



# Regional Economic Development Councils



AVAILABLE  
CFA RESOURCES  
2024

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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 thirteen 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 are vital to the sustainable growth of New York's economy.

In 2023, each Council developed new strategic plans for their region, marking the first time that a comprehensive update had been made since 2015, to outline an economic vision for the future and develop strategies to capitalize on key regional assets and priorities for the region. The new strategic plans serve as a road map for growth in each region based on economic circumstances, existing resources, and future opportunities to achieve each region's vision for success. Each Council developed their strategic plan to re-evaluate and re-affirm their goals and strategies for the region as it is through this comprehensive strategic planning process that guides every region across the state to succeed in creating private sector jobs, driving private investment, bolstering workforce development, and revitalizing long-neglected cities, towns, and neighborhoods. Each region's strategic plan and progress reports can be found online at [www.regionalcouncils.ny.gov](http://www.regionalcouncils.ny.gov)

For Round XIV, Regional Councils will maintain their focus on implementing each region's strategic plan and continue to identify and invest in significant economic development projects. Round XIV includes core capital and tax-credit funding that will be combined with a wide range of new and existing agency programs through the CFA process. The core funding includes \$175 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 REDC plans.

In order to be responsive to the immediate needs of the development community and to meet the evolving needs of businesses and manufacturers in the state, as well as support state goals and initiatives to invest in vibrant and sustainable communities, the \$150 million in Regional Council Capital Funds will be portioned into three programs; \$100 million in grant funds from Empire State

Development will continue to be made available to projects on a continuous and competitive basis this round; \$40 million in grants funds for Capital Improvements to Pro-Housing Communities will be made available to projects in the standard CFA Round ending July 31, 2024 at 4pm EST; and \$10 million in grant funds for Small Manufacturer Modernization projects will be made available to projects in the standard CFA Round ending July 31, 2024 at 4pm EST;

This year, there are programs available through 7 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; 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.

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 XIV. 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 4 agencies including Empire State Development; Homes and Community Renewal; Department of State; and Department of Environmental Conservation. A brief over and links to access the full guidelines for these programs can be found in the last section of this document. Additional program resources can be found at: <https://apps.cio.ny.gov/apps/cfa/index.cfm>.

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>.



# 2024 REDC Available Resources

## Programs Subject to the 4:00PM EST July 31 Deadline

### **New York State Empire State Development: Up to \$65 million**

- Up to \$40 million for Capital Improvement Grants for Pro-Housing Communities
- Up to \$15 million for Market New York
- Up to \$10 million for the Small Manufacturer Modernization Program

### **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 \$26 million**

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

### **New York State Department of State: Up to \$15.975 million**

- Up to \$13.975 million for the Local Waterfront Revitalization Program
- Up to \$2 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 \$20 million**

- Up to \$10 million for Commercial and Industrial (C&I) Carbon Challenge
- Up to \$10 million for Building Cleaner Communities Competition (BCCC)

## REDC Open Enrollment Programs

### **New York State Empire State Development: Up to \$177 million**

- Up to \$100 million for ESD Grant Funds
- Up to \$75 million for Excelsior Jobs Program
- Up to \$2 million for Strategic Planning and Feasibility Studies

### **New York State Power Authority: Up to 35.5 Megawatts**

- Up to 35.5 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 31<sup>st</sup>, 2024 4:00PM EST deadline.*

# Other NYS Round 14 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 31<sup>st</sup>, 2024 Deadline**

### ***New York State Empire State Development: Up to \$5 million***

- *Up to \$5 million for Not-for-Profit Capital Program Funds*

### ***New York State Homes and Community Renewal: Up to \$25 million***

- *Up to \$25 million for New York State Community Development Block Grant Program*

### ***New York State Department of State: Up to \$2 million***

- *Up to \$2 million for the Smart Growth Comprehensive Planning and Zoning Grant Program*

### ***New York State Department of Environmental Conservation: Up to \$95.5 million***

- *Up to \$75 million for the Water Quality Improvement Project (WQIP) Program*
- *Up to \$17.5 million for the Climate Smart Communities Grant Program*
- *Up to \$3 million for the Non-Agricultural Nonpoint Source Planning and Municipal Separate Storm Sewer System (MS4) Mapping Grant Program*

## **Open Enrollment Programs**

### ***Homes & Community Renewal: Up to \$10 million***

- *Up to \$10 million for Community Development Block Grant – Vacant Property Clearance Program*

*Programs included as Open Enrollment will continue to accept applications on an ongoing basis and are not subject to the July 31<sup>st</sup>, 2024 4:00PM EST deadline*

# New York State Empire State Development

## **Empire State Development Grant Funds**

**Funding Available: Up to \$100 million**

### **PROGRAM DESCRIPTION:**

Empire State Development (ESD) has \$100 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 strategic plan and subsequent progress reports that set 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.

City, town, and village applicants must be certified by NYS Homes and Community Renewal (HCR) as a pro-housing community\*\* prior to receiving an award.

- City, town, and village applicants must either be certified as a pro-housing community prior to submitting an application for ESD Grant funding OR
- Must apply to HCR to become a certified pro-housing community when applying for ESD Grant funds and must be approved for certification prior to award announcements.
- No awards will be made to cities, towns, or villages that are not a certified pro-housing community at the time of award.

\* 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 Statewide Financial System (SFS).

\*\* The [Pro-Housing Certified Communities Program](#) was created to incentivize local governments that are committed to addressing New York's housing crisis and is administered by NYS Homes and Community Renewal (HCR). HCR will review and certify communities who have taken steps and are committed to increasing their housing stock and once certified, will then be eligible for the

ESD Capital Improvement Grants for Pro-Housing Communities Program along with county applicants and not-for-profit organizations located within a pro-housing community.

**FUNDING AVAILABLE:**

- Up to \$100,000,000 will be made available;
- The minimum award is \$100,000

**MATCH & EQUITY REQUIREMENTS:**

Applicants will generally not be considered for more than twenty percent of the financing for any project based on the eligible total project cost unless applying for funding within a strategic focus area. For example, a \$1,250,000 investment could receive up to a \$250,000 grant from ESD. 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.

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.

**ELIGIBLE PROJECT REQUIREMENTS & PROGRAM PRIORITIES:**

Only minimum grant requests of \$100,000 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 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.

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.**

**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 Investment**

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 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 or 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.

- **Childcare Projects**

Despite record investments in childcare, many New Yorkers still struggle to access high quality childcare. This issue forces families to choose between quality childcare and employment or places families in the position to use unlicensed childcare providers. Expanding the capacity of childcare offerings 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 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 Deserts 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 include 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 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 2022 ACS 5-year estimate and meet at least five of the criteria listed below:

- Moderately distressed communities shall have at least 25 households receiving public assistance income in the 2022 ACS 5-year estimate and meet at least three of the criteria listed below:
- Slightly distressed communities shall have at least 100 households receiving public assistance income in the 2022 ACS 5-year estimate and meet at least two of the criteria listed below:
  - Population loss between the 2022 ACS 5-year estimate and the 2018 ACS 5-year estimate – an absolute loss in population.
  - Unemployment rate (2022 ACS 5-year estimate) higher than the State's rate.
  - Private sector employment growth rate (2022 ACS 5-year estimate) over the preceding 5 years was lower than the State's OR private sector employment (2022 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 (2022 ACS 5-year estimate) was greater than the State's poverty rate.
  - Per Capita Income change (2022 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.

▪ **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.

**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; and
- Other costs / expenditures deemed eligible by ESD.

**INELIGIBLE PROJECT COSTS & 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;
- In-kind costs;
- 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; and
  - 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.

#### **APPLICANT 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. 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.

Applicants must always disclose when pursuing or intends to pursue multiple ESD funding sources, including grants, loans and tax incentives.

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.

**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>.

## **Capital Improvement Grants for Pro-Housing Communities Program**

**Funding Available: Up to \$40 million**

### **PROGRAM DESCRIPTION:**

The Capital Improvement Grants for Pro-Housing Communities Program has up to \$40 million of capital grant funding made available from the Empire State Development (ESD) Grant Funds program to support capital improvement and placemaking projects located within pro-housing certified communities. The program is designed to directly support local participation in Governor Hochul's [Pro-Housing Communities Program](#)\* to invest in and create more vibrant communities throughout NYS. While projects through the ESD Grant Funds program are typically considered for awards of up to twenty percent of the financing for projects, projects applying to the Capital Improvement Grants for Pro-Housing Communities program will be considered for up to fifty percent of the eligible total project cost with a cap of \$3 million per project.

Capital improvement grants for projects within pro-housing communities are intended to foster economic development not only by being a catalyst to the increase in availability and access to housing, but also by stimulating community development and neighborhood growth through placemaking projects and the elimination and redevelopment of blighted structures. The focus of the program will be to incentivize capital investments within pro-housing communities to support infrastructure improvements, blight removal, and placemaking investments to create thriving and sustainable communities. While the pro-housing communities program only applies to cities, towns, and villages, this capital improvement grants program is also open to counties and not-for-profits to apply for funding as long as the project itself is located within a pro-housing community.

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 strategic plan and subsequent progress reports that set 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 granted to projects which are identified as significant, regionally supported and capable of stimulating economic investment, including those indicated as a priority by the Regional Councils. Funding will be awarded by the New York State Urban Development Corporation (d/b/a Empire State Development) at its discretion. Applications will be accepted through July 31<sup>st</sup>, 4PM 2024.

\*The [Pro-Housing Certified Communities Program](#) was created to recognize and reward municipalities actively working to unlock their housing potential and encourage others to follow suit. Under the program, HCR will review and certify communities who successfully unlocked housing growth or committed to taking important steps to support housing, such as by streamlining permitting and adopting pro-housing policies, and that have applied and submitted critical housing and zoning data to the state. Once certified, localities will then be eligible for the ESD Capital Improvement Grants for Pro-Housing Communities Program along with county applicants and not-for-profit organizations located within a pro-housing community.

### **ELIGIBLE TYPES OF APPLICANTS:**

Eligible Applicants include:

- Cities, towns, and villages;
  - Cities, towns, and villages must be certified by HCR as a [pro-housing community](#) prior to submitting a Consolidated Funding Application (CFA) to the Capital Improvement Grants for Pro-Housing Communities Program OR
  - Must apply to HCR to become a certified pro-housing community by July 31<sup>st</sup>, 2024 and be approved for certification prior to award announcements in the Fall of 2024.
    - While HCR accepts letters of intent, a full application submittal to the HCR Pro-Housing Communities Program is required to be submitted to HCR by July 31<sup>st</sup>, 2024.

- No awards will be made to municipalities that are not a pro-housing certified community at the time of award
- Not-for-profit corporations\*\* and counties whose projects are located within a certified pro-housing community.
  - While the pro-housing communities program does not apply to not-for-profits and county applicants, projects will be considered for funding if the applicant's proposed project is located within a community that is either already certified by HCR as a pro-housing community or the community that the project is located in submits their application to become a pro-housing certified community to HCR by July 31<sup>st</sup>, 2024 and the community is approved for certification prior to award announcements in the Fall of 2024.

\*\* 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 Financial System (SFS).

**FUNDING AVAILABLE:**

- Up to \$40,000,000 will be made available;
- The Minimum award is \$100,000; and
- The Maximum award is \$3,000,000

**MATCH & EQUITY REQUIREMENTS:**

Applicants will not be considered for more than fifty percent of the financing for any project based on the eligible total project cost. For example, a \$1,000,000 investment could receive up to a \$500,000 grant from Empire State Development (ESD). 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.

