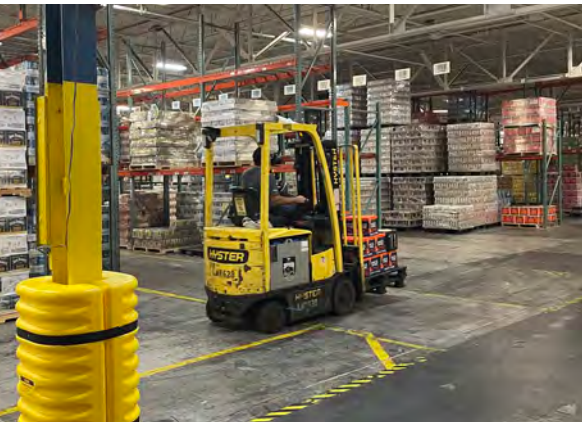
NEW YORK STATE OF OPPORTUNITY.

Regional Economic Development Councils



AVAILABLE CFA RESOURCES

2023

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Introduction

The Regional Economic Development Councils (REDC) and the Consolidated Funding Application (CFA) were created to advance efforts to improve New York's business climate and expand economic growth. The REDCs support the state's innovative approach to economic development, which empowers regional stakeholders to establish pathways to prosperity, mapped out in regional strategic plans.

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

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

Over the past twelve years, the Regional Councils have revitalized the state's economy through a bottom-up, community-based, and performance-driven approach to economic development. Through the comprehensive strategic planning process, every region across the state has succeeded in creating private sector jobs, driving private investment, bolstering workforce development, and revitalizing long-neglected cities, towns, and neighborhoods.

Public, private, and civic collaboration has been the cornerstone of this process since its inception and the partnerships forged through the Regional Economic Development Councils will be vital to the recovery of New York's economy. Each region's strategic plan and progress reports can be found online at www.regionalcouncils.ny.gov

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

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

This year, there are programs available through 10 state agencies for the REDC Initiative, including Empire State Development; NYS Canal Corporation; NYS Energy Research and Development Authority; Homes and Community Renewal; New York Power Authority; Office of Parks, Recreation and Historic Preservation; NYS Department of Agriculture and Markets; and Department of State. 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; to the extent possible.

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 for programs that are part of the REDC Initiative for Round XIII. This document also provides a brief overview and contact information for Other NYS programs available through the CFA beginning in May. These programs are made available from 6 agencies including Empire State Development; Homes and Community Renewal; NYSERDA; Department of State; Department of Environmental Conservation; and Environmental Facilities Corporation. Full guidelines for these programs as well as additional program resources can be found at: https://apps.cio.ny.gov/apps/cfa/index.cfm .

2023 REDC Available Resources

Programs Subject to the 4:00PM July 28 Deadline

New York State Empire State Development: Up to $21 million

- Up to $15 million for Market New York
- Up to $5 million for Business Incubator & Innovation Hot Spot Support Program
- Up to $1 million for Strategic Planning & Feasibility Studies

New York State Homes and Community Renewal: Up to $4.2 million

- Up to $4.2 million for New York Main Street Program

New York State Office of Parks, Recreation and Historic Preservation: Up to $27.9 million

- Up to $26 million for Environmental Protection Fund Grants Program for Parks, Preservation and Heritage (EPF)
- Up to $1.9 million for Recreational Trails Program (RTP)

New York State Department of State: Up to $18.8 million

- Up to $16.3 million for the Local Waterfront Revitalization Program
- Up to $2.5 million for the Brownfield Opportunity Area 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 $25 million

- Up to $15 million for Commercial and Industrial (C&I) Carbon Challenge
- Up to $10 million for Carbon Neutral Economic Development Program

New York State Department of Agriculture and Markets: Up to $5.8 million

- Up to $5.8 million for the New York State Grown & Certified Infrastructure, Technology, Research and Development Grant Program

REDC Open Enrollment Programs

New York State Empire State Development: Up to $225 million

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

New York State Power Authority: Up to 19.4 Megawatts

- Up to 19.4 Megawatts for the ReCharge NY Program

Programs included as Open Enrollment will continue to accept applications on an ongoing basis and are not subject to the July 28th, 4:00PM deadline

Other NYS Round 13 CFA Programs

LINKS TO FULL PROGRAM GUIDELINES FOR THE PROGRAMS LISTED BELOW CAN BE FOUND IN THE last section of this document.

POTENTIAL APPLICANTS SHOULD BE SURE TO REVIEW THE PROGRAM GUIDELINES FOR MORE PROGRAM SPECIFIC REQUIREMENTS.

Programs Subject to the 4:00PM July 28th, 2023

New York State Empire State Development: Up to $10 million

- *Up to $5 million for Craft Beverage Microgrant Program Funds*
- *Up to $5 million for Not-for-Profit Capital Program Funds*

New York State Homes and Community Renewal: Up to $20 million

- *Up to $20 million for New York State Community Development Block Grant Program*

New York State Department of State: Up to $8 million

- *Up to $2 million for the Smart Growth Comprehensive Planning Grant Program*
- *Up to $2 million for the Smart Growth Countywide Resiliency Planning Grant*
- *Up to $4 million for Local Government Efficiency Program*

New York State Department of Environmental Conservation: Up to $86 million

- *Up to $8 million for the Climate Smart Communities Grant Program*
- *Up to $75 million for the Water Quality Improvement Project (WQIP) Program*
- *Up to $3 million for the Non-Agricultural Nonpoint Source Planning and Municipal Separate Storm Sewer System (MS4) Mapping Grant Program*

New York State Environmental Facilities Corporation: Up to $18 million

- *Up to $15 million for the Green Innovation Grant Program*
- *Up to $3 million for NYS EFC Wastewater Infrastructure Engineering Planning Grant*

Open Enrollment Programs

Federal Industrial Development Bond Cap: Up to $150 million

- *Up to $150 million for Industrial Development Bond Cap (IDBC)*

New York State Energy Research and Development Authority: Up to $15 million

- *Up to $15 million for Energy Efficiency Programs- FlexTech*

New York State 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 strategic plan and subsequent progress reports 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.

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

PROGRAM BENEFITS:
Only minimum grant requests of $50,000 or more will be considered for funding. Awards are offered as an incentive to undertake a project. 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. Applicants are strongly encouraged to reach out to their ESD Regional Office to discuss their project prior to submitting an application.

Assistance generally falls into three categories:

1. **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. Applicants applying for funding under the business investment category will generally not be considered for more than twenty percent of the financing for any particular project based on eligible total project costs.

2. **Economic Growth**
   An Economic Growth Investment fosters economic growth through cultural activity, higher education activity, agribusiness initiatives, other local or regional initiatives, improvements to facilities in 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 but do foster economic development within the area the project will occur. Economic Growth projects that are able to provide direct job commitments will be viewed favorably, however job commitments may not be applicable depending on the project type. Economic Growth projects may also include planning or feasibility studies relating to a specific capital project or site which leads to a capital project.

   Economic Growth projects supporting strategic community development investments within downtown areas which foster the principals of the Downtown Revitalization Initiative will be looked upon favorably. 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. 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 will be looked upon favorably as a way to redevelop a specific area as opposed to standalone projects without other investments within an area.

   Economic Growth projects supporting innovative public-private partnerships which leverage unique regional assets to advance the regions' economic development strategies will be looked upon favorably. Innovative public-private partnerships are intended for higher education institutions with a focus on innovation and research partnerships. Applicants whose project aligns public and private sectors in working together on capital projects that drive economic growth, job creation and innovation may be eligible for additional financing for their project based on eligible total project costs. Applicants seeking funding for a project which fosters this innovative public-private partnership should reach out to their ESD Regional Office prior to submitting an application.

3. **Strategic Focus Areas**
   Strong emphasis will be placed on projects that encompass one or more of the following strategic focus areas. Applicants whose projects apply to one or more of these focus areas may be eligible for an enhanced incentive depending on the category, type of project and

organization applying for funds. Applicants should apply for the necessary amount of funding needed to incentivize the project to occur and request the amount of funding needed to complete their project vs. the maximum amount they may be eligible for as the likelihood of receiving an award improves as the percentage of ESD assistance is reduced and private investment or other sources are better leveraged.

- **Projects that Support Green Buildings & Sustainable Development**

In supporting the State's ambitious climate goals to create a clean and sustainable future, an enhanced incentive of up to forty percent of eligible total project costs may be provided for projects that will significantly reduce greenhouse gas emissions through sustainable building practices with preference given to not-for-profit organizations. Instances of sustainable building practices include but are not limited to achieving net zero or near zero emissions, obtaining LEED certification (Silver or higher), electrifying space and water heating systems, reusing buildings and/or building materials and incorporating significant energy savings measures. An example project is the expansion or relocation of a facility that will preserve and adapt a dilapidated building, reuse and recycle rehabbed building materials to the extent possible, install smart thermostats, heat pumps, energy efficient lighting and other energy saving measures. The result is a larger, more cost-efficient facility that is near net zero (rather than increasing emissions), reduces landfill waste, and reduces the demand on material production and the use of depletable resources.

- **Childcare Projects**

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. In building additional capacity in the number of child care offerings available will help strengthen the state's economy and address issues that affect the business community.

An enhanced incentive of up to forty percent of eligible total project costs may be provided to not-for-profit organizations whose capital project seeks to improve access to high quality childcare. Incentives are intended to support capital projects which increase the number of childcare spots by building a new facility or expanding an existing facility. Applicants should provide any information about their project that works to improve access to high quality childcare, including but not limited to the number of new child care spots that will be made available, the need in the community for a new or expanded childcare facility, whether the project is located in a childcare desert (Search the NYS Child Care Desserts Map here), the populations that will likely utilize the services, and any additional economic benefits that will occur from the project.

- **Projects located in a Distressed Area**

Strong emphasis will be placed on projects from economically distressed communities where investments are needed to spur economic growth. Only not-for-profit organizations whose project is located in a severely distressed area may be eligible for an enhanced incentive of up to forty percent of eligible total project costs. While the criteria below includes communities defined by their stress level, if a not-for-profit organization believes their project is located in a severely distressed area that is not listed as such, they may apply for an enhanced incentive but should discuss the project with their respective ESD Regional Office prior to applying and demonstrate why the area should be considered severely distressed. Below is the definition of communities considered to be economically distressed along with a link to a map to search for a project location to identify if its distress level.

Applicants should demonstrate the need for funding as the potential for an award is not an as of right solely because the project is located in a distressed area but rather will be dependent on the community benefits as a result of the project along with needing additional financing to ensure the project occurs. Enhanced incentives are intended for not-for-profit organizations whose mission is to serve a community need and benefit.

Applicants should provide any information about their project that bolsters the need for funding in addition to metrics that will result from the project, including but not limited to the anticipated community benefit as a result of the project, the populations that will benefit from the project, a demonstrated need for the services of the project, community support for the project, and any additional economic benefits that will occur from the project.

Economically Distressed Communities Map

Economically distressed community shall mean the following based on the census tract for where the project is located:

- Severely distressed communities shall have at least 25 households receiving public assistance income in the 2020 ACS 5-year estimate and meet at least seven of the criteria listed below:
- Moderately distressed communities shall have at least 25 households receiving public assistance income in the 2020 ACS 5-year estimate and meet at least five of the criteria listed below:
- Slightly distressed communities shall have at least 100 households receiving public assistance income in the 2020 ACS 5-year estimate and meet at least four of the criteria listed below:
    - Population loss between the 2020 ACS 5-year estimate and the 2016 ACS 5-year estimate – an absolute loss in population.
    - Unemployment rate (2020 ACS 5-year estimate) higher than the State's rate.
    - Private sector employment growth rate (2020 ACS 5-year estimate) over the preceding 5 years was lower than the State's OR private sector employment (2020 ACS 5-year estimate) as a percentage of total employment was less than the State's.
    - Percentage of households receiving public assistance (2020 ACS 5-year estimate) was greater than the statewide percentage.
    - Poverty rate (2020 ACS 5-year estimate) was greater than the State's poverty rate.
    - Per Capita Income change (2020 ACS 5-year estimate) over the preceding five years was less than the growth in the consumer price index (CPI) for all urban consumers nationally OR per capita income was less than the State's per capita income.
    - Full Value Assessment of Taxable Property growth over the preceding 5 years was less than the statewide growth.
    - Taxable sales growth rate between the period of 2016 through 2020 in the county was less than the statewide growth in taxable sales.

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;
- Commercial portion of mixed use projects;
- Soft costs of up to twenty-five percent (25%) of total project costs;
- Planning and feasibility studies related to a specific capital project or site; and
- Other costs / expenditures deemed eligible by ESD.

INELIGIBLE ACTIVITIES:
The following types of expenses are not eligible for reimbursement by grant funds and should not be included in the project budget:

- Developer fees;
- Training;
- Residential development only projects, although program funds may be used for the commercial component of a mixed-use project;
- Medical / hospital development projects although medical research facility projects will be considered for funding;
- Retail development projects;
- Block grant projects or revolving loan funds;
- Home based service provider projects;
- Overhead and indirect costs associated with the day to day operations of the eligible entity, including but not limited to:
- Salaries and wages;
- Fringe benefits;
- Rent/lease costs;
- Website maintenance;
- App maintenance;
- Communication;
- Marketing or advertising media costs;
- Events;
- Costs associated with completing an application;
- Costs incurred prior to the submission and award of a grant, actual or anticipated; and
- Other costs / expenditures deemed ineligible by ESD.

AWARDS:
Applicants should apply for the necessary amount of funding needed to incentivize the project to occur and request the amount of funding needed to complete their project vs. the maximum amount they may be eligible for. The likelihood of receiving an award improves as the percentage of ESD assistance is reduced and private investment or other sources are better leveraged. A strong emphasis will be placed on project readiness along with the applicant having the capacity to complete the project if awarded.

Generally, applicants applying for funding under the business investment or economic growth program categories will generally not be considered for more than twenty percent of the financing for any particular project based on the eligible total project cost. A strong emphasis will be placed on projects that encompass one or more of the strategic focus areas and these projects may be considered for up to forty percent of funding towards the eligible total project costs. While projects may be eligible for up to a certain percentage of funding, the likelihood of an award increases based on the strength of the project, economic benefits of the project in relation to similar projects and leveraging other sources vs. ESD assistance.

Exceptions to these limits may be made at the sole discretion of ESD in cases where it is found that a project(s) will have extraordinary regional or statewide impact. Applicants seeking funding for a project are strongly encouraged to reach out to the ESD Regional Office for where their project is located to discuss the project prior to applying.

PRE-APPLICATION REQUIREMENTS:
Applicants are strongly encouraged to reach out to their ESD Regional Office to discuss their project prior to submitting an application. 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.

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.

Applicants that apply more than once per round for the same project are also strongly encouraged to consult with their ESD Regional Office where their project is located for feedback prior to subsequent submission(s). Failure to do so may result in the application being deemed ineligible.

Applicants that apply more than once per round for the same project are required to show a substantial change in situation or scope to warrant another scoring review by ESD, the Regional Council, or both, to be determined by the Regional Office. Failure to show this improvement may result in the project being deemed ineligible.

SUCCESSFUL APPLICANT REQUIREMENTS:
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.

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 non-job creation projects, the direct and ancillary benefits that will result from the project occurring;
- For projects applying for funding in one of the Statewide Focus Areas, applicants should provide metrics relevant to the focus area applied to as outlined in the Strategic Focus Area section in order to justify the request for funding and to indicate the economic impact that will result from the project;
- 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.

AWARD CRITERIA DETAILS:

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

strongly encouraged to review and countersign ESD's incentive proposal prior to starting the project.

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

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

- The awarded grants are transferable at the sole discretion of ESD.

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

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

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

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

- The distribution of government funds is subject to constitutional limitations under the First Amendment's Establishment and Free Exercise Clauses. Applications that implicate these Clauses may require additional information from the applicants and will be subject to legal review and approval by the agency before award. Applicants are encouraged, but not required, to anticipate and address factual and legal issues relevant to these Clauses in their application.

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 https://esd.ny.gov/regions.

Empire State Development Strategic Planning & Feasibility Studies

Funding Available: Up to $1 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 $1 million is available for working capital grants of up to $100,000 each to support:

1) strategic development plans for a city, county, or municipality or a significant part thereof; and
2) feasibility studies for site(s) or facility(ies) assessment and planning.

Projects should focus on economic development purposes, and preference shall be given to projects located in highly distressed communities. In addition, special consideration shall be given to projects supporting the Regional Economic Development Council Initiative, the Downtown Revitalization Initiative, and Strategic Community Investment projects.

Each grant requires a minimum of 50% of total project costs in matching funds, which should include at least 10% of total project costs in the form of cash equity contributed by the Applicant organization. Funding will be awarded by the New York State Urban Development Corporation (d/b/a Empire State Development) at its discretion.

ELIGIBLE TYPES OF APPLICANTS:

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

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

PROGRAM REQUIREMENTS:

Assistance is available in the following two categories:

1. Preparation and development of strategic development plans for a city, county or municipality or a significant part thereof; and
2. 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:

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:

- Severely distressed communities shall have at least 25 households receiving public assistance income in the 2020 ACS 5-year estimate and meet at least seven of the criteria listed below:
- Moderately distressed communities shall have at least 25 households receiving public assistance income in the 2020 ACS 5-year estimate and meet at least five of the criteria listed below:
- Slightly distressed communities shall have at least 100 households receiving public assistance income in the 2020 ACS 5-year estimate and meet at least four of the criteria listed below:
    - Population loss between the 2020 ACS 5-year estimate and the 2016 ACS 5-year estimate – an absolute loss in population.
    - Unemployment rate (2020 ACS 5-year estimate) higher than the State's rate.
    - Private sector employment growth rate (2020 ACS 5-year estimate) over the preceding 5 years was lower than the State's OR private sector employment (2020 ACS 5-year estimate) as a percentage of total employment was less than the State's.
    - Percentage of households receiving public assistance (2020 ACS 5-year estimate) was greater than the statewide percentage.
    - Poverty rate (2020 ACS 5-year estimate) was greater than the State's poverty rate.
    - Per Capita Income change (2020 ACS 5-year estimate) over the preceding five years was less than the growth in the consumer price index (CPI) for all urban consumers nationally OR per capita income was less than the State's per capita income.
    - Full Value Assessment of Taxable Property growth over the preceding 5 years was less than the statewide growth.
    - Taxable sales growth rate between the period of 2016 through 2020 in the county was less than the statewide growth in taxable sales.

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

Vision and Regional Economic Development Strategies:

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

Public/Stakeholders:

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

Implementation:

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

Leveraged Resources:

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

Performance Measures:

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

AWARD CRITERIA DETAILS:

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

- Please note that ESD's agency-wide MWBE utilization goal is 30%. Each project will be assigned an individual contract-specific goal, which may be higher or lower than 30%. Should an Applicant receive a funding award, the Applicant shall be required to use good faith efforts to achieve the prescribed MWBE goals assigned to this project. Applicants must maintain such records and take such actions necessary to demonstrate such compliance.
- Following approval by the ESD Directors, the New York State Comptroller, and the New York State Attorney General, as required, the documents for disbursement of the grant award will be prepared by ESD. Notwithstanding the process outlined above, no project shall be funded if sufficient resources are not received by ESD for such project.
- If applicable, the Applicant will be obligated to pay for out-of-pocket expenses incurred by ESD in connection with the project, which may include, without limitation, expenses related to attorney fees, filing fees, and fees associated with other requirements deemed appropriate by ESD. There are no application fees.

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

Excelsior Jobs Program

Funding Available: Up to $75 million

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

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

Excelsior incentivizes “green projects” operating in strategic industries inclusive of agriculture, manufacturing, software development, and scientific research and development.

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

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

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

Excelsior offers enhanced childcare investment tax credits and childcare services tax credits for childcare expenses for projects operating in a qualified strategic industry.

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

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

The Excelsior Jobs Tax Credit:

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

The Excelsior Investment Tax Credit:

- Valued at two percent of qualified investments
- For “green projects” and investments in childcare, a credit valued at 5 percent of qualified investments

The Excelsior Research and Development Tax Credit:

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

The Excelsior Real Property Tax Credit:

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

The Excelsior Childcare Services Tax Credit:

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

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

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

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

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

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

Entertainment Company: means a corporation, partnership, limited partnership, or other entity principally engaged in the production or post production of (I) motion pictures, which shall include feature-length films and television films, (II) instructional videos, (III) televised commercial advertisements, (IV) animated films or cartoons, (V) music videos, (VI) television programs, which

shall include, but not be limited to, television series, television pilots, and single television episodes, or (VII) programs primarily intended for radio broadcast. Entertainment Company shall not include an entity (I) principally engaged in the live performance of events, including, but not limited to, theatrical productions, concerts, circuses, and sporting events, (II) principally engaged in the production of content intended primarily for industrial, corporate or institutional end-users, (III) principally engaged in the production of fundraising films or programs, or (IV) engaged in the production of content for which records are required under section 2257 of Title 18, United 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

New York State Business Incubator Program

Funding Available: $5.0 Million

DESCRIPTION:

The New York State Business Incubator and Innovation Hot Spots Support Program were enacted initially as part of the 2013-14 State Budget and will provide significant continued financial support for business incubators in the state. This underscores the importance of business incubation and technology transfer to the Governor's overall economic development strategy.
Business incubation is the process of accelerating the development of entrepreneurial companies through a structured array of business support resources and services targeted to the needs of start-up companies. The business incubator is the entity responsible for organizing and managing these support services.

