areas (fire station, police station, bus stations), landfills, salt storage areas, parks & open space, solid waste disposal areas, transfer stations, marinas, etc.)		X	
Facility Prioritization (See Draft MS4 GP 0-17-002 Part VI.F.3. /VII.F.3. for guidance.)		X	
Receiving waterbody name		X	
Standard Industrial Classification (SIC) Code (if applicable)			X
SPDES ID or No Exposure ID (if applicable)			X
Responsible Department			X
Contact Information			X
Status of facility specific SWPPP (if high priority)			X
Location of facility specific SWPPP (if high priority)			X
Type of activities present on site			X
Last assessment date			X
Year built			X
Size of facility (acres)			X
Owner			X
Structure/facility ID			X
Sewershed Boundary			
Preliminary	X		

Impaired waters		X	
Per MS4 outfall		X	
Priority Areas			
Areas with onsite wastewater systems subject to Part IX requirements	X		
Land use within Impaired Watersheds (Commercial, HD Residential, LD Residential, Industrial, Open Space)		X	
Land use within other Watersheds (commercial, HD residential, LD residential, industrial, open space)		X	
Description of concern (i.e. sewershed to impaired waters, septic systems, high water table, industrial area, etc.)		X	
Pollutant(s) of concern (litter, sediment, nutrients, etc.)		X	
Areas contributing to impaired waterbodies		X	
TMDL watersheds		X	
Areas where stormwater flows have significant potential to cause erosion (soil, silt, rock, etc.)		X	
Areas contributing to waterbodies of significant value (drinking water supply, public bathing beaches, shellfishing, high recreation value)		X	
Densely populated residential areas		X	
Commercial/industrial areas		X	
Hot spot areas (remediation sites, clusters of industrial activity, salt storage, etc.)		X	
Areas where a high number of construction activities are occurring		X	
Areas with a high number of illicit discharges		X	
Areas of high discharge potential (Refer to Table 14 of IDDE Guidance Manual for identification)			X
Areas of shallow groundwater			X
Areas of low infiltrative soils			X
Areas of historic on-site sanitary system failures			X
Sites with a history of major oil or chemical leaks/spills (Include date of event, type of spill, and final resolution)			X

High priority construction sites (Discharges to impaired waters, AA-S, AA, or A classified water sources, or T (trout)/TS (trout spawning) protected bodies)			X
Other areas of concern (wetlands, riparian buffers, flood plains, steep slopes, etc.)			X
Areas with onsite wastewater systems (include typical age)			X
Proposed Retrofits			
Location			X
Contributing drainage area to the proposed stormwater retrofit			X

ELIGIBLE COSTS

- Salary and fringe benefits
- Contractual costs
- Travel
- Equipment
- Vacuum truck operation (vacuum truck projects only)
- Development of catch basin clean-out plan and procedures (vacuum truck projects only)

INELIGIBLE COSTS/ACTIVITIES/APPLICATIONS

- Purchase of equipment already owned and available through the cooperative stormwater group
- Development of materials already available through the cooperative stormwater group
- Indirect costs (e.g. space/property rent, utilities and other office supplies)
- Administrative costs
- Legal fees
- Costs incurred outside the start and end date of the contract (no earlier than May 1, 2019)
- Applications for mapping that do not include the creation of an electronic or GIS system of mapping or specify the use of an already established electronic or GIS system to be expanded upon
- Applications for mapping only Intermediate Elements or Advanced Elements where the applicant and participating MS4s have not completed all requirements in the Basic Elements map category
- Applications that do not attach the Mapping Status Table Worksheet (Appendix F) identifying the status of mapping for each of the parties in the cooperative agreement for this project
- Applications for a vacuum truck where the applicant received WQIP funding in 2018 for a vacuum truck
- Applications for a vacuum truck where the applicant has not completed Basic Elements mapping.

RESOURCES

- For additional information on Urbanized Areas, please refer to: http://www.dec.ny.gov/chemical/92258.html.

- DECinfo Locator[39] (most up to date source of WI/PWL segment assessments): https://www.dec.ny.gov/pubs/109457.html.
- Minimum documentation requirements for catch basin clean-out plan and procedures: See Appendix E
- Mapping Status Table worksheet: See Appendix F

CONTACT
NYS Department of Environmental Conservation, Division of Water
Ethan Sullivan, (518) 402-1382

[39] For projects impacting surface water, the applicant must provide the correct Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment ID and HUC 12 watershed of the closest waterbody that the project will impact. To find the closest WI/PWL segment, visit the DECinfo Locator and click on the link for "Environmental Quality Map View". In the left column of the map, click on "Information List" and check the box for "Rivers, Streams and Shorelines" AND "Lakes, Reservoirs, and Estuaries" to display these map layers. Enter the address or project location in the "Search Near Me" search bar. Click on the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL segment assessment for that waterbody, click on the "Download Fact Sheet" link in the box. For guidance on how to read the WI/PWL segment assessment, visit http://www.dec.ny.gov/chemical/36730.html

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) MAPPING SCORING CRITERIA

Agency Points	***Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Project Readiness or Experience and Ability will not be funded.***			
Performance Measures *30 to 5 points possible*	**30 POINTS:** Project addresses Basic Elements Map (red column) items that will impact a waterbody that: Is listed in the Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment assessment as "precluded" or "impaired" where urban runoff is the identified source; **OR** has a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan)	**20 POINTS:** Project addresses Intermediate Elements Map (yellow column) items that will impact a waterbody that: Is listed in the WI/PWL segment assessment as "precluded" or "impaired" where urban runoff is the identified source; **OR** has a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan)	**15 POINTS:** Project addresses Basic or Intermediate Elements Map (red or yellow column) items that will impact a waterbody that: Is not listed on the WI/PWL segment assessment as "precluded" or "impaired" **AND** does not have a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan)	**5 POINTS:** Project addresses only Advanced Elements Map (green column) items
Reasonable-ness of Cost *20 to 0 points possible*	**20 POINTS:** Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project	**10 POINTS:** Cost is good as it applies to both achieving the project objectives and being a fiscally sound project	**5 POINTS:** Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project	**0 POINTS:** Cost is not reasonable for this type of project
Vision *20 to 1 point(s) possible*	**20 POINTS:** Applicant has demonstrated support from all collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this mapping project **OR** Project is on behalf of a single municipality with needs specific to the scope of this project **AND** is neither located in an area with other cooperating regulated MS4 entities nor are shared services available (must specify this in application)	**10 POINTS:** Applicant has demonstrated support from 50% or more of collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this mapping project	**5 POINTS:** Applicant has demonstrated support from less than 50% of collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this mapping project	**1 POINT:** Applicant has not demonstrated support
Project Readiness *5 to 0 points available*	**5 POINTS:** Project has all necessary pieces in place to complete system mapping	**3 POINTS:** Project has some of the necessary pieces in place to complete system mapping	**0 POINTS:** Project has not secured any of the necessary approvals and is not ready to proceed with project implementation ***Applications that fall into this category will not be funded.***	
Experience and Ability *5 to 0 points available*	**5 POINTS:** Applicant has shown the ability to complete all WQIP contracts in the past 10 years in a timely manner	**3 POINTS:** Applicant has shown the ability to complete most WQIP contracts in the past 10 years in a timely manner **OR** Applicant has not been awarded a WQIP grant in the past 10 years but appears to have the experience and ability to carry out the project	**0 POINTS:** Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years **OR** Applicant has not been awarded a WQIP grant in the past 10 years and does not appear to have the experience and ability to carry out the program ***Applications that fall into this category will not be funded***	
Regional Economic Development Priority Points	***Up to 20 points for this criterion are provided by the Regional Economic Development Councils***			
Total Maximum Points	***100 points***			

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) VACUUM TRUCK SCORING CRITERIA

Agency Points	***Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Project Readiness or Experience and Ability will not be funded.***			
Performance Measures *30 to 5 points available*	**30 POINTS:** Project is to purchase vacuum truck equipment to be used in an area that will impact a waterbody: Listed in the Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment assessment as "precluded" or "impaired" where urban runoff is the identified source **OR** that has a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan). **AND** Applicant has completed all Basic and Intermediate Elements Map (red and yellow column) items	**20 POINTS:** Project is to purchase vacuum truck equipment to be used in an area that will impact a waterbody: Listed in the WI/PWL segment assessment as "precluded" or "impaired" where urban runoff is the identified source **OR** that has a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan)	**15 POINTS:** Project is to purchase vacuum truck equipment to be used in an area that will impact a waterbody: Listed in the WI/PWL segment assessment as "stressed" or "threatened" where urban runoff is the identified source	**5 POINTS:** Project is to purchase vacuum truck equipment to be used in an area that will impact a waterbody: Not listed in a WI/PWL segment assessment with urban runoff as an identified source
Reasonable-ness of Cost *20 to 0 points available*	**20 POINTS:** Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project	**10 POINTS:** Cost is good as it applies to both achieving the project objectives and being a fiscally sound project	**5 POINTS:** Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project	**0 POINTS:** Cost is not reasonable for this type of project
Vision *15 to 1 point(s) available*	**15 POINTS:** Applicant has demonstrated support from all collaborating regulated MS4 entities that will benefit directly or indirectly from this project **OR** Project is on behalf of a single municipality with needs specific to the scope of this project **AND** is neither located in an area with other cooperating regulated MS4 entities nor are shared services available (must specify this in application)	**10 POINTS:** Applicant has demonstrated support from 50% or more of collaborating regulated MS4 entities that will benefit directly or indirectly from this project	**5 POINTS:** Applicant has demonstrated support from less than 50% of collaborating regulated MS4 entities that will benefit directly or indirectly from this project	**1 POINT:** Applicant has not demonstrated support.

Project Readiness *10 to 0 points available*	**10 POINTS:** Project has all necessary pieces in place to purchase vacuum truck equipment (catch basin clean-out plan and catch basin clean-out procedures attached with application)	**3 POINTS:** Project has some of the necessary pieces in place to purchase vacuum truck equipment (no catch basin clean-out plan or catch basin clean-out procedures but will develop these documents under this project)	**0 POINTS:** Project has not secured any of the necessary approvals and is not ready to proceed with project implementation. Did not include a catch basin clean-out plan or catch basin procedures as an attachment or as a product of this grant. Basic elements mapping is not complete. ***Applications that fall into this category will not be funded***
Experience and Ability *5 to 0 points available*	**5 POINTS:** Applicant has shown the ability to complete all WQIP contracts in the past 10 years in a timely manner	**3 POINTS:** Applicant has shown the ability to complete most WQIP contracts in the past 10 years in a timely manner **OR** Applicant has not been awarded a WQIP grant in the past 10 years but appears to have the experience and ability to carry out the program	**0 POINTS:** Applicant has demonstrated poor management of WQIP contract(s) in the past 10 years **OR** Applicant has not been awarded a WQIP grant in the past 10 years and does not appear to have the experience and ability to carry out the program ***Applications that fall into this category will not be funded***
Regional Economic Development Priority Points	***Up to 20 points for this criterion are provided by the Regional Economic Development Councils***		
Total Maximum Points	***100 points***		

Grant Opportunity General Information and Conditions

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- Award an agreement for any or all parts of the Program Overview in accordance with the method of award or withdraw the Program Overview at any time at the Department's sole discretion.
- Award only one application for funding in the event there are multiple application submissions for a single project or for pieces of a single project.
- Award to the next highest scoring application in the event a grantee fails to negotiate a grant contract with the Department within 90-120 days of a grant award.
- Consider regional distribution in the determination of awards, to the extent practicable.
- Monitor the progress of all grant awards and withdraw grant funding if the grantee fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.
- Refuse to fund projects that are determined to be inconsistent with NYS's Smart Growth Public Infrastructure Policy Act.
- Reject any or all applications in response to the Program Overview at the agency's sole discretion.
- Reduce an award from the amount requested in the application, should the project budget contain costs considered ineligible under this grant program.
- Reduce an award from the amount requested in the application, as long as the reduced funding does not jeopardize the viability of the project to proceed at the reduced funding level.
- Deny a change in workplan tasks from the application project description because of fairness to competitive process.

Additional Application Submission Information

Pre-Application Requirements

All governmental entities (municipalities, municipal corporations, and soil and water conservation districts, and as further defined in this Program Overview), and not-for-profit corporations must register in the NYS Grants Gateway to be considered eligible to apply for this grant opportunity https://grantsmanagement.ny.gov/ [1] The applicant name must exactly match the name of the eligible entity registered in the NYS Grants Gateway. It may not be the name of an individual.

In addition to registering, not-for-profit organizations must also complete the Vendor Prequalification process in the NYS Grants Gateway to be considered eligible to apply for this grant opportunity. The prequalification must be current (not expired) to be eligible for this grant. Government entities are currently not required to complete the Vendor Prequalification Process.

