



Department of
Environmental
Conservation

GUIDELINES AND APPLICATION INSTRUCTIONS

New York State
Department of Environmental Conservation
Materials Management

Pollution Prevention Institute

NYS Grants Gateway Application ID No.:
DEC01-PPI-2017

Application Due Date: December 14, 2017, 11:00 AM EST

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NYS Grants Gateway Application ID No. DEC01-PPI-2017

1. Timetable of Key Events:

Event:	Date:
Application Period Begins:	September 21, 2017
Question & Answer Period Ends:	November 8, 2017 at 4:00 PM
Applications Due:	December 14, 2017 at 11:00 AM
Award(s) Announced By:	March 15, 2018

2. Eligible Applicants:

A contract will be awarded to **one** public or private university or non-profit institution, or to a consortium of such organizations.

For the purpose of this RFA, an eligible university will be defined as an institute of higher education with, at minimum, a master's degree program in a research field directly applicable to the purpose and intent outlined in the Grant Opportunity General Information and Conditions (Section II, A & B.)

A non-profit institution must be a section 501(c)(3) organization as defined by the U.S. Internal Revenue Service Code.

Applicants must possess the knowledge, skills, and /or track record to successfully implement the project.

Each member of a consortium must meet the eligibility requirements detailed above. Consortiums must designate a lead applicant to file the RFA and to act as the lead organization.

The lead applicant must assume the responsibility for the project application, performance of work consistent with this RFA, and the State of New York Master Contract for Grants. Letters substantiating the collaboration from each partner are required. These letters are to be uploaded to the Grants Gateway in a single PDF under Pre-Submissions Upload Page for the application.

The Institute must be established, operated, and maintained in New York State. The Institute must meet the purpose and intent outlined in the Grant Opportunity General Information and Conditions (Section II, A & B). Options may include a single center, a single center with satellite offices, or a group of entities with specialty services. All centers, offices, facilities, entities and groups must be located in New York State.

3. Funding

Approximately \$19,500,000 is available for the Pollution Prevention Institute Grants for a five-year period. Funding for this grant opportunity is provided from the Environmental Protection Fund.

4. Minimum and Maximum Award Amounts

Minimum grant amount is \$19,500,000.00; Maximum grant amount is \$19,500,000.00, paid at

\$3,900,000.00 per year, contingent upon budget appropriations, over the five-year term.

5. Application Limit

Applicants may submit only one application. Multiple applications will not be accepted from the same applicant.

6. Eligible Project Locations

Eligible projects for grant funding must be located in New York State.

7. Inquiries & Designated Contact Information:

For general information on completing this application and for clarification of application requirements, contractual terms and procedures, contact:

Contact Information: Tim Kirchgraber
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233
PollutionPrevention@dec.ny.gov
(518) 402-9469

Include "Pollution Prevention Institute" in the subject line of the email. Questions regarding this grant opportunity will be accepted by the Department until 4:00 P.M. EST, November 8, 2017. All questions and answers will be uploaded in the Grants Gateway application for all applicants to view.

8. Application Submission:

Applications must be submitted through the NYS Grants Gateway (<https://grantsgateway.ny.gov>). Paper applications will NOT be accepted. Applicants are strongly encouraged to submit their applications prior to the application deadline. **Late applications will not be accepted.**

All Applicants must be **Registered** with Grants Gateway to submit an application. In addition to registration, **not-for-profits** must also be **Prequalified** at the time and date that the application is due. If you are not Prequalified at that time and date, your application will not be considered. For more information about Grants Gateway and Prequalification, please visit the Grants Reform website (<http://www.grantsreform.ny.gov/Grantees>) or contact the Grants Reform Team at: grantsreform@its.ny.gov. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

**PLEASE DO NOT DELAY IN BEGINNING AND COMPLETING THE
PREQUALIFICATION PROCESS.
THE STATE RESERVES 5 DAYS TO REVIEW SUBMITTED
PREQUALIFICATION APPLICATIONS. PREQUALIFICATION
APPLICATIONS SUBMITTED TO THE STATE FOR REVIEW LESS
THAN 5 DAYS PRIOR TO POLLUTION PREVENTION INSTITUTE
APPLICATION DEADLINE MAY NOT BE CONSIDERED.
APPLICANTS SHOULD NOT ASSUME THAT THEIR
PREQUALIFICATION INFORMATION WILL BE REVIEWED IF THEY
DO NOT ADHERE TO THIS TIMEFRAME.**

Applicant Eligibility

A contract will be awarded to **one** public or private university or non-profit institution, or to a consortium of such organizations.