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

In this competition, ESD anticipates making up to eight NYS Business Incubator designations.

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

ELIGIBILITY:

An entity wishing to be designated as a designated NYS Business Incubator must currently be providing a business incubation program which has been in existence for three or more years. Applicants must provide a strategic plan for their incubator and demonstrate that their services align with industry best practices. Applicants must demonstrate how this funding will enable and/or expand services they provide to their tenant clients and demonstrate a 2:1 match of state funds. Applicants are strongly encouraged to demonstrate regional partnerships with incubators or organizations assisting entrepreneurs and early stage companies. Applicants should demonstrate a track record of transitioning academic research to the marketplace.

FUNDING:

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

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

Successful Applicant Requirements

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

- Be a not-for-profit organization located in New York State;
- Have operated an incubator for three or more years;
- Have a demonstrated link to regional sources of innovation and expertise;
- Commit to financially and programmatically maintain the incubator for five years from date of designation;
- Commit to best practices of incubation;
- Provide a strategic plan that describes how it intends to positively impact the regional entrepreneurial environment;
- Detail the process it uses to accelerate the development and commercialization of its clients products and services;
- Business incubators can choose to have a general focus or a specific tech area focus (i.e. circular economy, fashion/fabrics/textiles or digital gaming)
- Expand scope of services or provide new services;
- Provide a two-to-one match[1] of the grant funds it receives for the operation of the incubator;
- Submit data as required by ESD (bi-annually) on the operations and performance of the incubator including a list of business enterprises currently being served by the incubator;
- Have a clear and concise graduation plan for companies;
- Indirect costs are not allowed;
- Receive a total minimum score of 70.

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

Applications will be evaluated and judged using the following criteria:

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

[1] At least 50% of the match must be cash

SCORING:

Applications will be scored using the following methodology:

1) Alignment with Regional Strategy and Priorities scored by the Regional Economic Development Council (REDC) (20 percent)

2) Incubation Effectiveness (20 percent)
    - What is the track record of the incubator in accelerating growth of start-ups?
        - Increased jobs, investment, and other metrics determining successful incubation and effectiveness.
        - Graduation rates and illustrative examples

3) Expansion of Services (15 percent)
    - What new or expanded programs or services will be provided to start-up companies within the region as are result of the grant funding?
    - Does this application involve a partnership with other incubators, Regional Innovation Hot Spot, or other innovation resources?

4) Financial Soundness and Sustainability (20 percent)
    - Does the applicant's operating budget demonstrate financial soundness and strength?

5) Regional Incubator Leadership Assistance (15 percent)
    - How does the applicant propose to assist in the growth of the region's entrepreneurial and innovation network?

6) Alignment to one or more Significant Statewide Programs (10 percent)

PERFORMANCE MEASUREMENTS:

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

Program Contact: Jessica Herbert, Jessica.herbert@esd.ny.gov

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 2023-2024 Fiscal Year, up to $15 million is to be available through *Market New York*.

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

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

1) **Regional Tourism Marketing (Working Capital) – up to $7 million**
   (Only minimum grant requests of $50,000 or more will be considered, not including grantee match); and

2) **Tourism Capital (Construction/Renovation/Capital Costs) - up to $8 million**
   (Only minimum grant requests of $150,000 or more will be considered, not including grantee match).

To ensure that tourism capital projects are substantially underway before initiating tourism marketing projects, applicants can only apply for capital and working capital/marketing in separate rounds of CFA funding and may not apply for both marketing and capital expenditures within the same CFA round.

Projects applying for both ESD (Capital) Grant funds and *Market New York* Capital grant funds must demonstrate an 80% match for both programs. Projects that don't demonstrate at a separate 80% match for each application may be deemed ineligible for *Market New York.* While similar sources for the match are allowed, the amounts utilized to demonstrate the grant must be non-duplicative. Furthermore, if an organization is awarded an ESD Capital Grant, they may at the discretion of the department be deemed ineligible for an additional *Market New York* capital award.

ESD reserves the right 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 primarily located or headquartered, or by the corresponding REDC sponsor of the project.

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

Entities that may apply for funding include: not-for-profit corporations, municipalities, Tourism Promotional Agencies (TPAs), public benefit corporations and for-profit companies**. Individuals, SUNY schools and NYS agencies are not eligible to apply for this grant.** Not-for-profit corporations are subject to New York State's Not-For-Profit Corporation Law and must have proof of incorporation (or equivalent document) from the NYS Department of State or NYS Board of Regents; a charities registration number from the NYS Office of the Attorney General; and proof of tax-exempt status under the IRS code. The distribution of government funds is subject to constitutional limitations under the First Amendment's Establishment and Free Exercise clauses. Applications that implicate these clauses may require additional information from the applicants and will be subject to legal review and approval by the agency before award. Applicants are encouraged, but not required, to anticipate and address factual and legal issues relevant to these clauses in their application.

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

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

ESD's Non-Discrimination & Contractor and Supplier Diversity Policies
In accordance with the requirements of Article 15-A of the New York State Executive Law: Participation by certified minority group members and women with respect to state contracts, projects awarded funding shall be reviewed by ESD's Office of Contractor and Supplier Diversity, which may set business and participation goals for minorities and women. Established goals for awarded projects will be designated in the incentive proposal.

Please note that ESD's agency-wide MWBE (Minority and Women Owned Business Enterprise) utilization goal is 30%. 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 awarded grantee shall be required to use good faith efforts to achieve the prescribed MWBE goals assigned to this project.

Awarded grantees 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 grantees are urged to work with Service-Disabled Veteran-Owned Businesses (SDVOBs) and a directory can be found at https://ogs.ny.gov/Veterans.

SIGNIFICANT TOURISM INITIATIVES

New York State will concentrate on the sectors representing the most promising opportunity for continued growth for tourism visitation, spending and economic impact across the state. To do so, we will focus on the following core initiatives:

1. **Engage the travel trade**: Pursue Meetings Incentives Conferences and Exhibitions (MICE) tourism, amateur sporting events and group tour business through sales and marketing efforts that encourage travel professionals to choose New York State for their clients and customers and position New York as the best place for meetings and events of all types and sizes.

2. **Promote international tourism:** Continue to keep New York State top of mind and maximize the pent-up demand for travel with international consumers from our key feeder markets: Canada, UK, Germany and Australia. In addition to New York State's ongoing B2B work to have tour operators and travel agents in these markets add New York destinations to their offerings, efforts will be made to increase interest by reaching out to consumers more directly.

3. **Promote outdoor recreation destinations and activities**: Maximize the trend of increased outdoor tourism and convert first-time users of New York's outdoor recreational assets to regular guests. At the same time, create broader awareness of lesser-known and visited outdoor destinations to help redirect visitors from more crowded assets, and improve the visitor experience with increased programming and staff support while ensuring the long-term preservation of natural assets for continued, sustainable visitation.

4. **Projects that market/promote/showcase, on at least a regional basis, New York State's:** Unique, world-class destinations; projects involving large-scale special events including those related to the 2024 total solar eclipse; and niche tourism segments including but not limited to accessible travel, LGBTQ tourism, Black tourism, international tourism, outdoor recreation, and historic sites and museums.

FUNDING CATEGORY INFORMATION

I. Regional Tourism Marketing (Working Capital)

Up to $7 million

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

Applications will be accepted for projects that *Market New York* State regional tourism destinations or attractions. Applicants must demonstrate how the tourism marketing project will

promote and forward the tourism goals of the corresponding REDC's strategic plan, in addition to increased vitiation or increase spending per visitor.

Successful tourism marketing projects will also complement the goals and strategies of I LOVE NY and the New York State Division of Tourism, namely, to make New York State the destination of choice for travelers looking to create meaningful memories and those elements highlighted above in ***Significant Tourism Initiatives section***. 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.

While collaboration between regions, organizations and/or business is encouraged, multi-partner projects (e.g., co-ops) will need to demonstrate how the awarded organization will administer the project internally and/or with a third-party administrator.
Department staff are only authorized to work with the awarded organization and cannot manage co-op partners or project elements.

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

Project plan
It is recommended that project plans include: an outline the specifics of the project within 10 pages or less (project plans over 10 pages may not be reviewed), a clear budget, the need for the funding 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 grantee (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% 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. Administrative costs will be eligible only toward the grantee's match and not be reimbursed by grant funds. 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 alcoholic beverages. These costs can be used towards the grantee match ONLY;
- loan, finance, interest and/or tax fees;
- mini-grants or reallocation of funds to other organizations, outside of approved subcontractors for the project;
- legal fees, insurance/liability insurances and/or membership fees;
- in-kind, donated, volunteer services;
- any costs incurred for events held outside New York State;
- wayfinding signage (signage produced to be placed on city, county, state roads);
- fireworks, competition prizes, prize money and monies paid to participants. These costs can be used towards the grantee match ONLY;
- 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, funds spent to acquire/upgrade physical, non-consumable fixed assets (e.g., equipment, hardware, vehicles, computers, etc.) and/or funds spent in order to maintain or increase the scope of operations. (e.g., property, renovations/upgrades, building construction, long term assets, etc.);
- permanent wayfinding signage (signage produced to be placed on city, county, state roads);
- training;
- operational/overhead expenditures (e.g., rent, utilities, office supplies, etc.); and
- other expenses deemed ineligible by ESD.

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

Required Match
50% of Total Project Cost
ESD generally seeks to provide no more than 50% of the financing for Regional Tourism Marketing projects. An actual cash match of at least 50% 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 Tourism Matching Funds, an EDA Subaward 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 (50%) would require a match of $50,000 (50%) or more, for a total project cost of $100,000 or more. Another example: if your total

project cost is $200,000 you can apply for 50%, which would be $100,000 grant request, and a required match of $100,000 (50%) would need to be demonstrated.

Payment Process
The grantee will receive an Award Letter after the grants have been announced. The grantee will be required to submit a final budget to the department upon being awarded, even if there is no change to the budget from the CFA. After that time, the grantee will then receive an Award Confirmation Letter outlining the requirements of the grant program, what is expected of the grantee if they choose to accept the grant, and authorizing spending against the grant. The project will then be brought before the ESD Board of Directors for approval. If approval is received, the grantee will be required to enter into a contract (Grant Disbursement Agreement) with ESD, which will be sent to the grantee after Board approval. This process may take several months to complete. Grantees may choose to start their project spending, but all spending will be at the risk of the grantee until the approval by the ESD Board.

ESD will pay the grantee on a **reimbursement basis**, no more frequently than quarterly, up to 50% 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 50% of their match for each reimbursement request. Reimbursement forms and requirements will be included in the Grant Disbursement Agreement. No financial payment of the grant will be made upfront. **The grantee therefore should be prepared to subsidize the project for up to 12 months during the process for requesting and receiving payments.**

*Other Documentation may include but is not limited to invoices; cancelled checks (both front and back); full bank statement from grantee's accounts; and/or evidence of credit card documentation showing payment in full of the grantee's bank account. More information will be provided to grantees upon execution of a Grant Disbursement Agreement.

Expenses incurred prior to the award and announcement of a CFA grant are not eligible, and as such cannot be included in CFA project budgets.

All regional tourism marketing projects are expected to complete projects within two years of the date of the award letter.

Please note that awarded grants are non-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 Grant Disbursement Agreement, and may be submitted no more frequently than quarterly, up to 50% of the total eligible costs. Reimbursements are eligible for request after the successful grantee has a signed/approved Grant Disbursement Agreement.

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.

<u>II. Regional Tourism Capital</u>
Up to $8 million
Only minimum requests of $150,000 or more will be considered, not including the grantee match. Any grant requests under $50,000 will be found ineligible and will not be scored.

Applications will be accepted for projects that 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 capital projects will also complement the goals and strategies of I LOVE NY and the New York State Division of Tourism, 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 section***. 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.

ESD requires that the applicant contribute a minimum of 10% of the total project cost in the form of equity contributed after the applicant's acceptance of ESD's incentive proposal. This 10% contribution is a commitment to the project and is not related to the cash match referenced in the above paragraph.

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.

It is recommended that project plans include: an outline the specifics of the project within 10 pages or less (project plans over 10 pages may not be reviewed), a clear budget, the need for the funding 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. 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;
- improved accessibility services;

- purchase of equipment and/or event amenities (ex. permanent staging, fixed assets, etc.);
- acquisition of an existing business and/or assets;
- new construction, renovation, or leasehold improvements; and
- administrative costs up to a maximum of 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. Administrative costs will be eligible only toward the grantee's match and not be reimbursed by grant funds. 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:

- 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 of funds to other organizations, outside of approved subcontractors for the project;
- loan, finance, interest and/or tax fees;
- any costs incurred for capital event costs held outside New York State;
- fireworks, competition prizes, prize money and monies paid to participants. These costs can be used towards the grantee match ONLY;
- in-kind, donated, volunteer services;
- 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: 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.

Single projects that apply for both *Market New York* Capital and Empire State Development Capital must demonstrate an 80% match for both programs. Projects that don't demonstrate at 80% match for each program separately may be deemed ineligible for Market New York.

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 may then be presented for approval to the Public Authorities Control Board.
If approved, the grantee will be required to enter into a contract (Grant Disbursement Agreement) 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.

Awards are offered as an incentive to undertake a project. Therefore, the project should not begin, before funding awards have been announced. Neither expense incurred prior to submission of a CFA nor expenses incurred after submission of a CFA but prior to an award announcement should be included in CFA project budgets.
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 grantee will provide a $250 application fee, due when the 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 grantee 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 Grant Disbursement Agreement with successful awardees. Grantees may be eligible for a reimbursement after the grantee has a signed and approved Grant Disbursement Agreement. 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 GRANTEES:**

- 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 grantee.
- Mini-grants and/or reallocation of funds to other organization are not an eligible expense.
- 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 and the 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 an application fails to show any demonstrated "match" the application may be deemed ineligible.
- 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 <u>three (3) consecutive rounds</u> 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
- If an organization has been awarded in multiple past rounds, regardless of the nature of the project, and/or if the organization still has an open/active grant, it may be deemed ineligible at the sole discretion of the Department
- 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.
- 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 MWBE Utilization Plan.
- While the Market New York guidelines don't expressly indicate specific procurement practices, the Tourism Grants Department supports fair and competitive vendor

selection processes. As such, it is the express responsibility of the grantee to establish a competitive process for selecting vendors, firms and contractors applying to all project elements funded through the *Market New York* grant program. The Department reserves the right to reject any vendor, firm and/or contractor for reasons of conflict of interest.

Insurance Requirements

- Capital projects and working capital project that are events related, will be required to meet all applicable insurance requirements. Requirements for insurance will be outlined in more detail in the Incentive Proposal.
- Grantees will be required to carry appropriate insurance 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 Empire State Development Corporation 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.

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 30 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 10 Points]
How well does the project plan demonstrate the following?

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

I LOVE NEW YORK ALIGNMENT [up to 10 Points]
How well does the project plan demonstrate alignment with the goals and strategies of I LOVE NY and the New York State Division of Tourism, 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; projects involving large-scale special events including those related to the 2024 total solar eclipse, and niche tourism segments including but not limited to accessible travel, LGBTQ tourism, Black tourism, international tourism, outdoor recreation, and historic sites and museums.

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.

PROJECT PLAN [up to 20 points]

How well does the project plan describe the following:

- Organizational history – in 1 paragraph or less;
- Mission statement/goal of the project – in 1 paragraph or less;
- What the project is, as concisely as possible, and in no more than 10 pages;
- The project's budget, demonstration of how the ESD reimbursed funds AND grantee match will be spent, with all financial figures matching throughout the application, budget and project plan;
- Demonstrated need for the grant funding;
- A timeline for individual project steps;
- Performance measures/metrics to quantify the return on investment (ROI) and demonstrate the economic impact.

GRANT MATCH REQUIREMENT [up to 10 points]

How well does the project plan/budget demonstrate the necessary minimum cash match for total project costs, 50% or more for Region Tourism Marketing projects or 80% for Capital Tourism projects with information such as:

- A letter(s) from partners confirming financial support/sponsorship;
- A letter from 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.

Please note: If a project plan is not included and/or the match is not demonstrated as outlined in the guidelines, your application may be deemed incomplete, and you may receive a low score for these criteria.

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 factors such as:

- Alignment with the mission of I LOVE NY and the New York State Division of Tourism;
- Past *Market New York* compliance and contractual history;
- Geographic/regional distribution and/or economic impact of projects awarded through the current round of *Market New York* funding;
- Project plan completion and clarity based on instructions above;
- and other mitigating factors as determined by ESD.

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

III. REGIONAL COUNCIL SCORE [20 Points Total]

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

TOTAL POSSIBLE SCORE FOR PROPOSAL – [100 Points Total]

MORE INFORMATION/ASSITANCE

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

New York State Department of Agriculture and Markets

NYS Grown & Certified Infrastructure, Technology, Research and Development Grant Program

Funding Available: Up to $5.8 million available

DESCRIPTION

The New York State Grown & Certified Infrastructure, Technology, Research and Development Grant Program will provide grants on a competitive basis to eligible applicants (Program Administrators) who will administer a grant program that will assist agricultural entities in implementing projects that will invest in critical farm infrastructure, adopt state-of-the-art practices, purchase innovative technology or equipment, or conduct cutting edge research to aid in the development of new products to meet consumer demand marketed under the New York State Grown & Certified program (NYS G&C).

Projects must have a direct and timely benefit to New York agricultural producers/processors and significance to the region served by the eligible applicant. The Program will be administered by the New York State Department of Agriculture and Markets (AGM).

PROGRAM ADMINISTRATOR REQUIREMENTS

Eligible Applicants:

Eligible Program Administrator (PA) applicants include: counties and municipalities, local development corporations, regional development corporations, public benefit corporations, Industrial Development Agencies, regional planning councils, economic development organizations, and not-for-profit corporations. Eligible PA Applicants will apply for a block grant for the purposes of providing grants to agricultural entities. Eligible PA applicants will enter into a grant agreement with agricultural entities to complete individual projects.

Funding Available:

A total of $5.8 million is available for the Program. Of that, $5.0 million is available for capital projects and $800,000 for research and development projects. Block grants will be awarded to deliver and administer a program in the NYS Regional Economic Development Council Regions, with funds distributed per the following REDC groupings:

- *Southern Tier REDC, Western New York REDC* - $1,000,000 total for capital projects; $200,000 total for research and development projects
- *Finger Lakes REDC, Central New York REDC* – $1,000,000 total for capital projects; $200,000 total for research and development projects
- *Long Island REDC, New York City REDC, and Mid-Hudson REDC* - $1,500,000 total for capital projects; $200,000 total for research and development
- *Mohawk Valley REDC, Capital District REDC, North Country REDC* -- $1,500,000 total for capital projects; $200,000 total for research and development projects

One administrator will be awarded for each of the above REDC groups. No more than 15% of the grant funds may be used for administration costs. All administration costs must be directly related to execution of the Program.

If a qualified PA is not identified for a regional REDC grouping, AGM reserves the right to contract with a PA from another region.

Program Administrator Responsibilities:
Program Administrators will be responsible for day-to-day administration of the Program, including, but not limited to: educational/promotional activities to ensure industry participation; accepting and evaluating proposals received from agricultural entities; awarding grants; executing and administering contracts with eligible agricultural entities, including contract oversight and reporting to AGM; and ensuring that awarded entities enroll in NYS G&C.

AGRICULTURAL ENTITY GRANT PROGRAM

Eligible Agricultural Entities:

(1) Agricultural producers located within New York State which produce an edible agricultural product. Agricultural producers are generally defined in section 328(2) of the NY Agriculture and Markets Law. For purposes of this grant, a producer is defined as a commercial operation that involves land and on-farm buildings, equipment and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products. Agricultural product is defined as any agricultural or aquacultural product of the soil or water, including but not limited to fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, and fruit.