NYS Grants Gateway Registration Instructions:

If your organization has not already registered in the Grants Gateway, the registration is NOT an online process. Register now to allow time for processing!!

1.) On the Grants Management Website at https://grantsmanagement.ny.gov/resources-grant-applicants, download a copy of the Registration Form for Administrator.

2.) Complete the form according to the instructions provided. The completed form must be signed and notarized.

3.) Mail the signed and notarized original form to the Division of Budget at the address provided in the instructions. Please include an organizational chart of your agency.

4.) After the form is received and reviewed, you will be provided with a Username and Password allowing you to access the Grants Gateway.

5.) Log in to the Grants Gateway at https://grantsgateway.ny.gov. You will be prompted to change your password at the bottom of your Profile page. Enter a new password and click the SAVE button located on the top, right-hand side of the page.

If you have previously registered and do not know your Username please email grantsgateway@its.ny.gov. If you do not know your Password, please click the Forgot Password link from the main log in page and follow the prompts.

Not-For-Profit Prequalification Instructions:

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, New York State has instituted key reform initiatives to the grant application and contract processes. These initiatives require not-for-profit organizations to complete the Vendor Prequalification process to be considered eligible to apply for a grant.

Below is a summary of the steps to complete the prequalification requirements. The Vendor Prequalification Manual on the Grants Management website at https://grantsmanagement.ny.gov/resources-grant-applicants provides additional information and instruction.

1.) Complete your Prequalification Application.

- Log in to the Grants Gateway at https://grantsgateway.ny.gov. If this is your first time logging in, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click the SAVE button located on the top, right-hand side of the page.
- Click the *Organization(s)* link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A *Document Vault* link will become available near the top of the page. Click this link to access the main Document Vault page.
- Answer the questions in the *Required Forms* and upload the *Required Documents*. This constitutes your Prequalification Application. Optional Documents are not required unless specified in this Request for Proposal.
- For specific questions about the prequalification process see https://grantsmanagement.ny.gov/contact-grants-management.

2.) Submit Your Prequalification Application

- After completing your Prequalification Application, click the *Submit Document Vault* button located below the Required Documents section to submit your Prequalification Application for State agency review. Once submitted, the status of the Document Vault will change to *In Review*.
- If your Prequalification reviewer has questions or requests changes you will receive email notification from the Gateway system.
- Once your Prequalification Application has been approved, you will receive a Gateway notification that you are now prequalified to do business with New York State.

Additional registration and prequalification information, including a video tutorial, is available on the Grants Management website at https://grantsmanagement.ny.gov/videos-grant-applicants.

Debriefing Request
In accordance with section 163 of the NY State Finance Law, DEC must, upon request, provide a debriefing to any unsuccessful offeror that responded to the Program Overview, regarding the reasons that the proposal or bid submitted by the unsuccessful offeror was not selected for an award. An unsuccessful offeror wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that their proposal did not result in an award.

Formal Protest and Appeal Procedure
Any interested party who believes that he/she has been treated unfairly in the application, evaluation, bid award, or contract award phases of the procurement, may present a formal protest to DEC and request administrative relief concerning such action. Formal protests concerning a pending contract award must be received within five (5) business days after the protesting party knows or should have known of the facts that constitute the basis of the formal protest.

Sexual Harassment Prevention Certification
State Finance Law §139-l requires all applicants of grant funding to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees.

Where applying for grant funding is required pursuant to statute, rule or regulation, every application submitted to the state or any public department or agency of the state must contain the following statement: "By submission of this application, each applicant and each person signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law."

Applications that do not contain the certification will not be considered for award; provided however, that if the applicant cannot make the certification, the applicant may provide a signed statement with their application detailing the reasons why the certification cannot be made. After review and consideration of such statement, the Department may reject the bid or may decide that there are sufficient reasons to accept the bid without such certification.

Applicants are required to sign and upload the Sexual Harassment Prevention Certification form (Appendix A) or upload a signed statement with their application detailing the reasons why the certification cannot be made.

SEQRA and Permits
The applicant is responsible for assuring that any SEQR determinations, permits, approvals, lands, easements and rights-of way that may be required to carry out the activities of the project are obtained.

Letters of Permission/Municipal Endorsement
The applicant must own the property, or obtain an applicable access agreement, for the proposed project site. This includes:

- If the property is owned by the applicant – a copy of the current deed.

- If the property owner is a municipality – A resolution by the municipality supporting the project.
- If the property is not owned by the applicant – a formal written agreement between the applicant and landowner which allows the applicant access to the property, and represent the landowner, to accomplish the proposed project.

Quality Assurance

For projects that involve the assessment or monitoring of water quality, all monitoring and measurement activities conducted in the field or laboratory shall be:

I. Performed in accordance with an effective Quality System for planning and assessing environmental measurements and tests, and for conducting required quality assurance and quality control procedures to promote and maintain the accuracy and reliability of environmental measurements and test results. Quality System Documentation includes a Quality Assurance Project Plan (QAPP) based on guidance provided by the USEPA Guidance for Quality Assurance Project Plans (QA/G-5 May 2006) or a similarly structured and purposed protocol;

II. Performed by a laboratory certified by the New York State Department of Health (NYSDOH) under the Environmental Laboratory Approval Program (ELAP) pursuant to Section 502 of the Public Health Law. This requirement shall not apply to specific parameters when ELAP has not issued a certificate for the specific parameter; and

III. Performed in a manner that ensures all requisite quality control and calibration requirements of the method are met including field testing, sample collection, preservation, and record keeping. When the method does not detail requirements for any or all of these items, the basic quality assurance and quality control requirements defined in 40 CFR Part 136.7 shall be followed.

Historic Preservation Review Requirements

For projects that involve properties listed on the State or National Registers of Historic Places, all work undertaken as part of a grant-assisted project must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

Questions about or proposals for listing on the State or national Register should be directed to the OPRHP National Register Unit at (518) 237-8643. To ensure the public benefit from the investment of state funding, preservation covenants or conservation easements will be conveyed to the State (OPRHP) for all historic property grants.

Coastal Consistency Requirements

SEQR Type I and Unlisted actions located within the NYS Department of State's coastal zone boundaries must meet the consistency requirements of the Secretary of State's Coastal Management Program. This consistency determination will be performed by the Department as part of the grant review process. If the proposed project is located within a municipality that has an approved Local Waterfront Revitalization Plan (LWRP), the policies of that LWRP apply. Projects in other areas will need to be consistent with the State's 44 coastal policies. The coastal policies can be found at https://www.dos.ny.gov/opd/programs/consistency/index.html. Applicants are encouraged to determine if their project is located within the coastal zone, and to include in their site plan or sketch map their project's location within the coastal zone boundaries if applicable. Maps of the coastal zone boundaries can be found at https://www.dos.ny.gov/opd/programs/consistency/index.html.

Grant opportunity payment and reporting conditions

For all WQIP project types except wastewater treatment, upon approval of the MCG by the Office of the State Comptroller, an advance payment of up to twenty-five percent (25%) of the total Contract Amount may be provided under this Contract to the Contractor, including Contractors that are municipalities, for project start-up funding[40]. Contractors must provide justification of the need for the advance payment.

No reimbursement payments under the MCG will be made by the Department to the Contractor unless the Contractor provides documentation to support how the 25% advance funding was spent on the Project. Future reimbursement payments shall be made upon audit and approval by the Department and the Comptroller's Office of vouchers executed by an authorized officer of the Contractor.

Project costs eligible for reimbursement and project match must be incurred between the MCG term start date and the MCG term end date. Costs incurred prior to the MCG term start date or after the MCG term end date are not eligible for reimbursement or match. Copies of supporting documentation (paid invoices, receipts, cancelled checks, etc.) must be audited and approved by the Department for costs to be eligible for grant reimbursement.

- Quarterly MCG payment reimbursement requests will be accepted prior to submission of a final closeout reimbursement request. Approved project design, required permits and landowner permissions must be in place to submit a reimbursement request.

- Quarterly Narrative Reports must be submitted within 30 days from the end of the quarter. The reports should summarize how the project progressed towards meeting project objectives and deliverables during the quarter.

Quarterly Expenditure Reports, detailed by object of expense as defined in the MCG Attachment B-1 Expenditure Based Budget, must accompany the quarterly Narrative Reports, within 30 days from the end of the quarter. These reports must correlate to subsequent vouchers submitted for reimbursement payment.

Final Report must be submitted and approved by the Department prior to the release of the final contract payment to the Grantee. The Contractor must submit the Final Report no later than 60 days after the end of the contract period. The Final Report should report on all aspects of the program and detail how the grant funds were utilized in achieving the goals set forth in the approved MCG Attachment C Work Plan. Copies of appropriate documents (i.e. inventory and/or management plan) must be submitted and approved by the Department.

A Department on-site inspection may be required to confirm all work was completed in accordance to the approved project work plan.

Satisfactory Progress

Grant recipients are expected to show satisfactory progress with the development of a project workplan and implementation of the project. Satisfactory progress includes, but is not limited to, timely submission of all necessary documents needed for contract execution, such as, required proofs of insurance, and an M/WBE Utilization Plan. A grantee must also submit timely

[40] For Land Acquisition project types, please note that transactional costs (e.g. property surveys, land appraisals, staff time devoted to the project) are acceptable by the Department, provided they result in final acquisition of land or perpetual conservation easement and/or restoration of new riparian buffers. As such, before successful applicants request advance payment or submit reimbursement claims, we recommend that you take into consideration the requirement to return state assistance payments should the land transaction not successfully close.

quarterly payment requests, quarterly narrative reports, quarterly expenditure reports, and a final project summary report. Successful applicants are expected to manage their WQIP projects in accordance with the terms and condition of the State of New York Master Grant Contract. Failure to make satisfactory progress or to complete the project to the satisfaction of the State may be deemed an abandonment of the project and may cause the termination of any financial obligation of the State.

Operation and Maintenance of Completed WQIP Projects
Grant recipients are fully responsible for ensuring the proper and efficient monitoring operation and maintenance of the project satisfactory to the Department, including, but not limited to, retaining a sufficient number of qualified staff and ensuring performance or required tests and requirements. After completion of the project, the grantee shall, for a period of time appropriate for the type of project (the useful life of the project as provided in State Finance Law § 61[18]), which ranges from 5 to 30 years, operate the project or otherwise cause the project to be operated properly and in a sound and economical manner and shall maintain, preserve and keep the project, or cause the project to be maintained, preserved and kept, in good repair, working order and condition and shall make, or cause to be made, all necessary and proper repairs, replacements and renewals from time to time, so that at all times the project may be operated properly in a manner consistent with the performance standards for the project, with the contract and with the requirements of any related permit or other governmental approval of the project.

Proposed Project Timeline and Contract Terms
The Department expects the term of each contract to be consistent with the project timeline proposed in the grant application. The initial term of each contract (other than Aquatic Connectivity Restoration projects) will need to fall between May 1, 2019 and April 30, 2024. Applicants should not apply if they do not expect their project to be complete by April 30, 2024.

For Aquatic Connectivity Restoration projects, the initial contract term will need to fall between May 1, 2019 and March 31, 2024.

All project costs must be incurred between the start and end dates of the contract to be eligible for reimbursement, or to be used as match for the grant.

Application Limits
Only 1 application may be submitted per project in any given Round. Projects that receive funding in one Round will not receive additional funding in a subsequent Round, even if project costs were higher than originally anticipated. The only exception is projects that are being completed in phases which can receive funding for multiple phases of the same project. If an applicant applies for funding and does not receive an award, they may apply again for the same project in a subsequent Round. Applicants are limited to 5 applications per round.

What to Expect If You Receive an Award

Notification of Award
Applicants selected to receive a grant award will be notified by email and in an official Department award letter.
IMPORTANT NOTE: By accepting an award, applicant agrees to abide by all Master Contract for Grants (MCG) or purchase order terms and conditions. Any changes to the terms and conditions will not be accepted and may affect applicant's award.

State of New York Master Contract for Grants (MCG)
Applicants selected to receive a grant award will be required to execute a MCG within 90-120 days from the time of their award notification. Failure to submit timely required MCG documents

could cause a grantee to lose their grant award. Applicants should review and be prepared to comply with all MCG terms and conditions should grant funding be awarded. The MCG and attachments include:

- MCG Grants Face Page
- Standard Terms and Conditions (NYS standard terms and conditions)
- Attachment A-1 Program Specific Terms and Conditions (Agency and Program specific terms and conditions)
- Attachment A-2 Federally Funded Grant Terms and Conditions (for Aquatic Connectivity Restoration projects only)
- Attachment B-1 Expenditure Based Budget (project expense categories and detail)
- Attachment C Work Plan (project objectives, tasks and performance measures)
- Attachment D Payment and Reporting Schedule (claims for reimbursement and grant reporting provisions)

IMPORTANT NOTE: Project related costs must be incurred within the term of the MCG to be considered eligible for reimbursement or match. Contract payments will not be approved or processed by the DEC until a MCG is fully approved by the DEC, and as applicable the Attorney General and the State Comptroller. All contracts must be approved by the contract start date of which will be determined at the time of an official award.