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 requested by ESD. Equity cannot be borrowed money secured by the assets in the project or grants from a government source.

**ELIGIBLE PROJECT REQUIREMENTS & PROGRAM PRIORITIES:**

Projects will generally fall into one of the two categories below. The more a project exceeds the parameters of the categories below, the more favorably it will be looked upon. Prioritization will be given to projects that will lead to the increase of available housing units resulting from the project; however capital projects will be considered for funding so long as there is an anticipated increase in economic development as a result of the project. Preference will be given to projects that leverage other investments occurring in the community such as Downtown Revitalization Initiative (DRI) investments, Restore investments, etc. versus standalone projects within a community. Preference will also be given to projects located in economically distressed communities as defined in the ESD Grants Program Guidelines.

Awards are offered as an incentive to undertake a project. The amount of an award from ESD is based on a number of additional factors including, but not limited to, the project's alignment with the state and regional priorities, direct and indirect fiscal benefit to the state and local governments, overall economic activity, community development and private investment. Regional distribution will be considered to the extent possible. While projects may be eligible for up to fifty percent of the



eligible total project cost, 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.

**Municipal Applicants Only:** Municipal support facilities which are not intended for public use such as municipal buildings for employees, city hall, emergency service buildings, etc. will not be considered for funding. Municipal applicants must own the site for where the project is occurring and will be required to incur the costs of the project to be eligible for reimbursement. In the event that the program is overprescribed with projects that may be awarded funding, municipal applicants will be limited to one award per municipality.

### **Infrastructure and Blight Removal Projects**

Capital projects with a justified economic benefit will be considered for funding with the intent to award smaller-scale infrastructure projects. Eligible projects include but are not limited to:

- New or reconstruction of infrastructure including but not limited to water, sewer, or other utilities that will support development projects with a justified economic benefit;
- Site development and preparation including but not limited to blight removal, demolition, and environmental remediation; and
- Construction, expansion, and/or rehabilitation of facilities or space leading to an increase in economic development;
- Other capital projects that will result in a justified economic benefit as determined and considered by ESD. Applicants are encouraged to reach out to their [ESD Regional Office](#) to discuss their project prior to submitting an application.

Project examples include but are not limited to infrastructure improvements within a downtown that will lead to additional mixed-use housing, water and/or sewer infrastructure that will increase capacity to support business expansions, transit orient development improvements within a downtown, demolition of an existing facility and infrastructure improvements within a downtown to support additional development, etc.

### **Placemaking Projects**

In order to attract a talented workforce and grow business, a community environment must emphasize creating accessible job centers, sustainable infrastructure and vibrant, livable communities as it is through these placemaking efforts that communities can attract the workforce for the additional housing that pro-certified communities are focused on achieving.

Placemaking projects will be reviewed, and awards will be considered based on the anticipated economic benefit and community impact resulting from the project including but not limited to direct and indirect economic impacts, a demonstrated need for the project being proposed, ancillary economic impacts to the surrounding businesses, community support for the project and any additional economic benefits that will occur as a result of the project.

Awards are intended to support places where people gather to increase economic impact within the area of the project versus projects that will only support the applicant itself who is applying. An example includes a new market concept located in an economically distressed downtown to provide opportunities for pop-up businesses, programming, and events. Another example includes an expansion of an event center located in a downtown which would lead to an increase in economic activity within the surrounding area of the event center itself; thus, resulting in greater ancillary economic impacts to the area aside from just the event center itself.

Applicants should clearly and concisely describe how the proposed project will serve their local community as well as community support for the project. A project that is located in a downtown

area will be looked upon more favorably than a project not located in a downtown area and encouraging sprawl development. Given all projects will occur within pro-housing certified communities, placemaking projects should support creating diverse and engaged communities that will be supported by the additional housing commitments by the respective municipality the project is located in. Additional examples of placemaking projects include but are not limited to cultural institutions, places of gathering, waterfront redevelopment, community space, etc.

#### **ELIGIBLE PROJECT COSTS AND ACTIVITIES:**

- 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 project development;
- Soft costs of up to twenty-five percent (25%) of total project costs; and
- Other costs / expenditures deemed eligible by ESD.

#### **INELIGIBLE PROJECT COSTS AND 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 or infrastructure leading to residential use if there's a commercial component to the 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;
- In-kind costs;
- 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.

#### **APPLICANT REQUIREMENTS:**

**Applicants are strongly encouraged to reach out to their [ESD Regional Office](#) to discuss their project prior to submitting an application.**

For cities, towns, and villages, the municipality must be certified by HCR as a pro-housing community prior to submitting a CFA to the Capital Improvement Grants for Pro-Housing Communities Program or must apply to HCR to become a pro-housing community by July 31<sup>st</sup>,

2024 and approved for certification prior to award announcements. No awards will be made to municipalities that are not a pro-housing certified community at the time of award.

While the pro-housing communities program does not apply to not-for-profits and counties, projects sponsored by not-for-profits and counties will be considered for funding if the applicant's proposed project is located within a community that is either already certified by HCR as a pro-housing community or the community that the project is located in submits their application to HCR by July 31<sup>st</sup>, 2024 and is approved for certification prior to award announcements.

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 funding 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 funding should be specific to the phase, NOT the overall multi-phase project.

The project cannot begin, and expenses cannot not be incurred, before funding awards have been announced. Expenses incurred prior to submission of a CFA should not be included in CFA project budgets, nor should expenses that will be incurred after submission of a CFA but prior to an award announcement.

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

A strong emphasis will be placed on project readiness along with the applicant having the capacity to complete the project if awarded. 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.

#### **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 economic and community impacts that will result from the project;
- For projects that will lead to the creation of additional housing units, the number and type of anticipated units that will be created;
- For blight removal projects, the current condition of the structure(s), location of the structure(s) and the reuse plan for the property/site;
- 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 direct and ancillary benefits that will result from the project occurring;
- 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.
- 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>

## **Small Manufacturer Modernization Grant Program**

**Funding Available: Up to \$10 million**

### **PROGRAM DESCRIPTION:**

The Small Manufacturer Modernization Grant Program has up to \$10 million of capital grant funding made available from the Empire State Development (ESD) Grant Funds program. The Small Manufacturer Modernization Grant Program was established to support existing New York State small manufacturers investing in capital projects that will improve competitiveness and productivity through modernization and integration of advanced technology. The program is designed to help increase the strength of these small manufacturers and safeguard jobs in this industry in New York State.

Manufacturing has a significant economic impact on the state's economy by providing high-paying jobs and supporting innovation. Small manufacturers are the backbone of New York State's larger manufacturing supply chain and help make larger investments in New York State possible, yet they face many challenges that larger corporations don't typically have to navigate including higher operating costs, access to capital, workforce development, technology adoption, global competition, and supply chain disruptions. Through this program, capital grant funding will be available to assist small legacy manufacturers to invest in machinery and equipment that will significantly increase the operational efficiencies and market competitiveness of their businesses to keep them thriving in New York. Applications will be accepted through July 31<sup>st</sup>, 4PM 2024.

Funding will be awarded by the New York State Urban Development Corporation (d/b/a Empire State Development) at its discretion. If awarded, the grantee will be required to enter into a contract with ESD, and ESD will pay the grantee on a reimbursement basis, up to the total award amount, and paid at project completion. No progress payments will be made, and applicants will need to plan their project accordingly to cover project costs given ESD funds will be disbursed once the project is complete. Grantees will have 2 years from date of award letter to produce necessary paperwork indicating that materials have been purchased and installed and that the project is complete.

### **ELIGIBLE TYPES OF APPLICANTS:**

Eligible Applicants include for-profit businesses and not-for-profit corporations\* who are primarily engaged in manufacturing to support a tradeable sector and meet all the following criteria:

1. The applicant manufactures a product within one of the targeted industries below.
  - Agribusiness and Food Production (including Craft Beverage)
  - Biotech and Life Sciences
  - Cleantech and Renewable Energy
  - Defense Systems (including Aerospace)
  - Industrial Machinery and Systems
  - Materials Processing
  - Optics, Photonics, and Imaging
  - Semiconductors
  - Tech and Electronics
  - Transportation Equipment
2. The applicant must retain the current level of all existing full-time permanent employees for a period of 2 years following the execution of a Grant Disbursement Agreement. ESD will be entitled to recoup all or part of ESD's grant if the applicant fails to reach or retain employment as agreed upon.

3. The applicant is a NYS small manufacturing business operating in NY for at least 10 years.
  - o For this program, a small manufacturing business must have a minimum of 5 full-time permanent employees\*\*, with a maximum of 99 full-time permanent employees in all of New York State.

\* 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 Statewide Financial System (SFS).

\*\*Definition of Full-time Permanent Employee: (i) a full-time, permanent, private-sector employee on the Recipient's payroll, who has worked at the Project Location for a minimum of 35 hours per week for not less than four consecutive weeks and who is entitled to receive the usual and customary fringe benefits extended by Recipient to other employees with comparable rank and duties; or (ii) two part-time, permanent, private-sector employees on Recipient's payroll, who have worked at the Project Location for a combined minimum of 35 hours per week for not less than four consecutive weeks and who are entitled to receive the usual and customary fringe benefits extended by Recipient to other employees with comparable rank and duties.

#### **FUNDING AVAILABLE:**

- Up to \$10,000,000 will be made available;
- The Minimum award is \$50,000;
- The Maximum award is \$250,000; and
- Payment of awarded funds will be made in one lump sum payment as a reimbursement once the project is complete as no progress payments will be made.

#### **MATCH & EQUITY REQUIREMENTS:**

Applicants will generally not be considered for more than twenty percent of the financing for any project based on the eligible total project cost. For example, a \$1,250,000 investment could receive up to a \$250,000 grant from ESD. 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.

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 requested by ESD. Equity cannot be borrowed money secured by the assets in the project or grants from a government source.

#### **APPLICANT 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.

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.

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

The project cannot not begin, and expenses cannot not be incurred, before awards have been made. 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.

**ELIGIBLE PROJECT REQUIREMENTS & PROGRAM PRIORITIES:**

Only proposed projects that seek to invest in capital improvements to increase competitiveness and productivity through modernization or integration of advanced technology to manufacture a product to support the targeted industries below while maintaining their current employment level in NYS for 2 years will be considered. A strong emphasis will be placed on project readiness along with the applicant having the capacity to complete the project if awarded. Below includes the parameters and priorities for the program. The more a project exceeds the parameters below, the more favorably it will be looked upon.

1. The company must manufacture a product that supports one of the industries below:
  1. Agribusiness and Food Production (including Craft Beverage)
  2. Biotech and Life Sciences
  3. Cleantech and Renewable Energy
  4. Defense Systems (including Aerospace)
  5. Industrial Machinery and Systems
  6. Materials Processing
  7. Optics, Photonics, and Imaging
  8. Semiconductors
  9. Tech and Electronics
  10. Transportation Equipment
2. Projects will not be considered for more than twenty percent of the financing for any project based on the eligible total project cost. The likelihood of receiving an award improves as the percentage of ESD assistance is reduced and private investment or other sources are better leveraged.
3. The company must retain their existing full-time permanent employees for 2 years following the execution of a Grant Disbursement Agreement. Projects that have a higher average salary for the jobs being retained (compared to other projects) will be looked upon more favorably.
4. Preference will be given to projects that will also result in the creation of new full-time permanent employees. Projects that have a higher average salary for the jobs being created (compared to other projects) will be looked upon more favorably.
  1. *\*\*If a project is creating more than 15 jobs, applicants may consider reviewing the ESD Capital Grant Guidelines to determine which program best fits the needs of their project and reach out to the [ESD regional office](#) where the project is located to further the discuss the project.*
5. Prioritization will be given to applicants who export their product outside of NYS and applicants with a higher percentage of their product sales made outside of NYS over the last two calendar years will be looked upon more favorably than those who predominantly sell their product within NYS.
  1. *Considerations will be made for companies who manufacture a product supporting one of the targeted industries above whose product is part of the supply chain for a NYS company that then uses their product which is exported outside of NYS (subject to ESD review and consideration on a case-by-case basis).*

2. *Consideration will also be made for companies who manufacture a product that provides a vital piece of the NYS supply chain to support one of the target industries included in the program guidelines that would otherwise need to be sourced from outside of New York State. (subject to ESD review and consideration on a case-by-case basis).*
6. The company must demonstrate how the investments resulting from the award will increase the company's outputs and competitiveness in the market.
7. The company must demonstrate how the investments resulting from the award will support the state's efforts to reduce greenhouse gas emissions as required by the Climate Leadership and Community Protection Act (CLCPA). Preference will be given to projects that undertake electrification and energy efficiency measures, including the installation of more energy efficient equipment that utilize advanced technology.