(2) Food processing establishments located in New York State. Food processing establishments include, but are not limited to processing plants, beverage plants, food manufacturers or other places that receives food or beverages ingredients to products for the purpose of processing or otherwise adding to the value of the product for commercial sale. The term "processing" means processing foods in any manner, such as by manufacturing, canning, preserving, freezing, drying, dehydrating, juicing, pickling, baking, brining, bottling, packing, repacking, pressing, waxing, heating or cooking, or otherwise treating food.

(3) Distributors that represent at least ten New York producers. A distributor is defined as a food or beverage distributor that provides direct services for agricultural producers, of edible products, such as through consolidation, storing, and delivering products, or who otherwise serves as an intermediary between producers and wholesale or retail buyers, such as restaurants, schools, grocery stores, etc.

(4) Agricultural Cooperatives of edible products must have at least 10 members residing in New York State or at least 51% of membership residing in New York State. An "agricultural cooperative" means a cooperative, either stock or non-stock, operated for the mutual benefit of the members in which (1) no member is allowed more than one vote because of the amount of stock or membership capital he or she may own therein, and (2) the cooperative does not pay dividends on stock or membership capital in excess of twelve per centum per annum.

(5) New York not-for-profit corporations partnering with one or more NYS G&C producers, food processing establishments, distributors or agricultural cooperatives (as defined in #1-4 above). Not-for-profit corporations are generally defined in New York Consolidated Laws, Not-For-Profit Corporation Law - NPC § 102. A “Corporation” or “domestic corporation” means a corporation (1) formed under this chapter, or existing on its effective date and theretofore formed under any other general statute or by any special act of this state, exclusively for a purpose or purposes, not for pecuniary profit or financial gain, for which a corporation may be formed under this chapter, and (2) no part of the assets, income or profit of which is distributable to, or enures to the benefit of, its members, directors or officers except to the extent permitted under this statute.

Applicants must be currently enrolled in the NYS Grown & Certified program or provide a letter of commitment to be enrolled by the conclusion of the project. Dairy and grape farms who sell to NYS G&C processors may be eligible to receive grant funds if they meet the environmental requirements of the NYS G&C program.

Eligible Agricultural Projects:

a) Capital projects that will improve critical farm infrastructure or implement innovative technology and/or state-of-the-art equipment.
   OR
b) Research and development projects that will aid the development of new products to be marketed under NYS G&C.

All projects must implement new and innovative practices or approaches to meet industry needs and consumer demand.

All projects must have a direct and timely benefit to New York agricultural industry and significance to the region served by the eligible applicant with a focus on one or more of the following priority areas:

- Production automation and labor efficiency
- Distribution capacity enhancement
- Processing and packaging
- Food safety
- Environmental sustainability directly related to NYS G&C participation
- New product development targeting consumer demand

Funding Available:

Up to 90% of the total project cost will be made available to eligible agricultural entities for eligible projects. Total individual capital project costs can range between $20,000 to $250,000 each. Total individual research and development project costs can range between $10,000 to $50,000 each.

Matching Funds:

The eligible agricultural entity must provide at least 10% of the total project cost. Eligible matching funds include cash, grants or loans.

Eligible Costs for Capital Projects:

1. Machinery and Equipment
2. Construction
3. Acquisition or expansion of buildings
4. Architectural and engineering costs
5. Consultants
6. Technical service providers

Eligible Costs for Research and Development Projects:

1. Consultants
2. Technical service providers

Ineligible Costs for all Projects:

1. Working capital
2. Purchase of land
3. Passenger vehicles
4. Routine costs associated with day-to-day operations

NYS G&C Requirements:
Agricultural entities receiving funding through this grant program will be required to participate in the NYS G&C program upon completion of the project..

PROJECT TERM COMPLETION DATE
Awardees will have 5 years from the date of the execution of a contract to spend all program funds.

PRE-APPLICATION REQUIREMENTS
Eligible not-for-profit corporations must submit their NYS Office of the Attorney General Charities Bureau Registration or Exemption.

SELECTION CRITERIA OF ADMINISTRATORS
An application is eligible to receive a total final score of 100, of which 80 percent is derived from AGM review criteria and 20 percent is allocated to the applicable Regional Economic Development Council (REDC). The REDC rates the degree to which project aligns with the REDC's Strategic Plan.

AGM will evaluate, score and select proposals based on the following criteria:

1. Degree to which the applicant demonstrates the ability to market and promote the program to achieve maximum agricultural industry participation.	**10 points**
2. Applicant's knowledge and experience of the region's agricultural needs and opportunities and degree to which the applicant proposes to successfully deliver the program and achieve the program goals and objectives.	**30 points**
3. Degree of demonstrated experience in delivering regional grant and or loan programs.	**20 points**
4. Reasonableness of administrative costs.	**20 points**

LIMITATIONS
AGM reserves the right to:

1. Reject any or all proposals received with respect to this program.
2. Waive or modify minor irregularities in proposals received after prior notification and concurrence of the applicant.
3. Request from an applicant additional information as deemed necessary to more fully evaluate its proposal.
4. Amend the program's specifications after their release, with appropriate written notice.
5. Select only certain portions of proposals for state funding.
6. Negotiate the terms of any agreement proposed by the applicant.

7. Make all final decisions with respect to the amount of State funding and the timing of payments to be provided to the applicant.
8. All eligible proposals submitted in response to this solicitation will become the property of AGM.

Successful Applicant Requirements

1. Strong alignment with the state and regional agricultural needs, opportunities, and priorities.
2. Ability to promote the program to ensure agriculture industry participation.
3. Experience evaluating proposals and awarding grants.
4. Experience executing and administering contracts.
5. Ensuring that projects have a direct and timely benefit to New York agricultural producers/processors.
6. Knowledge and familiarity with the NYS Grown & Certified Program (NYS G&C).
7. Administrative costs no more than 15% of the total project cost.
8. Awardees will be required to execute a contract with AGM.
9. Prior to the execution of a contract, awardees must be registered in the Grants Gateway.
10. Awardees will be required to comply with the New York State Workers' Compensation Law sections 57 and 220 require that the Department not enter into a contract unless proof of Workers' Compensation and Disability Insurance in a form satisfactory to the New York State Workers' Compensation Board.
11. Appendix A, which is posted on AGM's website at www.agriculture.ny.gov, contains standard clauses that are required in all State contracts. Appendix A will be a part of any contract awarded, and successful applicants will be responsible for complying with the terms and conditions contained therein.
12. Some projects may be subject to review under the New York State Environmental Quality Review Act (SEQRA). Municipalities should go to the New York State Department of Environmental Conservation web site www.dec.ny.gov for further information regarding applicability.
13. AGM and State Comptroller's Office reserve the right to audit the Applicant's books and records relating to the performance of the project during and up to six years after the completion of the project.
14. Successful applicants will be required to submit a current New York State Vendor Responsibility Form. See http://www.osc.state.ny.us/vendrep/vendor_index.htm.
15. All proposals submitted and all related contracts and reports may be subject to disclosure under the Freedom of Information Law.
16. Successful applicants will be required to comply with all applicable Federal statutes, regulations and policy requirements.
17. Projects which include ground disturbing activities, construction of new buildings, or modification of buildings over 50 years old will be subject to further review by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP). The Department reserves the right to request such additional information as is necessary to allow OPRHP to make a determination regarding the potential impacts of the project on historical sites or artifacts and possible alternatives which avoid or mitigate adverse impacts.

New York State Homes and Community Renewal

New York Main Street Program

Funding Available: Up to $4.2 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 or project site and source documentation to demonstrate how the target area meets eligibility criteria.

PRE-APPLICATION REQUIREMENTS

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

- The resolution must be on official stationery and should hold the official seal. Applicants within New York City must obtain the resolution from the Community Board with jurisdiction over the project target area.
- Draft or proposed resolutions are not acceptable.
- Support letters do not meet this requirement.
- The resolution must be for the current 2023 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 2023 New York Main Street (NYMS) application. Four NYMS activities are available in the 2023 CFA New York Main Street application:

1. **Technical Assistance Project**
   Applicants may request up to $20,000 to complete a project that improves community or property owner readiness to participate in a future New York Main Street renovation activity. Examples of eligible NYMS-TA activities include, but are not limited to, the projects described below. Please contact the Office of Community Renewal at HCR_CFA@hcr.ny.gov 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 assisted residential unit, up to a per-building maximum of $100,000, not to exceed 75% of the total project cost.

- Streetscape Enhancement: Applicants may request up to $15,000 in grant funds for streetscape enhancement activities, such as: planting trees, installing street furniture or public art or other activities to enhance the NYMS target area.

  The project and budget should be clearly defined at the time of application and include a detailed description of the proposed Streetscape project, how the proposed project enhances the planned building renovation projects and contributes to other downtown revitalization efforts underway.

  - 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. Applicants requesting funds for NYMS Downtown Anchor or Downtown Stabilization activities 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	**2023 NYMS Request Amount**
$210,000	Building Renovation Funds: to renovate five buildings
$15,000	Streetscape Enhancement Funds: install bike racks, benches
$10,000	Soft Costs: to hire firm to complete environmental compliance requirements
$15,000	Administration: hire consultant to administer grant

3. **NYMS Downtown Anchor Project**

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

Applicants for NYMS Downtown Anchor Project funds must:

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

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

  Soft Costs: Applicants may request funds to cover architectural and engineering work, required environmental testing and clearances, and filing fees. These expenses must be included in the per-building activity funding limits, requires matching funds and may not exceed 18% of the NYMS renovation funds for the project. Funds for Soft Costs must be requested at the time of application and must be included within the maximum request amount.

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

Example NYMS Downtown Anchor Project Application Request:

$250,000	2023 NYMS Downtown Anchor Project Request Amount
$227,500	Building Renovation Funds: to renovate one building
$10,000	Soft Costs: to hire firm to complete environmental compliance requirements
$12,500	Administration: staff time to administer grant

4. **NYMS Downtown Stabilization Project**

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

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

Please contact the Office of Community Renewal at HCR_CFA@hcr.ny.gov to discuss project eligibility prior to applying.

NEW YORK MAIN STREET (NYMS) PROGRAM INELIGIBLE ACTIVITIES

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

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

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

NYMS SELECTION CRITERIA – UP TO 100 POINTS

Total Vision and REDC Strategies –20 points

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

Need - 10 points
Measures the severity of need for the proposed Main Street activities, based on the analysis of existing commercial and residential conditions in the target area. The needs described must correspond to the proposed activities and the extent to which the activity resolves or addresses the identified need. Applications should include data and a relevant examination of that data to demonstrate substantial need. The application must provide a clear statement about the need for public investment in the proposed target area and specific need for the NYMS program funds to receive maximum points.

Impact - 10 Points
Measures the extent to which the project described in the application will have a positive public benefit and sustainable positive impact on the commercial and residential conditions in the target area and surrounding community and neighborhoods. Applications should provide clear explanations of the anticipated impact of the proposed program, including but not limited to enhancement of existing assets in the target area and community, expansion of economic opportunities, ability to spur investment of private resources, improvement of aesthetics, and preservation and creation of affordable housing in the upper floors of mixed-use buildings. Applications determined to have the greatest impact on increasing the availability of quality, affordable housing and the greatest impact on business conditions, when compared to other applications, will receive the highest scores.

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

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

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

- Program Experience - Points for performance history are available to applicants that are administering an open NYMS or other Office of Community Renewal program contracts where substantial expenditure or funding commitments have been achieved and sufficient progress has been made. Points are also available to applicants that have successfully and effectively completed previous NYMS or other Office of Community Renewal program contract obligations. Applicants that have not previously participated in the NYMS program but have a successful record of achievement within the community where the proposed Main Street target area is located and have assembled a team with experience in community development, housing rehabilitation, or commercial revitalization in mixed-use districts on a scale comparable to the proposed program or projects will also be eligible for points.

- Implementation Capacity - Proposals that have identified specific projects, clearly substantiated the request amount, obtained local approvals, have demonstrated a clear understanding of NYMS administrative procedures, and have necessary organizational structures in place to implement the proposed projects, without delay, will receive the most points.
- Program Support - Evaluates local support and linkages between the proposed project and local planning and development efforts. Rates the degree to which the proposal relies on building consensus and cooperation among groups and individuals who have a role in the revitalization process.
- Design - Applicants must outline the plan for a coordinated design review process. The highest scores will be awarded to proposals in communities that have existing design standards and have identified the necessary resources to work with building owners to enhance the physical appearance of the commercial area by preserving historic buildings and implementing sensitive design plans.
- Business Strategy - Applications must demonstrate a viable strategy for retaining and assisting existing businesses, attracting new customers, potential investors and residents, and finding new commercial uses for traditional buildings in the district. Downtown Anchor applications must present a viable strategy for establishing or expanding a cultural, residential or business anchor that is key to local revitalization efforts. Priority consideration will be given to applicants that demonstrate a strong understanding of current economic conditions in the district, identify opportunities for market growth, and clearly demonstrate how the proposed project contributes to improving economic conditions. Projects that demonstrate capacity to grow the district's existing economic base, while meeting the challenges of commercial sprawl, will receive the highest scores.

FUNDING PRIORITIES

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

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

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

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

AWARD CRITERIA DETAILS

- HTFC reserves the right to communicate with an applicant for the purpose of addressing clerical and arithmetical errors in applications.

- HTFC reserves the right not to issue an award or contract to any applicant if it has been determined that the applicant is not in compliance with existing state contracts and has not taken satisfactory steps to remedy such non-compliance. Not-for-profit organizations applying for NYMS program funds must submit a Vendor Responsibility Questionnaire (VRQ) with the application. Projects that commence prior to contract execution and environmental review will not be eligible for reimbursement.

- HTFC reserves the right to award all, more than identified, a portion of, or none of the available 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 all, a portion of, or none of the application's requested amount, and further reserves the right to review an application requesting funds as an application for funding under other programs for which the proposed activity is eligible, and to change or disallow aspects of the applications received.

- HTFC reserves the right to waive any requirement contained herein or revise the terms as needed.

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

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

LIMITATIONS

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

Environmental Review

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

Funding Commitments

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

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

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

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

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

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

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

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

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

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

ADDITIONAL RESOURCES

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

New York State Office of Parks, Recreation & Historic Preservation (OPRHP)

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

Funding Available: Up to $26 Million

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

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

ELIGIBLE TYPES OF APPLICANTS:

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

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

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

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

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

against the deeds. Public benefit documents held by the State and recorded against a property deed as a result of EPF grant funding, run with the land and apply to the grant recipient and all successive owners, operators and lessees.

- **Parks Program** - for the acquisition, development or planning of parks and recreational facilities open to the public 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 8, 2023, or September 7, 2023, 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 to a historic property unless that work will provide universal access and/or eliminate code deficiencies for access/egress, such as an elevator or stair tower.
    - Multi-purpose additions to historic buildings and free-standing new construction on historic properties are not eligible for this grant program.
    - The expense of packing/storing of furnishings and artwork is allowed when required to complete an awarded project for grant-assisted interior work, such as installation of a fire suppression system, or plaster/decorative finishes.
    - For projects on sectarian properties, grant assistance can fund only costs necessary for historically accurate restoration to restore and preserve the historic integrity of the historic property, and only to the extent that those costs exceed the cost of basic rehabilitation. Information and instructions on how to structure/present a sectarian project can be found at https://parks.ny.gov/grants/consolidated-funding-app.aspx.

- **Heritage Area Program** - for projects to acquire, preserve, rehabilitate, or restore lands, waters or structures identified in the approved management plans for Heritage Areas designated under section 35.03 of the Parks, Recreation and Historic Preservation

Law, and for structural assessments or planning for such projects where an active management entity has endorsed the project. For additional information about active Heritage Areas with approved management plans, including exact heritage areas boundaries and Heritage Area Contacts, go to https://parks.ny.gov/grants/heritage-areas/default.aspx.

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

ALLOWABLE COSTS:

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

Eligible budget items include:

Pre-Development Planning and Design

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

Construction

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

Acquisition

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

Administration

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

- **Audit**: An accounting of grant expenditures and revenues is required. Generally, this is accomplished by detailed auditing of every payment request. Depending upon the grant award and complexity, the State may require an Agreed Upon Procedure Review (AUPR) performed by a representative of the State or a Certified Public Accountant prior to the final reimbursement.
- **Project Sign***:* All grant-funded projects, except for those funding planning only, must have a project sign noting the funding assistance. Signs are available for purchase through the State for approximately $61.

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

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

MATCHING SHARE (APPLICANT SHARE) REQUIREMENTS

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

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

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

Principal types of applicant share are:

- **Cash**: Includes grants other than this grant request.
  - Other Environmental Protection Fund grants (i.e., Climate Smart Communities, Water Quality Improvement Project, Local Waterfront Revitalization Program,

Greenway Conservancy Trail Grant Program, etc.) cannot be used as match.
    - State and Municipal Facilities Program (SAM) funding cannot be used as a required match or be considered a local share but can be used to pay for additional project costs that are over and above the award and required local match.
- **Force Account**: Applicant's payroll expenses itemized according to job title or job assignment on project. Grant recipients will be required to document time worked, tasks, pay ratio and payment (including components and percentage of fringe benefit rate).
- **Professional Services**: The value of services provided by professional and technical personnel and consultants. Three-year retroactivity applies.
- **Supplies and Materials**: The fair market value of items warehoused (not yet installed). Three-year retroactivity applies; use value current at time items were obtained.
- **Volunteer Labor**: Skilled and professional labor can be computed at the job rate. The value for labor (unskilled labor and work performed by professionals or skilled laborers in an area outside of their area of expertise) of an adult (18 and over) donating time to a project may be computed up to the amount identified as the Value of Volunteer Time for New York State at https://independentsector.org/. The current value of volunteer time for New York State can be found at https://parks.ny.gov/grants/consolidated-funding-app.aspx. 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).
- 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 2023:
    - Projects that enhance and/or create opportunities for walkable public spaces for recreation, fitness, community gardens and open space in underserved neighborhoods (i.e., build green space, revitalize existing athletic and recreational facilities, create and enhance amenities at community gardens and schoolyards).

- Projects that enhance, extend, or complement the Empire State Trail and other multi-use pedestrian and bicycle trails, creating physical and functional connections among already-protected state and local lands, historic sites, greenways, trails (including the Empire State Trail) and waterways. For example, projects may include landscape and trail improvements and special features or signage to improve programming and interpretation.
- Projects that enhance sustainability and resilience, for example retro-fitting historic structures and facilities, or propose nature-based solutions to the challenges of climate change in parks and historic properties.
- Projects that advance and/or complement transformational projects across the State, especially in disadvantaged communities, to address and prepare for the impacts of climate change. Priority projects would enhance outdoor recreation while: preserving open space; restoring natural communities, implementing climate resilient infrastructure, and reducing flood risk.
- Projects that are undertaken by OPRHP Friends organizations or other partner groups that occur in State Parks or Historic Sites.

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

APPLICATION REQUIREMENTS:

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

For All Applicants:

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

For All Not-for-Profit Applicants:

Pre-qualification in the Grants Gateway is required. Grant proposals received from nonprofit applicants that are not Prequalified in the Grants Gateway at the application due date and time will not be evaluated. Such proposals will be disqualified from further

consideration. Keep in mind the status may expire during the evaluation period, so it is a best practice to double check the status before the application deadline. Further information is available from the Grants Gateway at (518) 474-5595.

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

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

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

For Historic Preservation Applicants:

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

For Heritage Area Applicants:

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

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

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

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

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

For Applications where Parkland is being Alienated:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I. Project Impact (up to 30 points)
For Parks Projects:

A. Need, as determined by a statewide assessment (0-5):
- For recreation projects: SCORP Relative Index of Needs
- For open space/conservation projects: NYS Open Space Conservation Plan

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

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

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

- For recreation projects: number of similar facilities in the service area; level of use of existing facility and anticipated level of use of proposed facility; condition of facilities, including evidence of physical deterioration, decay, neglect, or disinvestment; emergencies, mandates, or development pressure.

- For open space/conservation projects: protection of watershed, aquifer, animal or plant species, significant natural communities, or other natural, scenic or open space resources that are unique, rare, or of statewide or regional significance; wetlands, shorelines, unique areas, biodiversity areas, wildlife habitats, forested wildlife, flood plains; improved access to water or public fishing rights, trails or greenways; increased land for active recreation in existing or new parklands, buffer zone/viewshed to enhance or protect existing recreational or environmental resources; or a recognized brownfield site for park development.

For Historic Preservation Projects:

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

B. Severity/Immediacy of Threat (0-15). Points are awarded based on the type (e.g., deterioration, damage, demolition, inappropriate development), extent (e.g., isolated, widespread, accelerated), severity, immediacy, and degree (e.g., recent, on-going,

imminent) of threat to the property from negligence, development pressure, inappropriate treatment, etc., and the degree to which the project addresses that need and ensures the long-term preservation of the property.