Signage Requirements

The Department may require the installation of a project sign (2' x 4') that identifies the Environmental Protection Fund or the Clean Water Infrastructure Act as a source of funding as outlined in the requirements and specifications attached to and made part of the MCG as an attachment.

For projects with multiple funding sources the Contractor acknowledges that a portion of this grant is funded by the Department as a Water Quality Improvement Project. The Contractor agrees to identify the Department as a source of funding for this project in any communications to the public.

Applicants (referred to as "Contractor" following award of Grant Contract) Should Be Prepared to Comply With the Following MCG Requirements:

I. Insurance Requirements
Contractor will be required to carry appropriate insurance as specified in the MGC or Letter of Agreement (for awards less than $10,0000, Attachment A-1 Program Specific Terms and Conditions, and agree that each project consultant, project contractor and project subcontractor secures and delivers to the contractor appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies must name the contractor as an additional insured, with appropriate limits, covering contractor's public liability and property damage insurance, contractor's contingency liability insurance, "all-risk" insurance and workers compensation/disability benefits coverage for the project.

II. Permit Requirements (if applicable)
Contractors agree to obtain all required permits, including but not limited to, local, state and federal permits prior to the commencement of any project related work. The Contractor agrees that all work performed in relation to the project by the Contractor or its agents, representatives, or contractors will comply with all relevant federal, state and local laws, rules, regulations and standards, zoning and building codes, ordinances, operating certificates for facilities, or licenses for an activity.

III. State Environmental Quality Review (SEQR) Documentation

With respect to the project, the Contractor certifies that it has complied, and shall continue to comply with all requirements of the State Environmental Quality Review Act (SEQRA). The Contractor agrees to provide all environmental documents as may be required by the DEC. The Contractor has notified, and shall continue to notify, the DEC of all actions proposed for complying with the environmental review requirements imposed by SEQRA.

Vendor Responsibility Questionnaire

Not-For-Profit contractors and/or subcontractors are subject to a vendor responsibility review by the State to ensure public dollars are being spent appropriately with responsible contractors. A vendor responsibility review may include a contractor and/or subcontractor to present evidence of its continuing legal authority to do business in NYS, integrity, experience, ability, prior performance, and organizational and financial capacity. To enroll in and use the NYS VendRep System, see the VendRep System instructions available at http://www.osc.state.ny.us/vendrep/enroll.htm, or go directly to the VendRep System at https://portal.osc.state.ny.us

Iran Divestment Act

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. By entering into a Contract, the Contractor certifies that it is not on the "Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website at: http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additional detail on the Iran Divestment Act can be found in the MCG, Attachment A-1 Program Specific Terms and Conditions.

Minority/women Business Enterprises (M/WBE) and Equal Employment Opportunities (EEO) Requirements

The Department is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 ("MWBE Regulations") for all State contracts with a value (1) in excess of $25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of $100,000 for real property renovations and construction. Applicants subject to executing a future NYS Master Contract for Grants agree, in addition to any other nondiscrimination provision of the MCG and at no additional cost to the Department, to fully comply and cooperate with the Department in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women ("EEO") and contracting opportunities for certified minority and women-owned business enterprises ("MWBEs"). Contractor's demonstration of "good faith efforts" pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the "Human Rights Law") or other applicable federal, state or local laws.

Failure to comply with M/WBE and EEO requirements may result in a Department finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages or enforcement proceedings.

Please refer to the NYS Master Contract for Grants - Article IV (J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review M/WBE and EEO requirements. Required M/WBE and EEO related forms can be found at http://www.dec.ny.gov/about/48854.html

- The local government is responsible for designating someone to serve as their Affirmative Action representative. The governing body should make this designation through official means.
- A list of certified M/WBE enterprises can be obtained via the internet from the NYS Department of Economic Development at https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=9885
- Contracts which meet the established M/WBE-EEO thresholds require the Contractor to submit Quarterly Reports, http://www.dec.ny.gov/docs/administration_pdf/quarterlyversion7.pdf, detailing payments made by the Prime Contractor to NYS Certified M/WBEs.
- The following M/WBE-EEO "Fair Share" goals[41] are established as follows:

  Minority and Women Owned Business Enterprise (MWBE) Overall Participation Goals:
  Construction/Engineering – up to 20%
  Commodities – up to 20%
  Services/Technologies –up to 20%

  Equal Employment Opportunity (EEO) Participation Goals:
  EEO Minority Workforce Participation Goals (DEC Regions 1- 9) 0%
  EEO Female Workforce Participation Goals (DEC Regions 1-9) 0%

  DEC M/WBE Compliance
  NYS Department of Environmental Conservation
  Bureau of Contract and Grant Development/MWBE Program
  625 Broadway, 10th Floor
  Albany, New York 12233-5028
  Phone: (518) 402-9240
  Fax: (518) 402-9023

Procurement of Contractors/Subcontractors
Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money. Failure to comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.

Americans With Disabilities Act
In the event the monies defined herein are to be used for the development of facilities, outdoor recreation areas, transportation or written or spoken communication with the public, the Contractor shall comply with all requirements for providing access for individuals with disabilities as established by Article 4A of the New York State Public Buildings Law, Americans with Disabilities Act, and relevant sections of the New York State Uniform Fire Prevention and Building Code. Standards for certain Recreation Facilities are found in the 2010 ADA Standards for Accessible Design while others are found in the Architectural Barriers Act Accessibility Guidelines for Outdoor Recreation Areas https://www.access-board.gov/guidelines-and-standards.

[41] Does not apply to land acquisition

APPENDIX A

Sexual Harassment Prevention Certification Form

By submission of this application, each applicant and each person signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.

Grantee Name: _____

Signature:_____

Print Name and Title: _____

Date: _____

APPENDIX B

Nonpoint Source Green Infrastructure Required Documentation Guidance

1. Feasibility Study

Applicants are required to submit sufficient information to demonstrate that the proposed green infrastructure project is feasible to construct at their project location. The Feasibility Study is a written document which must be submitted along with an online application. Based on a design professional's site evaluation, the Feasibility Study provides the basis and justification for your proposed design.

The Feasibility Study must be signed and stamped by a Qualified Professional licensed or certified to practice in New York State. A qualified professional is an individual who is knowledgeable in the principles and practices of stormwater management and treatment, such as a Professional Engineer or Registered Landscape Architect.

Required Elements

NOTE: The Feasibility Study must primarily address the green infrastructure practice(s), even if it is a portion of a larger project.

The recommended outline below contains the required elements which must be included when preparing your Feasibility Study.

I. **Cover Page** (project title, owner, prepared by, professional's stamp, and date)

II. **Executive Summary** (Overview of the project's purpose)

III. **Project Objective(s)** *(Describe goals for Green Infrastructure elements. Indicate whether the green infrastructure elements are a portion of a larger project.*

NOTE: Only the green practices constructed that exceed the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity are eligible for WQIP funding.

IV. **Existing Conditions:** Include an analysis of the proposed project site which addresses the following elements:

a. Current Land Use
b. Depth to Bedrock
c. USGS Soil Classification at green infrastructure practice location(s) *(see USDA Web Soil Survey mapping tool)*
d. Depth to water table at green infrastructure practice location(s)
e. Discussion of any other site considerations (*wetlands, flood plain elevations, hotspots, brownfield remediation or other potential design issues at the site*)
f. Results of any boring logs, infiltration tests, or other subsurface investigations. If your project is selected, these will be required as part of the design process.
NOTE: If site conditions are not conducive to implementing green infrastructure practices, you should consider alternative funding sources that can support these other activities.

V. **Project Description**

a. **Recommended Green Infrastructure Practice(s)**: Provide a narrative that

explains the proposed project and green infrastructure practices and why they were selected. Please see the New York State Stormwater Management Design Manual for a catalog of green infrastructure practices.

b. Provide an estimate of the water quality volume to be managed through infiltration, evapotranspiration, and / or use on site. The NYSDEC Runoff Reduction Worksheets may be used as a reference in calculating estimates.

VI. Anticipated Regulatory Approval and Permits *(list all that will apply , e.g. NYSDEC, NYSDOT, etc.)*

2. Existing Conditions Graphic

A plan or diagram of the existing project site is required. It should include:

a. Engineer / Landscape Architect name; date and project title
b. North arrow / legend
c. Graphical scale
d. Site features (wetlands, streets, buildings, etc.)
e. Location map
f. Site topography
g. Project location / address (including nearest cross street)
h. Stormwater flowpath (also consider adjacent sites)
i. Nearest receiving waterbody
j. Location relative to the 100-year floodplain
k. Other site considerations (hotspots, brownfield remediation or other potential design issues at the site)
l. Location of any available boring logs, infiltration tests, or other subsurface investigations.

3. Conceptual Site Plan

A plan or diagram of the project's conceptual design is required. It must include:

a. Engineer / Landscape Architect name; date and project title
b. North arrow / legend
c. Graphical scale (1 " = 10', 20', 30', 40', 50', 60' or 100')
d. Location map
e. Site features (wetlands, nearest waterbody, streets, buildings, etc.)
f. Proposed GI practice location / layout showing stormwater flowpath (arrows)
g. Estimated drainage area (indicate area(s) to be managed by each practice)
h. Site grading (proposed conditions)
i. Other design considerations

4. Site Photographs

Please submit photographs that are representative of existing site conditions.

APPENDIX C

Minimum Documentation Requirements for Control of External Sources of Nutrients Projects

This documentation is required for applications to implement in-waterbody control projects. The intent of this documentation is to demonstrate that landside nonpoint sources of nutrients are being controlled. Please use this template to describe projects that have been implemented in the last five years.

I. Project name

II. Project locations

III. Brief description of projects, including best management practices, size of project or treated area, proximity to waterbody of concern

IV. Reference plan (e.g. TMDL)

V. Funding source

VI. Pollutant addressed (e.g. phosphorus)

VII. Estimated amount of pollutant reduction achieved by projects

VIII. Date completed (must be within last five years)

APPENDIX D

Required Land Acquisition for Source Water Protection Documentation Guidance

1. Monitoring and Enforcement Protocol Required Elements

Applicants are required to submit protocols to demonstrate proper enforcement and monitoring of properties or easements acquired with funding through this grant opportunity. The Monitoring and Enforcement Protocol is a written document which must be submitted along with an online application. Applicants that do not upload a detailed Enforcement and Monitoring Protocol with an online application will be deemed ineligible for funding.

I. Monitoring Procedure
   a. Frequency (i.e. annual)
   b. Contact with landowners (only applicable to conservation easements)
   c. Type of monitoring (i.e. boundary survey)
   d. Monitoring documentation (i.e. updated site photos, maps)
   e. Parties responsible for monitoring (i.e. staff, volunteers, contractor)

II. Enforcement Procedure
   a. Violation definitions (i.e. minor, major)
   b. Potential violation response
   c. Violation documentation
   d. Resolving violations

2. Project or Program Map Required Elements

Applicants that do not upload map(s) with an online application will be deemed ineligible for funding. Examples of maps meeting all required elements can be found at: https://www.dec.ny.gov/pubs/4774.html .

a. Applicant name, date, project title
b. North arrow/legend
c. Graphical Scale (i.e.1'' = 20')
d. Public water supply location (including system ID number)
e. Parcel location(s) (required for project applications, optional for program applications)
f. Surface waterbody, tributaries and HUC 12 watershed boundary (surface waterbody applications only)
g. Groundwater wellhead location(s), 1,000-foot boundary line, 1,500-foot boundary line, groundwater re-charge zone (groundwater wells only)
h. Existing riparian buffer or wetland areas, if applicable (surface waterbodies only)
i. Proposed riparian buffer or wetland restoration sites (surface waterbodies only)

Land use as defined by the National Land Cover Dataset (2011) - https://www.mrlc.gov/data?f%5B0%5D=category%3Aland%20cover

APPENDIX E

Minimum Information Requirements to Include in Catch Basin Clean-out Plan

This documentation is required for applications for vacuum trucks which do not intend to fund the development of a plan through this grant. The intent of this documentation is to demonstrate that regulated MS4 entities have identified where a vacuum truck will be used and the coordinated use of the equipment between multiple regulated MS4 entities. Please use this template as the minimum information to include in your plan:

IX. Participating regulated MS4 entities

X. Planned locations (an electronic map of the area being serviced by the vacuum truck including catch basins and waterbody information)

XI. Total number of catch basins in each participating regulated MS4 entity

XII. Total number of catch basins being serviced by this vacuum truck annually (total for each regulated MS4 entity)

XIII. Brief description of the coordination required to share the equipment efficiently, scheduled use, share service agreements (including vacuum truck operation and maintenance (O&M) for long-term use)

XIV. Best management practices in place for catch basin clean-out and spoils disposal

XV. Pollutant(s) addressed (i.e. phosphorus)

Minimum Information to Include in Catch Basin Clean-out Procedure

I. Safety/Traffic Control (including number of staff)

II. Preparation/Inspection

III. Clean-out Process

IV. Clean-up (include best management practices)

V. Documentation (including date of clean-out, number of catch basins cleaned, approximate level of trash debris in the catch basin (no debris, <50% sump capacity, >50% sump capacity), total accumulative waste removed (weight or volume), the areas in which catch basins require the most cleaning, and any comments or problems discovered.