Considerations will be made to the extent possible to prioritize companies that have not received ESD funding within the last five years. Regional distribution will also be considered to the extent possible.

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, and private investment.

Awards are offered as an incentive to undertake a project. Because awards are offered as an incentive to undertake a project, the project cannot begin, and expenses cannot be incurred, before funding awards have been announced.

**Applicants are strongly encouraged to reach out to their [ESD Regional Office](#) to discuss their project prior to submitting an application.**

#### **ELIGIBLE COSTS & ACTIVITIES:**

Costs must be directly related to an eligible project. These eligible costs include:

- Acquisition of machinery and/or equipment, land, buildings;
- Demolition and environmental remediation;
- New construction, renovation or leasehold improvements;
- Acquisition of furniture and fixtures; and
- Other costs / expenditures deemed eligible by ESD.

#### **INELIGIBLE COSTS & 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;
- In-kind costs;
- 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;

- Soft costs;
- 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.

**SELECTION CRITERIA:**

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

**Vision and Regional Economic Development Strategies:**

- The degree to which the project supports the Regional Economic Development Council's Strategic Plan and eligible tradeable sectors listed for the region in which the project is located;
- The degree to which the project will increase productivity and market competitiveness;
- The type and number of jobs that will be retained, and the average salary of those jobs;
- The type and number of jobs that will be created, and the average salary of those jobs;
- The likelihood that the project identified in the application would not occur but for the availability of state incentives.
- 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;

**Public/Stakeholders:**

- Whether the project has demonstrated support from local government and private sector leaders in the locality and the region where the project is 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.

**Implementation:**

- The degree of project readiness and likelihood of completion;
- The anticipated time until completion of the project; and
- The degree of the Applicant's financial viability and strength of financials/operating history/ESD financial analysis.

**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;
- The percentage of total product sales sold outside of NYS;
- For non-job creation projects, the direct and ancillary benefits that will result from the project occurring;
- The degree to which the project supports the principals of smart growth and sustainable development, completes energy efficiency and resiliency measures, and/or reduces greenhouse gas emissions; 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 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, 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 required 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 or if the jobs identified in the application and subsequent incentive proposal are not retained for at least 2 years.
- 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.
- 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.
- 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>

## **Strategic Planning & Feasibility Studies**

**Funding Available: Up to \$2 million**

### **PROGRAM DESCRIPTION:**

The Strategic Planning and Feasibility Studies Program was established to support planning grants for future development for communities and urban areas across New York State. Up to \$2 million is available for working capital grants of up to \$100,000 each to support 1) strategic development plans for a city, county, or municipality or a significant part thereof and 2) feasibility studies for site(s) or facility(ies) assessment and planning.

Projects should focus on the economic development benefits and impacts resulting from the project. Preference shall be given to projects supporting the Regional Economic Development Council Initiative, Downtown Revitalization Initiative, strategic community investment projects where investments are being made and projects located in highly distressed communities. Each grant requires a minimum of 50% of total project costs in matching funds, which must 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 Statewide Financial System (SFS).

### **FUNDING AVAILABLE:**

- Up to \$2,000,000 will be made available;
- The maximum award is \$100,000

### **MATCH & EQUITY REQUIREMENTS:**

The Program grant is a 50/50 matching grant. For example, a \$100,000 investment could receive up to a \$50,000 matching grant from ESD.

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.

### **APPLICANT 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.

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

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

### **ELIGIBLE PROJECT REQUIREMENTS & PROGRAM PRIORITIES:**

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 2022 ACS 5-year estimate and meet at least five of the criteria listed below:
- Moderately distressed communities shall have at least 25 households receiving public assistance income in the 2022 ACS 5-year estimate and meet at least three of the criteria listed below:
- Slightly distressed communities shall have at least 100 households receiving public assistance income in the 2022 ACS 5-year estimate and meet at least two of the criteria listed below:
  - Population loss between the 2022 ACS 5-year estimate and the 2018 ACS 5-year estimate – an absolute loss in population.
  - Unemployment rate (2022 ACS 5-year estimate) higher than the State’s rate.
  - Private sector employment growth rate (2022 ACS 5-year estimate) over the preceding 5 years was lower than the State’s OR private sector employment (2022 ACS 5-year estimate) as a percentage of total employment was less than the State’s.
  - Percentage of households receiving public assistance (2022 ACS 5-year estimate) was greater than the statewide percentage.
  - Poverty rate (2022 ACS 5-year estimate) was greater than the State’s poverty rate.
  - Per Capita Income change (2022 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.

### **ELIGIBLE PROJECT COSTS & ACTIVITIES:**

Assistance is available in the following two categories:

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

### **INELIGIBLE PROJECT COSTS & ACTIVITIES:**

The following types of expenses are not eligible for reimbursement and should not be included in the project budget:

- Medical / hospital development projects
- Retail only development projects;
- Residential development, although program funds may be used for a study involving a mixed- use project.
- In-kind costs;
- 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.

#### **SELECTION CRITERIA:**

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

#### **Vision and Regional Economic Development Strategies:**

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

#### **Public/Stakeholders:**

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

#### **Implementation:**

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

#### **Leveraged Resources:**

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

### Performance Measures:

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

### AWARD CRITERIA DETAILS:

- Notice of a funding award will be given in the form of an incentive proposal outlining the terms of the proposed assistance. The award is subject to approval of the ESD Directors and compliance with applicable laws and regulations. Project funding may only be used for expenses incurred after date that notice of the funding award is given. Applicants are strongly encouraged to review and countersign ESD's incentive proposal prior to starting the project.
- All Applicants will be requested to certify and agree that any decrease in the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, jobs retained, and jobs created, may result in ESD's reduction of the award, in ESD's sole discretion, in an amount proportionate to any such decrease.
- All Applicants will be requested to certify and agree that any expansion of the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, jobs retained, and jobs created, will not result in the increase of the award by ESD.
- Awarded grants are **not transferable** and reimbursement payments may only be made to the awardee.
- The essential terms for the assistance are included in the incentive proposal. Although funding is offered prior to project commencement as an inducement to undertake the project, funds are disbursed in arrears, as reimbursement for eligible project expenditures.
- Projects generally are presented to the ESD Directors once all project expenditures have been undertaken and disbursement of ESD assistance is sought.
- It is expected the project will proceed in the time frame set forth by the Applicant. If the implementation of a project fails to proceed as planned and is delayed for a significant period of time and there is, in the exclusive judgment of ESD, doubt as to its viability, ESD reserves the right to cancel its funding commitment to such project. If awarded, the Incentive Proposal expires two years from the date of acceptance by the Recipient. ESD reserves the right to require Recipient to provide any additional information and/or documentation ESD deems necessary and terminate the project at any point if the applicant fails to provide such documentation in a timely manner.
- All required public approvals must be in place prior to the start of construction (should the project result in construction) and approval by the ESD Directors, including State

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

- In 2014, the Service-Disabled Veteran-Owned Business Act was signed into law. The new law created the Division of Service-Disabled Veterans' Business Development in Office of General Services to certify, promote and encourage economic development among disabled veterans throughout the state. Project Applicants are urged to work with Service-Disabled Veteran- Owned Businesses (SDVOBs) and a directory can be found at <https://ogs.ny.gov/Veterans>.
- In accordance with the requirements of Article 15-A of the New York State Executive Law: Participation By Minority Group Members and Women With Respect To State Contracts by providing opportunities for MBE/WBE participation, projects awarded funding shall be reviewed by ESD's Office of Contractor and Supplier Diversity, which will set business and participation goals for minorities and women. Such goals shall typically be included in the incentive proposal.

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

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

**ADDITIONAL RESOURCES:**

For more information, eligible Applicants should contact the local Empire State Development Regional Office. A complete list of the ESD Regional Offices can be found at <http://esd.ny.gov/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 States Code, to be maintained with respect to any performer in such production.

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

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

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

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

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

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

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

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

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

<b>Targeted Activity</b>	<b>Minimum Job Creation Threshold</b>
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

<https://esd.ny.gov/excelsior-jobs-program>

## **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 2024-2025 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 but may not apply for both marketing and capital expenditures within the same CFA round.

Applicants applying for both ESD (capital) grant funds and *Market New York* capital grant funds must demonstrate an 80% match for both programs. Applicants that do not demonstrate 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 applicant is awarded an ESD capital grant, they may at the discretion of ESD be deemed ineligible for an additional *Market New York* capital award.

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

### **ELIGIBILITY REQUIREMENTS**

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.** Additionally,

projects that are funded by SUNY schools and/or projects that include any element of religious proselytizing are not eligible under the program.

Businesses that apply for funding must be certified to do business in New York State. Businesses that operate in a state other than New York State are required to submit, as part of the application, a Certificate of Authority provided by New York State Department of State.

Applicants must complete and submit a Consolidated Funding Application (CFA) which will be reviewed by and the REDC.

**New!** All applicants are REQUIRED to include a project plan. Applications that do not include a project plan will be deemed ineligible. Please see the FUNDING CATEGORY section for more information.

Projects must clearly demonstrate in the CFA and / or project plan that the project is tourism related. Projects that fail to establish a direct tourism impact and/or fail to include a project plan will be deemed ineligible and will not be scored.

Projects that take place in multiple regions or across the state will be scored by the REDC where the project is headquartered or by the REDC sponsoring the project.

In July 2023, Governor Hochul signed Executive Order 30 creating the Pro-Housing Community Program – an innovative policy designed to reward local governments that are working hard to address New York’s housing crisis. NYS municipalities applying for a *Market New York* capital grant will be required to be certified as a Pro-Housing Community prior to receiving an award and must apply for certification prior to the program deadline. For more information about the Pro-Housing Community program and certification process please visit: [www.hcr.ny.gov/phc](http://www.hcr.ny.gov/phc) .

In order to ensure the success of your project, we highly recommend you have access to the following technology: communication (email & working phone number), scanner, internet access and printer.

An application that applies for a working capital grant while also including capital expenses will be deemed ineligible. Similarly, an application for a capital grant that includes marketing expenses will also be deemed ineligible.

**Note to Not-For-Profit Organizations:**

Please note that 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.

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:

- 1) be prequalified in New York State's Statewide Financial System (SFS) formerly known as Grants Gateway, (further information may be found here (<https://www.sfs.ny.gov/>))
- 2) be registered and up to date with filings with the New York State Office of the Attorney General's Charities Bureau (further information may be found here (<https://ag.ny.gov/resources/organizations/charities-nonprofits-fundraisers/charities-registration>)); and
- 3) be registered and up-to-date with the New York State Office of the State Comptroller's VendRep System (further information may be found here (<https://www.osc.ny.gov/state-vendors/vendrep/vendrep-system>)).