For Heritage Area Projects:

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

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

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

II. Planning Initiatives (up to 10 points):

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

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

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

- NYS Open Space Conservation Plan as a priority project
- New York State Historic Preservation Plan
- New York Statewide Trails Plan/New York Statewide Greenway Trails Plan
- State or National Heritage Area Management Plans
- Local Waterfront Revitalization Program (LWRP)

- Recognized local Open Space Plan
- Local historic preservation ordinance/designations
- Community participation in the Certified Local Government (CLG) Program
- Other state/federal/local plans, such as Preserve America designation, Path Through History, etc.
- Community comprehensive or master plans or other local plans
- Project implements a prior Planning grant

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 2023 (0-10)

A. 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).

B. Projects that enhance, extend, or complement the Empire State Trail and/or other multi-use pedestrian and bicycle trails, creating physical and functional connections among already-protected state and local lands, historic sites, greenways, trails (including the Empire State Trail) and waterways. For example, projects may include landscape and trail improvements and special features or signage to improve programming and interpretation.

C. Projects that enhance sustainability and resilience, for example retro-fitting historic structures and facilities, or propose nature-based solutions to the challenges of climate change in parks and historic properties.

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

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

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

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

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

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

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

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

TOTAL (0-100)

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

Award points if the proposed project is located in a Hudson River Valley Greenway **Compact** Community, and the application documents that the project is consistent with the Greenway criteria
of natural and cultural resource protection, regional planning, economic development, heritage and environmental education, and/or public access to the Hudson River (for information, go to: https://hudsongreenway.ny.gov/community-planning or the Greenway map at https://hudsongreenway.ny.gov/system/files/documents/2021/10/greenway-map-oct-2021.pdf).

AWARD CRITERIA DETAILS

- ELIGIBLE AREA, CITY, COUNTY, POPULATION LIMITS OR POPULATION TARGET TYPES:
  Not less than $13 million of the $26 million appropriation must be awarded to projects located in densely populated and/or underserved areas. (Note: $1,925,000 of the appropriation is directed to specific line items, leaving $24,075,000 available for the competitive award program.)
- LIMITATIONS:
  While applicants may apply for more than one grant category funded under OPRHP'S EPF Program, no project will receive more than one grant award in any funding year. There is no statutory limit on the number of grants one property, or one applicant may receive, but in the interest of equity and fairness and in consideration of applicant capacity, applicants that have three or more open grants with OPRHP should not receive additional awards**. There is an administrative cap of $500,000. If the total project cost is greater than $4 million, up to $750,000 may be requested**. Should project costs increase post-award, the grant award will not be adjusted upward. If the total eligible project cost falls to $4 million or less, the award will be reduced to no more than $500,000.
- LONG RANGE GOALS: Special consideration should be given to projects that are referenced in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) or included in other state and local planning initiatives..
- PROJECT TERM COMPLETION DATES:
  Once all conditions of award are met (see SUCCESSFUL APPLICANT REQUIREMENTS below) and a contract is executed with the State, it is anticipated that acquisition and planning projects will be completed within one year and construction projects within two years; projects must be completed within five years from the date of the award of the grant. OPRHP will monitor the progress of project work and will recapture awarded funds if significant progress is not made .

SUCCESSFUL APPLICANT REQUIREMENTS:

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

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

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

one-g of the labor law and (2) provides annual sexual harassment prevention training to all its employees. In addition, the grantee's Authorized Official shall certify the grantee will make best efforts to retain contractors and/or sub-contractors for grant-related work that also meet the provisions of (1) and (2) above. Alternatively, if the grantee cannot certify the foregoing, the grantee's Authorized Official shall so state and shall furnish a signed statement which sets forth in detail the reasons therefore. NOTE: Information, including model policy and training standards, is available on the New York State Department of Labor's website at: https://www.ny.gov/combating-sexual-harassment-workplace/employers.

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

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

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

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

- Pursuant to Article 15A of the Executive Law, Minority and Women-owned Business Enterprises/Equal Employment Opportunity, grant recipients will be required to solicit
- MWBEs before commencing work and to document efforts involving MWBEs during the project term.
- Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money.
- All reimbursements for projects on property eligible or listed on the National or State Registers of Historic Places must be satisfactorily documented so that the State Historic Preservation Office can ensure work was done in conformance with the Secretary of the Interior Standards.
- For grant awards of $750,000, total eligible project cost must be greater than $4M to receive the total grant award. In the event the total eligible expenditures are $4M or less, the grant will be reduced to no more than $500,000, and the grantee will be required to repay any funds over the final calculated eligible award.
- 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 TYPES OF APPLICANTS:

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

PROJECT PHASE AUTHORIZATIONS:

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

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

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

1. **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.

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

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

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

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

TRAIL USE CATEGORIES

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

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

PROJECT COST:

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

The minimum and maximum funding guidelines are as follows:

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

ELIGIBLE COSTS:

The total cost of each project may only include eligible costs. Eligible costs must be necessary and reasonable for the performance of the Federal award and be allowable under the principles outlined in the *Grant Management Cost Principles* outlined in the Code of Federal Regulations

(CFR), Title 2: Grants and Agreements – Part 200 (2 CFR 200) Subpart E and Appendices. Refer to www.ecfr.gov for the full text.

INELIGIBLE COSTS

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

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

INDIRECT COSTS:

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

MATCHING SHARE REQUIREMENTS:

At a minimum, a local match is required for 20% of the total eligible project costs. Contributions to the Matching Share must be necessary and reasonable for the accomplishment of the project and comply with the requirements of 2 CFR 200.306. Eligible Sources of Matching Share include cash, donations, eligible matching grant funds, force account (payroll of applicant), professional services, supplies and materials, volunteer labor, equipment usage/donation, and

real property. The project sponsor is responsible for any increases in the total cost of the project. Grant awards will not be increased.
The RTP funds may be matched with funds available under other Federal funding programs, if the project is also eligible for funding under the other Federal program. Federal funds received by any project sponsor from another Federal program may be credited as if they were the non-Federal share and may be used to match the RTP project funds up to 100 percent of the project cost. However, other Federal programs may require a non-Federal share, which must be adhered to as part of grant administration (see RTP Guide for examples).

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

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

PROJECT MANAGEMENT:
One person should be assigned as the Project Manager (PM). This person will schedule the progression of activities, ensure timely completion of project tasks, and address any problems or inquiries which may develop. The Project Manager will be the primary contact person for the submission of necessary reports, approvals, or requests for payments. The Project Manager must work closely with the OPRHP Regional Grants Administrator (RGA) to ensure proper interpretation of all project requirements. The Project Manager is responsible for providing adequate supervision and inspection, including materials inspection and quality assurance to ensure projects are completed in conformance with the construction contract documents, plans and specifications. The project budget should account for the costs associated with this requirement.
The grantee's Responsible Local Official (RLO) has ultimate oversight and responsibility for the project and is typically assigned the role of "Grantee Contract Signatory" in the Grants Gateway. The RLO may assign a Project Manager (PM) to be in responsible charge of the project. The Project Manager will report to the Responsible Local Official. The PM and the RLO may be the same individual, if the RLO has project management experience.

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

PROCUREMENT:
In accordance with 2 CFR 200.318, RTP project sponsors are expected to adhere to their own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations.
Project sponsors and their contractors must also adhere to the *RTP Federal Construction Contract Requirements*, including but not limited to, Buy America requirements (23 CFR 635.410).

REIMBURSEMENT PROCESS:
This is a reimbursement program; therefore, the grant recipient must pay 100% of the cost of any item before submitting a request for reimbursement of eligible expenses. Each request for reimbursement must not exceed 80% of the total eligible costs incurred. Only expenses incurred after obtaining Federal authorization and during the contract period are eligible for reimbursement.
Reimbursements will be made only for those items that were approved in the contract and cost estimate. OPRHP requires verification and justification of all expenditures including proof of payment, labor, materials, supplies and services. All reimbursement requests require documentation suitable for audit, which verify expenditures for work performed in accordance with contract documents and proof of payment accompanied by a signed certification from the project sponsor. Failure to submit necessary payment documentation may prevent approval of reimbursement.
OPRHP will only reimburse the final 10% of the approved maximum grant amount to the project sponsor after all required close-out documentation has been submitted, OPRHP has completed a final on-site inspection and the close-out documentation has been approved by OPRHP.
A minimum payment amount of no less than $500, should be submitted for reimbursement every six (6) months. Failure to submit regular payments for reimbursement, or demonstrate progress, may result in termination of project funding and repayment of previously reimbursed Federal funds.

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

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

app.aspx
    - 1:24,000 Quad Maps at http://gis.ny.gov/gisdata/quads/
    - Potential Environmental Justice Area maps at: https://www.dec.ny.gov/public/911.html

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

LANDS:

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

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

APPLICATION SELECTION CRITERIA:

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

A. Project provides for corridor sharing for motorized and/or non-motorized use (Maximum 4 points).
   Key Consideration: The most important concern is that two or more trail use types can utilize the same trail corridor.
   (4) Project involves motorized and non-motorized concurrent uses.
   (2) Project involves two or more concurrent uses, either motorized or non-motorized.
   (1) Project only accommodates a single trail use.

B. Project provides for multiple uses in multiple seasons. (Maximum 4 points).
   (4) Project provides for *multiple concurrent* uses in *multiple seasons*.
   (3) Project provides for *multiple concurrent* uses in a *single* season.
   (2) Project provides for a *singular* use in *multiple* seasons.
   (1) Project provides for a *singular* use in a *singular* season.

C. Project provides new or improved trails and trail connections in potential Environmental Justice areas (Maximum 6 points).
   Key Considerations: The project is in a potential Environmental Justice area.
   (3) Project provides new trails or trail connections in potential Environmental Justice areas.

D. Project provides for maintenance or restoration of an existing trail (Maximum 3 points).
   Key Consideration: The project scope is primarily maintenance and restoration of existing trails, which 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.
   (3) Project provides for maintenance or restoration of an existing trail.

E. Project is identified as a component of a statewide or national trail system or furthers a specific goal of the Statewide Comprehensive Outdoor Recreation Plan (SCORP), OPRHP Statewide Trails Plan, Statewide Greenway Trails Plan, or a local trail plan (Maximum 5 points).
   Key Consideration: The degree to which the project is clearly identifiable as a priority for action, ties in with specific goals, priorities, and implementation strategies, and/or complies with identified needs of the area.
   (5) Project is a component of a statewide or national trail system as identified in the SCORP (e.g., National Scenic, Historic, Heritage Area or Recreational Trails, Empire State Trail, Canalway Trail).
   (4) Project furthers a specific goal of the Statewide Trails Plan, Statewide Greenway Trails Plan, or State Snowmobile Plan.

(3) Project furthers a specific goal of, or is identified in, a regional or local transportation plan or other planning document.
(0) Project does not further the goals of any trails plan.

F. 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.

G. 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.

H. Project ties into other trails, greenways, scenic corridors, natural, cultural, historical, or recreational areas (Maximum 6 points).
Key Considerations:
(a) Project is a component of or connects into the Empire State Trail, Hudson River Greenway, or other recognized state or national trail corridor.
(b) Project ties into a designated scenic corridor of National, State, or regional significance.
(c) Project connects into other trails.
(d) Project links natural, cultural, historic or recreation areas or resources.

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

I. 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.

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

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

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

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

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

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

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

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

(4) Project is part of a trail system over 10 miles in length.
(3) Project is part of a trail system 5-10 miles in length.
(2) Project is part of a trail system less than 5 miles in length.

MOTORIZED USE (Motorized and Diverse Categories):

(4) Project is part of a trail system over 20 miles in length.
(3) Project is part of a trail system 5-20 miles in length.
(2) Project is part of a trail system less than 5 miles in length.

L. 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.

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

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

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

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

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

O. 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.

New York State Department of State

Local Waterfront Revitalization Program

Funding Available: Up to $16.3 million

DESCRIPTION:
The Department of State's Local Waterfront Revitalization Program (LWRP), funded under Title 11 of the Environmental Protection Fund (EPF), provides matching grants on a competitive basis to
eligible villages, towns, cities, and counties located along New York's coasts or designated inland waterways for planning, design, and construction projects to revitalize communities and waterfronts. This program helps communities breathe new life into their waterfront and underused assets in ways that ensure successful and sustainable revitalization.

The Department encourages waterfront communities to prepare and implement Local Waterfront Revitalization Programs (LWRPs) with financial and technical assistance provided through this grant program. In this solicitation, the Department is prioritizing applications for LWRP preparation in coastal communities, resiliency planning, and water quality improvement implementation projects. Project planning and design should utilize measures to make waterfront public spaces and facilities are more resilient to climate risks and incorporate Americans with Disabilities Act (ADA) standards and other creative solutions which go beyond ADA standards to maximize accessibility to make public spaces and facilities more inclusive and usable for as many people as possible regardless of differences in ability and allow all visitors equal access to the waterfront.

The EPF LWRP Request for Applications which details all grant program requirements and additional grant resources are available on the Department's Funding & Bid Opportunities website at https://dos.ny.gov/funding-bid-opportunities. All applicants are strongly encouraged to read the RFA in its entirety as grant program requirements may change from year to year.

FUNDING OPPORTUNITY:
Approximately $16.3 million is anticipated for award for this procurement, with up to $2 million dedicated for updates to existing LWRPs to mitigate future physical climate risks. Approximately $10.5 million of the available funding will be awarded for projects which are in, or primarily serve, areas where demographic and other relevant data demonstrate that the areas are:

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

The minimum State assistance request for EPF LWRP grant funding per grant application is $50,000 and the maximum State assistance request is $3 million. Applications requesting under $50,000 in EPF LWRP grant funding will be disqualified and will not be scored.

ELIGIBLE APPLICANTS:
Eligible applicants are:

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

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

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

An eligible applicant may apply for general planning needed to advance eligible activities.

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

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

ELIGIBLE ACTIVITIES/PROGRAM BENEFIT REQUIREMENTS:
Local Waterfront Revitalization Program grant funding is available 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)
- Updating an LWRP to be more Resilient to Climate Risks
- Preparing an LWRP Component, including a Watershed Management Plan
- Implementing a Local Waterfront Revitalization Program or a completed LWRP Component

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

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

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

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

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

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

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

Grant administration activities may include preparation of reports, vouchers, contract related administration and compliance with grant record keeping and reporting requirements. Grant administration may not exceed 15% of the award amount or $50,000, whichever is less.

Land acquisition – land acquired (e.g., purchase or donation) may only be used as local match for projects that include construction and where the construction occurs on the acquired property. Land must be acquired within three years prior to the grant application due date. 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, administrative support not directly related to project work, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.
- Salaries and other expenses of elected officials
- Fund raising events/expenses
- Federal funding (including but not limited to ARPA, CDBG, FHWA, FEMA, U.S. FWS Boating Infrastructure Grant Program)
- Other Environmental Protection Fund awards (including but not limited to WQIP, BOA, Smart Growth, OPRHP EPF)

- Land acquisition (except as noted above)
- Taxes, insurance, fines, deficit funding
- Loan and bond interest and associated fees. The interest associated with a Loan, Bond, or Bond Anticipation. Note (BAN) cannot be calculated into project cost, whether for reimbursement or local match.
- Contingency costs
- Lobbying expenses
- Cost incurred prior to the contract start date
- Costs that are not adequately justified or that do not directly support the scope of work for the proposed project

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

PRE-APPLICATION REQUIREMENTS:
For projects which include any design and/or construction work, the applicant must identify the current legal owner(s) for all properties where improvements will be implemented. Applicants must provide proof with the application that all final design and construction work will be performed on public property or where a permanent public interest, such as an easement (e.g. public access, conservation) has been established prior to the grant application due date.

The applicant must attach proof of site control and/or permanent public interest. If property is owned by:

- the applicant municipality, submit the property deed, current tax roll or property record card.
- a municipality or public entity that is not the applicant, submit the property deed, current tax roll or property record card and letter of support or resolution from the landowner supporting the project.
- private property owner or not-for-profit, submit the property deed, current tax roll or property record card and executed public access easement, conservation easement, or similar legal instrument establishing permanent public interest in the property.

Applications that do not include this documentation will be found ineligible and will not be scored. Note: Site control does not need to be established at time of application for planning, feasibility studies, preliminary design (up to 30%) or similar projects which do not include final design and/or construction work. The Department shall have the sole discretion of determining if a proposed project meets the DOS program expectations for design and/or construction work. Failure to meet these criteria will result in immediate disqualification of the application, which will not be further evaluated.

APPLICATION EVALUATION CRITERIA:
Applications will be reviewed according to the specific criteria presented below .

Program Criteria (maximum of 80 points)

- Local Waterfront Revitalization Program Priorities for 2023 (0 or 4 points)
- Public Outreach and Engagement (maximum of 4 points)
- Local Capacity and Previous Performance (maximum of 4 points)
- Public Benefit (maximum of 20 points)
- Resiliency & Sustainability (maximum of 6 points)
- Implementation-Scope of Work, Project Readiness, Time Frame (maximum of 16 points)

- Disadvantaged and Underserved Communities (0 or 4 points)
- Smart Growth (maximum of 4 points)
- Evaluation of Budget and Cost (maximum of 20 points)

Regional Economic Development Council Endorsement (maximum of 20 points)

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

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

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

Award Methodology for Applications for Updating an LWRP to Mitigate Future Physical Climate Risks
Applications received for updating existing LWRPs for the purpose of mitigating future physical climate risks, will be scored within this grant category and funds will be awarded in rank order, to applications which receive a minimum of 50 program criteria points from the Department of State review, until available funds are exhausted. Any remaining funds from this grant category will be utilized to fund applications received for other grant categories.

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

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

State assistance awarded and paid shall not exceed 75% of the total eligible project costs set forth in the application and as approved by the Department, except where the proposed project is located in an environmental justice community, in which case state assistance awarded and paid shall not exceed 85% of the total eligible project costs set forth in the application and as approved by the Department. For the purposes of determining if a CFA applicant is eligible to receive state assistance at a rate of 85% of the total eligible project cost under this solicitation

see criteria listed in the RFA Section VI. Funding and Budget Guidance Environmental Justice (page 13).

SUCCESSFUL APPLICANT 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 compliance with Article 15-A of the New York Executive Law. The contract will: 1) be subject to approval by the Attorney General and State Comptroller; 2) require submission of final products in both hard copy and electronic format; 3) be subject to payment only upon proper documentation and compliance with reimbursement procedures; and all other contractual requirements. A copy of a standard contract along with Attachment A and Article 15-A is available from the Department.

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

Compliance with Procurement Requirements

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

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify to the Department that applicable public bidding procedures of General Municipal Law §103 were followed for all service, labor, and construction contracts involving more than $35,000 and all purchase contracts involving more than $20,000. In the case of contracts by municipalities service, labor, and construction contracts involving not more than $35,000 and purchase contracts involving not more than $20,000, the municipal attorney, chief legal officer or financial administrator shall certify that the procedures of the municipality established pursuant to General Municipal Law §104-b were fully complied with, in addition to the MWBE requirements.

The municipal attorney, chief legal officer or financial administrator for the municipality shall certify to the Department that alternative proposals and/or quotations for professional services

were secured by use of written requests for proposals through a publicly advertised process. This certification will verify that the procurement requirements were met and ensure the prudent and economical use of public funds for professional services of maximum quality at reasonable cost.

Record Retention and Audits

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

Minority and Women-Owned Business Enterprise Utilization (MWBE)

Applicants must submit the MWBE Compliance Form with their application confirming their understanding of the MWBE requirement and agreeing to show due-diligence and make good faith efforts to provide meaningful participation by MWBE's, whenever possible, if awarded the contract. See RFA Appendix 1 for all 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 for more information (page 25).

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, 2023. 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.

ADDITIONAL RESOURCES:

The Request for Applications and additional resource materials are available on the Department's Funding & Bid Opportunities website at https://dos.ny.gov/funding-bid-opportunities. Updates and/or modifications to the RFA, along with answers to written questions received, will be posted on this website.

Questions can be submitted by e-mail to opd@dos.ny.gov with the subject line: "23-LWRP-1 RFA Questions". Questions will be accepted until June 16, 2023. Responses will be posted on July 7, 2023. No responses will be provided to inquiries made by telephone, social media, or by contacting DOS staff directly via email or telephone.

It is recommended all applicants review the final responses. The responses to questions received during this time period will be official responses by the Department to questions and will be incorporated into this Request for Applications.