APPENDIX F

Mapping Status Worksheet for MS4 Projects

This table must be filled out for the applicant and each regulated MS4 participating with and/or benefitting from the MS4 project.

	Basic Elements Map (Application must include these elements if they are not already included in map.)	**Intermediate Elements Map** (Applications must look to include these elements if they are not already included in map.)	**Advanced Elements Map** (Elements beyond the required permit elements.)	**Mapping Status: Check if completed**
Outfall Mapping				
Electronic or GIS Map	X			
Receiving Waterbody Name	X			
Type of Conveyance (i.e. Open drainage, closed pipe, catch basin, etc.)	X			
Outfall material	X			
Outfall shape	X			
Outfall Prioritization (See Draft MS4 GP 0-17-002 Part VI.C.4. /VII.C.4. for guidance.)	X			
Type of outfall (i.e. direct, indirect, interconnected MS4 outfall)	X			
Submerged in water?	X			
Submerged in sediment?	X			
Land use in drainage area			X	
Inspection data			X	
Owner			X	
Structure/Facility ID			X	
Latitude/Longitude			X	
Storm Sewer System Mapping				
Type of Conveyance System (closed pipe or open drainage)	X			
Closed Pipe or Open Drainage Description: material, shape, size	X			

Direction of Flow	X			
Drop Inlet, catch basin, and manhole locations	X			
Number of connections to catch basins and manholes, depth of structure, sump depth	X			
Location of points receiving discharge from updrainage connections with adjacent MS4s (include name and contact information for adjacent MS4 Operator)		X		
Receiving Waterbody Name		X		
Owner			X	
Structure/Facility ID			X	
Latitude/Longitude			X	
Stormwater Management Practice (SMP) Mapping				
Location/Address	X			
Latitude/Longitude	X			
Type of SMP (Pond, Bioretention, Swale, Rain Garden, etc.) [42]		X		
Post construction specific SMPs		X		
Ownership of SMP		X		
Receiving Waterbody Name		X		
Date practice was installed		X		
Responsible party for maintenance		X		
Location of documentation depicting O&M requirements and legal agreements for practice			X	
Frequency of inspection of practice			X	
Reason for SMP (Retrofit, New Development, Flood Control, etc.)			X	
Location where SMP discharges (Does SMP drain to MS4?)			X	
Contributing Drainage area to SMP (if known)			X	
Construction date (if known)			X	

[42] Stormwater Practice Type defined in *NYS DEC Maintenance Guidance: Stormwater Management Practices*, March 31, 2017.

Last Inspection date (if known)			X	
Structure/Facility ID			X	
Municipality owned/operated facilities				
Location/Address	X			
Latitude/Longitude	X			
Name		X		
Type (Municipal Buildings, DPW Garage, vehicle and fleet maintenance areas (fire station, police station, bus stations), landfills, salt storage areas, parks & open space, solid waste disposal areas, transfer stations, marinas, etc.)		X		
Facility Prioritization (See Draft MS4 GP 0-17-002 Part VI.F.3. /VII.F.3. for guidance.)		X		
Receiving Waterbody Name		X		
Standard Industrial Classification (SIC) Code (if applicable)			X	
SPDES ID or No Exposure ID (if applicable)			X	
Responsible Department			X	
Contact Information			X	
Status of facility specific SWPPP (if high priority)			X	
Location of facility specific SWPPP (if high priority)			X	
Type of activities present on site			X	
Last Assessment Date			X	
Year Built			X	
Size of Facility (acres)			X	
Owner			X	
Structure/Facility ID			X	
Sewershed Boundary				
Preliminary	X			
Impaired waters		X		
Per MS4 outfall		X		
Priority Areas				
Areas with Onsite wastewater systems subject to Part IX requirements	X			

Land Use within Impaired Watersheds (Commercial, HD Residential, LD Residential, Industrial, Open Space)		X		
Land Use within Other Watersheds (Commercial, HD Residential, LD Residential, Industrial, Open Space)		X		
Description of Concern (i.e. sewershed to impaired waters, septic systems, high water table, industrial area, etc.)		X		
Pollutant(s) of Concern (Litter, Sediment, Nutrients, etc.)		X		
Areas contributing to impaired waterbodies		X		
TMDL Watersheds		X		
Areas where stormwater flows have significant potential to cause erosion (soil, silt, rock, etc.)		X		
Areas contributing to waterbodies of significant value (drinking water supply, public bathing beaches, shellfishing, high recreation value)		X		
Densely populated residential areas		X		
Commercial/Industrial areas		X		
Hot Spot Areas (remediation sites, clusters of industrial activity, salt storage, etc.)		X		
Areas where a high number of construction activities are occurring		X		
Areas with a high number of illicit discharges		X		
Areas of high discharge potential (Refer to Table 14 of IDDE Guidance Manual for identification)			X	
Areas of Shallow Groundwater			X	
Areas of Low Infiltrative Soils			X	

Areas of historic on-site sanitary system failures			X	
Sites with a history of major oil or chemical leaks/spills (Include date of event, type of spill, and final resolution)			X	
High priority construction sites (Discharges to impaired waters, AA-S, AA, or A classified water sources, or T (trout)/TS (trout spawning) protected bodies)			X	
Other areas of Concern (wetlands, riparian buffers, flood plains, steep slopes, etc.)			X	
Areas with Onsite wastewater systems (Includes typical age)			X	
Proposed Retrofits				
Location			X	
Contributing drainage area to the proposed stormwater retrofit			X	

Non-Agricultural Nonpoint Source Planning Grant Program

Funding Available: Up to $1 million

Description

The New York State Department of Environmental Conservation (DEC) will offer grants to local governments and soil and water conservation districts to help pay for the initial planning of non-agricultural nonpoint source water quality improvement projects.

Grants of up to $30,000 are available to finance planning services to produce planning reports. There is no minimum award amount. An applicant may submit more than one application. If an applicant receives more than one award, DEC may combine the projects into a single contract. Applicants are limited to a maximum of 10 applications per round. Each application must fit within a single grant category.

The goal of the program is to get non-agricultural nonpoint source water quality improvement projects ready for construction and to use the planning report funded by the grant to seek funding through the Water Quality Improvement Project program or other funding entities.

Those seeking planning grants to support projects to upgrade, repair or replace elements of a wastewater treatment and/or collection system, or the construction of such system for an area with failing onsite septic systems, are referred to the New York State DEC/EFC Wastewater Infrastructure Engineering Planning Grant Program.

Eligible Applicants

- Municipalities[43]
- Soil and Water Conservation Districts

The applicant name must exactly match the name of the eligible entity registered in the NYS Grants Gateway. Entities not registered in the Grants Gateway at the time of application will be found ineligible.

Eligible Costs

Funding can be used for the preparation of planning reports, feasibility studies, and supplemental costs as listed by grant category. This includes planning activities to determine the scope of water quality issues, evaluation of alternatives, and the recommendation of an improvement project.

Other eligible costs:

- On-site evaluations
- Any necessary environmental review for the recommended project

Ineligible costs/reports:

- Reports for projects that have already received Water Quality Improvement Project (WQIP) grant funding
- Post installation / follow-up monitoring
- Feasibility reports for algaecide use
- Construction costs
- Reports for projects that have already received funding for planning from another State or Federal source

[43] For the purposes of this grant, "municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof.

Report Requirements for All Projects

- All reports and studies must be prepared by a qualified professional. For reports and studies prepared by someone other than a professional engineer, applicants must demonstrate in the application that the preparer is a qualified professional through work experience and/or education.
- Reports and studies must be prepared and stamped by a professional engineer when required by New York State Education Law.
- Unless otherwise stated below, all reports require at a minimum the following elements:
  - Project background and history/problem statement
  - Alternatives analysis with cost estimates
  - Recommended best management practice for the improvement project.

Required Attachments

All applications must attach a completed Sexual Harassment Prevention Certification Form (Appendix A).

Grant Categories

Funding is available for the following categories:

1. **Decentralized Wastewater Treatment Facilities for Failing On-Site Treatment Systems or Long Island On-Site Treatment Systems that do Not Currently Abate Nitrogen**

   Eligible costs:
   An engineering feasibility study report for decentralized wastewater treatment facilities in areas with failing on-site treatment systems, including the necessary collection and conveyance system; or on-site treatment systems to abate nitrogen pollution in Nassau and Suffolk counties. The decentralized wastewater treatment facility must consist of a subsurface treatment and disposal system designed in accordance with Department standards. Collection may take the form of either a septic tank effluent pump (STEP) or septic tank effluent gravity (STEG), grinder pump or gravity sewer system. An engineering feasibility study report may include conceptual designs and any necessary percolation tests.

   Report requirements:
   Engineering reports must follow the NYS Environmental Facilities Corporation/DEC Engineering Report Outline for New York State Wastewater Infrastructure Projects (https://www.efc.ny.gov/sites/default/files/uploads/Application%20Requirements/Engineering%20Report%20Outline%20FFY2019.pdf).

2. **Green Infrastructure Practice/Stormwater Retrofits**[44]

   Eligible costs:
   An engineering feasibility study report for projects that: construct green infrastructure to address combined sewer overflows, reduce a pollutant impacting a receiving water body, or address a regional water quality issue; or install green infrastructure retrofits designed to capture and remove the pollutant causing a water quality impairment. Green Infrastructure practices include, but are not limited to, bioretention, rain gardens, flood plain benches, flood plain reconnections, constructed wetlands, porous pavement, green roofs, downspout disconnection, stormwater street trees, stormwater harvesting and reuse, and stream

[44] Green infrastructure practices generally slow, hold and/or infiltrate water on the landscape in a manner that abates pollution contained in stormwater and/or limits the erosive force of stormwater that results in sedimentation and associated pollution.

daylighting. All Green Infrastructure projects must be designed in accordance with the 2015 New York State Stormwater Design Manual and must go above and beyond the water quality volume treatment and/or reduction requirements listed in the SPDES Construction General Permit. An engineering feasibility study report may include conceptual designs and infiltration tests.

Report requirements:
Feasibility studies must include all Required Elements listed in the Required Green Infrastructure Documentation Guidance (Appendix B).

3. **Great Lakes Nature-Based Shoreline Projects**

Eligible costs:
A project plan and conceptual design report for qualifying nature-based or "soft engineering" shoreline stabilization projects located along the open shorelines and embayments of Lake Erie, Lake Ontario, the St. Lawrence River, Niagara River and the Finger Lakes to reduce erosion, enhance coastal resilience and improve water quality and coastal habitat. Nature-based shoreline projects must incorporate natural features and materials alone or in combination with a minimal use of structural components to manage erosion and stabilize shorelines, while enhancing aquatic habitat, natural coastal processes and access to the extent practicable or desired. Nature-based shoreline stabilization projects may include, but are not limited to, natural buffer zones, constructed or restored wetlands, "living" sills or breakwaters, beach and dune restoration and/or nourishment, nature-based stabilization techniques such as tree/rootwad revetments, live crib walls, and vegetated geogrids.

Report Requirements

- In addition to the report requirements listed above, a project justification must be included that details why a nature-based shoreline protection project is required. Such a justification should include historic/current erosion rates, current shoreline condition, the cause and source of erosion, and the type and location of critical infrastructure that requires protection.
- The project plan and conceptual design should include an accurate description of the existing conditions and the proposed work, which may include a combination of nature-based shoreline practices identified above.
- Project designs must meet NY's Coastal Consistency requirements and, for projects requiring a permit, designs must meet all necessary State and Federal permit requirements.

4. **Streambank Stabilization**

Eligible costs:
An engineering design report for projects to address sedimentation of waterbodies caused by erosion of streambanks. Streambank stabilization practices include but are not limited to staking, erosion control matting, root wads, and rip-rap. Rip-rap may only be used in conjunction with natural restoration principles that incorporate vegetative materials.

Report Requirements:
For projects requiring a permit, engineering designs must meet the minimum Protection of Waters permit requirements.