*It is strongly advised that all Not-For-Profit organizations register with the Statewide Financial System(SFS), formerly known as Grants Gateway, before or upon submitting a CFA application.*

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

In accordance with the requirements of Article 15-A of the New York State Executive Law: Participation by [certified] Minority Group Members and Women with Respect to State Contracts, projects awarded funding shall be reviewed by ESD's Office of Contractor and Supplier Diversity, which may set business and participation goals for minorities and women. Established goals for awarded projects will be designated in the Incentive Proposal. Please note that ESD's agency wide MWBE (Minority and Women Owned Business Enterprise) utilization goal is 30 percent (30%). Each project will be assigned an individual contract-specific goal, which may be **higher or lower than 30 percent (30%)**. Should an applicant receive a funding award, the applicant shall be required to use good faith efforts to achieve the prescribed MWBE goals assigned to this project.

Awarded grantees must maintain their own 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 or termination of the grant.

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

### **SIGNIFICANT TOURISM INITIATIVES**

*Market New York* will have its greatest impact when funded projects are in alignment with the tourism work being done by New York State, especially the I LOVE NY tourism promotion work being done by Empire State Development and the Division of Tourism. I LOVE NY concentrates on the sectors and markets representing the most promising opportunity to maintain and grow



visitation and visitor spending throughout the state, utilizing strategies including television, digital, out-of-home, and other advertising, experiential marketing at live events, international sales and marketing, public relations efforts, social media engagement and other initiatives. *Market New York* projects that focus on the following areas are most likely to be in alignment with the state's significant tourism initiatives:

1. **Inspiring consumers to choose New York State for their next getaway:** Projects that market/promote/showcase, on at least a regional basis, New York State's: unique, world-class destinations; large-scale special events, especially those new to the state; arts & cultural projects; and niche tourism segments including but not limited to accessible travel, LGBTQ tourism, Black tourism and heritage tourism including projects that involve historic sites, museums and /or the commemoration of America's 250<sup>th</sup> anniversary.
2. **Engaging the travel trade:** Projects that pursue Meetings, Incentives, Conferences, and Exhibitions 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.
3. **Promoting international tourism:** Projects that keep New York State top of mind for travel by international consumers, especially from the state's key feeder markets: Canada, UK, Germany, and Australia. Efforts may include B2B work to have international tour operators and travel agents add and promote New York destinations in their offerings and/ or marketing that reached out to consumers more directly.
4. **Promote outdoor recreation destinations and activities:** Projects that: maximize the trend of increased outdoor tourism and convert first-time users of New York's outdoor recreational assets to regular guests; create broader awareness of lesser known and visited outdoor destinations to help redirect visitors from more crowded assets; and / or improve the visitor experience with increased programming and staff support while ensuring the long-term preservation of natural assets for continued, sustainable visitation.

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

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

Successful tourism marketing projects will also complement and align with 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***. Measurement criteria include increases in room nights, visitor frequency, visitor spending and length of stay.

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, third party vendors, consultants or contractors or any project elements. As such, we strongly recommend that the grantee designate one point of contact for the life of the project, if awarded. The designated individual will be required to have regular communications with *Market New York* and ESD staff

### **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 state agency (including I LOVE NY Tourism Matching Funds, Meet in New York, EDA Subaward and the ESD Fund) are ineligible to be used for the match.

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.

If your requested match is higher than 50% in your application and if at some point during your project your organization can no longer commit to those funds, the Department will be required to prorate your award based on the amount of the match in your application. For example: Application total project cost is \$250,000 (100%) your organization committed \$150,000 (60%) match and requested \$100,000 (40%) from *Market New York*. If your organization's match amount were to drop to \$100,000, your award would be reduced to approximately \$66,667 to keep your required match at 60% of the total project cost.

All expenditures, including the matched expenses, are required to be *demonstrated* that they were expended from the awarded grantee's account(s). If working with a partner, the partner will need to transfer any cash match into the grantee's account(s).

### **Project Plan**

**NEW! All applicants are REQUIRED to include a project plan.** Applications that do not include a project plan will be deemed ineligible.

A project plan should outline the specifics of the project (within 15 pages or less; project plans over 15 pages may not be reviewed), the budget and specifically how the grant funds and the grantee equity (match) 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 awarded 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;
- reasonable, industry-standard costs for: social media and influencer campaigns; and participation in co-op advertising created by other organization(s), both subject to the review and approval of ESD.
- reasonable, industry-standard fees paid to artists, musicians, performers, special guests & speakers subject to the review and approval of ESD;
- rental of event amenities (e.g., chairs, tents, tables, staging, lighting, fencing, etc.);
- consultation/vendor/contractor event(s) services, with fees paid to consultants for administrative services subjected to limitation at the discretion of the department);
- site expenses & services (e.g., convention center fees, security, shuttle buses, etc.);
- 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 complete the required project/grant program documents, communication and reporting elements, not including general overhead costs of everyday business that are unrelated to the administration of the grant. ) Administrative costs must be demonstrated at the time that reimbursement is requested through payroll journals, cashed payroll checks and / or other sources deemed appropriate by ESD. While administrative costs may be reimbursable, they are often more effectively applied instead toward the grantee's required match; 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;
- any fees paid to NYS
- 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;
- sponsorship fees;
- products being sold;
- 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);
- permanent 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), including any in-house creative marketing costs;
- fringe benefits (such as health insurance, retirement benefits and other non - mandated benefits);
- rent or other operational/overhead expenditures related to everyday business, not including certain rental costs related to putting on special events, such as performance or competition space;
- workforce development training for staff or consultants;
- 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.);
- operational/overhead expenditures (e.g., rent, utilities, office supplies, etc.); and
- other expenses deemed ineligible by ESD.

Some costs, such as staff travel (transportation, lodging, mileage, etc.), may only be eligible toward the grantee's match and not reimbursed by grant funds.

### **Grant & 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 and MWBE questionnaire 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 Incentive Proposal 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. Reimbursements are eligible for request after the successful grantee has a signed/approved Grant Disbursement Agreement.

These processes 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. 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 contracts; executed agreements; invoices; cancelled checks (both front and back); full bank statement from grantee's accounts (must show organization name, account number, address); 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 (working capital) are expected to complete projects within two years of the date of the award letter and awards may be terminated after that time.

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.

Please note all MWBE and SDVOB requirements must be in compliance and Statewide Financial System (SFS) (formerly known as Grants Gateway) accounts in pre-qualified status for non-profit organizations, in order for payments to be processed.

### **Fees**

There are no fees associated with the regional tourism marketing (working capital) funding track.

### **Reporting**

All projects will require that a final report be completed before a final reimbursement will be made.

## **II. Regional Tourism Capital**

### **Up to \$8 million**

Only minimum requests of \$150,000 or more will be considered, not including the grantee match. Any grant requests under \$150,000 will be found ineligible and will not be scored.

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

Successful tourism 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**. Measurement criteria include increases in room nights, visitor frequency, visitor spending and length of stay.

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. Equity is defined as cash injected into the project by the Recipient or by investors and should be auditable through Recipient financial statements or Recipient accounts, if so, requested by ESD. Equity cannot be borrowed money secured by the assets in the project. This 10% equity contribution is included as part of the required 80% match for *Market New York* capital projects discussed below.

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.

### **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 are not eligible for the match requirement. Funds from any state agency (including, but not limited to I LOVE NY Matching Funds, EDA Subawards, Meet in New York and the ESD Grant Funds) 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.

### **Project Plan**

**All applicants are REQUIRED to include a project plan.** Applications that do not include a project plan will be deemed ineligible.

A project plan should outline the specifics of the project (within 15 pages or less, project plans over 15 pages may not be reviewed), the budget and specifically how the grant funds and the grantee equity will be used, as well as any other information that the applicant would like to share with the scoring teams. It is also strongly advised that applicants provide information that clearly and specifically addresses the scoring criteria listed later in these guidelines. The budget in the project plan should reflect the same total project costs indicated in the budget section of the CFA application.

### **Eligible Expenses**

Eligible 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 complete the required project / grant program documents, communication and reporting elements, not including general overhead costs of everyday business that are unrelated to the administration of the grant. Administrative costs must be demonstrated at the time that reimbursement is requested through payroll journals, cashed payroll checks and / or other sources deemed appropriate by ESD. While administrative costs may be reimbursable, they are often more effectively applied instead toward the grantee's required match; and
- other costs deemed reasonable by ESD.

### **Ineligible Expenses**

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

- developer fees;
- workforce development training for staff or consultants;
- 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 any portion of grant funds to other organizations, outside of approved subcontractors for the project;
- loan, finance, interest and/or tax fees;
- any costs incurred for events held outside New York State;
- working capital expenditures;
- 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.

### **Grant & 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 and MWBE questionnaire to the department upon being awarded, even if there is no change to the budget from the CFA. After that time, ESD will send the awarded grantee 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 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. Grantees may be eligible for a reimbursement after the grantee has a signed and approved Grant Disbursement Agreement.

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, all Statewide Financial System (SFS) (formerly known as Grants Gateway) accounts (for non-profit organizations) and MWBE compliance must be up to date in order for payments to be processed.

### **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 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.

### **\*\*\*FOR ALL GRANTEES:**

- Awarded grants are not transferable (no exceptions).

- All project expenditures (grant and match) must be demonstrated to have been expended from grantees accounts, and reimbursement payments will only be made to the awarded grantee.
- 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.
- 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, 25% penalty and/or termination of an award.
- No further money would be exchanged with the grantee, including but not limited to rights and space fee(s), in the event that I LOVE NY and / or the NYS Division of Tourism would choose to: record video footage related to the project or grantee for state tourism promotion 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.
- 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 three (3) consecutive rounds may be deemed ineligible. It is also likely that funding for multi-year or ongoing projects will decrease for each year after the first year of funding in order to facilitate self-sufficiency of these tourism projects.
- 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. ESD is not able to advise on your tax reporting status.
- Any changes of an awarded project budget (including the match) of more than 10% or \$1,000, whichever is greater, and/or major changes to the scope of the project may cause a reduction of an awarded amount or termination of your awarded grant.
- Satisfactory progress is necessary for a successful project. Satisfactory program 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 do not 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.
- Communication with ESD and the *Market New York* team are essential for your project's success. , As such, if your project manager does not receive a response from your organization within 60 days of any outreach from ESD, we may consider your award abandoned and look to terminate the grant/award.
- Any work done by vendors/contractors/consultants requires an executed contract or other written agreement. Otherwise, requests for reimbursement of these expense may not be accepted.
- ESD/*Market New York* staff cannot advise on marketing elements. You may consider hiring a consultant for these purposes.
- Insurance Requirements:
  - Capital projects and working capital project that are events related will be required to meet all applicable insurance requirements.
  - Grantees will be required to carry appropriate insurance and 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, Empire State Development and the NYS Division of Tourism 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 based 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. See **Significant Tourism Initiatives** section for further specifics.

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 15 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.

**All applicants are REQUIRED to include a project plan.** Applications that do not include a project plan will be deemed ineligible.