Webinars which provide an overview of the application process and program requirements are available at http://regionalcouncils.ny.gov/. Additionally, the Department will host live webinars on May 24th and May 31st. Please refer to the Department's Funding & Bid Opportunities website for the live webinar schedule and registration as well as recorded webinars on the EPF LWRP grant program and additional resources.

Brownfield Opportunity Area Program

Funding Available: Up to $2.5 million

DESCRIPTION:

The Department of State's Brownfield Opportunity Area Program provides 90:10 matching grants on a competitive basis to eligible municipalities, community-based not-for profit organizations, and New York City Community Boards to complete County-wide Pre-Planning to identify and provide preliminary analysis of potential brownfields, Brownfield Opportunity Area (BOA) Plans (also known as Brownfield Opportunity Area Nominations), and related implementation and predevelopment activities for neighborhoods, downtowns, or other defined areas. This is a reimbursement program.

The BOA Request for Applications (RFA) which details all grant program requirements is available on the Department's Funding & Bid Opportunities website at https://dos.ny.gov/funding-bid-opportunities . All applicants are encouraged to read the RFA in its entirety as grant programs and requirements may change from year to year.

FUNDING OPPORTUNITY:

Approximately $2,500,000 is available for BOA program grants for eligible activities identified. State assistance awarded and paid to a grant recipient shall not exceed 90% of the total eligible costs.

The maximum for each grant award is $500,000. The minimum request and award for each grant is $100,000.

ELIGIBLE APPLICANTS:

Eligible applicants are municipalities, community-based organizations, and New York City community boards to establish or implement strategies for community redevelopment of brownfield affected areas.

The definitions for each type of eligible applicant are as follows:

- 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.

Two or more eligible applicants are encouraged to work in partnership and jointly apply for funding for a 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.

ELIGIBLE ACTIVITIES/PROGRAM BENEFIT REQUIREMENTS:
Four types of activities are eligible for BOA funding: (1) County-wide Pre-Planning: Brownfield Identification and Preliminary Analysis; (2) Planning: Development of a BOA Plan; (3) Predevelopment Activities within a State-Designated BOA; (4) Phase II Environmental Site Assessments within a State-Designated BOA. Activities must be consistent with the BOA enabling law in New York State General Municipal Law, Article 18-C, Section 970-r.

An application for funding should only include one activity. Eligible applicants wishing to apply for more than one grant activity should submit a separate application for each.

(1) County-wide Pre-Planning: Brownfield Identification and Preliminary Analysis

County-wide Pre-Planning is the identification, inventory, and analysis of brownfield-affected areas within a county to identify concentrations of brownfield and underutilized properties for future specific planning efforts. The analysis shall culminate in a description and justification of an area or areas within a county for future BOA planning with associated boundaries, a basic description of current land use and zoning; the proximity of potential brownfield sites to infrastructure assets; an assessment of existing and ongoing planning efforts; descriptions of existing brownfield sites and other underutilized properties, a description of the area's potential for revitalization including the potential for renewable energy siting, and, as applicable, a set of action steps that can be taken to advance future BOA planning efforts.

Outcomes of this county-wide pre-planning activity will include identification and mapping of underutilized, vacant, and abandoned parcels to create a county-wide inventory, and the identification of smaller areas or clusters within the study area that are recommended for future BOA Planning and designation by the State. The county-wide pre-planning activity will enable counties to better understand development conditions surrounding potential brownfield clusters and integrate existing and ongoing planning efforts into the BOA program.

County-wide Pre-Planning is intended for counties that have minimal information on the number and extent of potential brownfield sites and related site underutilization that may have a significant adverse impact on the community. Pre-Planning will enable counties and cooperating local municipalities to conceive a holistic approach for long-term economic development and revitalization across local boundaries.

(2) Planning: Development of a BOA Plan

A BOA Plan is a study that consists of a community vision, goals and strategies for revitalization of an area affected by a concentration of known or suspected brownfields. Development of a full BOA Plan 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 BOA Plan is a description of key findings and recommendations to promote area-wide revitalization and redevelopment of strategic sites, including specific projects, initiatives, regulations, potential for siting of renewable energy projects, and other actions. BOA Plans may also include as appropriate, detailed review and recommendations to advance redevelopment of strategic sites such as conceptual site design, cost estimation, artist renderings, development of pro forma, and marketing strategies.

Applicants may apply for funding to prepare or complete a BOA Plan 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 Plan is deemed complete by the Department of State.

BOA Plan elements required for designation of a BOA can be found in the BOA Designation Guidance, which is available on the Department's website at https://dos.ny.gov/system/files/documents/2020/09/boa-designation-guidance-fact-sheet.pdf.

A generic BOA work plan which describes the tasks necessary to develop a BOA Plan is also available at https://dos.ny.gov/funding-bid-opportunities.

(3) Predevelopment Activities within a State-Designated BOA

Applicants may apply for funding for predevelopment activities within a BOA that has been designated by the Secretary of State. Applicants with a pending application for designation submitted to DOS prior to the release date of this RFA are also eligible to apply, however funding may only be awarded if the designation is made by the Secretary of State prior to October 1, 2023 A list of currently State-designated BOAs is available on the Department website: https://dos.ny.gov/brownfield-redevelopment.

Activities should advance the goals and priorities for revitalization and redevelopment of the area as expressed in the BOA Plan completed for the State-designated BOA.

Eligible Predevelopment Activities include:

Analyses, Plans and Studies: that are undertaken leading to the furtherment of catalytic redevelopment or area improvement within the State-designated BOA including:

- Development of plans and specifications
- Environmental, housing, and economic studies, analyses, and reports
- Building conditions studies
- Infrastructure analyses
- Renewable energy feasibility studies

Professional Services to Advance Redevelopment consistent with the BOA Plan within the State-designated BOA, including:

- Development and implementation of marketing strategies
- Zoning and regulatory updates
- Legal and financial services
- Real estate services
- Public outreach

(4) Phase II Environmental Site Assessments within a State-Designated BOA

The purpose of a Phase II Environmental Site Assessment (SA) is to gather reliable information about a property's environmental condition to guide the grantee in making an informed land use decision under the BOA Program. The ASTM standard for Phase II Environmental Site Assessments does not include the level of technical specificity required to select and design a remedy for the property, but it does provide flexibility in determining the level of assessment and is appropriate for the land use planning stage of the redevelopment process.

Applicants may apply for SA funding within a State-designated BOA. Applicants with a pending application for designation submitted to DOS prior to the release date of this RFA are also eligible to

apply, however funding may only be awarded if the designation is made by the Secretary of State by October 1, 2023. A list of State-designated BOAs is available on the Department website: https://dos.ny.gov/brownfield-redevelopment.

For purposes of a SA, a site is defined around one or more areas of environmental concern and may include more than one contiguous tax parcel. The site must have definitive and identifiable boundaries. Each site for which SA funding is being sought must meet the criteria and conditions set forth in the full RFA. The completion of an environmental site assessment must advance the goals and priorities for revitalization and redevelopment of the BOA area. Phase II Environmental Site Assessments must meet all criteria contained in the *Phase II Application for Site Assessment Supplement*.

Department of State guidance on Phase II Environmental Site Assessments is found in the BOA *Site Assessment Supplement Package* which is available at https://dos.ny.gov/funding-bid-opportunities. A Site Assessment Supplement form, completed in its entirety, must be submitted for each site for which funding is being requested.

Phase II Environmental Site Assessments applications will be evaluated on a pass/fail basis for eligibility and then evaluated per the scoring criteria outlined in Application Evaluation Criteria.

Site eligibility for a SA in the BOA Program does not guarantee site eligibility in the New York State Brownfield Cleanup Program.

FUNDING AND BUDGET GUIDANCE:

Costs must be adequately justified and directly support the project. Proposed total project costs must be documented including the cost to complete each task included in the project scope of work and all tasks essential for project completion. All costs will be paid on a reimbursement basis and must be documented

As a reference, DOS generic work plans describing tasks necessary to prepare a County-wide Pre-Planning analysis, a BOA Plan, BOA Predevelopment activities or Phase II Environmental Site Assessments are available at: https://dos.ny.gov/funding-bid-opportunities. The budget may only include eligible costs as defined below, which directly support the project scope of work. Applicants are encouraged to obtain initial project quotes from consultants with relevant professional experience and background to inform the budget. Funding will be for 90% of total eligible costs.

Eligible Costs

Costs must be adequately justified, directly support the project and be essential to project completion. Eligible costs include the following:

Personal Services – Personal services include direct salaries, wages, and fringe benefits of employees of the applicant for activities related to project work, including project management and grant administration. Fringe benefits must be outlined in the application and include the applicant's documented rate.

Non-Personal Services – Non-personal services include consultant/contractual services for direct project related costs, project management, grant administration, project-related supplies and materials, necessary travel, and other goods and services required to complete the project.

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, providing technical assistance, and developing or providing local and/or regional capacity to advance revitalization goals.

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.

Subcontracts for consultant/contractual services should be competitively procured based on the applicable provisions of New York State General Municipal Law and additional requirements as described in this RFA.

Ineligible Costs
Ineligible costs include the following:

(a) Indirect or overhead costs, such as rent, telephone service, general administrative support, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.

(b) Salaries and other expenses of elected officials.

(c) Costs incurred outside of the contract term.

(d) Costs that are not adequately justified or that do not directly support the project.

(e) Other Environmental Protection Fund awards (including but not limited to WQIP, LWRP, Smart Growth, OPRHP EPF)

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.

PRE-SUBMISSION REQUIREMENTS:

Requirements for all applications

All applicants must submit a resolution adopted by the applicant's governing authority that authorizes submission of the application and identifies the title of the applicant's authorized representative. A standard resolution template is available on the Department website at the following address: https://dos.ny.gov/funding-bid-opportunities.

Requirements for applications by a Community-Based Organization for Planning: Development of a BOA Plan

Applications from Community-Based Organizations requesting funding to develop a BOA Plan must include a resolution of support from the city, town or village with planning and land use authority over the proposed BOA, except that in New York City, the resolution of support must be from the community board or boards for the district or districts in which the proposed BOA is located.

Requirements for applications requesting Phase II Environmental Site Assessment assistance within a State-Designated BOA

Applicants requesting funding for Phase II Environmental Site Assessments within a State-Designated BOA must submit a *Site Assessment Supplement* form, completed in its entirety, and related attachments for each site for which funding is being requested. Substantially incomplete Site Assessment Forms will not be accepted.

Requirements for all applications by a Community-Based Organization

A Community-Based Organization must register and be pre-qualified through the NYS Grants Gateway on or before the application due date. Such applicants will be required to submit documentation of registration and pre-qualification with the NYS Grants Gateway, to include: (1) the Document Vault Identifier (i.e., GDV-XXXXX-XXXX); and (2) the State Pre-Qualification Application Status Report. Information on this process is available at: http://www.grantsreform.ny.gov/Grantees.

Requirements for applications by non-municipal applicants

All non-municipal applicants are required to complete and submit the Certification under Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia. The certification may be found here:
https://ogs.ny.gov/system/files/documents/2022/04/eo16_certification.pdf.

Completed Certification forms should be submitted no later than October 1, 2023 via email to opd@dos.ny.gov. The applicant's name and CFA# should be included in the subject line.

APPLICATION EVALUATION CRITERIA:
Applicants must meet the following base eligibility criteria :

Eligibility 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) BOA Site Assessment Supplement (SA) Applications will be evaluated on a pass/fail basis for eligibility based on the criteria outlined in Section V.3. The BOA Site Assessment Supplement must be completed in its entirety, and all related attachments for each site will be submitted with the application for which funding is being requested. Substantially incomplete Site Assessment Forms will not be accepted and deemed to have failed eligibility standards.

Applications that do not meet the base criteria above are ineligible and will be immediately disqualified and will not be evaluated further. Applications meeting the eligibility criteria will be reviewed and scored according to the extent to which they meet the program criteria presented below, up to the maximum points listed in the chart.

Criterion	Description	County-wide Pre-Planning	Planning for BOA Plan	Predevelopment	Phase II Environmental
Brownfield Opportunity (max. total 12 pts.)	Application clearly demonstrates the presence of known or suspected brownfields, including vacant, underutilized, deteriorated, and abandoned properties within the proposed area.	**4**	**4**		
	Application clearly demonstrates economic distress, risk to public health, and/or other negative impacts associated with the known or suspected brownfields within the proposed area.	**4**	**4**		
	Application clearly identifies potential vacant and brownfield sites that are strategic opportunities to stimulate economic development, community revitalization or the siting of renewable energy facilities and other public amenities.	**4**	**4**		
	Application clearly states how the proposed project will advance the vision and goals of the BOA program as defined by the community in the BOA Plan for the State-designated BOA area.			**6**	**6**
	Application clearly demonstrates advancement of revitalization on a strategic site (s) and will catalyze additional redevelopment activities in accordance with recommendations as documented in the State-designated BOA.			**6**	**6**
Indicators of Economic Distress (max. total 6 pts)	Application identifies indicators of economic distress by census tract with each of the following indicators worth 2 points. A maximum of six (6) points will be awarded: (1) Poverty rate over 15 percent (2) Median household income within proposed project area is less than 50 percent of the surrounding area's median income (3) Unemployment rate in project area is 125 percent or greater than the statewide unemployment rate (4) Twenty-five (25) percent or more of the area is vacant, abandoned, or otherwise available for industrial or commercial development.	**6**	**6**	**6**	**6**

	(5) Located in a federally-designated Opportunity Zone or an Environmental Zone (En-Zone) as defined by the New York State Department of Environmental Conservation; and/or (6) Has demonstrated disparity compared to the surrounding community when comparing income, property values, vacancy rates, or other relevant indicators of distress				
Local Capacity & Partnerships (max. total 6 pts)	An effective organizational and staffing structure exists to advance and complete the project.	**2**	**2**	**2**	**2**
	The project is supported by multiple entities, including but not limited to municipalities, community-based organizations, and/or NYC Community Boards is demonstrated.	**2**	**2**	**2**	**2**
	The project will be carried out in joint partnership between a municipality and a community-based organization and/or a NYC Community Boards, and capacity of both entities has been demonstrated.	**2**	**2**	**2**	**2**
Public and Stakeholder Support (max. total 6 pts)	Local leadership supports and is committed to the goals of the BOA project.	**2**	**2**	**2**	**2**
	Applicant has clearly provided evidence of public support for the project.	**2**	**2**	**2**	**2**
	Applicant has clearly provided evidence of support from stakeholder(s) directly impacted by the BOA project.	**2**	**2**	**2**	**2**
Economic Value (max. total 8 pts.)	Application describes strategic opportunities to stimulate economic development through redevelopment of known or suspected brownfields and opportunities to leverage direct or indirect private investment is demonstrated.	**4**	**2**	**2**	**4**
	Project will generate new and expanded economic activity in the proposed or State-Designated BOA and in the surrounding region.		**2**	**2**	
	Application includes a detailed description of planned or actual efficient use or protection of public investment in resources and infrastructure.	**4**	**2**	**2**	**4**
	The project has potential to increase housing choices, expand job opportunities and eliminate barriers to employment, especially in distressed and high-need areas.		**2**	**2**	
Environmental Value (max total 6 pts.)	Project clearly identifies the positive public health outcomes and/or how the result of such project will avoid or mitigate negative public health outcomes.	**5**	**1**	**1**	**5**

	Additional weight given for underserved and distressed communities, through the actual or proposed clean-up of significant brownfield sites and other activities.	**1**	**1**	**1**	**1**
	Project is consistent with NYS CLCPA and will mitigate the impacts of climate change through reduction of carbon emissions and/or increase in community resiliency.		**2**	**2**	
	The project includes the potential to enhance, protect or restore natural resources and promote green infrastructure.		**2**	**2**	
Public Value (max. total 6 pts)	Project area will support a mix of land uses and concentration of new development in urban centers where infrastructure and public services are adequate.	**2**	**2**		
	Application identifies opportunities where dynamic, diverse neighborhoods may result from the development of transformative housing, transportation and community projects that meets the needs of a diverse population.	**2**	**2**	**2**	**2**
	Application identifies opportunities to expand access to public open space, historic and cultural resources, and other public amenities in underserved areas.	**2**	**2**		
	Application clearly identifies how the proposed project will further public or private development or redevelopment in a State-designated BOA			**2**	**2**
	Application clearly identifies how the proposed project will create economic development, community revitalization, and provision of public amenities that benefit the BOA and larger community.			**2**	**2**
Scope of Work (max total 10 pts.)	The application 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.	**2**	**2**	**4**	**4**
	A detailed list of project deliverables is included in the application, that is consistent with program objectives.	**2**	**2**	**3**	**3**
	A detailed schedule is outlined including major tasks, milestones, and completion date.	**2**	**2**	**1**	**1**
	Application includes a detailed plan of the process and approach to inclusive public participation and engagement.	**2**	**2**	**1**	**1**
	Application has identified the public and stakeholders who would be affected by, or who can advance the project, and strategies to engage these groups in project planning and implementation.	**2**	**2**	**1**	**1**

Evaluation of Budget and Cost (max total 20 pts.)	Application explains in detail how the budget and costs 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.	**5**	**5**	**5**	**5**
	Application budget details all project components involved and the cost of each component. The budget is cost-effective, presents necessary and realistic costs, and does not contain extraneous or ineligible expenses.	**5**	**5**	**5**	**5**
	Proposed budget includes an explanation and cost breakdown of each budget line and the written explanation clearly support the applicants need for financial aid to achieve the desired project outcome.	**5**	**5**	**5**	**5**
	Budget narrative describes how the grant recipient will monitor expenditures throughout the contract period to ensure that the project stays on schedule and within the outlined budget.	**5**	**5**	**5**	**5**
Total		**80**	**80**	**80**	**80**

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/.

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

A total score of 100 points is possible for any application, of which 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 may make an award in whole or in part and may offer partial funding if a particular component is ineligible or not ready to move forward or the budget requested is not adequately supported and justified. 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. If 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. If an applicant

receives full funding from another agency, the Department reserves the right to award full or partial funding to the next highest scoring unfunded application.

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

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

SUCCESSFUL APPLICANT REQUIREMENTS:

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.

New York State Grants Gateway
Successful grant applicants will be required to register through the New York State Grants Gateway (http://grantsreform.ny.gov).

Standard Cost Reimbursement Contract
Each successful applicant will enter into a Master Grant Contract with the Department, which will include standard clauses required by the NYS Attorney General, Attachment A (including compliance with Article 15-A of the New York Executive Law), the agreed upon work plan and budget, and other applicable attachments as required. 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 reimbursement only upon proper documentation and compliance with reimbursement procedures and 4) subject to all contractual requirements. A copy of the Master Grant Contract including the attachments outlined above is available from the Department upon request.

To ensure that funds are awarded for projects 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 an acceptable period of time. Expenses incurred prior to the start date of the state contract cannot be reimbursed.

Compliance with Procurement Requirements

Municipalities

All contracts by municipalities for service, labor, and construction involving not more than $35,000 and purchase contracts involving not more than $20,000 are subject to the requirements of General Municipal Law §104-b, which requires such contracts to comply with the procurement policies and procedures of the municipality involved. All such contracts shall be awarded after and in accordance with such municipal procedures, subject to the Minority or Women-Owned Business Enterprise (MWBE) requirements as set forth below and any additional requirements imposed by the State as set forth in Attachment C of the Master Grant 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 amendment of the Master Contract, any and all records necessary to substantiate upon audit, the proper deposit and expenditure of funds received under the Master Contract. Such records may include, but not be limited to, original books of entry (e.g., cash disbursements and cash receipts journal), and the following specific records (as applicable) to substantiate the types of expenditures noted (i) personal service expenditures: cancelled checks and the related bank statements, time and attendance records, payroll journals, cash and check disbursement records including copies of money orders and the like, vouchers and invoices, records of contract labor, any and all records listing payroll and the money value of non-cash advantages provided to employees, time cards, work schedules and logs, employee personal history folders, detailed and general ledgers, sales records, miscellaneous reports and returns (tax and otherwise),

and cost allocation plans, if applicable, (ii) payroll taxes and fringe benefits: cancelled checks, copies of related bank statements, cash and check disbursement records including copies of money orders and the like, invoices for fringe benefit expenses, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (iii) non-personal services expenditures: original invoices/receipts, cancelled checks and related bank statements, consultant agreements, leases, and cost allocation plans, if applicable, (iv) receipt and deposit of advances and reimbursements: itemized bank stamped deposit slips, and a copy of the related bank statements.

Minority and Women-Owned Business Enterprise Participation
Applicants must submit the MWBE Compliance Form with their application confirming their understanding of the MWBE requirement and agreeing to show due-diligence and make good faith efforts to provide meaningful participation by MWBE's, whenever possible, if awarded the contract.
See RFA Appendix 1 for all 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 for more information (page 19).