5. **In-Waterbody Controls for Nutrients**

Eligible costs:

- A feasibility study or engineering report for projects that reduce internal loading of nutrients (mainly phosphorus) within waterbodies. Eligible practices to address these

issues include: hypolimnetic aeration, aeration destratification systems for polymictic lakes, hypolimnetic withdrawal, and dredging.
and/or

- A professional study report that provides justification for use of the best management practice (BMP) recommended by the above feasibility study or engineering report. For destratification systems, the professional study must identify the waterbody as a polymictic lake.
and/or
- A written plan report for the long-term operation and maintenance of the BMP recommended by the above professional study or engineering report.

Report Requirements:

- Feasibility study or engineering report must include all elements in Appendix C.

6. **Beach Restoration**

Eligible costs:

- Beach sanitary survey[45]
and/or
- A feasibility study or engineering design report for projects to implement designs recommended in beach restoration green infrastructure design reports. Projects may include, but are not limited to, porous pavement, bioinfiltration/bioretention, rain gardens, stormwater tree trenches, greenways, beach re-naturalization, beach sand enrichment/nourishment, beach sloping/grading, constructed wetlands.

Report Requirements:

- Sanitary surveys must meet the criteria in Part 6, Subpart 6-2 of the New York State Sanitary Code for Beaches. Sanitary surveys must also follow EPA's Beach Sanitary Survey guidance.
- Feasibility studies must include all Required Elements listed in the Required Green Infrastructure Documentation Guidance (Appendix B).

7. **Culvert Repair and Replacement**

Eligible costs:

- Culvert site assessment report for projects to address erosion caused by failing or inadequately sized or failing culverts.
and/or
- An engineering feasibility study or engineering design report for culvert repair or replacement projects to address erosion.

Report Requirements:

- Culvert assessments must utilize the North Atlantic Aquatic Connectivity Collaborative (NAACC) framework to identify aquatic barriers, in addition to identifying erosion issues.
- Engineering designs must follow DEC's Guidelines and Best Management Practices for Stream Crossings.

Match

All grants require a local match equal to 10 percent of the requested grant amount. The match can include cash and/or in-kind services. Only costs eligible for this grant may be used as match. Eligible sources of match funds cannot come from other New York State funding sources. Other grants may not be used for local match. The applicant should identify the source of the match at the time that the application is submitted.

[45] The beach sanitary survey report may provide support for conceptual designs under Grant Category 1, above.

Grant Payment
The grant will be disbursed in two or more payments based on the awardee's progress toward completion of an acceptable report. The awardee will receive its first disbursement as an advance payment once the grant agreement is executed. The final disbursement will be made to the awardee when its report has been completed and accepted by DEC.

Evaluation Criteria
Projects will be scored and selected based on the following criteria:

Agency Points	***Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Experience and Ability will not be funded.***			
Performance Measures *40 to 5 points available*	**40 POINTS:** Reports for projects that address a water quality impairment identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or HABs Action Plan) **AND** benefit an active public drinking water supply. **OR** Green infrastructure feasibility studies for projects that reduce stormwater flow to a combined sewer system. **OR** Reports for projects that address documented water quality exceedances with known sources for regulated swimming beaches. **OR** Reports for Great Lakes Nature Based Shoreline projects that demonstrate protection of critical infrastructure vulnerable to impacts of coastal erosion and flooding. **OR** Reports for projects identified in a DEC-approved watershed/flood analysis plan that address nonpoint source pollution **AND** that benefit an active public drinking water supply.	**20 POINTS:** Reports for projects that address a water quality impairment identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or HABs Action Plan). **OR** Reports for projects that address a water quality impairment listed as "precluded" or "impaired" in the Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment assessment. **OR** Reports for projects that support multiple actions in a DEC Watershed Action Agenda or Plan. **OR** Reports for projects that address documented water quality standard exceedances for regulated swimming beaches. **OR** Reports for projects identified in a DEC-approved watershed/flood analysis plan that address nonpoint source pollution.	**10 POINTS:** Reports for projects that address a water quality impairment listed as "stressed" or "threatened" in the WI/PWL segment assessment. **OR** Reports for projects that support an action in a DEC Watershed Action Agenda or Plan.	**5 POINTS:** Reports for projects that would impact a waterbody of a WI/PWL segment that is listed as "unassessed" or is not listed in the WI/PWL.
Strategies *20 to 2 points available*	**20 POINTS:** Reports for types of projects that were specifically identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or HABs Action Plan) or a Long-Term Control Plan. **OR** Reports for projects identified in a DEC-approved watershed/flood	**10 POINTS:** Reports for projects that address a primary pollutant of concern in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or HABs Action Plan) **OR** a known pollutant in the WI/PWL segment assessment. **OR**	**2 POINTS:** Reports for demonstration projects. **OR** Reports for projects that do not meet one of the other Strategies criteria.	

	analysis plan that address nonpoint source pollution.	Reports for projects that are needed to meet MS4 permit retrofit requirements.	
Vision *10 to 2 points available*	**10 POINTS:** Reports for projects that are part of a comprehensive program or cover multiple projects in a watershed. **OR** Reports for projects to protect a specific public drinking water supply. **OR** Reports for projects to improve the water quality of a specific regulated swimming beach. **OR** Reports for projects that are eligible for Great Lakes implementation funding.	**5 POINTS:** Reports for projects that cover multiple projects in a county. **OR** Reports for projects that address aquatic habitat connectivity and/or flood resiliency.	**2 POINTS:** Reports for a single project at one location or not part of a comprehensive program.
Experience & Ability *10 to 0 points available*	**10 POINTS:** Applicant possesses the knowledge, skills and ability to complete the proposed project, and has prior experience with DEC Division of Water grants in the last 10 years and completed all tasks in a timely manner.	**5 POINTS:** Applicant possesses the knowledge, skills and ability to complete the proposed project, but does not have prior experience with DEC Division of Water grants in the last 10 years.	**0 POINTS:** Applicant does not possess the knowledge, skills and ability to complete the program and does not have prior experience with DEC Division of Water grants in the last 10 years, **OR** has prior experience with DEC grants in the last 10 years and did not complete all tasks in a timely manner. ***Applications that receive 0 points for experience and ability will not be funded.***
Regional Economic Development Priority Points	***Up to 20 points are assigned by the Regional Economic Development Council according to their criteria.***		
Total Maximum Points	***100***		

Project Selection
Projects will receive a final score and be selected for grant funding from the highest down to the lowest ranked scores. Applications must receive a minimum of 30 agency points to be eligible for funding.

In case of a tie, DEC will look at individual scoring categories in the following order to determine a grant award:

1. Performance Measures
2. Strategies
3. Vision
4. Experience and Ability
5. REDC
6. Tie breaker: date and time application was received

DEC will consider regional distribution in the determination of awards, to the extent practicable.

Multiple Application Submissions
If an applicant chooses to submit multiple applications, please prioritize and rank the applications in terms of importance.

Contract Term
The contract must be executed within 90 days of grant award. The contract term is a maximum of two years. The initial term of each contract will need to fall between May 1, 2019 and April 30, 2021.

Applicants should not apply if they do not expect their project to be complete by April 30, 2022. The Department expects the term of each contract to be consistent with the project timeline proposed in the grant application. Project expenditures prior to Master Contract for Grants (MCG) start date and after the MCG end date are not eligible for reimbursement or match.

Report Submittal
All reports and findings funded by this grant must be submitted to DEC and acceptable to DEC.

Definitions
UIn-Kind Services - means services performed by capable and qualified employees of the grant recipient for technical and administrative work that are directly related to and in support of the development of the report and are deemed reasonable by DEC.

Planning - means the orderly development of a project concept from the original statement of need or purpose through the evaluation of alternatives to a final recommendation on a course of action and measures to implement the selected alternative, including completion of the environmental review process and Historic Preservation Review requirements, if applicable.

Resources

- New York State Stormwater Design Manual: https://www.dec.ny.gov/chemical/29072.html
- DECinfo Locator[46] (most up to date source of WI/PWL segment assessments): http://www.dec.ny.gov/pubs/109457.html

[46] To find the closest WI/PWL segment assessment, visit the DECinfo Locator and click on the link for "Environmental Quality Map View". In the left column of the map, click on "Information List" and check the box for "Rivers, Streams and Shorelines" AND "Lakes, Reservoirs, and Estuaries" to display these map layers. Enter the address or project location in the "Search Near Me" search bar. Click on the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL segment assessment for that

- Green Infrastructure Required Documents Guidelines: Appendix B of this Program Overview
- Required Elements of Feasibility Study or Engineering Report for In-Waterbody Control of Nutrients – Appendix C of this Program Overview
- NYS Environmental Facilities Corporation/DEC Engineering Report Outline for New York State Wastewater Infrastructure Projects: https://www.efc.ny.gov/sites/default/files/uploads/Application%20Requirements/Engineering%20Report%20Outline%20FFY2019.pdf
- North Atlantic Aquatic Connectivity Project (NAACC): https://streamcontinuity.org/naacc
- EPA Guidance for Sanitary Surveys: https://www.epa.gov/dwreginfo/sanitary-survey-guidance-manuals
- Information on preferred, nature-based methods of shoreline stabilization: http://www.dec.ny.gov/permits/50534.html
- Guidelines and Best Management Practices for Stream Crossings: https://www.dec.ny.gov/permits/49066.html

Contact
NYS Department of Environmental Conservation, Division of Water
Lauren Townley, 518-402-8283

Grant Opportunity General Information and Conditions

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- Award an agreement for any or all parts of the Program Overview in accordance with the method of award, or withdraw of the Program Overview at any time at the Department's sole discretion.
- Award only one application for funding in the event there are multiple application submissions for a single project or for pieces of a single project.
- Award to the next highest scoring application in the event a grantee fails to negotiate a grant contract with the Department within 90 days of a grant award.
- Monitor the progress of all grant awards and withdraw grant funding if the grantee fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.
- The Department reserves the right not to fund projects that are determined not to be consistent with NYS's Smart Growth Public Infrastructure Policy Act.
- Reject any or all applications in response to the Program Overview at the agency's sole discretion.

Additional Application Submission Information

Pre-Application Requirements
All governmental entities (municipalities, municipal corporations, and soil and water conservation districts, and as further defined in this Program Overview) must register in the NYS Grants Gateway to be considered eligible for this grant opportunity https://grantsmanagement.ny.gov/

In addition to registering, not-for-profit organizations must also complete the Vendor

waterbody, click on the "Download Fact Sheet" link in the box. For guidance on how to read the WI/PWL segment assessments, visit http://www.dec.ny.gov/chemical/36730.html

Prequalification process in the NYS Grants Gateway to be considered eligible to apply for this grant opportunity. Government entities are currently not required to complete the Vendor Prequalification Process.

NYS Grants Gateway Registration Instructions:
If your organization has not already registered in the Grants Gateway, the registration is NOT an online process. Register now to allow time for processing!!

1.) On the Grants Management Website at https://grantsmanagement.ny.gov/resources-grant-applicants download a copy of the Registration Form for Administrator.

2.) Complete the form according to the instructions provided. The completed form must be signed and notarized.

3.) Mail the signed and notarized original form to the Division of Budget at the address provided in the instructions. Please include an organizational chart of your agency.

4.) After the form is received and reviewed, you will be provided with a Username and Password allowing you to access the Grants Gateway.

5.) Log in to the Grants Gateway at https://grantsgateway.ny.gov. You will be prompted to change your password at the bottom of your Profile page. Enter a new password and click the SAVE button located on the top, right-hand side of the page.

If you have previously registered and do not know your Username please email grantsgateway@its.ny.gov. If you do not know your Password, please click the Forgot Password link from the main log in page and follow the prompts.

Additional registration and prequalification information, including a video tutorial, is available on the Grants Management website at https://grantsmanagement.ny.gov/videos-grant-applicants.

Debriefing Request
In accordance with section 163 of the NY State Finance Law, the Department must, upon request, provide a debriefing to any unsuccessful offeror that responded to the Program Overview, regarding the reasons that the proposal or bid submitted by the unsuccessful offeror was not selected for an award. An unsuccessful offeror wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that their proposal did not result in an award.

Formal Protest and Appeal Procedure
Any interested party who believes that he/she has been treated unfairly in the application, evaluation, bid award, or contract award phases of the procurement, may present a formal protest to DEC and request administrative relief concerning such action. Formal protests concerning a pending contract award must be received within five (5) business days after the protesting party knows or should have known of the facts that constitute the basis of the formal protest.

Sexual Harassment Prevention Certification
State Finance Law §139-l requires all applicants of grant funding to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees.

Where applying for grant funding is required pursuant to statute, rule or regulation, every application submitted to the state or any public department or agency of the state must contain the following statement: "By submission of this application, each applicant and each person

signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law."