**Please note: If a project plan does not demonstrate a clear match, as outlined in the guidelines, your application may be deemed incomplete, and you may receive a low score for these criteria.**

### **GRANT MATCH REQUIREMENT [up to 10 points]**

How well does the project plan/budget demonstrate the necessary minimum cash match for total project costs, namely 50% or more for Region Tourism Working Capital/Marketing projects or 80% for Regional Tourism Capital/Construction 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;
- A letter from a bank showing a bank loan committed to the project, etc.; and / or
- Financial documents that show required match in account

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

## **II. ESD EXECUTIVE REVIEW [30 Points Total]**

ESD will consider additional factors pertaining to the proposals as part of the executive review that may not have been available for the reviewers to consider and award **up to 30 points** to each proposal. This review will take into account 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/ASSISTANCE**

For more information, please contact the New York State Division of Tourism staff at [RegionalTourism@esd.ny.gov](mailto:RegionalTourism@esd.ny.gov).

# 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 the NYMS program are:

- Counties;
- Cities, Towns, Villages that have been designated as a Pro-Housing Community; 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 2024 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.

Applicants may propose **one** activity for a 2024 New York Main Street (NYMS) application. Four NYMS activities are available in the 2024 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](mailto: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:

<b>\$250,000</b>	<b>2024 NYMS Request Amount</b>
\$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: to 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:

<b>\$250,000</b>	<b>2024 NYMS Downtown Anchor Project Request Amount</b>
\$227,500	Building Renovation Funds: to stabilize 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.

Example NYMS Downtown Stabilization Project Application Request:

<b>\$250,000</b>	<b>2024 NYMS Downtown Stabilization Project Request Amount</b>
\$217,500	Building Renovation Funds: to renovate one building
\$20,000	Soft Costs: environmental compliance, testing, and reporting
\$12,500	Administration: staff time to administer grant

Please contact the Office of Community Renewal at [HCR\\_CFA@hcr.ny.gov](mailto: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 - 12 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. Applicants will not receive full points in this category if the community in which the project is located has not submitted a letter of intent or been designated as a Pro-Housing Community.

### **Leveraging & Financing Plan - 18 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:**

- In July 2023, Governor Hochul signed Executive Order 30 creating the Pro-Housing Community Program – an innovative policy designed to reward local governments that are working hard to address New York's housing crisis. Projects in communities that have submitted a letter of intent or been designated as a Pro-Housing Community will receive priority consideration in their application for New York Main Street funding. Municipal applicants must be designated as a Pro-Housing Community to apply. More information found here: <https://hcr.ny.gov/phc>
- 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](mailto: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 \$675,000.

### **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 Statewide Financial System (SFS): 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 to the applicant.
  - 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:**

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 that the applicant has selected and for which the application qualifies. Applicants should be alert to the requirements for each category for which they wish the application to be considered.

**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.

**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>.

- To apply for funding, the historic property must be either listed on the State and/or National Registers, approved for nomination at the March 1, 2024 State Board for Historic Preservation meeting, or on the agenda for nomination review at the June 12, 2024 or September 12, 2024 meeting. Properties must be listed prior to receiving a grant award. 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.
- 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>

#### **PROGRAM BENEFIT AND LONG-TERM PROTECTION REQUIREMENTS:**

To ensure the public benefits from the investment of State funds, all properties acquired or developed with grant funds will receive long-term protections. The method and term of the protection is dependent upon the type of applicant and project undertaken. Generally, the long-term protections include:

- Public access covenants or preservation covenants, for a specific term, conveyed to the State and recorded against a property deed, run with the land and apply to the grant recipient and all successive owners, operators and lessees.
- Perpetual preservation covenants or conservation easements conveyed to the State and recorded against a property deed, run with the land and apply to all successive owners, operators and lessees.
- Municipal parkland acquired or improved with EPF funding must remain parkland in perpetuity.



- Sample documents are located at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>, under Long Term Protections. For municipal parkland, information is available in the “Handbook on the Alienation and Conversion of Municipal Parkland,” located at <https://parks.ny.gov/publications/> under Other Publications.

### **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.
- All grantees receiving state aid for acquisition, development, renovation or restoration projects must provide a dated and signed project boundary map of the park, recreation or historic preservation area affected by the funding. The cost of surveying or production of a map to fulfill this requirement can be included in the project budget.

#### 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, 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: OPRHP COMMISSIONER PRIORITIES FOR 2024:**

- **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/or other multi-use pedestrian and bicycle trails**, creating physical and functional connections among already-protected state and local lands, historic sites, greenways, trails and waterways. For example, projects may include landscape and trail improvements and special features or signage to improve programming and interpretation.
- Projects that advance and/or complement **transformational projects** across the State to enhance sustainability and resilience, 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.**

#### **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 Statewide Financial System (SFS) is required.** Grant proposals received from nonprofit applicants that are not Prequalified in SFS 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 at <https://grantsmanagement.ny.gov/get-prequalified>.

**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 in New York City, approval/endorsement by the Community Board(s) in which the project is located AND a letter of support from the Borough President(s) where the project is located may be submitted as an alternative to the municipal endorsement. For projects involving multiple municipalities, the endorsement is required from the municipality with planning jurisdiction (e.g., the county) and all municipalities encompassing 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 to the applicant.
- **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:

- Consult SEQR regulations to determine if your project is classified Type II, Unlisted or Type I.
  - If your project is classified 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 the project is Unlisted, submit a completed Short Environmental Assessment Form (EAF) (Parts I-III).
  - If the project is 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 evidence of **current** community involvement and support, such as news articles, press releases, agenda/minutes of public meetings, newsletters, fundraising campaign documents, community reports, etc. 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](mailto:NYSOPRHPGrants@parks.ny.gov).

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.

### **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 2024 (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 and waterways. For example, projects may include landscape and trail improvements and special features or signage to improve programming and interpretation.
- C. Projects that advance and/or complement **transformational projects** across the State, to enhance sustainability and resilience, 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.
- D. **Projects that are undertaken by OPRHP Friends organizations or other partner groups that occur in State Parks or Historic Sites.**

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

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

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

#### TOTAL (0-100)

- VII. **Project in a Hudson River Greenway Compact Community (5% 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/2023/03/greenway-map-march-2023.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: \$1,750,000 of the appropriation is directed to specific line items, leaving \$24,250,000 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 \$675,000.** Should project costs increase post-award, the grant award **will not** be adjusted upward.

- LONG RANGE GOALS: Special consideration should be given to projects that are referenced in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) or included in other state and local planning initiatives.
- PROJECT TERM COMPLETION DATES: Once all conditions of award are met (see SUCCESSFUL APPLICANT REQUIREMENTS below) and a contract is executed with the State, it is anticipated that acquisition and planning projects will be completed within one year and construction projects within two years; projects must be completed within five years from the date of the award of the grant. OPRHP will monitor the progress of project work and will recapture awarded funds if significant progress is not made.

## SUCCESSFUL APPLICANT REQUIREMENTS:

Successful applicants will be notified of their award, including those elements of the proposed scope and budget that have been accepted for funding. 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/combatting-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>
- Submission of Certification under Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia.
- Registration in the Statewide Financial System (SFS). Instructions can be found at <https://grantsmanagement.ny.gov/register-your-organization-sfs>; for assistance, contact the Help Desk at [grantsreform@its.ny.gov](mailto:grantsreform@its.ny.gov).
- **For not-for-profit grantees:**
  - Maintenance of pre-qualification status in the Statewide Financial System (SFS).
  - 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 lienholders, 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, and competitive bidding, 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:

- Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money.
- All reimbursements for projects on property eligible or listed on the National or State Registers of Historic Places must be satisfactorily documented so that the State Historic Preservation Office can ensure work was done in conformance with the Secretary of the Interior Standards.
- At the discretion of the State, an Agreed Upon Procedure Review may be required by the State, performed by a representative of the State or a Certified Public Accountant.

**Failure to comply with these requirements could jeopardize full reimbursement.**

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

# New York State Department of State

## Local Waterfront Revitalization Program

Funding Available: Approximately \$13.975M

### 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. The Department encourages applications for projects which achieve more resilient waterfront communities. New York communities are increasingly vulnerable to more intense and frequent rain events, extreme heat, drought, and greater flooding and shoreline erosion caused by heavy rain, runoff, intense winds, and wave action which have been exacerbated by climate change. To help address these issues and improve community readiness to apply for construction funding through the Clean Water, Clean Air and Green Jobs Environmental Bond Act and other funding sources, in this solicitation, the Department is prioritizing applications to prepare a planning or feasibility study and/or design for:

- Projects that preserve, restore, and/or enhance natural landscapes that protect water quality and catalyze waterfront revitalization and projects that lead to the preservation or restoration of natural landscapes, such as forests, floodplains and wetlands, dunes, estuaries, marshes, riparian zones, riverine systems, and shellfish restoration. Projects may include:
  - Natural and nature-based shoreline stabilization
  - Living shorelines
  - Vegetated buffers
  - Culvert rightsizing
  - Natural sediment transport restoration
  - Runoff reduction and/or reduction of watershed imperviousness and preservation of groundwater infiltration
- Stormwater projects that address water quality and green infrastructure such as raingardens, bioretention areas, stormwater green streets, and porous pavement
- Projects to make public facilities, including parks, trails, blueway trails, etc. more resilient to potential severe weather and flooding impacts including water quality improvements.
- Projects which mitigate barriers to diadromous species migration including but not limited to River Herring, American Eel and Brook Trout.

**The EPF LWRP Request for Applications (RFA) 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 \$13.975 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 \$2 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 written 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 completed 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), including Updating an LWRP to be More Resilient to Climate Risks
- Preparing an LWRP Component, including a Watershed Management Plan
- Implementing an LWRP or a completed LWRP Component

**Eligible Costs:**

Costs must be adequately justified and directly support the scope of work outlined in the application for the proposed project. Proposed total project costs, including match components, must be essential to project completion.

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. Applicant 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 provide 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 includes design and/or construction work.

**Application Evaluation Criteria:**

Applications will be reviewed according to the specific criteria presented below. See [RFA](#) for more details.

**Program Criteria (maximum of 80 points)**

Local Waterfront Revitalization Program Priorities for 2024 (0 or 6 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)

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. Eligible applications will be scored and funds will be awarded until available funds are fully distributed.

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 Method 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 Method 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 or Disadvantaged 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 VI. Funding and Budget Guidance Environmental Justice](#) (page 13). 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.

#### Successful Applicant Requirements:

##### **New York Statewide Financial System**

Grant applicants are encouraged to register through the New York Statewide Financial System. To register, log on to <https://www.sfs.ny.gov/index.php/vendors>.

##### **Standard Cost Reimbursement Contract**

Each successful applicant must enter into a State of New York Contract for Grants 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 payment only upon proper documentation and compliance with reimbursement procedures; and (4) be subject to all other contractual requirements. A copy of the State of New York Contract for Grants including the attachments outlined above is available from the Department upon request.

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 an acceptable period 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 State of New York Contract for Grants.

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 State of New York Contract for Grants 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 State of New York Contract for Grants, and for a period of six years from the later of the date of (i) the State of New York Contract for Grants and (ii) the most recent renewal of the State of New York Contract for Grants, any and all Records necessary to substantiate upon audit, the proper deposit and expenditure of funds received under the State of New York Contract for Grants. 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. The earliest start date of contracts is April 1, 2024. No extensions are anticipated, however special consideration for extensions due to extreme extenuating circumstances may 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 [LWRP@dos.ny.gov](mailto:LWRP@dos.ny.gov) with the subject line: "24-LWRP-3 RFA Questions". Questions will be accepted until June 17, 2024. Responses will be posted on July 9, 2024. 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 a live webinar. 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: Approximately \$2.0M**

### **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, the development or update of Brownfield Opportunity Area (BOA) Plans, and related implementation, phase II environmental site assessments and predevelopment activities for neighborhoods, downtowns, or other defined areas within a State-designated BOA. 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 \$2,000,000 is available for BOA program grants for the eligible activities identified. State assistance awarded and paid to a grant recipient shall not exceed 90% of the total eligible costs.