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. The earliest start date of contracts is April 1, 2023. No extensions are anticipated, however special consideration for extensions due to extreme extenuating circumstances may be granted on a case-by-case basis

Satisfactory Progress
It is imperative that the grant recipient complete the project as set forth in the agreed upon work plan program of the contract. 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, and completing plans, designs, 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 the awarded project. Applicants should not submit applications if they do not expect to initiate the project within a reasonable period of time and/or will not be able to complete the project within the time period cited in the application.

ADDITIONAL RESOURCES:

The Request for Applications and additional resource materials are available on the Department of States Funding & Bid Opportunities website at https://dos.ny.gov/funding-bid-opportunitiess. Updates and/or modifications to the RFA, along with answers to written questions received, will be posted on the website.

Written questions will be accepted until June 16, 2023. Questions regarding this grant program should be submitted by e-mail to opd@dos.ny.gov or in writing to the address below. Clearly indicate the subject as: "23-BOA-2 RFA Questions". To the degree possible, each inquiry should cite the RFA section and paragraph to which it refers. No responses will be provided to inquiries made by telephone, social media, or by contacting DOS staff directly via email or telephone.

Applicants should review the final responses. Responses to questions received during this time period will be official responses by the Department of State (DOS) to questions and will be incorporated into this Request for Applications.

Webinars which provide an overview of the application process and program requirements are available at http://regionalcouncils.ny.gov/. Additionally, DOS will host live webinars on May 24th and May 31st. Webinar schedule and registration, and recorded webinars are posted on the DOS Funding & Bid Opportunities website. All potential applicants are encouraged to view these webinars.

New York State Canal Corporation

Canalway Grants Program

Funding Available: Up to $1 million annually

DESCRIPTION:
The Canalway Grant Program distributes up to $1.0 million dollars annually in competitive grants available to eligible counties, municipalities, 501(c)(3) non-profit organizations and federally recognized Native American tribes located 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. There is a 50% grant match requirement by awardees, and grant funding is distributed via reimbursement only. Grant administration and pre-development costs cannot exceed 10% of the grant award amount (these costs may be used as part of the applicant match though, with no cap). Projects must be located on land owned by the applicant and/or Canal Corporation. Grant awardees must complete projects within two-years of grant award.

The Canalway Grant Program is administered by the NYS Canal Corporation, a subsidiary of the New York Power Authority (NYPA).

FUNDING PRIORITIES AND SELECTION CRITERIA:
Funding priority will be given to projects that address one or more of the Canalway Grant Program's priority focus areas (see below). Regional Council Endorsement should also be considered by applicants as it will carry 20% weight in the final project selection process. A final scoring and ranking of project applications will be based on a weighted score determined by the Canalway Grant Program Scoring Committee.

Strategic Alignment

- The project addresses strategic priorities, goals, and connections between the canal and the corresponding region consistent with the Reimagine the Canals initiative (https://www.ny.gov/programs/reimagine-canals-initiative).
- The project addresses strategic priorities consistent with Regional Economic Development Councils Strategic Plans (http://regionalcouncils.ny.gov/).
- The project strategically enhances or creates new assets that are consistent with NYS Canal's On the Canals Program (http://www.canals.ny.gov/onthecanals).

Project Support and Advocacy

- The project has demonstrated and documented support from local/regional residents and other canal stakeholders.
- The applicant/project has or will receive written project endorsement from local, regional, and/or state leaders and other stakeholders. Examples of common letters of endorsement may include but are not limited to those from NYS local, county, or state elected officials; Native American tribal leaders; local canal advocacy groups; and other organizations/individuals who may be crucial to the project's implementation and continued success.

Implementation and Project Readiness

- The project be completed within 2-Years of award notification.
- Some or all pre-development work has been completed by the awardee or other project stakeholders.
- The project has a schedule with detailed project phases (i.e. start/finish of any design and predevelopment work, construction work, etc.) and milestones, and identifies parties responsible for project oversight and implementation.
- There are no concerns with gaining timely permits or other approvals from federal, state, and local agencies, such as the U.S. Army Corps of Engineers, NYS Department of Environmental Conservation, NYS State Office of Parks, Recreation and Historic Preservation, and/or any others that may be required by the NYS Canal Corporation.

Effectiveness and Impact

- The project includes or incorporates diversity, equity, and inclusion initiatives making the canal more accessible to those with disabilities or others who may have not been able to access the canal or it's amenities in the past.
- The project promotes increased recreational use on the canal.
- The project is located within an environmental justice area.
- The project activates, restores, or enhances historic assets or other infrastructure that are significant to the Canal.
- The project promotes new visitors to the canal and/or encourages multi-day stays.
- The project is consistent with and/or promotes local or statewide sustainability goals and initiatives.
- The project enhances connectivity along adjacent trails, or directly to the Canal in areas that traditionally have not had access.
- The project promotes resiliency against environmental challenges.
- The project is consistent with the principles of universal design (i.e., the project would be usable by all people (including those with disabilities), to the greatest extent possible, without the need for adaptation of specialized design.

Financial Viability and Funding Leveraged

- The project costs are reasonable, reflective of recent cost estimates, and include adequate project contingencies for unanticipated project costs.
- Project funding has been identified for long term operation and maintenance work.
- The project will stimulate private and/or public investment from other sources in the community and/or region.
- A viable and accessible grant match is clearly demonstrated in the project grant budget.
- The project leverages funding from other state grant initiatives focused on waterfront, community, and recreational development. Examples may include, but are not limited to: The NYS Department of State "Local Waterfront Revitalization Program" (LWRP), the NY Department of State Downtown Revitalization Initiative (DRI), and the NYS Department of Parks Recreation, and Historic Places Environmental Protection Fund Grant Program and Recreational Trails Program.

- The project would still be financially viable if other state grant funding sources were not secured.

ELIGIBLE TYPES OF APPLICANTS:

- Counties, Towns, Villages, and Other Units of Local Government
- Federally Recognized Native American Tribes
- Not-for-profit Corporations. Not-for-profit corporations are covered under New York State's Not-For-Profit Corporation Law. In order to apply under this program, a not-for-profit corporation must have proof of incorporation (or equivalent document) from the NYS Department of State or NYS Board of Regents, a charities registration number from the NYS Office of the Attorney General, and proof of tax-exempt status under the Internal Revenue code).

EXAMPLES OF ELIGIBLE PROJECTS:

Eligible canal capital project expenses include, but are not limited to: Constructing new boat launches, buildings, trail sections, trail connections or structures; Creative placemaking, wayfinding, and signage concepts; Substantial renovations or preservation of existing buildings, trail segments, or other structures, including reconfigurations (removal or construction of walls, ceilings and flooring, windows, window frames, hulls); Site preparation and improvements associated with a project (excavation, demolition, roadways, sidewalks, exterior lighting, sprinkler systems, utility hook-ups); Acquisition of furnishings, fixtures, machinery and equipment with a useful life in excess of five years including signs and interpretive exhibits, constructing or rehabilitating docks or bulkheads for the purpose of public access to and from the Canal System; Hazardous waste clean-up associated with a project, Retrofitting infrastructure or amenities related to energy efficiency initiatives.

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 .

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. Projects must be located on land owned by the applicant.

Matching Funds

Applicants must demonstrate a 50% match which will be required on all grants and must be fully documented. NY Canal Corporation/NYPA funds may not be used towards matching funds. Eligible matching funds include federal, local, private and other agency or state funding. 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.

GRANT REIMBURSEMENT:
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. There is a reimbursement requirement on all projects whereas twenty percent (20%) of the awarded funding will be retained for reimbursement pending the project being deemed complete.

SUCCESSFUL APPLICANT REQUIREMENTS:
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.

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.

GENERAL OPERATING, LIABILITY, and FINANCIAL CONSIDERATIONS:
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.

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
NYS Canal Corporation website:
www.canals.ny.gov

Canalway Grant Program Website
http://www.canals.ny.gov/community/grant.html

Questions? Eligible applicants can contact:
Andy Marzo
Program Manager
Andrew.Marzo@NYPA.Gov

New York State Energy Research and Development Authority

NYSERDA Carbon Neutral Community Economic Development

Funding Available: Up to $10 million available

DESCRIPTION:

The New York State Energy Research and Development Authority (NYSERDA) has $10 million of incentives available to support regionally significant, carbon neutral economic development projects in New York State. All projects must demonstrate that the project will achieve carbon neutral or net zero energy performance. Projects should also demonstrate how they will help achieve the goals of the Regional Economic Development Council's (REDC's) Strategic Plan.

NYSERDA will make a total of $10 million available through this solicitation for two Categories. Up to $5 million will be available Statewide through the Regional Greenhouse Gas Initiative funding, and at least $5 million will be available through the Clean Energy Fund only to sites that pay into the System Benefits Charge ("SBC"). 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 may apply under one of the two following Categories, however NYSERDA may or may not choose to award funding in all Categories:

Category A:

The Carbon Neutral Community Economic Development Program provides eligible New York State commercial, industrial, institutional, municipal and mixed-use applicants with incentives on a competitive basis, for the construction of, or renovation to existing, buildings designed to achieve carbon neutral or net zero energy performance. Projects must demonstrate as part of their proposal how the project is replicable to a large number of similar buildings and how the approach is cost effective and reliable.

Incentives are available for the incremental cost of planning, design, construction, and installation of all technologies (as compared to the cost to build/renovate to a code compliant standard) utilized to achieve carbon neutral or net zero energy performance. Eligible projects may also include the decarbonization of an existing central plant. Project awards will be up to 60 percent of eligible costs or $2,000,000, whichever is less. Projects meeting specific eligibility requirements may be considered for awards up to 75 percent of eligible costs, or $2,000,000, whichever is less, please see below for eligibility.

Category B:

The Carbon Neutral Community Economic Development Program provides eligible communities and owners of large real estate portfolios in New York State (e.g., downtown business districts, neighborhoods, campuses or large-scale private developers) with incentives on a competitive basis, for the planning, energy modeling and design necessary to convert the proposed building portfolio to achieve carbon neutral or net zero energy performance. There is no restriction for building types eligible under this category.

Incentives are available for the cost of planning, energy modeling, design, technical analysis, and other soft costs as approved by NYSERDA, of community-level, campus, or large private developer projects to achieve carbon neutral or net zero energy performance. Project awards

will be up to 75 percent of the eligible costs, with a maximum project award amount of $2,000,000. To qualify for this Category, projects must include at least 500,000 square feet (of new construction or rehabilitation), or a total project implementation cost of at least $50 Million.

APPLICATION SUBMISSION:
No communication intended to influence this procurement is permitted except by contacting the designated contact Lori Borowiak at (518) 862-1090, ext. 3004 or by e-mail LoriNC@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090, ext. 3507 or VeniceSolicitations@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:

- Industrial and manufacturing facilities
- Commercial Facilities
- Warehouses and Distribution Centers
- Restaurants, Breweries, Vineyards, and Distilleries
- Retail (must show alignment with Regional Priorities)
- Food Processing Facilities
- Colleges and Universities
- Healthcare Facilities
- Agricultural Facilities
- Municipalities (Local Government)
- State Agencies & Other State Government
- Not-for-profit Corporations
- Private Developers
- Mixed Use Facilities

The eligible Applicant for Category A projects is defined as the Site Owner. The eligible applicant for Category B projects is defined as the Site Owner when the entire project site(s) is owned by a single entity. However, for Category B projects that have multiple Site Owners, the eligible Applicant may be the municipality, a business district, community organization, or other entity that can represent the combined interests of the site owners within the community. To be accepted as an aggregator of multiple site owners within the community, the aggregator must have letters of commitment from the site owners being represented.

Category A projects that are mixed-use and include affordable housing may be considered for a reduced cost share if they meet the below definition of affordable housing, and NYSERDA's incentive will be up to 75 percent of eligible costs. Category A projects may also be considered for a reduced cost share if the Site Owner is a designated 501(c)(3) company, and NYSERDA's incentive will be up to 75 percent of eligible costs. Please note that projects where the site is owned by a separate for-profit entity and rented to a 501(c)(3) are not eligible for this reduced cost share award.

Affordable Housing - projects primarily intended to serve Low- to Moderate-Income (LMI) households. Eligibility to be evaluated and considered for award as an LMI project can be established by confirming a majority of dwelling units will have a household income of no more than 80 percent of the State or Area Median Income (whichever is greater).

Carbon Neutral-ready (carbon neutral) - A project that excludes all fossil fuels from the building systems and equipment qualifies as carbon neutral. Building systems and equipment at a minimum refers to building heating, ventilating and air conditioning (HVAC), domestic hot water (DHW), kitchen, laundry, and other appliances. Projects that rely on a fossil fuel fired generator for emergency use only, or projects which are served by an off-site fossil fuel-fired central heating plant, may at NYSERDA's sole discretion qualify as carbon neutral if fossil fuel use is excluded from all other building systems and equipment. NYSERDA, at its sole discretion, will consider exemptions to the carbon neutral rule for process and other unregulated loads on the site on a case-by-case basis.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Category A:

Carbon neutral performance, for Category A projects, will support a building(s) or Central Plant that is highly efficient, has no use of fossil fuels (excluding emergency generation) and its operation does not contribute to carbon emissions. For Category A projects choosing to pursue net zero energy performance, project performance will be defined as a highly energy-efficient, has no use of fossil fuels, and where the actual annual energy used on-site is less than or equal to the on-site renewable energy produced. The use of fossil fuels on site will result in a project not achieving carbon neutral or net zero energy performance, however, if fossil fuels must be utilized for a project due to energy requirements for an industrial process or for unregulated loads, NYSERDA may consider an exemption at its sole discretion. To be considered, the Applicant must explain the rationale for continuing to use fossil fuels and demonstrate that there is not a fossil fuel free equipment or process that can replace the fossil fuel usage (commercial kitchens will be required to be all-electric). In this instance, NYSERDA will consider the project's use of the US Department of Energy's publication of A Common Definition for Zero Energy Buildings in determining eligibility based on off-setting carbon-emitting fuels with additional renewable energy production. Any renewable energy that is not co-located on the same site as the project site will not be considered part of the eligible project costs.

Electric vehicle (EV) charging stations are strongly encouraged to be included in projects. However, it is not required that loads related to EV charging be included in the determination of net zero energy performance.

Incentives will be paid for the incremental cost to design and build the project to carbon neutral or net zero energy performance above the cost of building or renovating to the applicable New York State Energy Conservation Construction Code (e.g., the cost of installing a ground source heat pump to heat and cool the building, less the cost of installing a code-minimum heating and cooling system, etc.). The calculation of incentives will include all design and technologies that contribute to the building achieving carbon neutral or net zero energy performance (e.g., energy efficiency, renewable energy, battery storage, electric vehicle charging infrastructure, etc.), less incentives for early-stage design support, clean heating, EV charging or renewable energy systems provided by NYSERDA or utility programs. Applicants selected for award under this opportunity, will be ineligible to apply for other NYSERDA or utility energy-related incentives for new construction or energy analysis measures, and will not be eligible for New York State Homes and Community Renewal's (HCR) Clean Energy Incentive. Applicants applying for NYSERDA's Carbon Neutral Community Economic Development Program incentives must clearly describe the scope, schedule and budget for the project. The proposal should also include a description of how the balance of the project will be funded or financed.

Appendix G of ASHRAE Standard 90.1: Proposers intending to rely on this standard to model and predict energy performance must commit to designing and constructing a project that will achieve a minimum modeled source (primary) energy savings of 20% when compared with a project design that complies with the relevant Energy Conservation Construction Code of New

York State (ECCC of NYS), currently the 2020 version; excluding the impacts of any proposed renewable energy generation. Energy performance must be established without the inclusion of any renewable or distributed energy generation, to confirm the energy efficiency performance threshold has been met, and then again calculated after renewable or distributed energy generation has been included in the energy model and submitted by the proposer for comparison with other proposals. Proposers will apply a 2.55 source-to-site conversion factor to support the calculation of efficiency in comparison with the natural gas baseline relied on by this standard to confirm the minimum energy performance threshold will be met. Proposers must commit to use of the "90.1 Section 11 and Appendix G Compliance Form" to establish simulation inputs and complete internal quality control.

Projects intending to meet certification requirements as published by Phius (Passive House Institute U.S.) must identify the building(s)' modeled source (primary) energy use in terms of kWh/person/year; and projects intending to meet certification requirements published by the Passive House Institute (PHI) must identify the building(s)' modeled source (primary) energy use in terms of kBtu/treated-floor-area/year. Proposers committing to achieving certification to either passive house standard are deemed as meeting the minimum modeled source energy savings1 requirements. Energy modeling must be completed and submitted both with and without use of renewable energy generation to support evaluation of the efficiency of the design, and to allow comparison with other proposals. Alternative energy modeling will not be expected of proposers committing to achieving certification to either passive house standard to support their predicted energy performance.

Alternative energy modeling and energy performance standards may be considered on a case-by-case basis. Applicants must specify in their Scope of Work any requests to utilize an alternative energy modeling approach or performance standard.

While NYSERDA may at its discretion consider some design costs that occur prior to award to be eligible, all physical work conducted to make capital improvements to the facility prior to an award will not be eligible for cost-sharing. Costs associated with work or analysis conducted to submit a proposal to this program are not eligible for reimbursement.

Applicants must commit to marketing and public awareness efforts regarding the carbon neutral attributes of their project. As such, the applicant is required to submit a marketing plan that will be implemented by the proposer, if selected, and explain how the plan will generate public interest in and demand for advanced clean energy and climate resilient buildings beyond and in addition to NYSERDA's promotional activities. Selected proposers are expected to cooperate with NYSERDA in the development of other promotional materials, such as but not limited to website, magazine articles, books, blogs, or videos. NYSERDA credits the project name, site owner(s) in all promotional material. Awardees are expected to participate in presentations. NYSERDA reserves the right to brand and market the winning projects as NYS Carbon Neutral Community Economic Development projects or a similar reference.

<u>Category B:</u>

Carbon neutral performance, for Category B projects, will support highly energy efficient facilities that have no on-site use of fossil fuels (excluding emergency generation) and the operation of the facilities do not contribute to carbon emissions. For Category B projects choosing to pursue net zero energy performance, project performance will be defined as highly energy-efficient, fossil fuel free 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 the project site cannot accommodate some or all of

the renewable energy for the project loads within the project boundary, the Applicant may propose to study the use of long-term contracts for off-site renewable electricity generation (the electricity generated as part of these contracts must end up in the New York Control Zone to be considered as part of the project).
If fossil fuels must be utilized for a facility within the boundary due to energy requirements for an industrial process or for unregulated loads, the Applicant must explain the rationale for continuing to use fossil fuels and demonstrate that there is no fossil fuel free process that can replace the fossil fuel usage (commercial kitchens will be required to be all-electric). In this instance, it is expected that the project will include a study of renewable energy measures in accordance with the project's use of the US Department of Energy's Common Definition of Zero Energy Buildings based on off-setting carbon-emitting fuels with additional renewable energy production.
Electric vehicle (EV) charging stations are strongly encouraged to be included in communities, campuses, and large portfolio developments. However, it is not required that loads related to EV charging be included in the determination of net zero energy performance.

Incentives will be paid for the incremental cost to plan and/or design a Community, Campus, or large real estate portfolio project to achieve carbon neutral or net zero energy performance. It is expected that all projects that receive planning and design funds through Category B of this program will apply to NYSERDA and utility programs at a future date for incentives to co-fund the actual installation costs of project measures, as applicable and available. However, projects shall not apply to NYSERDA or utility programs for planning, design, or analysis work included in the scope of work through this program, if selected. Applicants applying for NYSERDA's Carbon Neutral Community Economic Development Program incentives must clearly describe the scope, schedule and budget for the project. The proposal should also include description of how the balance of the project will be funded or financed.

Applicants must commit to marketing and public awareness efforts regarding the carbon neutral attributes of their project. As such, the applicant is required to submit a marketing plan that will be implemented by the proposer, if selected, and explain how the plan will generate public interest in and demand for advanced clean energy and climate resilient buildings beyond and in addition to NYSERDA's promotional activities. Selected proposers are expected to cooperate with NYSERDA in the development of other promotional materials, such as but not limited to website, magazine articles, books, blogs, or videos. NYSERDA credits the project name, site owner(s) in all promotional material. Awardees are expected to participate in presentations. NYSERDA reserves the right to brand and market the winning projects as NYS Carbon Neutral Community Economic Development projects or a similar reference.

It is expected that Applicants applying for Category B funding shall make a public commitment to decarbonize their community, campus, or large real estate portfolio, to publicize their pursuit of a carbon neutral goal, if the project is awarded through this program.