Applications that do not contain the certification will not be considered for award; provided however, that if the applicant cannot make the certification, the applicant may provide a signed statement with their application detailing the reasons why the certification cannot be made. After review and consideration of such statement, the Department may reject the bid or may decide that there are sufficient reasons to accept the bid without such certification.

Applicants are required to sign and upload the Sexual Harassment Prevention Certification form or upload a signed statement with their application detailing the reasons why the certification cannot be made into the pre-submission uploads folder.

State Environmental Quality Review Act (SEQR) and Permits
The applicant is responsible for assuring that any SEQR determinations, permits, approvals, lands, easements and rights-of way that may be required to carry out the activities of the project are obtained.

Letters of Permission/Municipal Endorsement
The applicant must own the property, or obtain an applicable access agreement, for the proposed project site.

- If the property is owned by the applicant – a copy of the current deed.
- If the property owner is a municipality – a resolution by the municipality supporting the project.
- If the property is not owned by the applicant – a formal written agreement between the applicant and landowner which allows the applicant access to the property, and represent the landowner, to accomplish the proposed project.

Quality Assurance
For projects that involve the assessment or monitoring of water quality, all monitoring and measurement activities conducted in the field or laboratory shall be:

I. Performed in accordance with an effective Quality System for planning and assessing environmental measurements and tests, and for conducting required quality assurance and quality control procedures to promote and maintain the accuracy and reliability of environmental measurements and test results. Quality System Documentation includes a Quality Assurance Project Plan (QAPP) based on guidance provided by the USEPA Guidance for Quality Assurance Project Plans (QA/G-5 May 2006) or a similarly structured and purposed protocol;
II. Performed by a laboratory certified by the New York State Department of Health (NYSDOH) under the Environmental Laboratory Approval Program (ELAP) pursuant to Section 502 of the Public Health Law. This requirement shall not apply to specific parameters when ELAP has not issued a certificate for the specific parameter; and
III. Performed in a manner that ensures all requisite quality control and calibration requirements of the method are met including field testing, sample collection, preservation, and record keeping. When the method does not detail requirements for any or all of these items, the basic quality assurance and quality control requirements defined in 40 CFR Part 136.7 shall be followed.

Historic Preservation Review Requirements
For projects that involve properties listed on the State or National Registers of Historic Places, all work undertaken as part of a grant-assisted project must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

Questions about or proposals for listing on the State or National Register should be directed to the OPRHP National Register Unit at (518) 237-8643. To ensure the public benefit from the investment of state funding, preservation covenants or conservation easements will be conveyed to the State (OPRHP) for all historic property grants.

Coastal Consistency Requirements
SEQR Type I and Unlisted actions located within the NYS Department of State's coastal zone boundaries must meet the consistency requirements of the Secretary of State's Coastal Management Program. This consistency determination will be performed by the Department as part of the grant review process. If the proposed project is located within a municipality that has an approved Local Waterfront Revitalization Plan (LWRP), the policies of that LWRP apply. Projects in other areas will need to be consistent with the State's 44 coastal policies. The coastal policies can be found at https://www.dos.ny.gov/opd/programs/consistency/index.html. Applicants are encouraged to determine if their project is located within the coastal zone, and to include in their site plan or sketch map their project's location within the coastal zone boundaries if applicable. Maps of the coastal zone boundaries can be found at https://www.dos.ny.gov/opd/programs/consistency/index.html.

Grant Program Reporting
Quarterly Narrative Reports must be submitted in narrative form, no later than 30 days from the end of the calendar quarter. The reports will summarize how the project progressed toward meeting project objectives and deliverables during the respective quarter. Quarterly reports shall be submitted in the NYS Grants Gateway.

Quarterly Expenditure Reports, detailed by object of expense as defined in the MCG Attachment B-1 Expenditure Based Budget, must accompany the quarterly Narrative Reports, no later than 30 days from the end of the calendar quarter. These reports must correlate to subsequent vouchers submitted for payment.

Quarterly MCG payment reimbursement requests will be accepted prior to submission of a final closeout reimbursement request. Approved project design, required permits and landowner permissions must be in place to submit a reimbursement request.

Final Report must be submitted and approved by the DEC prior to the release of the final contract payment to the Grantee. The Contractor must submit the Final Report no later than 60 days after the end of the contract period. The Final Report should report on all aspects of the program and detail how the use of grant funds were utilized in achieving the goals set forth in the approved MCG Attachment C Work Plan. Copies of appropriate documents (i.e. inventory and/or management plan) must be submitted and approved by the DEC.

A DEC on-site inspection may be required to confirm all work was completed in accordance with the approved project work plan.

Any project involving volunteer time will be required to report the number of volunteers and the number of volunteer hours in their project quarterly status reports. The total number of volunteers and volunteer hours for the entire project must be reported in the Final Report.

Projects already receiving funds from another NYS or Federal assistance grant program are not eligible to receive funding for the same project activities identified in this Program Overview.

What to Expect If You Receive an Award

Notification of Award

Applicants selected to receive a grant award will be notified by email and in an official Department award letter.
IMPORTANT NOTE: By accepting an award, applicant agrees to abide by all Master Contract for Grants (MCG) or purchase order terms and conditions. Any changes to the terms and conditions will not be accepted and may affect applicant's award.

State of New York Master Contract for Grants (MCG)

Applicants selected to receive a grant award will be required to execute a MCG within 90 days from the time of their award notification. Failure to submit timely required MCG documents could cause a grantee to lose their grant award. Applicants should review and be prepared to comply with all MCG terms and conditions should grant funding be awarded. The MCG and attachments can be reviewed and/or downloaded in the Grants Gateway HRE application under the screen named 'Contract Document Properties'. The MCG and attachments include:

- MCG Grants Face Page
- Standard Terms and Conditions (NYS standard terms and conditions)
- Attachment A-1 Program Specific Terms and Conditions (Agency and Program specific terms and conditions)
- Attachment A-2 Federally Funded Grant Terms and Conditions (optional)
- Attachment B-1 Expenditure Based Budget (project expense categories and detail)
- Attachment C Work Plan (project objectives, tasks and performance measures)
- Attachment D Payment and Reporting Schedule (claims for reimbursement and grant reporting provisions)

IMPORTANT NOTE: Project related costs must be incurred within the term of the MCG to be considered eligible for reimbursement or match. Contract payments will not be approved or processed by the DEC until a MCG is fully approved by the DEC, and as applicable the Attorney General and the State Comptroller. All contracts must be approved by the contract start date, which will be determined at the time of an official award.

Applicants (referred to as "Contractor" following award of Grant Contract) Should Be Prepared to Comply With the Following MCG Requirements:

I. Insurance Requirements
Contractor will be required to carry appropriate insurance as specified in the MCG or LOA, Attachment A-1 Program Specific Terms and Conditions, and agree that each project consultant, project contractor and project subcontractor secures and delivers to the contractor appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies must name the contractor as an additional insured, with appropriate limits, covering contractor's public liability and property damage insurance, contractor's contingency liability insurance, "all-risk" insurance and workers compensation/disability benefits coverage for the project.

II. Permit Requirements (if applicable)
Contractors agree to obtain all required permits, including but not limited to, local, state and federal permits prior to the commencement of any project related work. The Contractor agrees that all work performed in relation to the project by the Contractor or its agents, representatives, or contractors will comply with all relevant federal, state and

local laws, rules, regulations and standards, zoning and building codes, ordinances, operating certificates for facilities, or licenses for an activity.

III. State Environmental Quality Review Act (SEQR) Documentation
With respect to the project, the Contractor certifies that it has complied, and shall continue to comply with all requirements of SEQR. The Contractor agrees to provide all environmental documents as may be required by the DEC. The Contractor has notified, and shall continue to notify, the DEC of all actions proposed for complying with the environmental review requirements imposed by SEQR.

Vendor Responsibility Questionnaire
Not-For-Profit contractors and/or subcontractors are subject to a vendor responsibility review by the State to ensure public dollars are being spent appropriately with responsible contractors. A vendor responsibility review may include a contractor and/or subcontractor to present evidence of its continuing legal authority to do business in NYS, integrity, experience, ability, prior performance, and organizational and financial capacity. To enroll in and use the NYS VendRep System, see the VendRep System instructions available at http://www.osc.state.ny.us/vendrep/enroll.htm, or go directly to the VendRep System at https://portal.osc.state.ny.us.

Iran Divestment Act
As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. By entering into a Contract, the Contractor certifies that it is not on the "Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website at: http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additional detail on the Iran Divestment Act can be found in the MCG, Attachment A-1 Program Specific Terms and Conditions.

Minority/Women Business Enterprises (M/WBE) and Equal Employment Opportunities (EEO) Requirements
The Department is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 ("MWBE Regulations") for all State contracts with a value (1) in excess of $25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of $100,000 for real property renovations and construction. Applicants subject to executing a future NYS Master Contract for Grants agree, in addition to any other nondiscrimination provision of the MCG and at no additional cost to the Department, to fully comply and cooperate with the Department in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women ("EEO") and contracting opportunities for certified minority and women-owned business enterprises ("M/WBEs"). Contractor's demonstration of "good faith efforts" pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the "Human Rights Law") or other applicable federal, state or local laws.
Failure to comply with M/WBE and EEO requirements may result in a Department finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages or enforcement proceedings.
Please refer to the NYS Master Contract for Grants - Article IV (J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review M/WBE and EEO requirements. Required M/WBE and EEO related forms can be found at http://www.dec.ny.gov/about/48854.html

- The local government is responsible for designating someone to serve as their Affirmative Action representative. The governing body should make this designation through official means.
- A list of certified M/WBE enterprises can be obtained via the internet from the NYS Department of Economic Development at https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=9885
- Contracts which meet the established M/WBE-EEO thresholds require the Contractor to submit Quarterly Reports, http://www.dec.ny.gov/docs/administration_pdf/quarterlyversion7.pdf, detailing payments made by the Prime Contractor to NYS Certified M/WBEs.
- The following M/WBE-EEO "Fair Share" goals are established as follows:

  Minority and Women Owned Business Enterprise (MWBE) Overall Participation Goals:
  Construction/Engineering – up to 20%
  Commodities – up to 20%
  Services/Technologies –up to 20%

  Equal Employment Opportunity (EEO) Participation Goals:
  EEO Minority Workforce Participation Goals (DEC Regions 1- 9) 0%
  EEO Female Workforce Participation Goals (DEC Regions 1-9) 0%

  DEC M/WBE Compliance
  NYS Department of Environmental Conservation
  Bureau of Contract and Grant Development/MWBE Program
  625 Broadway, 10th Floor
  Albany, New York 12233-5028
  Phone: (518) 402-9240
  Fax: (518) 402-9023

Procurement of Contractors/Subcontractors
Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money. Failure to comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.

Americans With Disabilities Act
In the event the monies defined herein are to be used for the development of facilities, outdoor recreation areas, transportation or written or spoken communication with the public, the Contractor shall comply with all requirements for providing access for individuals with disabilities as established by Article 4A of the New York State Public Buildings Law, Americans with Disabilities Act, and relevant sections of the New York State Uniform Fire Prevention and Building Code. Standards for certain Recreation Facilities are found in the 2010 ADA Standards for Accessible Design while others are found in the Architectural Barriers Act Accessibility Guidelines for Outdoor Recreation Areas https://www.access-board.gov/guidelines-and-standards.

APPENDIX A

Sexual Harassment Prevention Certification Form

By submission of this application, each applicant and each person signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.

Grantee Name: _____

Signature:_____

Print Name and Title: _____

Date: _____

APPENDIX B

Green Infrastructure Feasibility Study Guidance

1. Feasibility Study

Applicants are required to submit sufficient information to demonstrate that the proposed green infrastructure project is feasible to construct at their project location. The Feasibility Study is a written document which must be submitted along with an online application. Based on a design professional's site evaluation, the Feasibility Study provides the basis and justification for your proposed design.

The Feasibility Study must be signed and stamped by a Qualified Professional licensed or certified to practice in New York State. A qualified professional is an individual who is knowledgeable in the principles and practices of stormwater management and treatment, such as a Professional Engineer or Registered Landscape Architect.

Required Elements

NOTE: The Feasibility Study must primarily address the green infrastructure practice(s), even if it is a portion of a larger project.

The recommended outline below contains the required elements which must be included when preparing your Feasibility Study.

I. **Cover Page** (project title, owner, prepared by, professional's stamp, and date)

II. **Executive Summary** (Overview of the project's purpose)

III. **Project Objective(s)** *(Describe goals for Green Infrastructure elements. Indicate whether the green infrastructure elements are a portion of a larger project.*

NOTE: Only the green practices constructed that exceed the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity are eligible for WQIP funding.