The maximum State assistance request for each grant award is \$500,000. The minimum State assistance 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, special improvement district, supervisory district, district corporation, or 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 known or suspected 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 based organization shall not include any not-for-profit corporation that has caused or contributed to the release or threatened release of a contaminant from or onto the brownfield site, or any not-for-profit corporation that generated, transported, or disposed of, or that arranged for, or caused, the generation, transportation, or disposal of contamination from or onto the brownfield site. This definition shall not apply if more than twenty-five percent of the members, officers or directors of the not-for-profit corporation are or were employed or receiving compensation from any person responsible for a site under title thirteen or title fourteen of article twenty-seven of



the environmental conservation law, article twelve of the navigation law or under applicable principles of statutory or common law liability.

- 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 or Update 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 known or suspected areas, including vacant, abandoned and underutilized property, within a county, borough, or other multi-jurisdictional area to identify concentrations of these properties for future specific localized planning efforts. The analysis shall culminate in a description and justification of an area or areas for future BOA planning, a basic description of current land use and zoning; identifying the proximity of potential brownfield sites to infrastructure assets; an assessment of existing and ongoing planning efforts; descriptions of existing known or suspected 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 a pre-planning activity will include a multi-jurisdictional inventory, including relevant mapping and preliminary analysis of identified known or suspected brownfield, underutilized, vacant, and abandoned property, and the identification of smaller areas, demonstrating a concentration of underutilization, 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.

Pre-Planning Inventory and Analysis is intended for counties or multi-jurisdictional areas 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 communities within the area studied. 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 or Update 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 known or suspected 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.

Achieving revitalization goals requires broad community support, strong partnerships, and sufficient local and regional capacity to overcome obstacles. Therefore, the preparation of a BOA Plan is expected to include robust community and stakeholder engagement as well as specific actions to develop partnerships and build the local capacity necessary to realize implementation of the plan.

Applicants may apply for funding to prepare or complete a BOA Plan or update an existing (designated or non-designated) BOA Plan to include all 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.

Applicants who have completed a BOA Plan (formerly BOA Nomination), that has or has not culminated in BOA Designation, may submit for a plan update. Justification for completing an update include, but are not limited to, the community's vision, goals, and strategies for revitalization are determined to be outdated; the boundary area of the designated BOA needs to be reconsidered; economic or market conditions have evolved, the status of strategic sites has changed; or the BOA Plan as designated by the NYS Secretary of State cannot be implemented. Updates of BOA plans should revisit all areas of the plan updating them to reflect the community's current vision and conditions and opportunities within the BOA area.

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 June 1, 2024 are also eligible to apply, however funding may only be awarded if the designation is made by the Secretary of State by October 1, 2024. A list of currently State-designated BOAs is available on the Department website: <https://dos.ny.gov/brownfield-redevelopment>.

These 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 may 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 design, engineering, and/or construction plans and specifications



- Environmental analyses and studies
  - including, but not limited to the preparation of a NYDEC Brownfield Cleanup Program (BCP) application for publicly-owned sites.
- 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

The Department encourages applications for predevelopment activities which include and prioritize accessibility in their design. Project design should incorporate Americans with Disabilities Act (ADA) standards and other creative solutions which go beyond minimum 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 will allow all visitors equal access. For example, inclusion of ADA accessible streetscapes, parks, and site furnishings such as seating and tables that accommodate wheelchair users, age-friendly features, amenities appropriate to the varied capabilities of all users including individuals with cognitive, communicative, social-emotional and sensory disabilities, and multi-lingual or pictorial wayfinding.

#### *(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 June 1, 2024, are also eligible to apply, however funding may only be awarded if the designation is made by the Secretary of State by **October 1, 2024**. 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 and RFA*.

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. The applications that pass for eligibility are then evaluated per the scoring criteria outlined in Application Evaluation Criteria below.

Site eligibility for a SA funded through the BOA Program does not guarantee site eligibility in the New York State Brownfield Cleanup Program administered by the Department of Environmental Conservation (DEC).

### **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 multiple 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 scope of work of the proposed project and be essential to project completion. All costs will be paid on a reimbursement basis and must be documented. 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, limited grant administration, project-related supplies and materials, light refreshments for required public outreach events, 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, 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 or the specified provisions adopted within the bylaws or charter of the non-profit organization, and additional requirements as described in this RFA.

## **Determining Total Project Cost and State Funding Request**

When estimating the total project cost, the applicant should clearly identify the cost to complete each task included in the project scope of work. This may include costs associated with project management and grant administration. All costs documented as part of the 'total project cost' must be eligible costs.

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 described below which directly support the project scope of work.

To calculate the Total Project Cost:

*Multiply the total project cost times the % State funding (0.90) = State Funds Requested*

As an example, if the total project cost is \$200,000 to complete all tasks in the project scope of work, the State Funds Requested would be \$180,000.

*Ex: \$200,000 \* 0.90 = \$180,000*

Applications requesting under \$100,000 in BOA grant funding will be disqualified and will not be scored.

### ***Ineligible Costs***

Ineligible costs include the following:

- (a) Indirect or overhead costs, such as rent, telephone service, general administrative support not directly related to the project work, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.
- (b) Salaries and other expenses of elected officials.
- (c) Costs incurred prior to the start date or outside 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**

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 Community-based organization applicants

- Community-based organizations shall submit a resolution adopted by the board of directors.
- Applications from Community-Based Organizations requesting funding to develop or update 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.
- All community-based organizations shall submit the Brownfield Opportunity Area Program: Community Based Organization Affirmation (2024) stating that such community-based organization does not include any not-for-profit corporation that has caused or contributed to the release or threatened release of a contaminant from or onto the brownfield site, or any not-for-profit corporation that generated, transported, or disposed of, or that arranged for, or caused, the generation, transportation, or disposal of contamination from or onto the brownfield site or that no more than twenty-five percent of the members, officers or directors of the not-for-profit corporation are or were employed or receiving compensation from any person responsible for a site under title thirteen or title fourteen of article twenty-seven of the environmental conservation law, article twelve of the navigation law or under applicable principles of statutory or common law liability.
- Community-Based Organizations must also register and be pre-qualified through the New York Statewide Financial System (SFS) on or before the application due date. Such applicants will be required to submit documentation of registration and pre-qualification with SFS, to include: (1) SFS Vendor ID; and (2) confirmation of Pre-Qualification Application Status. Information on this process is available at: <https://www.sfs.ny.gov/index.php/vendors>.

Any applicant 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 applications by non-municipal applicants***

All non-municipal applicants or co-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](https://ogs.ny.gov/system/files/documents/2022/04/eo16_certification.pdf). Completed Certification forms should be submitted no later than October 1, 2024, via email to [opd@dos.ny.gov](mailto: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:

- 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. The minimum State assistance request must be at least \$100,000.
- d. 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 Site Assessment
<b>Brownfield Opportunity (max. total 12 pts.)</b>	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 known or suspected 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
<b>Indicators of Economic Distress (max. total 6 pts)</b>	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: <ol style="list-style-type: none"> <li>(1) Poverty rate over 15 percent</li> <li>(2) Median household income within proposed project area is less than 50 percent of the surrounding area's median income</li> <li>(3) Unemployment rate in project area is 125 percent or greater than the statewide unemployment rate</li> </ol>	6	6	6	6

	<p>(4) Twenty-five (25) percent or more of the area is vacant, abandoned, or otherwise available for industrial or commercial development.</p> <p>(5) Located in a federally-designated <u>Opportunity Zone</u> or an <u>Environmental Zone</u> (En-Zone) as defined by the New York State Department of Environmental Conservation; and/or</p> <p>(6) Has demonstrated disparity compared to the surrounding community when comparing income, property values, vacancy rates, or other relevant indicators of distress</p>				
<b>Local Capacity &amp; Partnerships (max. total 6 pts)</b>	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
<b>Public and Stakeholder Support (max. total 6 pts)</b>	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
<b>Economic Value (max. total 8 pts.)</b>	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	
	Project clearly identifies the positive public health outcomes and/or how the result of such project	5	1	1	5

<b>Environmental Value (max total 6 pts.)</b>	will avoid or mitigate negative public health outcomes.				
	Project demonstrates that concrete steps will be taken to address environmental conditions at known or suspected brownfield sites.	1	1	1	1
	Project is consistent with NYS <a href="#">CLCPA</a> 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	
<b>Public Value (max. total 6 pts)</b>	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
<b>Scope of Work (max total 10 pts.)</b>	The project scope of work is clear and concise and identifies all discrete tasks necessary to complete the scope of work and deliverables associated with each task.	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 specific task costs, milestones, and completion dates for each task and the project.	2	2	1	1
	Application includes a detailed plan of the engagement process and approach to inclusive public participation <a href="#">that addresses how Diversity, Equity, Inclusion, Justice, and Accessibility will be included, and encourages participation from populations who are frequently underrepresented.</a>	2	2	1	1
	Application has identified the public and stakeholders who would be affected by, or who	2	2	1	1

	can advance the project, and strategies to engage these groups in project planning and implementation.				
<b>Evaluation of Budget and Cost (max total 20 pts.)</b>	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
<b>Total</b>		<b>80</b>	<b>80</b>	<b>80</b>	<b>80</b>

<b>Criterion</b>	<b>Description</b>	<b>County-wide Pre-Planning</b>	<b>Planning for BOA Plan</b>	<b>Predevelopment</b>	<b>Phase II Environmental Site Assessment</b>
<b>Brownfield Opportunity (max. total 12 pts.)</b>	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 known or suspected 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
<b>Indicators of Economic Distress (max. total 6 pts)</b>	<p>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:</p> <ul style="list-style-type: none"> <li>(7) Poverty rate over 15 percent</li> <li>(8) Median household income within proposed project area is less than 50 percent of the surrounding area's median income</li> <li>(9) Unemployment rate in project area is 125 percent or greater than the statewide unemployment rate</li> <li>(10) Twenty-five (25) percent or more of the area is vacant, abandoned, or otherwise available for industrial or commercial development.</li> <li>(11) Located in a federally-designated <u>Opportunity Zone</u> or an <u>Environmental Zone</u> (En-Zone) as defined by the New York State Department of Environmental Conservation; and/or</li> <li>(12) Has demonstrated disparity compared to the surrounding community when comparing income, property values, vacancy rates, or other relevant indicators of distress</li> </ul>	6	6	6	6

<b>Local Capacity &amp; Partnerships (max. total 6 pts)</b>	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
<b>Public and Stakeholder Support (max. total 6 pts)</b>	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
<b>Economic Value (max. total 8 pts.)</b>	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	
<b>Environmental Value (max total 6 pts.)</b>	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
	Project demonstrates that concrete steps will be taken to address environmental conditions at known or suspected brownfield sites.	1	1	1	1
	Project is consistent with NYS <a href="#">CLCPA</a> and will mitigate the impacts of climate change through reduction of carbon		2	2	

	emissions and/or increase in community resiliency.				
	The project includes the potential to enhance, protect or restore natural resources and promote green infrastructure.		2	2	
<b>Public Value (max. total 6 pts)</b>	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
<b>Scope of Work (max total 10 pts.)</b>	The project scope of work is clear and concise and identifies all discrete tasks necessary to complete the scope of work and deliverables associated with each task.	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 specific task costs, milestones, and completion dates for each task and the project.	2	2	1	1
	Application includes a detailed plan of the engagement process and approach to inclusive public participation that addresses how Diversity, Equity, Inclusion, Justice, and Accessibility will be included, and encourages participation from populations who are frequently underrepresented.	2	2	1	1
	Application has identified the public and stakeholders who would be affected by, or	2	2	1	1

	who can advance the project, and strategies to engage these groups in project planning and implementation.				
<b>Evaluation of Budget and Cost (max total 20 pts.)</b>	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
<b>Total</b>		<b>80</b>	<b>80</b>	<b>80</b>	<b>80</b>

**Regional Economic Development Council Support** (*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.

#### **Statewide Financial System**

Non-municipal applicants must register and be pre-qualified through the New York Statewide Financial System (SFS) on or before the application due date. Such applicants will be required to submit documentation of registration and pre-qualification with SFS, to include: (1) SFS Vendor ID; and (2) confirmation of Pre-Qualification Application Status. Information on this process is available at: <https://www.sfs.ny.gov/index.php/vendors>.