GRANT FUNDS MAY BE USED FOR COSTS ASSOCIATED WITH THE FOLLOWING CATEGORIES

Category A:

- Planning, Design, Energy Modeling and Integrated Project Delivery
- Certification fees for third-party building performance standards (Passive House, WELL, LEED)
- Energy Efficiency Improvements

- Upgrades and Appliances Necessary for Electrification
- On-site Renewable Energy Systems (photovoltaics, wind, or solar thermal), less applicable program incentives
- Advanced Controls to Enable Building-Grid Interactivity
- Ground Source or Air Source Heat Pumps, less applicable program incentives
- Electric Vehicle Charging Stations, less applicable program incentives
- Battery and Thermal Storage Systems, less applicable program incentives
- Commissioning
- Decarbonization of Central Plants
- Or other efficiency or renewable energy technologies, as determined by NYSERDA

Category B:

- Master/Comprehensive/Site Plan as it pertains to design and energy performance
- Design as it pertains to energy performance or other work necessary to achieve a carbon neutral site
- Energy Modeling, Benchmarking and Technical Analysis
- Development of Zoning Ordinances
- Creation of Bid Documents
- Technical Guidelines & Training for overseeing the installation of energy efficiency measures, renewable energy, energy storage and electric vehicle charging infrastructure
- Case Studies

All Applicants:
At NYSERDA's sole discretion, NYSERDA may determine additional costs to be eligible if the Applicant is able to demonstrate to NYSERDA's satisfaction that these additional cost categories were specifically necessary to achieve net zero energy or carbon neutral performance as compared to what would have been necessary to complete a project that complied with New York State Energy Conservation Construction Code, or otherwise result in significant CO2 savings at the site.

SUCCESSFUL APPLICANT REQUIREMENTS:

Successful Applicants will work with NYSERDA to develop a detailed and site-specific scope of work, schedule and project budget.

Category A:

The Scope of Work will need to provide detailed information on the proposed comprehensive design to accommodate all building systems, unregulated energy loads, and renewable energy systems that will result in carbon neutral or net zero energy performance. Expenses incurred on upgrades made to existing buildings prior to submission of a Consolidated Funding Application (CFA) are not eligible expenses in the CFA project budget, however design-related expenses may be considered.

Proposed projects must be comprehensive in nature, and proposals of a nature that are single system or limited in scope may be deemed as ineligible if existing NYSERDA or utility programs are intended to support that single system project (e.g., projects only installing solar).

Category A: Scope of Work must include the following:

A. *Description of Facility:* Please include a full description of the facility, including but not limited to, if the proposed facility is new construction, change of use, or existing building; the building use; energy demands; and the status of design. If the project will be completed in phases for multiple buildings or sections within a building, provide a description of each project phase.

B. *Carbon Neutral or Net Zero Energy Performance*: provide a description of the comprehensive scope that will be undertaken to achieve carbon neutral or net zero energy performance, including the all-electric building systems, all energy efficiency measures of the project, water conservation strategies, renewable energy systems, storage, electric vehicle charging equipment, etc. Applicants should describe how energy modeling will be used to inform the design of the project, including the intended energy modeling standards or proposed alternative.
C. *Project Budget:* the project budget must identify the costs of carbon neutral or net zero energy performance as it relates to section B, inclusive of design, engineering, energy modeling, installation and commissioning. The project budget must clearly identify the incremental cost of getting to carbon neutral or net zero energy, above standard building practices, as well as available incentives for clean heating and renewable energy systems. The proposal should also include description of how the balance of the project will be funded or financed.
D. *Project Timeline:* anticipated date for construction documents, construction start date, and construction complete date. If the project will be phased, provide a timeline for start and completion of each phase.
E. *Project Marketing Plan:* The proposer should describe how they intend to market and promote the project, including the sharing of information that could be useful to the industry. Additional and relevant information may include but should not be limited to information about the project design, the construction and operational processes, strategies to reduce costs, project costs that are either absolute or comparative, financing strategies, additional construction details, or lessons learned.

Category B:

The Scope of Work will need to identify the site boundary for the project, and provide the goals for the community, campus, or large private development project, inclusive of how those goals will be publicly committed to. The scope of work will need to identify how the carbon neutral or net zero energy aspect of the project will be planned and implemented, identify the building types that are anticipated to be included in the project (new and existing buildings), as well as the existing and anticipated renewable energy systems for the project. The project budget for this category must identify the carbon neutral or net zero energy related planning costs of the project.

Category B: Scope of Work must include the following:

A. *Description of Campus/Community/Large Portfolio project:* Identify the project boundary, or provide a map of the project site(s). Identify the existing buildings, buildings expected to change use or undergo gut renovations, and the proposed new construction over the course of the project timeline; building uses; energy demands; and the status of the Planning and Design development of the project.
B. *Carbon Neutral or Net Zero Energy Performance:* provide a description of the comprehensive scope that will be undertaken to convert the facilities within the boundary to all-electric systems to achieve carbon neutral or net zero energy performance for the large-scale development, identify what is needed to plan the project, how will the plan be implemented, and who is responsible for the enforcement of the plan, etc.
C. *Project Budget:* the project budget must identify the costs of Planning and Design development for carbon neutral or net zero energy performance as it relates to section B, inclusive of planning, design development and performance criteria, engineering and technical analysis, and validation. The proposal should also include description of how the balance of the project will be funded or financed.

D. *Project Timeline:* anticipated timeline for project planning and design development, as well as the anticipated project construction start date, and construction complete date.
E. *Carbon Neutral Commitment:* describe how the Applicant will make a public commitment to pursing carbon neutral performance.
F. *Project Marketing Plan:* The proposer should describe how they intend to market and promote the project, including the sharing of information that could be useful to the industry. Additional and relevant information may include but should not be limited to information about the project design, the planning processes, strategies to reduce costs, project costs that are either absolute or comparative, financing strategies, additional analysis or technical details, or lessons learned.

All Applicants:

Successful Applicants must be able to clearly state in the project proposal how the project is aligned with the applicable REDC's Strategic Plan, and/or Regional/State Priorities, such as how the project is aligned with the Region's Economic Clusters. NYSERDA, at its sole discretion, may choose to award projects in either Category, that are designed to meet another high performing standard.

NYSERDA, at its sole discretion, may choose to award highly replicable projects in Category A where only a portion of the building is seeking carbon neutral or net zero energy performance. In this instance, projects must demonstrate that the loads for that portion of the building will be separated from the other portions of the building, and the installed renewable energy system will be sized appropriately for those anticipated loads.

NYSERDA, at its sole discretion, may choose to not award projects in any one or all funding categories. Upon NYSERDA selection for an award, NYSERDA will issue an Agreement for the project's estimated/eligible award amount.

FUNDING PRIORITIES:

NYSERDA is most interested in supporting projects where the benefits of those projects are occurring in Disadvantaged Communities. Applicants may use NYSERDA's locator map to determine if a site is located within a Disadvantaged Community: https://www.nyserda.ny.gov/ny/Disadvantaged-Communities.

NYSERDA is seeking to support carbon neutral projects that are highly replicable in New York State, based on the project being cost effective, having lower operating costs, utilizing commercially available solutions, the economic viability of the project type, and potential for similar projects to follow the example of the awarded project.

INELIGIBLE APPLICANTS AND ACTIVITIES:

Category A:

- Heavy Industrial Facilities,
- Projects that include hydro-electric power,
- Carbon capture or sequestration activities,
- Projects or measures that intend to export power (e.g., community solar or exporting to the grid for profit), and
- Applicants may not obtain incentives through this program for measures installed before an application is approved.

Category B:

- Applicants receiving an award from this opportunity may not obtain incentives through other NYSERDA or utility programs for any of the same planning or design work conducted under this program, however, it is assumed that applicants will be eligible for and receive utility and NYSERDA incentives for the capital costs associated with implementation, and
- Applicants may not obtain incentives through this program for planning and design development, or measures installed, before an application is approved.

SELECTION CRITERIA:

An Application is eligible to receive a total final score of 100, of which 80 percent is derived from the NYSERDA review criteria below and 20 percent is allocated to the applicable REDC. The REDC rates the degree to which the project aligns with the REDC's Strategic Plan.

In addition to the criteria noted below, NYSERDA shall have the discretion to consider additional factors in determining the relative merits of projects, demonstration of replicable carbon neutral or net zero energy projects, or other factors determined to advance carbon neutral or net zero energy construction in New York State.

Program Policy Factors:

- There is diversity of technologies, approaches, and/or methods utilized to achieve carbon savings,
- There is diversity among awardee sectors and industries,
- There is geographic diversity among awardees,
- The applicant is located in an area of natural gas resource constraint, and
- There are of alternate sources of financial support available via other programs funded by the Systems Benefit Charge (e.g. traditional utility programs).

Regional and State Economic Development and Energy Strategies:

- Alignment with the REDC's stated Economic Clusters or Strategic Plan;
- The Project provides supportive or essential services to the community, including but not limited to childcare, workforce development, health services, or services for veterans;
- Contributes to Priority Issue Areas, including but not limited to:
  - Disadvantaged Communities: The Climate Leadership and Community Protection Act (CLCPA) requires state agencies, authorities, and entities to direct funding in a manner designed to achieve a goal for disadvantaged communities to receive forty percent of overall benefits of spending on clean energy and energy efficiency programs, https://www.nyserda.ny.gov/ny/Disadvantaged-Communities,
  - 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, and
  - Health Across All Policies/Age-Friendly NY: This funding also supports Governor Cuomo's initiative to advance Health Across All Polices/Age-Friendly NY (Executive Order 190), a collaborative approach that integrates health considerations into policymaking and program development across all sectors to improve community health and wellness. To encourage the economic and civic strengths of the aging population and to incorporate the social needs and desires of aging New Yorkers, NYSERDA will promote economic development that

improves community health and wellness and supports age-friendly communities. Projects that favorably impact the ability of individuals to continue living in their homes and communities in a manner consistent with their abilities, and approaches that build toward a future in which every New Yorker can enjoy wellness, longevity, and quality of life in strong healthy communities are encouraged to describe in detail how the project addresses age-friendly inclusion.

Performance Measures:

- The estimated energy performance of the project, including all building systems, unregulated loads and renewable energy systems;
- The applicant's commitment to meet the carbon neutral or net zero energy performance standard;
- Whether the project will include integrated design principals, or will be designed to meet third-party performance validation standards (e.g., Passive House certification, Living Buildings Challenge, LEED Zero, etc.); and
- Whether the project is technically feasible, innovative, and superior to alternatives.

Cost Effectiveness:

- The estimated return on investment that the project identified in the application will generate (energy savings, lower operating costs, productivity, improved work environment) for the project cost; and
- Whether the proposed incremental cost of the project is justified and competitive.

Replicability:

- Whether the design and construction utilizes materials and equipment that is commercially available;
- Whether the project scope is highly replicable for similar development projects within the Region or the State;
- Whether the project type and sector are economically viable in the current market;
- The degree of project readiness and likelihood of completion, including, where applicable for real estate development projects, if there are identified tenants for a completed project; and
- The degree of the Applicant's financial viability and strength of financials/operating history/credit score.

Resiliency and Embodied Carbon:

- Design features to address occupant comfort and health and safety; durability, and sustainability. Additionally, features related to reducing the project's embodied carbon and global warming potential such as the proposed building materials, construction methods or refrigerant gases intended to be used in mechanical systems shall be described;
- Strategies to ensure the low-carbon building strategies, the building itself, and its occupants are resilient to future climate impacts; including strategies such as raising critical system components above flood levels; creating areas of refuge within the building for occupants to shelter in place during heat events, power outages, or flooding; ensuring adequate passive survivability (e.g., the building will maintain safe thermal conditions in the event of an extended power outage or loss of heating fuel, or backup power will satisfy critical loads); or other resilience-enhancing strategies. The specific climate risk should be identified (e.g., more intense heat waves), and how the proposed strategy will increase resilience by addressing that risk should be described in detail. For any buildings in the 500-year flood zone or that are otherwise at risk of current or future flooding, flood-mitigation measures should be incorporated into the design; at a minimum, critical system components should be raised above the 500-year flood elevation unless an alternative flood-

mitigation plan to protect those critical components is proposed, and ultimately determined to be acceptable during the awarded project's contracting process, at NYSERDA's sole discretion; and

- For guidance on managing future flood risk, refer to the State Flood Risk Management Guidance. For guidance on climate change and climate resilience, refer to the ClimAID climate projections for New York State, the New York Adapting Buildings for a Changing Climate website, and the NYC Climate Resiliency Design Guidelines.

AWARD CRITERIA DETAILS:

- An initial screening for eligibility will be conducted several weeks after the close of the CFA. Applicants that are determined to not meet basic eligibility criteria will be informed at that time that they are not eligible for further consideration of this program for this year.

- Notice of a funding award will be given in the form of a contract outlining the terms of the proposed assistance. Project funding may only be used for expenses incurred after the date that notice of the funding award is given. Applicants are strongly encouraged to review and countersign NYSERDA's Agreement prior to starting the project.

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

- All Applicants will be requested to certify and agree that any expansion of the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, may not result in an increase of the award, consideration of scope changes will be at the sole discretion of NYSERDA.

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

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

- All required public approvals must be in place prior to the start of construction and installation of renewables, including State Environmental Quality Review (SEQR) and consultation with the State Historic Preservation Office, if applicable. Physical work on a NYSERDA-funded project may not be started prior to the completion of any necessary environmental, historic and/or smart growth review.

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

- ELIGIBLE AREA, CITY, COUNTY POPULATION LIMITS OR POPULATION TARGET TYPES: Applicants to Category A and Category B in REDC regions must be contributing to the System Benefits Charge (SBC) on their electric utility bill in order to be eligible. Distribution customers of the six major New York State electric utilities (Central Hudson Gas & Electric Corporation,

Consolidated Edison, New York State Electric & Gas Corporation, National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation) may contribute to the SBC.

- LIMITATIONS:
    - For most Category A applications, NYSERDA will contribute up to sixty percent (60%) of the eligible carbon neutral or net zero energy design and construction costs, up to $2,000,000, based on an approved Scope of Work,
    - For Category B applications, NYSERDA will contribute up to seventy-five percent (75%) of the eligible carbon neutral or net zero energy planning and design costs, up to $2,000,000, based on an approved Scope of Work,
    - An independent third-party energy consultant is required for all projects,
    - Energy standards developed by NYSERDA for existing Standard Offer programs, such as NY Sun and Charge NY, including the use of eligible installers, will be required for awarded projects, and
    - Post-construction monitoring and verification of performance is required for all awarded projects.

- LONG RANGE GOALS: NYSERDA's goal is to increase the economic competitiveness of facilities by providing technical and financial support for the implementation of cost-effective energy efficiency and renewable energy technologies.

- PROJECT TERM COMPLETION DATES: Financial incentives are based upon the predicted cost of planning, design and/or construction to achieve carbon neutral or net zero energy performance, as determined in the approved Scope of Work.

    - Category A: NYSERDA will provide payments of incentives in at least three designated stages during the design and construction of the project: 1) Design Complete/ Buildings Department Approval; 2) 50% construction complete, with delivery of systems equipment on-site; and 3) when construction is complete, and
    - 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.

- NYSERDA reserves the right to extend and/or add funding to the Solicitation should other program funding sources become available.

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/.

NYSERDA 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 decarbonization project portfolios for large Commercial and Industrial customers across New York State. All projects must demonstrate greenhouse gas emissions savings and be installed within a 3-year implementation period. Eligible projects include, but are not limited to, energy efficiency improvements, retrofits, clean heating and cooling, carbon capture, utilization and storage (CCUS), industrial process emission reduction, and on-site renewable energy systems. The purpose of the funding available in this program is to achieve cost-effective carbon emission reduction by providing large customers with flexible funding streams.

The Commercial and Industrial (C&I) Carbon Challenge provides eligible New York State commercial, industrial, and institutional applicants with incentives on a competitive basis. Applicants are required to identify a carbon savings goal and the projects they will complete to meet that target. Available awards range from $500,000 to $5 million. Award amounts are determined by the size of the carbon savings goal.

At least 30% of the applicant's greenhouse gas savings come from utilization of low-carbon fuels, onsite CCUS, industrial process emission reduction, and/or beneficial electrification projects

- Beneficial electrification is defined for the purposes of this program as the utilization of electricity for activities that would otherwise consume fossil fuels.
- Industrial process emissions are those generated from physical or chemical changes to materials in the manufacturing process, unrelated to the consumption of energy

Applicants will indicate on Attachment B whether a particular project falls into one the four required project categories, but the ultimate determination of whether a project fits this designation is at NYSERDA's sole discretion.

APPLICATION SUBMISSION

In addition to the CFA Application, Applicants to this program will be required to complete additional required attachments:

- Attachment A, Clean Energy Action Plan - The Clean Energy Action Plan serves as the keystone document for tracking the overall strategic approach of the Applicant throughout the C&I Carbon Challenge program. It will be used to document goals; track timelines and key metrics including costs, savings, and personnel requirements; provide high level overviews of project implementation planning and ongoing progress; and detail measurement and verification approaches as projects are finalized.
- Attachment B, Project Savings Tracker – This calculation and tracking tool is meant to assist Applicants in determining their carbon savings goal and the value of their award. Each project included in the Clean Energy Action Plan must be included on this spreadsheet.
- Attachment C, Data Collection Form

These attachments can be found at https://www.nyserda.ny.gov/cicc.

APPLICATION QUERIES

No communication intended to influence this procurement is permitted except by contacting Sean Mulderrig at (212)-971-5342, ext. 3804 or by e-mail sean.industrial@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.solicitations@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
- Not-For-Profit and Private Institutions
- Office Buildings
- Public and Private K-12 Schools
- Retail
- State and Local Governments
- Warehouse and Distribution Facilities
- Wastewater Treatment Plants

While third party advisors or consultants are permitted to assist in preparing applications, they are not an eligible applicant type.

Applicants implementing projects for customers or at 3rd party sites in order to scale the impact of an emissions reduction solution will be eligible provided they meet all application eligibility requirements.

PRE-APPLICATION REQUIREMENTS

- The applicant must have at least $1 million in annual energy expenditures at their properties or facilities located in New York State.
- Projects must save a minimum of 25,000 metric tons of CO2 equivalent
- Work conducted prior to the execution of an Agreement between NYSERDA and the applicant is not eligible for cost-reimbursement;
- New construction and expansion projects are not eligible for this program; and
- Projects must be performed on systems with a remaining useful life of at least six years

If selected to receive an award, applicants may be asked to provide additional proof to show that they meet the energy expenditure 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

- Electrification of Thermal Loads
- Carbon Capture, Utilization, and Storage
- Process Emission Reduction
- Low-Carbon Fuel Use
- Other efficiency or renewable energy technologies.

For certain carbon reduction measures, awardees will be required to meet NYSERDA minimum quality standards and work with NYSERDA approved participating contractors, where applicable. More information on approved contractors can be found here: https://www.nyserda.ny.gov/Contractors/Find-a-Contractor.

Selected applicants will work with NYSERDA to develop a 4-year contract agreement commencing in2023. 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.

NYSERDA will issue awards ranging from $500,000 to $5 million per applicant. Applicants who pay the electric System Benefits Charge (SBC) will be eligible for a maximum award of $5 million. Applicants who do not pay the electric SBC will be eligible for a maximum award of $2 million.

Awards are determined by the size of the carbon savings goal. As the amount of carbon saved increases, the financial incentives increase. For each ton of carbon reduced, NYSERDA will provide funding according to a marginal rate schedule shown below.

Payment Structure	
mtCO2e	**$ per mt CO2e**
0 - 25,000	$20.00
25,000 - 60,000	$22.00
60,000 - 125,000	$24.00
125,000 - 200,000	$26.00
200,000+	$28.00

Here is an example of how the award size is calculated: an applicant submits a proposal that sets a target of reducing 130,000 tons of CO2 equivalent. The overall award equals

(25,000mt ×$20)+(35,000mt ×$22)+(65,000mt ×$24)+(5,000mt×$26)=$2,960,000[2]

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.

[2] $2,000,000 in the case of an applicant who does not pay the SBC

All remaining funds will be awarded upon completion of M&V conducted by a third-party evaluator and will be subject to readjustment based on the participant's performance relative to their stated carbon savings goal according to the marginal rate schedule.

Projects that receive an award under the C&I Carbon Challenge program will not be eligible to apply for any other efficiency or renewable energy incentives from NYSERDA or the proposer's utility. However, Applicants that are not awarded incentives through this competitive selection process may be eligible to participate in other NYSERDA or utility programs as applicable.

NYSERDA will have discretion to accept only a portion of the submitted portfolio of projects for funding. Any individual project(s) not selected for funding will still be eligible for alternative NYSERDA or utility incentive program funding.