IV. **Existing Conditions:** Include an analysis of the proposed project site which addresses the following elements:

a. Current Land Use
b. Depth to Bedrock
c. USGS Soil Classification at green infrastructure practice location(s) *(see USDA Web Soil Survey mapping tool)*
d. Depth to water table at green infrastructure practice location(s)
e. Discussion of any other site considerations (*wetlands, flood plain elevations, hotspots, brownfield remediation or other potential design issues at the site*)
f. Results of any boring logs, infiltration tests, or other subsurface investigations. If your project is selected, these will be required as part of the design process. **NOTE:** If site conditions are not conducive to implementing green infrastructure practices, you should consider alternative funding sources that can support these other activities.

V. **Project Description**

a. **Recommended Green Infrastructure Practice(s)**: Provide a narrative that explains the proposed project and green infrastructure practices and why they

were selected. Please see the New York State Stormwater Management Design Manual for a catalog of green infrastructure practices.

b. Provide an estimate of the water quality volume to be managed through infiltration, evapotranspiration, and/or use on site. The NYSDEC Runoff Reduction Worksheets may be used as a reference in calculating estimates.

VI. Anticipated Regulatory Approval and Permits *(list all that will apply, e.g. NYSDEC, NYSDOT, etc.)*

2. Existing Conditions Graphic

A plan or diagram of the existing project site is required. It should include:

a. Engineer / Landscape Architect name; date and project title
b. North arrow / legend
c. Graphical scale
d. Site features (wetlands, streets, buildings, etc.)
e. Location map
f. Site topography
g. Project location / address (including nearest cross street)
h. Stormwater flowpath (also consider adjacent sites)
i. Nearest receiving waterbody
j. Location relative to the 100-year floodplain
k. Other site considerations (hotspots, brownfield remediation or other potential design issues at the site)
l. Location of any available boring logs, infiltration tests, or other subsurface investigations.

3. Conceptual Site Plan

A plan or diagram of the project's conceptual design is required. It must include:

a. Engineer / Landscape Architect name; date and project title
b. North arrow / legend
c. Graphical scale (1 " = 10', 20', 30', 40', 50', 60' or 100')
d. Location map
e. Site features (wetlands, nearest waterbody, streets, buildings, etc.)
f. Proposed GI practice location / layout showing stormwater flowpath (arrows)
g. Estimated drainage area (indicate area(s) to be managed by each practice)
h. Site grading (proposed conditions)
i. Other design considerations

4. Site Photographs

Please submit photographs that are representative of existing site conditions.

APPENDIX C

Required Elements of Feasibility Study or Engineering Report for In-Waterbody Control of Nutrients

1. Documentation of water quality problem proposal will address:
    a. Time, duration and extent of oxygen deficit
    b. Morphometry
    c. Water quality conditions triggering deficit
    d. Evidence of water quality impacts driven by oxygen deficit
2. Potential actions considered for addressing problem
3. Description of proposed action and summary of expected results, potential side effects, and measures to evaluate success
4. Engineering design specifications, including equipment sizing and configuration, location of air compressors, diffusers/oxygen distribution system, pumps, etc.
5. Electricity or other power demands
6. Safety measures
7. Maintenance needs
8. Permits required, including environmental impacts studies, monitoring requirements, and local approvals
9. Installation and operating costs
10. Timelines

DEC/EFC Wastewater Infrastructure Engineering Planning Grant Program

Funding Available: Up to $3 million

Description

The New York State Department of Environmental Conservation (DEC), in conjunction with the New York State Environmental Facilities Corporation (EFC), will offer grants to municipalities to help pay for the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects. Up to $3 million has been made available for this round of the Wastewater Infrastructure Engineering Planning Grant (EPG) program.

Grants of up to $100,000[47] are available to finance engineering and planning services for the production of an engineering report.

The ultimate goal of the EPG program is to advance water quality projects to construction so successful applicants can use the engineering report funded by the grant to seek financing through the CWSRF program, Water Quality Improvement Project program, or other funding entities to further pursue the identified solution.

Eligible Applicants

- Municipalities as defined in the Definitions section of this document; and
- Median household income (MHI) of the municipality must be:
    - Equal to or less than $70,000 according to the United States Census, 2017 American Community Survey for municipalities located in Regional Economic Development Council (REDC) regions of Capital District, Southern Tier, North Country, Mohawk Valley, Central NY, Finger Lakes, or Western NY; or
    - Equal to or less than $90,000 according to the United States Census, 2017 American Community Survey for municipalities located in REDC regions of Long Island, New York City and Mid-Hudson.

    A summary of the United States Census, 2017 American Community Survey MHI data can be found on the EPG page on the EFC website at www.efc.ny.gov/epg.
- Municipalities may have no more than two active EPG awards at the same time. An active EPG award includes a project that has been awarded funding and is awaiting an executed grant agreement or currently has an executed grant agreement with EFC.

Eligible Activities

Funding can be used by municipalities for the preparation of an engineering report[48]. This includes planning activities to determine the scope of water quality issues, evaluation of alternatives, and the recommendation of a capital improvement project. In addition, the costs to conduct an environmental review for the recommended alternative are eligible. Design and construction costs are not eligible.

Priority will be given to municipalities proposing planning activities that are:

- required by an executed Order on Consent; or
- required by a draft or final State Pollutant Discharge Elimination System (SPDES) permit (e.g. nutrient removal, inflow and infiltration, disinfection); or
- upgrading or replacing an existing wastewater system; or

[47] See the "Grant Award Details" section of this document for details of funding amounts.

[48] See the "Definitions" section of this document for specific information on the required contents of the engineering report.

- constructing a wastewater treatment and/or collection system for an area with failing onsite septic systems; or
- addressing a pollutant of concern in a watershed implementation plan (i.e. Total Maximum Daily Load (TMDL), Nine Element Watershed Plan, or DEC HABs Action Plan).

Requirements
The report must follow EFC's current Engineering Report Outline, consider storm and flood resiliency (sea level rise, storm surge, potential for flooding impacts, or other extreme weather event)[49] and a comprehensive analysis of the following alternatives:

- No-action alternative
- Green infrastructure, in combination with gray infrastructure or individually, is required for projects involving stormwater, including stormwater inflow to sewer systems. A justification must be provided if a green infrastructure component is not part of the recommended alternative.
- Repair or replacement versus new construction
- Regional consolidation opportunities
- Centralized versus decentralized (for new systems), or a combination thereof (small cluster or individual systems)

Any alternatives considered technically infeasible should be identified as such and the rationale briefly discussed.

Smart Growth alternative(s) must be considered and documented in the engineering report.

Ineligible Planning Activities

- Projects that do not lead to the restoration or protection of a surface waterbody or groundwater.
- Projects that do not address improvements to a publicly-owned treatment works.[50]
- Projects and scope that are listed on the 2019 CWSRF Intended Use Plan Annual Project Priority List.

Grant Awards

There are three grant award categories, as listed below, for the planning of wastewater infrastructure projects. The first two categories are for any wastewater infrastructure-related planning activity, including disinfection. The third category is limited to inflow and infiltration evaluations as a result of an Order on Consent or SPDES Permit Compliance Schedule

Category 1 - $30,000 Grant

- Population of Municipality: 50,000 or less according to the United States Census, 2017 American Community Survey. Population data can be found on the EFC website at www.efc.ny.gov/epg.

[49] Must be consistent with the NYS Community Risk and Resiliency Act.
[50] In accordance with the laws, rules and regulations governing the CWSRF, projects defined in the federal Clean Water Act, Section 212 as treatment works must be publicly-owned. See the "Definitions" section of this document on what is considered an eligible publicly-owned treatment works activity.

Category 2 - $50,000 grant

- Population of Municipality: Greater than 50,000 according to the United States Census, 2017 American Community Survey. Population data can be found on the EFC EPG website at www.efc.ny.gov/epg.

Category 3 - $100,000 grant (only for inflow and infiltration projects as a result of an Order on Consent or SPDES Permit Compliance Schedule)

- Population of Municipality: no limit

Match

All grants require a local match equal to 20 percent of the requested grant amount. The match may include cash and/or in-kind services[51]. Other grants may not be used for local match. The applicant should identify the source of the match at the time that the application is submitted.

Grant Payment

The grant will be disbursed in two or more payments based on the municipality's progress toward completion of an acceptable engineering report. The municipality will receive its first disbursement as an advance payment once the grant agreement is executed. The final disbursement will be made to the municipality when its engineering report has been completed and accepted by DEC and EFC.

Long Range Program Goals

The state encourages grant recipients to use the engineering report completed under this grant to seek financing through the CWSRF program, Water Quality Improvement Project program, or from other funding entities to further pursue the recommended solution.

Evaluation Criteria

Applications will be scored and selected based on the following criteria:

- Will provide a measurable improvement or protection of water quality
- Is identified in a SPDES permit, consent order, or watershed Implementation plan (i.e. Total Maximum Daily Load (TMDL), Nine Element Watershed Plan, or DEC HABs Action Plan) or is a new wastewater treatment system and/or collection system to replace or upgrade an existing system or unsewered area
- Is identified in a formally adopted plan such as a comprehensive plan, master plan, asset management plan, or local waterfront revitalization plan
- Addresses a DEC priority
- Aligns with the goals and priorities of its Regional Council Strategic Plan

[51] See the "Definitions" section of this document for specific information on what is considered in-kind services.

Performance Measures	Project would address a pollutant of concern in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan), CSO Long Term Control Plan or SSO plan OR would address the discharge of a pollutant causing the impairment to a waterbody listed in the WI/PWL segment assessment as "precluded" or "impaired" OR is to upgrade municipal systems to meet new wastewater treatment effluent disinfection requirements. ***Points: 38***	Project would address the discharge of a pollutant causing the impairment of a waterbody listed in the WI/PWL segment assessment as "stressed" or "threatened" ***Points: 20***	Project would address a documented water quality impairment that is not listed in the WI/PWL segment assessment. ***Points: 10***	Project is necessary to preserve or protect a surface waterbody; no impairment associated with wastewater discharges is listed in the WI/PWL segment assessment. ***Points: 5***
Strategies	The planning project is required by a draft or final SPDES Permit or Order on Consent, including the preparation of a flow management plan; or is identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan). ***Points: 22***	The planning project is for a new wastewater treatment and/or collection system to replace or upgrade an existing system, but is not required by a draft or final SPDES Permit or Consent Order. This includes regionalization projects. ***Points: 12***	The planning project is for a new wastewater treatment and/or collection system for a currently unsewered area. ***Points: 6***	
Vision	Project is in a formally adopted plan[52] AND Applicant has demonstrated that the public and stakeholders who will be affected by, or who can advance the project, have been engaged in project planning and implementation. ***Points: 10***	Project is in a formally adopted plan OR Applicant has demonstrated that the public and stakeholders who will be affected by, or who can advance the project, have been engaged in project planning and implementation. ***Points: 5***	Project is not in a formally adopted plan AND Applicant has not demonstrated that the public and stakeholders who will be affected by, or who can advance the project, have been engaged in project planning and implementation. ***Points: 0***	
Agency Priority	Planning projects that are: • required by an executed Order on Consent; or required by a draft or final SPDES permit (e.g.	Project to upgrade or replace an existing wastewater system. ***Points: 5***	Project does not align with DEC and EFC priorities. ***Points: 0***	

[52] Formally adopted plans include comprehensive plans, master plans, asset management plans, local waterfront revitalization plans, and other land use planning type plans. Unacceptable plans include: annual system reports; consent orders, REDC strategies; TMDLs; TMDL implementation plans; watershed implementation plans; and watershed action agendas.

	disinfection, nitrification, etc.); or • constructing a wastewater treatment and/or collection system for an area with failing onsite septic systems; or • identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Plan or DEC HABs Action Plan); or • submitted by an applicant who qualifies as a hardship community in the 2018 CWSRF Intended Use Plan. ***Points: 10***		
Regional Economic Development Priority	Up to 20 points is assigned by the Regional Economic Development Council according to their criteria.		

Applications will receive a final score and be selected for grant funding from the highest down to the lowest ranked scores.

In case of a tie, DEC will look at individual scoring categories in the following order to determine a grant award:

1. Performance Measures
2. Strategies
3. Vision
4. Agency priorities
5. REDC
6. Tie breaker: date and time received

DEC and EFC will consider regional distribution in the determination of awards, to the extent practicable.

Multiple Application Submissions
EFC/DEC reserve the right to limit the number of awards per municipality to one per Round. If an applicant chooses to submit multiple applications for their municipality, please prioritize the applications. Please note, municipalities may only have two active EPG awards.

Successful Applicant Requirements

Documentation: Successful applicants must enter into a grant agreement to receive grant funds. Documentation for the following requirements must be submitted prior to the execution of the grant agreement.