#### **Standard Cost Reimbursement Contract**

Each successful applicant must enter into a State of New York Contract for Grants. 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) be subject to all contractual requirements. A copy of the State of New York Contract for Grants. 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 State of New York Contract for Grants.

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 State of New York Contract for Grants 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 State of New York Contract for Grants , and for a period of six years from the later of the date of (i) the State of New York Contract for Grants and (ii) the most recent amendment of the State of New York Contract for Grants , any and all records necessary to substantiate upon audit, the proper deposit and expenditure of funds received under the State of New York Contract for Grants . Such records may include, but not be limited to, original books of entry (e.g., cash disbursements and cash receipts journal), and the following specific records (as applicable) to substantiate the types of expenditures noted (i) personal service expenditures: cancelled checks

and the related bank statements, time and attendance records, payroll journals, cash and check disbursement records including copies of money orders and the like, vouchers and invoices, records of contract labor, any and all records listing payroll and the money value of non-cash advantages provided to employees, time cards, work schedules and logs, employee personal history folders, detailed and general ledgers, sales records, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (ii) payroll taxes and fringe benefits: cancelled checks, copies of related bank statements, cash and check disbursement records including copies of money orders and the like, invoices for fringe benefit expenses, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (iii) non-personal services expenditures: original invoices/receipts, cancelled checks and related bank statements, consultant agreements, leases, and cost allocation plans, if applicable, (iv) receipt and deposit of advances and reimbursements: itemized bank stamped deposit slips, and a copy of the related bank statements.

### **Minority and Women-Owned Business Enterprise Participation**

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

### **Contract Period**

Subject to the continued availability of funds in the budget, the contract period shall not exceed five years from the start of the project. The earliest start date of contracts is April 1, 2024. 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-opportunities>. 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 17, 2024. Questions should be submitted by e-mail to [opd@dos.ny.gov](mailto:opd@dos.ny.gov) or in writing to the address below. When corresponding by e-mail, clearly indicate the subject as: "24-BOA-4 RFA Questions". To the degree possible, each inquiry should cite the RFA section and paragraph to which it refers.

Responses to questions received by June 17, 2024, will be posted by July 9, 2024, on the Department's website at: <https://dos.ny.gov/funding-bid-opportunities>. 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. The 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 the Request for Applications.

A schedule listing the regional workshops, and webinars which provide an overview of the application process and program requirements, are available at: <http://regionalcouncils.ny.gov/> The Department will host live webinars on May 22, 2024. Please refer to the [Department's Funding & Bid Opportunities](#) website for the live webinar schedule and registration as well as recorded webinars on the BOA grant program.



# 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, or the NYSCC.

**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](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.

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](http://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](mailto:Andrew.Marzo@NYPA.Gov)

# New York State Energy Research and Development Authority

## **Building Cleaner Communities Competition**

**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 and resilient 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. Up to \$2 million will be available Statewide through the Regional Greenhouse Gas Initiative funding, and at least \$8 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.

The Building Cleaner Communities Competition 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 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 \$1,700,000, whichever is less. Projects owned by a 501(c)(3) entity may be considered for awards up to 75 percent of eligible costs, or \$1,700,000, whichever is less.

Projects that incorporate Ground Source Heat Pumps to meet all heating and cooling loads will be eligible for an increased incentive cap, for a total incentive of \$2,000,000.

### **APPLICATION SUBMISSION**

No communication intended to influence this procurement is permitted except by contacting the designated contact by e-mail [BCCC@nyserda.ny.gov](mailto:BCCC@nyserda.ny.gov). If you have contractual questions concerning this solicitation, contact Thomas Rood at (518) 862-1090, ext. 3621 or [thomas.rood@nyserda.ny.gov](mailto:thomas.rood@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 projects is defined as the Site Owner.

To be eligible for incentives, projects that are subject to the zero emissions requirements in the upcoming building code must obtain building permits prior to that code going into effect, or must meet Passive House levels of performance. Projects may be considered for a reduced cost share if the Site Owner is a designated 501(c)(3) entity, 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.

**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

Carbon neutral performance will support a building(s) or a 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 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, photovoltaics, battery storage, electric vehicle charging infrastructure, etc.), less incentives for early-stage design support, EV charging, or photovoltaic systems provided by NYSERDA or utility programs. Applicants selected for award under this opportunity will be ineligible to receive other NYSERDA or utility energy-related incentives from new construction, clean heating and cooling/Thermal Energy Network (TENs), or energy analysis programs, and will not be eligible for funding through New York State Homes and Community Renewal's (HCR) Clean Energy Initiative.

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.

Applicants applying for NYSERDA's Building Cleaner Communities Competition incentives must clearly describe the scope, schedule (including estimated construction start and completion dates) 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 Passive House Institute U.S.



(Phius) 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 savings 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. However, tools that can determine the project's energy savings compared to a code baseline, from the Passive House energy model may be requested.

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 and costs incurred to make capital improvements to the facility prior to the execution of a contract of an awarded project 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 Building Cleaner Communities Competition projects or a similar reference.

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

- 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,
- 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

## 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 CO<sub>2</sub> 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.

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 the execution of a contract for an awarded project are not eligible expenses in the Consolidated Funding Application (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).

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 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.

#### 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 that are designed to meet another high performing standard.

NYSERDA, at its sole discretion, may choose to award highly replicable projects 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 any projects. 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**

- Heavy Industrial Facilities,
- Projects that include hydro-electric power,
- Carbon capture or sequestration activities,
- Off-site solar,
- 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.

### **SELECTION CRITERIA**

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

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

Program Policy Factors:

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

**Regional and State Economic Development and Energy Strategies:**

- Alignment with the REDC's stated Economic Clusters or Strategic Plan;
- 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 the State's initiative to advance [Health Across All Policies](#)/Age-Friendly NY, 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 principles, or will be designed to meet third-party performance validation standards (e.g., Living Buildings Challenge, LEED Zero, etc.);
- Whether the project is technically feasible, innovative, and superior to alternatives;
- Preference will be given to projects that utilize Ground Source Heat Pumps for heating and cooling; and
- Preference will be given to projects that are pursuing Passive House Certification.

**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 utilize 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:**

- Strategies that increase the resilience of the building and its occupants. Examples of resilience, passive and active survivability include, but are not limited to:
  - If the building may be occupied during extreme weather events, creating areas of refuge within the building for occupants to shelter in place during power outages, or flooding,
  - Ensuring adequate passive survivability during extended power outages by identifying the duration the building could remain safely occupied, while maintaining safe thermal conditions, natural light, natural ventilation, and other conditions,

- Addressing active resiliency attributes, such as satisfying critical loads for an extended duration through use of backup power or use of energy storage in combination with renewable energy,
  - Raising living spaces and critical system components above 500-year flood levels, at minimum,
  - Community resilience-enhancing strategies, such as connection to district systems to ensure diversity of energy resources, or
  - Other resilience-enhancing strategies not listed above that enable the building or community to adapt to, absorb or recover from events.
- Proposals should identify and assess each project-specific resilience risk, both current and anticipated throughout the project’s useful life (e.g., more intense heat waves and increased frequency and severity of flooding), and describe in detail how a proposed strategy (or combination of strategies) will increase resilience of the building and its occupants by addressing that risk.
- Proposers, regardless of project site location, should refer to the [NYC Climate Resiliency Design Guidelines](#) for resilience strategies and resources.
- For any buildings in New York City that are expected to be subject to tidal inundation by 2080 or in the 2080 future floodplain and for buildings outside of New York City that are in the 500-year flood zone or that are otherwise at risk of current or future flooding, storm water management and flood-mitigation measures should be incorporated into the design; at a minimum, critical system components should be raised above the 500-year flood elevation unless an alternative flood-mitigation plan to protect those critical components is proposed, and ultimately determined to be acceptable during the awarded project’s contracting process, at NYSERDA’s sole discretion.
- For guidance on managing future flood risk, refer to the [State Flood Risk Management Guidance](#) and [NYC Flood Hazard Mapper](#).
- For additional guidance on climate change and building resilience, refer to the [ClimAID climate projections for New York State](#), the [New York Adapting Buildings for a Changing Climate](#) website, and the [New York State Climate Impacts Assessment: Understanding and Preparing for Our Changing Climate](#).

## **AWARD CRITERIA DETAILS**

- An initial screening for eligibility will be conducted several weeks after the close of the CFA. Applicants that are determined to not meet basic eligibility criteria will be informed at that time that they are not eligible for further consideration of this program for this year.
- Notice of a funding award will be given in the form of a contract outlining the terms of the proposed assistance. Project funding may only be used for expenses incurred after the date that notice of the funding award is given. Applicants are strongly encouraged to review and countersign NYSERDA’s Agreement prior to starting the project.
- All Applicants will be required to certify and agree that any decrease in the scope of work described in the Applicant’s final CFA submission including, but not limited to, total project costs,

may result in NYSERDA's reduction of the award, in NYSERDA's sole discretion, in an amount proportionate to any such decrease.

- All Applicants will be requested to certify and agree that any expansion of the scope of work described in the Applicant's final CFA submission including, but not limited to, total project costs, may not result in an increase of the award, consideration of scope changes will be at the sole discretion of NYSERDA.
- Please note that awarded grants are transferable at the sole discretion of NYSERDA.
- It is expected the project will proceed in the time frame set forth by the Applicant. If the implementation of a project fails to proceed as planned and is delayed for a significant period of time and there is, in the exclusive judgment of NYSERDA, doubt as to its viability, NYSERDA reserves the right to cancel its funding commitment to such project. NYSERDA reserves the right to require Recipient to provide any additional information and/or documentation NYSERDA deems necessary and terminate the project at any point if the applicant fails to provide such documentation in a timely manner.
- All required public approvals must be in place prior to the start of construction and installation of renewables, including State Environmental Quality Review (SEQR) and consultation with the State Historic Preservation Office, if applicable. Physical work on a NYSERDA-funded project may not be started prior to the completion of any necessary environmental, historic and/or smart growth review.
- Grant funds originally awarded to projects that have since been cancelled or terminated will be repurposed for economic development projects by NYSERDA at its discretion in consultation with the REDCs.
- ELIGIBLE AREA, CITY, COUNTY POPULATION LIMITS OR POPULATION TARGET TYPES: Applicants in REDC regions must be contributing to the System Benefits Charge (SBC) on their electric utility bill in order to be eligible for Clean Energy Fund incentives. 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. Applicants that are not contributing to the SBC, may be eligible for Regional Greenhouse Gas Initiative incentives.
- LIMITATIONS:
  - NYSERDA will contribute up to sixty percent (60%) (or up to seventy-five percent (75%) for eligible applicants) 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,
  - An independent third-party energy consultant is required for all projects,
  - Projects awarded through this program will be ineligible for incentives through the New York State Clean Heat program, administered by the project's electric utility,

- Project incentives awarded through this program will be available for four years from the date of award. If the project is making sufficient progress on the contracted work and funding is still available, the grant may be extended at NYSERDA's discretion.
  - 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 design and/or construction to achieve carbon neutral or net zero energy performance, as determined in the approved Scope of Work.
    - 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.
  - **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, email [BCCC@nyserdera.ny.gov](mailto:BCCC@nyserdera.ny.gov) or visit: <https://www.nyserdera.ny.gov/>.