SUCCESSFUL APPLICANT REQUIREMENTS

Selected C&I Carbon Challenge awardees will be expected to work closely with NYSERDA in updating, refining and implementing Clean Energy Actions Plans over the term of the program. Each program participant will receive the benefit of a dedicated NYSERDA Project Manager. The Project Manager will work with participants to track progress, provide feedback and guidance on measures to be implemented, and coordinate cross-collaboration with participants and NYSERDA external resources when necessary or requested.

Both the Clean Energy Action Plan and the Project Savings Tracker will be required to be updated on a bi-annual basis, at a minimum. The originals of these documents submitted in this application will serve as the initial document to which all revisions will be applied. Updates will encompass the following:

- Indication of instances where estimates have been revised or implementation plans have been altered
- A brief summary of all Clean Energy Actions taken to date
- A detailed account of progress on completed measures, including:
    - Project Costs
    - Estimated Savings
    - Verified & Realized Savings
    - Upcoming Measurement and Verification actions
- Identification of new measures, if applicable

SELECTION CRITERIA

An Application is eligible to receive a total final score of 100, of which 80 points are derived from the NYSERDA review criteria below and 20 points are allotted by the applicable Regional Economic Development Council (REDC). The REDC rates the degree to which the project aligns with the REDC's Strategic Plan.

Proposals that meet solicitation requirements will be reviewed by a Scoring Committee using the Evaluation Criteria below listed in order of importance. After proposals are reviewed, NYSERDA will issue a letter to each proposer indicating the proposal evaluation results. NYSERDA reserves the right to adjust awards and related carbon goals based on available funding.

1. **Project Plan (25 points)**
    - Does the proposed plan and approach utilize well established means of implementing energy efficiency and/or distributed energy resource projects? Does the proposed approach utilize technologies or solutions that have proven themselves in the marketplace? How does the proposal help the applicant meet their long-term sustainability goals? Can projects feasibly be completed according to the proposed

schedule? Does the personnel identified to work on projects possess the experience necessary to ensure success? Are adequate means of tracking project metrics and schedules in place? Have thorough responses been included for all required prompts related to the application's low-carbon fuels, CCUS, industrial process emission, and/or beneficial electrification projects?

2. **Project Analysis (20 points)**
    - Does the proposer demonstrate a thorough investigation of potential measures and sound reasoning for selecting their proposed approach? How thoroughly have projects been scoped? What level of analysis has been completed? Is the methodology for determining energy savings or generation provided and well detailed? Are assumptions disclosed? Are project costs reasonable and based on customer experience and/or market intelligence? Have projects in the proposal been examined in a NYSERDA FlexTech study or an investment grade audit?
3. **Experience (15 points)**
    - Does the proposer have a codified institutional or corporate social responsibility framework? Does the proposer have a demonstrated record of sustainable planning and implementation? Has the proposer set a specific net-zero goal, science based target, or other industry-standard emission target? Are they on track to achieve the goal or target? Has the proposer traditionally undertaken energy efficiency or distributed energy resource projects? Are adequate personnel resources in place to deliver on sustainability goals?
4. **Project Scale (10 points)**
    - Is the applicant contributing at least 50% cost-share? How many metric tons of carbon equivalent will the applicant reduce ?
5. **Disadvantaged Community Impacts (10 points)**
    Is the applicant located in a disadvantaged community? Will the proposal offer benefits to disadvantaged communities ?

In addition to the criteria noted above, NYSERDA shall have the discretion to consider additional factors in determining the relative merits of projects to illustrate innovative carbon-reducing strategies in New York State. NYSERDA may also consider the following program policy factors in making award decisions:

- The applicant's contribution to the System Benefits Charge;
- Degree to which the proposed project exhibits technological diversity in technology and implementation approach when compared to the existing Commercial and Industrial Carbon Challenge project portfolio and other projects selected from this solicitation;
- Degree to which there is diversity among awardee sectors and industries when compared to the existing Commercial and Industrial Carbon Challenge program participants and other projects selected from this solicitation;
- Degree to which there is geographic diversity among awardees when compared to the existing Commercial and Industrial Carbon Challenge program participants and other projects selected from this solicitation;
- Potential for the project portfolio to contribute to a shift in an industry or market ecosystem toward a low-carbon product;
- Degree to which there are alternate sources of financial support available via other programs funded by the System Benefits Charge (e.g. traditional utility programs).

AWARD CRITERIA DETAILS

- An initial screening for eligibility will be conducted several weeks after the close of the CFA. Applicants that are determined to not meet basic eligibility criteria will be informed at that time that they are not eligible for further consideration of this program for this year.

- Notice of a funding award will be given in the form of a contract outlining the terms of the proposed assistance. Project funding may only be used for expenses incurred after the date of contract execution. Applicants are strongly encouraged to review and countersign NYSERDA's Agreement prior to starting the project.

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

- All Applicants will be requested to certify and agree that any expansion of the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, may not result in an increase of the award, consideration of scope changes will be at the sole discretion of NYSERDA.

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

- NYSERDA expects projects to proceed in the time frame set forth by the Applicant. If the implementation of a project fails to proceed as planned and is delayed for a significant period of time and there is, in NYSERDA's exclusive judgment, doubt as to its viability, NYSERDA reserves the right to cancel its funding commitment to such project. NYSERDA reserves the right to require Recipient to provide any additional information and/or documentation NYSERDA deems necessary and terminate the project at any point if the applicant fails to provide such documentation in a timely manner.

  All required public approvals must be in place prior to the start of construction and installation of renewables, including State Environmental Quality Review (SEQRA). Physical work on a NYSERDA-funded project may not be started prior to the completion of any necessary environmental review.

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

ADDITIONAL RESOURCES

For more information, applicants should contact Sean Mulderrig at the New York State Energy Research and Development Authority, 17 Columbia Circle, Albany, New York 12203, call (518) 862-1090, email carbonchallenge@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 19.4 Megawatts (availability as of 5/1/23)

Program Description:
ReCharge New York (RNY) is a statewide economic development power program designed to retain or create jobs through allocations of lower cost electricity to businesses and Not-for-Profit Corporations. There is also power available to be allocated to businesses that plan to expand operations in the state or are looking to relocate to New York State. The RNY power program is a valuable tool for promoting economic development within the state. Businesses and Not-for-Profit Corporations are eligible to apply. The program is not available to sports venues, retail businesses, gaming or entertainment related establishments, and places of overnight accommodations.

Allocations of ReCharge New York power will be awarded based on a competitive application process based on legislative criteria. Recommended allocation awards must be approved by the Economic Development Power Allocation Board and the New York Power Authority Board of Trustees. Allocations of RNY power (in kW) will be delivered after the execution of a contract. The contract could be a term of up to seven years and will specify employment commitments and other terms and conditions for retaining the RNY power allocation.

For more information, eligible applicants should call the ReCharge New York Hotline at 888-JOBSNYS (888-562-7697) or email PoweringBusiness@nypa.gov. More program information can be found at www.nypa.gov/recharge .

Other Round 13 New York State Programs in the CFA

New York State Empire State Development (ESD)

Craft Beverage Micro Grant Program

Funding Available: Up to $5 million

Program Description: Up to $5 million of funding available to support projects that increase the production capacity, business infrastructure and profitability of businesses licensed to produce wine, beer, spirits, hard cider, and mead by providing matching funds for equipment purchases and facility upgrades. The Craft Beverage Micro Grant program and each funded proposal will work to support the Regional Economic Development Councils' long term strategic plans for economic growth in their regions.

Eligible Types of Applicants:
Businesses licensed by the New York State Liquor Authority to manufacture beverage alcohol in the State of New York and that hold one or more of the following licenses issued by the NYS Liquor Authority:

- DW 301 Winery
- FW 302 Farm Winery
- MW 307 Micro Farm Winery
- D 101 Brewer
- MI 101 Micro Brewery
- FD 106 Farm Brewery
- MR 210 Restaurant Brewer
- DA 201 Distiller Class A
- DA 206 Distiller Class A-1
- DB 202 Distiller Class B
- DB 205 Distiller Class B-1,
- DC 204 Distiller Class C
- DD 207 Farm Distiller Class D
- CD 304 Cider Producer
- CF 309 Farm Cidery
- MD 312 Mead Producer
- FY 313 Farm Meadery

RFA Link(s): https://esd.ny.gov/craft-beverage-micro-grant-program#additional-resources
Additional Resources: Contact the regional office for the region in which the project is located.

Not-for-Profit Capital Grant Fund Program

Funding Available: Up to $5 million

Program Description: Up to $5 million of funding available to support not-for-profit organizations who provide economic support in their region by providing 50/50 matching funds for capital improvements. The Not-for-Profit Capital Grant program and each funded proposal will work to support the Regional Economic Development Councils' long term strategic plans for economic growth in their regions.

Eligible Types of Applicants: 501c3 Not-for-profit organizations whose mission is to provide an economic and community benefit to the area the organization serves. Associations, professional service organizations and fiscal sponsors will not be considered for funding. 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.

RFA Link(s): https://esd.ny.gov/nfp-grant-program#additional-resources
Additional Resources: Contact the regional office for the region in which the project is located.

Industrial Development Bond Cap
Funding Available: Up to $150 million

Program Description: Up to $150 million of the 2023 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 Types of Applicants: 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.

RFA Link(s): https://esd.ny.gov/industrial-development-bond-cap-program#additional-resources

Additional Resources: Michelle Cummings michelle.cummings@esd.ny.gov

New York State Homes & Community Renewal (HCR)
Community Development Block Grant (CDBG) Funds
Funding Available: Up to $20 million

Program Description: The New York State Community Development Block Grant (CDBG) program is a federally funded program administered by New York State Homes and Community Renewal (HCR) that helps counties, cities, towns, and villages with projects that improve communities and benefit residents across New York State. Eligible applicants can apply for grants ranging from $50,000 (Community Planning) to $1,750,000 (Joint, Co-funded Water or Sewer). Detail available online, here: https://hcr.ny.gov/community-development-block-grant

Eligible Types of Applicants: The New York CDBG Program provides community and economic development grants to towns, villages, and cities with a population less than 50,000, and counties with an unincorporated population less than 200,000.

RFA Link(s):
CDBG- community planning- https://hcr.ny.gov/community-development-block-grant#funding-round-materials
CDBG- public infrastructure and facilities - https://hcr.ny.gov/community-development-block-grant#funding-round-materials

Additional Resources: Applicants can contact HCR staff at HCR_CFA@hcr.ny.gov or 518-474-2057 for assistance.

New York State Department of State (DOS)

Local Government Efficiency (LGE) Grant Program

Funding Available: Up to $4 million

Program Description: Funding is available to local governments to incentivize new actions to reduce the cost of operations and service delivery, thereby limiting growth in property taxes. Project include local government reorganization and service delivery modernization, through shared services, municipal and functional consolidations, and establishment of regional service delivery mechanisms.

Eligible Types of Applicants: Eligible applicants include 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).

RFA Link(s): https://dos.ny.gov/local-government-efficiency-grant-program-23-lge-13

Additional Resources: lgeprogram@dos.ny.gov, 518-473-3355

Office of Planning Development, and Community Infrastructure (OPDCI) Smart Growth Community Planning and Zoning Grant

Funding Available: Up to $2 million

Program Description: Financial assistance grants are available on a competitive basis to municipalities to develop or update comprehensive plans, area plans (such as Transit Oriented Development plan) or zoning ordinances that incorporate smart growth principles including promoting efficient and sustainable land development and redevelopment patterns that optimize prior infrastructure investments. These planning efforts should reflect a community goals and aspirations for its own future, and address a wide range of planning issues including, but not limited to, appropriate physical development, economic development, transportation patterns, natural and built resource inventories, and population trends, while setting a course for clean and affordable energy, efficient use of land, protection of agricultural working lands and forests and overall healthy communities.

Eligible Types of Applicants: Eligible applicants are villages, towns and cities; as well as counties, regional planning councils or not-for-profits applying on behalf of a village, town, or city.

RFA Link(s): https://dos.ny.gov/smart-growth-comprehensive-planning-program-23-opdsg-3

Additional Resources: The SGCP Request for Applications (RFA) which describes all grant program requirements is available on the Department of State's Funding & Bid Opportunities website at https://dos.ny.gov/funding-bid-opportunities. Questions can be submitted by e-mail to opd@dos.ny.gov with the subject line: "23-OPDSG-3 RFA Questions". Responses will be posted on the Department's Funding & Bid Opportunities website.

Office of Planning Development, and Community Infrastructure (OPDCI) Smart Growth Countywide Resiliency Planning Grant

Funding Available: Up to $2 million, with a maximum award of $300,000 per award

Program Description: Financial assistance grants are available on a competitive basis to counties, regional planning councils and non-profit organizations for grants to support the creation of countywide resiliency plans that primarily address climate change risks and vulnerabilities associated with an increase in frequency and severity of storm and precipitation events; sea-level rise; storm surge; flooding; drought; extreme heat; and other climate hazards. Countywide resiliency plans will consider past damages, future threats, and potential economic opportunities and identify strategies and projects to make communities more resilient. It is expected these countywide resiliency plans will ensure that any reconstruction or revitalization efforts strengthen community vitality, maximize use of available funds, and reduce future weather and climate related damages.

Eligible Types of Applicants: Eligible applicants are counties, regional planning councils, or not-for-profits applying on behalf of a county.

RFA Link(s): https://dos.ny.gov/countywide-resiliency-program-23-opdsg-13

Additional Resources: The SG CWRP Request for Applications (RFA) which describes all grant program requirements is available on the Department of State's Funding & Bid Opportunities website at https://dos.ny.gov/funding-bid-opportunities. Questions can be submitted by e-mail to opd@dos.ny.gov with the subject line: "23-OPDSG-13 RFA Questions". Responses will be posted on the Department's Funding & Bid Opportunities website.

New York State Energy Research and Development Authority (NYSERDA)

Energy Efficiency Programs

Funding Available: Up to $15 million

Program Description: One distinct energy program provides technical and financial assistance to support energy efficiency decisions. The Flexible Technical Assistance Program provides objective and customized engineering analysis to help customers make informed energy decisions.

Eligible Types of Applicants: Eligible Applicants include but are not limited to:

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

RFA Link(s): NYSERDA Portal Core Solicitation Detail FlexTech PON 4192

Additional Resources: flextech@nyserda.ny.gov

New York State Department of Environmental Conservation (DEC)

Climate Smart Communities (CSC) Grants

Funding Available: Up to $8 million

Program Description: The 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 mitigation implementation projects that reduce greenhouse gas emissions (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.

Eligible Types of Applicants: Eligible Applicants are: County, City, Town, and Village within the State 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 to the CSC grant program. However, these political subdivisions may partner with a municipality to complete a CSC project. In this case, the municipality must act as the lead applicant and submit the application, enter into contract with the state, own all infrastructure or project components funded by the CSC program, receive reimbursement of grant funds, submit all deliverables, and complete all reporting requirements. Formal, fully executed partnership agreements between all parties is required as part of the grant contract.

RFA Link(s): https://www.dec.ny.gov/energy/109181.html#CSC

Additional Resources: cscgrants@dec.ny.gov, 518-402-8444

Water Quality Improvement Project (WQIP) Program

Funding Available: Up to $75 million

Program Description: WQIP is a competitive, statewide reimbursement grant program to implement projects that directly improve water quality or aquatic habitat, promote flood risk reduction, restoration, and enhanced flood and climate resiliency, or protect a drinking water source. Project types include: Wastewater Treatment Improvement, Non-agricultural Nonpoint Source Abatement and Control, Vacuum Trucks in Municipal Separate Storm Sewer System (MS4) Areas, Land Acquisition for Source Water Protection, Salt Storage, Dam Safety Repair/Rehabilitation, Aquatic Connectivity Restoration, and Marine District Habitat Restoration.

Eligible Types of Applicants: Municipalities, including Indian Nations, (as defined in the Program Overview) and Soil and Water Conservation Districts are eligible for all project types unless otherwise noted. Not-for-Profits are eligible for Land Acquisition for Source Water Protection, Aquatic Connectivity Restoration, and Marine District Habitat Restoration.

RFA Link(s): https://www.dec.ny.gov/pubs/4774.html

Additional Resources: user.water@dec.ny.gov, 518-402-8179

Non-Agricultural Nonpoint Source Planning and MS4 Mapping Grant
Funding Available: Up to $3 million

Program Description: Grants of up to $50,000 are available to produce planning reports for non-agricultural nonpoint source water quality improvement projects. Grants of up to $75,000 are available for comprehensive stream corridor studies. Grants up to $400,000 are available for Municipal Separate Storm Sewer System (MS4) mapping. The program aims to prepare nonpoint source projects for construction and application for implementation funding and encourages and supports cooperation among regulated MS4s to complete mapping of their stormwater system.

Eligible Types of Applicants: Municipalities, including Indian Nations (as defined in program overview), and Soil and Water Conservation Districts are eligible for the Nonpoint Source Planning Reports project type. Municipal MS4 Operators Regulated by the MS4 General Permit and Soil and Water Conservation Districts on behalf of regulated MS4 Operators are eligible for the MS4 Mapping project type.

RFA Link(s): https://www.dec.ny.gov/pubs/116725.html

Additional Resources: user.water@dec.ny.gov ; 518-402-8179

New York State Environmental Facilities Corporation (EFC)
Green Innovation Grant Program (GIGP)
Funding Available: Up to $15 million

Program Description: The New York State Environmental Facilities Corporation (EFC) will offer grants to help pay for certain projects that improve water quality and mitigate the effects of climate change through the Green Innovation Grant Program (GIGP). The GIGP grants are awarded on a competitive basis for projects that will implement one or more of the following green practices (Green Practice(s)):

- Green Stormwater Infrastructure
- Energy Efficiency
- Water Efficiency
- Environmental Innovation

GIGP projects selected for funding maximize opportunities to leverage the multiple benefits of green stormwater infrastructure, energy efficiency, water efficiency, and environmental innovation to build capacity in these fields and facilitate the transfer of new technologies and practices to other areas of the State. Grants will be available to cover a minimum of 50% up to a maximum of 90% of the total eligible project costs for planning, design, and construction based on Median Household Income (MHI). The maximum grant amount for an individual GIGP award is $3 million.

A summary of the funding available based on the type of green practice is below:

	GREEN STORMWATER INFRASTRUCTURE	ENERGY EFFICIENCY	WATER EFFICIENCY	ENVIRONMENT INNOVATION
Municipal MHI equal to or less than $80,000 for communities in New York State, excluding the Long Island, New York City, and Mid-Hudson Regions	Grant in an amount up to 90% of eligible project costs	Grant in an amount up to 75% of eligible project costs	Grant in an amount up to 75% of eligible project costs	Grant in an amount up to 90% of eligible project costs

Municipal MHI greater than $80,000 for communities in New York State, excluding the Long Island, New York City, and Mid-Hudson Regions	Grant in an amount up to 75% of eligible project costs	Grant in an amount up to 50% of eligible project costs	Grant in an amount up to 50% of eligible project costs	Grant in an amount up to 75% of eligible project costs
Municipal MHI equal to or less than $100,000 for communities in the Long Island, New York City, and Mid-Hudson Regions.	Grant in an amount up to 90% of eligible project costs	Grant in an amount up to 75% of eligible project costs	Grant in an amount up to 75% of eligible project costs	Grant in an amount up to 90% of eligible project costs
Municipal MHI greater than $100,000 for communities in the Long Island, New York City, and Mid-Hudson Regions.	Grant in an amount up to 75% of eligible project costs	Grant in an amount up to 50% of eligible project costs	Grant in an amount up to 50% of eligible project costs	Grant in an amount up to 75% of eligible project costs

RFA Link(s): https://efc.ny.gov/gigp-apply

Program Contact: Brian Hahn, 518.402.6924, Brian.Hahn@efc.ny.gov

Wastewater Infrastructure Engineering Planning Grant Program
Funding Available: Up to $3 million

Program Description: Grants are offered 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 are available to municipalities to fund engineering and planning activities to produce an engineering report. The goal of the EPG program is to encourage communities to advance water quality projects to the design stage, and ultimately construction, by funding the development of an engineering report. This allows the community to seek financing through the CWSRF program or funding from other sources.

Eligible Types of Applicants: Municipalities that meet median household income thresholds:

- Equal to or less than $80,000 according to the United States Census, 2021 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 $100,000 according to the United States Census, 2021 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, 2021 American Community Survey MHI data can be found on the EPG page on the EFC website at www.efc.ny.gov/epg)

RFA Link(s): https://efc.ny.gov/epg-apply

Program Contact: Brian Hahn, 518.402.6924, Brian.Hahn@efc.ny.gov