1. Detailed final budget and plan of finance including all third-party funding agreements, and satisfaction of the minimum 20 percent local match requirement.
2. Board resolution authorizing and obligating local match funds.
3. Board resolution declaring State Environmental Quality Review Act (SEQR) findings or determinations for the planning activities associated with the grant.

4. Legal right to own, operate and maintain the project for the duration of its useful life.
5. Executed Engineering Agreement that complies with NYS Minority/Woman-owned Business Enterprises (MWBE) and Service Disabled Veteran-Owned Business (SDVOB) Program, and Equal Employment Opportunity (EEO) requirements.
6. Completed Smart Growth Assessment Form.
7. Board resolution for designation of an Authorized Representative for the project.

The grant agreement must be executed within 12 months of grant award.

Definitions

Engineering Report - means the document or documents, which determines the technical feasibility and estimated cost of a CWSRF eligible project. [21 NYCRR 2602.2(a)(22) New York State Clean Water Revolving Fund Regulations]

In-Kind Services - means services performed by capable and qualified employees of the grant recipient for technical and administrative force accounts that are directly related to and in support of the development of the Engineering Report and are deemed reasonable by the Environmental Facilities Corporation.

Municipality - means any county, city, town, village, district corporation, county or town improvement district, Indian reservation wholly within New York State, any public benefit corporation or public authority established pursuant to the laws of New York or any agency of New York State which is empowered to construct and operate a project, or any two or more of the foregoing which are acting jointly in connection with a project. [21 NYCRR 2602.2(a)(49) New York State Clean Water Revolving Fund Regulations]

Planning - means the orderly development of a project concept from the original statement of need or purpose through the evaluation of alternatives to a final recommendation on a course of action and measures to implement the selected alternative, including completion of the environmental review process. [21 NYCRR 2602.2(a)(51) New York State Clean Water Revolving Fund Regulations]

Treatment Works (Publicly-Owned) – Includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances, only if they convey wastewater to a publicly owned treatment plant, and combined storm water and sanitary sewer systems. [Section 212 (2) (A) & (B) of the Federal Clean Water Act].

Watershed Implementation Plan – Total Maximum Daily Load (TMDL), DEC Harmful Algal Blooms (HABs) Action Plan (https://www.dec.ny.gov/chemical/113733.html), or Nine Element Plan, (https://www.dec.ny.gov/chemical/103264.html)

Additional Resources

- NYS EFC engineering report guidelines: https://www.efc.ny.gov/EPG
- DECinfo Locator (most up to date source of WI/PWL segment assessments): https://www.dec.ny.gov/pubs/109457.html

- *TR-16 Guides for the Design of Wastewater Treatment Works, Latest Edition*—New England Interstate Water Pollution Control Commission: http://neiwpcc.org/learning-center/tr-16-guides-design-wastewater-treatment-works/

- The *New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act:* https://www.dec.ny.gov/energy/102559.html#Implementation

- For more information, visit http://www.dec.ny.gov/pubs/81196.html or www.efc.ny.gov/epg

Environmental Facilities Corporation

Green Innovation Grant Program

Funding Available: $15 million

DESCRIPTION:
The Green Innovation Grant Program (GIGP) provides grants on a competitive basis to projects that improve water quality and implement green infrastructure in New York State. GIGP is administered by the Environmental Facilities Corporation (EFC).

Green infrastructure improves water quality by reducing and treating stormwater at its source through infiltration and evapotranspiration. Green infrastructure also provides multiple environmental, economic, and social benefits, which include: filtering pollutants, recharging aquifers, rivers and streams, alleviating flooding, preserving wildlife, restoring habitat, cooling the surrounding environment, reducing air pollution, and decreasing energy usage.

Projects selected for funding go beyond offering a greener solution. They maximize opportunities to leverage the multiple benefits of green infrastructure, spur innovation in the field of stormwater management, build capacity to construct and maintain green infrastructure, and/or facilitate the transfer of new technologies and practices to other areas of the State.

PROGRAM PRIORITIES:
GIGP will give priority to larger transformative projects that improve water quality through the incorporation of green infrastructure. In addition, priority will be given to projects that demonstrate the effectiveness of green infrastructure in a natural environment, such as flood plains, riparian buffers, streams, and wetlands.

GIGP applicants are strongly encouraged to work with their Regional Council to align their project with regional goals and priorities.

FUNDING:
Up to $15 million in grants will be available to cover a minimum of 40% up to a maximum 90% of the total eligible project costs as estimated in the application. A match from state or local funds for the balance of the estimated project cost is required. 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 APPLICANTS:
- Municipalities
- Private Entities
- State Agencies
- Soil and Water Conservation Districts

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

APPLICATION REQUIREMENTS:
All applicants must submit a conceptual site plan, existing conditions plan, a feasibility study, and site photographs with their Consolidated Funding Application (CFA). Minimum content requirements for the feasibility study, conceptual site plan, and existing conditions plan, are included in the CFA and can also be found at: www.efc.ny.gov/gigp

ELIGIBLE ACTIVITIES / COSTS:
Eligible project costs as estimated in the application must provide improvement or protection of water quality through one of the following eight specific green infrastructure practices:

Bioretention
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. Properly designed bioretention practices mimic natural ecosystems through species diversity, density and distribution of vegetation, and the use of native species. This allows for the bioretention system to be resistant to insects, disease, pollution, and climatic stresses.

Downspout Disconnection
Downspout disconnection is the removal of roof runoff from a direct connection to a combined or storm sewer and redirecting runoff to a vegetated and pervious area where plants and soil can filter and infiltrate the water. 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 or catchment system, runoff volume can be greatly reduced and water quality benefits can be achieved.

Establishment or Restoration of, Flood plains, Riparian buffers, Streams or Wetlands
Flood plains are a natural water right-of-way that provide temporary storage for large flood events. Restoring flood plains provides greater storage of excess water in large storm events, reduces volume through infiltration and evaporation, and filters sediment and nutrients from the water before it reaches or re-enters the receiving waterbody.

Riparian Buffers are vegetated areas adjacent to streams. This practice helps protect streams from the impacts of stormwater runoff by: filtering sediment and other pollutants, reducing erosion by stabilizing stream channels and banks, and providing temperature control through stream shading.

Stream bank stabilization uses bioengineering and soft redirected methods to rehabilitate streams to a more natural flow with an overarching goal of reducing erosion and destructive flows. Stream stabilization typically consists of vegetative improvements as well as the use of lock logs, stones, vanes, weirs and j-hooks where appropriate.

Stream daylighting typically occurs in highly urban areas where historic streams have often been piped and buried to make way for development. This practice uncovers these streams and returns them to their natural condition, improving the environment and livability of the surrounding community.

Wetlands and Constructed Wetlands are shallow marsh systems planted with emergent vegetation that are designed to treat stormwater runoff. They are extremely effective for pollutant removal and can mitigate flooding and reduce runoff volume.

Green Roofs and Green Walls
Green roofs consist of vegetation, growing media, and a drainage layer installed on top of a conventional flat or sloped roof. The vegetation reduces stormwater runoff from the rooftop primarily through uptake and evapotranspiration.

Green Walls are vertical systems which consist of a modular container to hold growing media and vegetation.

Permeable Pavements

Permeable Pavements are designed to reduce stormwater runoff by conveying rainfall through the pavement surface into an underlying reservoir where it can infiltrate. Permeable pavements include permeable asphalt, permeable concrete, and pervious pavers such as reinforced turf and interlocking modules. Given appropriate soil and subsurface conditions, permeable pavements can be used in many types of development, including: roads, parking lots, sidewalks, plazas, playgrounds, basketball courts, and tennis courts.

Stormwater Harvesting and Reuse

Rain barrels and cisterns, the most common types of projects in this practice, capture and store stormwater runoff to be used later for non-potable activities. Rain barrels are rooftop catchment storage systems typically utilized in residential settings while cisterns are used in large-scale commercial and industrial settings.

Stormwater Street Trees / Urban Forestry Programs Designed to Manage Stormwater

Stormwater Street Trees include engineered tree pits, tree boxes and trenches designed to capture stormwater from adjacent sidewalks and roadways.

Urban Forestry Programs are comprehensive plans that map out existing trees and plant new trees to manage and maintain their urban canopy.

Applicants should refer to the New York State Stormwater Management Design Manual http://www.dec.ny.gov/chemical/29072.html for design guidance.

INELIGIBLE ACTIVITIES / COSTS:

Ineligible activities and costs include, but are not limited to, the following:

- Hardening, channelizing or straightening streams and/or stream banks
- In-line and end-of-pipe treatment systems that only filter or detain stormwater
- Stormwater controls that have impervious or semi-impervious liners and provide no compensatory evapotranspirative or harvesting function for stormwater retention
- Stormwater conveyance systems that are not soil/vegetation based (swales) such as pipes and concrete channels
- Stormwater ponds that serve an extended detention function and/or extended filtration, including dirt-lined detention basins
- Underground stormwater control and treatment devices such as swirl concentrators, hydrodynamic separators, baffle systems for grit, trash removal/floatables, oil and grease, inflatable booms and dams for in-line underground storage and diversion of flows
- Green infrastructure practices which are being implemented to comply with the requirements of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-15-002 ("Permit"). (Note: practices which are over and above Permit requirements will be considered for funding)
- Wetlands construction or restoration required as compensation (mitigation) for adverse impacts to wetlands or other environmental damage caused through construction activities. This ineligible category includes both tidal and freshwater wetland mitigation projects
- Purchase of Capital equipment such as street sweepers, sewer cleaners, and vactor trucks
- Project costs not directly attributable to water quality including: asbestos abatement and site amenities e.g. bus shelters, benches, light poles, traffic devices, etc.

SELECTION CRITERIA:
Projects will be scored and selected based on the level to which it:

- Builds capacity through the incorporation of green stormwater infrastructure as a key component of a larger transformative project
- Establishes or restores natural features, ecology and hydrology
- Addresses or demonstrates solutions to Regional water quality issues
- Makes measurable improvements or protects water quality, including applicant's proposal for generating water quality metrics
- Aligns with the goals and priorities of its Regional Council Strategic Plan
- Is likely to succeed based on project development at time of application
- Spurs innovation in the area of green stormwater infrastructure through the development and/or adoption of new technologies
- Provides 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
- Leverages of additional resources through removing barriers to collaboration, developing new partnerships, utilizing staff, securing other funding and investments, and/or provides workforce development
- Plans for the long-term operation, maintenance, and water quality of the project

EFC will consider regional distribution in the determination of awards, to the extent practicable.

AWARDEE REQUIREMENTS:
Awardees must fulfill certain requirements to enter into a Grant Agreement with EFC, including:

- Completing all State environmental and historic preservation reviews i.e., SEQR and SHPO
- Providing a detailed final budget and plan of finance to show that sufficient funding has been secured to provide for the local match requirement and total project cost
- Obtaining EFC approval of final Feasibility Study
- Submitting proof of the legal right to own, operate and maintain the project for the duration of its useful life
- Demonstrating compliance with Minority Women Based Enterprises (MWBE) requirements

ADDITIONAL RESOURCES:
For more information, visit http://www.efc.ny.gov/gigp

Federal Industrial Development Bond Cap

Industrial Development Bond Cap Program

Available Funding: Up to $300 million

DESCRIPTION:
Up to $300 million of the 2019 statewide private activity bond allocation ("volume cap") authority under Federal guidelines will be dedicated to facilitate lower cost tax-exempt bond financing for qualified projects by authorized State and/or local government issuers.

ELIGIBLE APPLICANTS/PROJECT TYPES:
In order to receive the benefits of a tax-exempt interest rate, private borrowers and their projects must be eligible under one of the federally-recognized private activity bond categories described in the Internal Revenue Code (IRC) sections 142-144, and 1394.

The most common economic-development related private activity bonds include:

- Industrial Development Bonds for small ($10 million or less) manufacturing projects; and
- Exempt Facility Bonds, which cover a wide range of facilities including:
    - Airports;
    - Mass commuting facilities;
    - Qualified residential rental projects;
    - Facilities for the furnishing of local electric energy or gas;
    - Local district heating or cooling facilities; and
    - Sewage facilities and solid waste disposal facilities.

Projects must meet the eligibility requirements of the federal IRC and any laws, rules, or regulations governing the provision of financial assistance by the authorized issuer. In addition, special consideration shall be given to projects supporting Regional Economic Development Council Opportunity Agenda priorities and Downtown Revitalization Initiative projects.

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

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

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

Environmental Justice
Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As we transition to a greener

economy, it is imperative that no subset of the population be marginalized or left behind. Applicants should provide any information about how their project actively works to address these issues.

CONTACT/ADDITIONAL PROGRAM INFORMATION:
For more information eligible applicants should visit
http://www.empire.state.ny.us/BusinessPrograms.html
or contact George LaPointe at Empire State Development by calling (518) 292-5307.

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