## **Commercial and Industrial (C&I) Carbon Challenge**

**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 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 Commercial and Industrial (C&I) Carbon Challenge provides incentives for projects at eligible New York State commercial, industrial, and institutional entities on a competitive basis. Applicants are required to identify a carbon savings goal and the projects they will complete to meet that target. The carbon savings goal must be at least 25,000 mtCO<sub>2</sub>e. Available awards range from \$500,000 to \$3.75 million. Award amounts are determined by the size of the carbon savings goal.

NYSERDA is especially interested in maximizing the impact of the available funding by coordinating with federal funding programs that support greenhouse gas reduction. Applicants who are currently receiving or have applied for federal support for greenhouse gas reduction projects are strongly encouraged to apply.

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 of the four required project categories, but the ultimate determination of whether a project fits this designation is at NYSEDA's sole discretion.

Proposals may qualify under one of the two following categories:

**Category A** – Applications submitted by a commercial or industrial entity for projects at a single site or multiple sites in New York State.

**Category B** – Applications submitted by a service or solutions provider that will implement greenhouse gas reduction projects at their customer's commercial or industrial sites in New York State. Category B applicants can propose a single greenhouse gas reduction solution or a diverse range of solutions. Scoring consideration will be given to the administrative and technical effort required to manage the portfolio of projects if selected for an award as described in the Selection Criteria, Category B, Project Plan.

If selected for an award, funding associated with a Category B proposal will be administered directly to the service or solutions provider.

### **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 (Category A only), Data Collection Form
- Attachment D, Letters of Support (Category B only) – Applicants must include letters of support from the commercial, industrial, or institutional entity or entities where the project(s) will take place, signed by an authorized signatory for the organization. The letter must be on official letterhead and include:
  - The name of the business or institution
  - A statement of support for the submission of the application
  - A statement of their intention to participate in the program if selected for funding
  - A list of the addresses for sites where projects will be implemented and a brief description of the solutions being pursued at each
- Attachment E, Federal Funding Documentation (if applicable) – Applicants indicating that they have applied for or secured federal funding for their proposed projects must provide documentation including, but not limited to:
  - Concept Papers, if applicable
  - Proof of Funding Status
    - Proof of Final Submissions
    - Letters of Encouragement or Discouragement
    - Funding Decision Letter

Attachment templates 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 [carbonchallenge@nyserda.ny.gov](mailto:carbonchallenge@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](mailto: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 for Category A, they are not an eligible applicant type.

Decarbonization solutions providers implementing projects for customers are eligible to apply under Category B if they are providing services to eligible commercial, industrial, or institutional entities in New York State.

### **PRE-APPLICATION REQUIREMENTS**

- 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.

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)
- 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, Category A awardees will be required to meet NYSERDA minimum quality standards and work with NYSERDA approved participating contractors, where applicable. More information on approved contractors can be found here: <https://www.nyserda.ny.gov/Contractors/Find-a-Contractor>.

Selected applicants will work with NYSERDA to develop a 4-year contract agreement commencing in 2025. 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. This award is available for four years from the date of award. If the project is making progress and funding is still available, the grant may be extended for an additional period of time at NYSERDA's discretion.

NYSERDA will issue awards ranging from \$500,000 to \$3.75 million per applicant. Category A applicants who pay the electric System Benefits Charge (SBC) and Category B applicants providing solutions to customers who pay the SBC will be eligible for a maximum award of \$3.75 million. Category A and B applications including sites that 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+	\$26.00

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

$$(25,000mt \times \$20) + (35,000mt \times \$22) + (65,000mt \times \$24) + (5,000mt \times \$26) = \$2,960,000^1$$

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 justification for incurred costs and remittance of payment will be at the discretion of the Project Manager.

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

Proposals that receive an award under the C&I Carbon Challenge program will not be eligible to apply for any other incentives from NYSERDA or the proposer's utility for the projects awarded in this proposal. 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:

<sup>1</sup> \$2,000,000 in the case of an application including entities that do not pay the SBC

- 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 for each Category 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.

### **Category A Proposals**

#### **1. Project Plan (20 points)**

- Does the proposed plan and approach utilize well established means of implementing emissions reduction 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 (15 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. Resiliency & Disadvantaged Community Impacts (15 points)**

- Is the applicant located in a [disadvantaged community](#)? Will the proposal offer benefits to disadvantaged communities? Does the proposal outline a strategy to ensure that the projects are resilient to future climate change impacts?

#### **5. Cost Share (10 points)**

- Is the applicant contributing at least 50% cost-share?

#### **6. Federal Funding (5 points)**

- Has the applicant submitted a concept paper or application for federal funding for the projects included in the proposal? Have they received a response from the federal government? How much funding is potentially available? How much funding has been offered to date?

## **Category B Proposals**

### **1. Project Plan (25 points)**

- Does the proposed plan and approach utilize well established means of implementing emissions reduction projects? Does the proposed approach utilize technologies or solutions that have proven themselves in the marketplace? How does the proposal help the applicant's customers meet their long-term sustainability goals? Can projects feasibly be completed according to the proposed schedule? 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? Has the applicant secured letters of support from their participating customers? Will the geographic dispersal of participating customers or the diversity of project types being pursued present challenges for controlling measurement and verification administrative costs?

### **2. Project Analysis (15 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? Have projects in the proposal been examined in a NYSERDA FlexTech study or an investment grade audit?

### **3. Resiliency & Disadvantaged Community Impacts (15 points)**

- Are the participating customers located in a [disadvantaged community](#)? Will the proposal offer benefits to disadvantaged communities? Does the proposal outline a strategy to ensure that the projects are resilient to future climate change impacts?

### **4. Experience (10 points)**

- Does the proposer have a demonstrated record of implementing similar projects in similar operational environments? Do the participating customers have specific net-zero goals, science based targets, or other industry-standard emission targets?

### **5. Cost Share (10 points)**

- Is the applicant contributing at least 50% cost-share?

### **6. Federal Funding (5 points)**

- Have the applicant or its participating customers submitted a concept paper or application for federal funding for the projects included in the proposal? Have they received a response from the federal government? How much funding is potentially available? How much funding has been offered to date?

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:

- Monetary value of the applicant or participating customer'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;

- Degree to which the proposed project, or group of projects, represent a desired geographic distribution (considering past awards and current applications);
- Potential for the project portfolio to contribute to a shifts in an industry or market ecosystem toward a low-carbon product;
- Degree to which there are of 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 ext 3804, email [carbonchallenge@nyserda.ny.gov](mailto: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 35.5 Megawatts (availability as of 4/1/24)

### **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](mailto:PoweringBusiness@nypa.gov). More program information can be found at [www.nypa.gov/recharge](http://www.nypa.gov/recharge).



# Other Round 14 New York State Programs in the CFA

## New York State Empire State Development (ESD)

### Not-for-Profit Capital Grant Program

Funding Available: Up to \$5 million

**Program Description:** NYS Empire State Development (ESD) has up to \$5 million of funding available for the State's Not-for-Profit Capital Grant Program. The Program will 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 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 Statewide Financial System (SFS).

**RFA Link:** <https://esd.ny.gov/nfp-grant-program#additional-resources>

**Additional Resources:** Applicants should reach out to the regional office for the region in which their project is located <https://esd.ny.gov/regions>.

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## New York State Homes & Community Renewal (HCR)

### Community Development Block Grant (CDBG) Funds

Funding Available: Up to \$25 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 \$2,000,000 (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/cdbg-pi-pf-cp-rfa>

CDBG- public infrastructure and facilities - <https://hcr.ny.gov/cdbg-pi-pf-cp-rfa>

**Additional Resources:** Applicants can contact HCR staff at [HCR\\_CFA@hcr.ny.gov](mailto:HCR_CFA@hcr.ny.gov) or 518-474-2057 for assistance.

## Community Development Block Grant (CDBG) Vacant Property Clearance Program (VPCP)

**Funding Available: Up to \$10 million**

**Program Description:** The New York State Community Development Block Grant (CDBG) Vacant Property Clearance Program (VPCP) provides resources for the demolition and clearance of vacant, deteriorated and/or distressed buildings that have a blighting influence or pose a public health and safety concern in CDBG-eligible communities. Eligible applicants can apply for grants of up to \$1,000,000 for demolition, environmental assessments and mitigation, and related site work. Details available online, here: <https://hcr.ny.gov/cdbg-vacant-project-clearance-program-vpcp>.

**Eligible Types of Applicants:** The New York CDBG VPCP awards grant to non-entitlement towns, villages, and cities with a population less than 50,000, and counties with an unincorporated population less than 200,000.

Applicants can contact OCR staff at [HCR\\_CFA@hcr.ny.gov](mailto:HCR_CFA@hcr.ny.gov) or 518-474-2057 for assistance.

**RFA Link(s):** <https://hcr.ny.gov/cdbg-vacant-project-clearance-program-vpcp>

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## New York State Department of State (DOS)

### 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 economically efficient and environmentally sustainable development patterns that optimize prior infrastructure investments. These planning efforts should be founded on a robust public engagement effort that reflect a community's goals and aspirations for its future, and address a wide range of planning issues including, but not limited to, appropriate physical development, economic development, transportation patterns, analyses of the natural and built environment, and population trends, while setting a course for the siting of renewable energy facilities, efficient use of land, protection of agricultural working lands and watersheds and overall healthy communities.

**Eligible Types of Applicants:** Eligible applicants are counties, villages, towns, and cities; as well as counties, regional planning councils or not-for-profits applying on behalf of one or more eligible municipalities.

**RFA Link(s):** <https://dos.ny.gov/smart-growth-community-planning-and-zoning-grant-program-24-opdsg-5>

**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](mailto:opd@dos.ny.gov) with the subject line: "24-OPDSG-5 RFA Questions". Responses to questions received by June 17th will be posted to the DOS Funding & Bid Opportunities website by July 9th.

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## **New York State Department of Environmental Conservation (DEC)**

### **Climate Smart Communities (CSC) Grants**

**Funding Available: Up to \$17.5 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](mailto:cscgrants@dec.ny.gov), 518-402-8444

### **Water Quality Improvement Project (WQIP) Program**

**Funding Available: At least \$75 million**

**Program Description:** WQIP is a competitive, statewide reimbursement grant program to implement projects that directly improve water quality or habitat, promote flood risk reduction, restoration, and enhanced flood and climate resiliency, protect a drinking water source, or improve dam safety. 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 and Road Salt Reduction, Dam Safety Repair/Rehabilitation and Removal, Aquatic Connectivity Restoration, Marine District Habitat Restoration, and Fish and Wildlife Habitat Restoration and Enhancement.

**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, Dam Safety Repair/Rehabilitation and Removal Aquatic Connectivity Restoration, Marine District Habitat Restoration, and Fish and Wildlife Habitat Restoration and Enhancement.

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

**Additional Resources:** [user.water@dec.ny.gov](mailto: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 MS4 Operators 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](mailto:user.water@dec.ny.gov) ; 518-402-8179

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