For the purpose of this RFA, an eligible university will be defined as an institute of higher education with, at minimum, a master's degree program in a research field directly applicable to the purpose and intent outlined in the Grant Opportunity General Information and Conditions Section II, A & B.

A non-profit institution must be a section 501(c)(3) organization as defined by the U.S. Internal Revenue Service Code.

Applicants must possess the knowledge, skills, and /or track record to successfully implement the project.

Each member of a consortium must meet the eligibility requirements detailed above. Consortia must designate a lead applicant to file the RFA and to act as the lead organization.

The lead applicant must assume the responsibility for the project application, performance of work consistent with this RFA, and the State of New York Master Contract for Grants. Letters substantiating the collaboration from each partner are required. These letters are to be uploaded to the Grants Gateway in a single PDF under the Pre-Submissions Upload Page for the application.

The Institute must be established, operated, and maintained in New York State. The Institute must meet the purpose and intent outlined in the Grant Opportunity General Information and Conditions Section II, A & B. Options may include a single center, a single center with satellite offices, or a group of entities with specialty services. All centers, offices, facilities, entities and groups must be located in New York State.

Applicant Prequalification

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, New York State has instituted key reform initiatives to the grant contract process which require non-profits to register in the Grants Gateway and complete the Vendor Prequalification process in order for applications to be evaluated. Information on these initiatives can be found on the Grants Reform Website indicated below.

All non-profit Applicants must be Prequalified in the Grants Gateway at the time and date that the application is due. Applications received from non-profit Applicants that have not registered and are not Prequalified in the Grants Gateway by the application due date and time listed at the beginning of this document cannot be evaluated. If you are not Prequalified at that time and date, your application will not be considered. **Such applications will be disqualified from further consideration.**

Below is a summary of the steps that must be completed to meet registration and Prequalification requirements. The Vendor Prequalification Manual on the Grants Reform Website details the requirements and an online tutorial is available to further explain the process.

PLEASE NOTE: The information included here regarding Prequalification is not intended to be exhaustive, and Applicants should visit the Grants Reform website (<http://www.grantsreform.ny.gov/Grantees>) or contact the Grants Reform Team (grantsreform@its.ny.gov) for more information about Grants Gateway and Prequalification. The

Grants Reform help desk/hotline can be reached at (518) 474-5595.

1. Register for the Grants Gateway

- On the Grants Reform Website, download a copy of the [Registration Form for Administrator](#). A signed, notarized original form must be sent to the NYS Grants Reform Team at the address provided in the instructions. You will be provided with a Username and Password allowing you to access the Grants Gateway.
- If you have previously registered and do not know your Username please email grantsreform@its.ny.gov. If you do not know your Password, please click the Forgot Password link from the main log in page and follow the prompts.

2. Complete your Prequalification Application

- Log in to the Grants Gateway. **If this is your first time logging in**, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.
- Click the *Organization(s)* link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A *Document Vault* link will become available near the top of the page. Click this link to access the main Document Vault page.
- Answer the questions in the *Required Forms* and upload *Required Documents*. This constitutes your Prequalification application. Optional Documents are not required unless specified in this document.
- Specific questions about the Prequalification process should be referred to your agency representative or to the Grants Reform Team at grantsreform@its.ny.gov. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

3. Submit Your Prequalification Application

- After completing your Prequalification application, click the **Submit Document Vault** link located below the Required Documents Section to submit your Prequalification application for State agency review. Once submitted the status of the Document Vault will change to *In Review*.
- If your Prequalification reviewer has questions or requests changes you will receive email notification from the Gateway system.
- Once your Prequalification application has been approved, you will receive a Gateway notification that you are now Prequalified to do business with New York State.

Once you are Prequalified, please check the status of your document vault on a regular basis to ensure that none of your documents expire prior to the application due date. Refer to Grants Reform Guide entitled [Monitoring and Updating Your Organization's Prequalification Status](#). **Expired documents will lead to the loss of Prequalification status.**

Applicants are strongly encouraged to begin the prequalification process as soon as possible in order to participate in this grant opportunity. Please do not delay in beginning and completing the prequalification process. The State reserves 5 days to review submitted Prequalification applications. Prequalification applications submitted to the State for review less than 5 days prior to the application deadline may not be considered. Applicants should not assume that their Prequalification information will be reviewed if they do not adhere to this timeframe.

If you are not yet registered with Grants Gateway, there are many resources available to help you understand how to register and become Prequalified:

- [The NYS Grants Reform Website](#)
- [Video: Grants Gateway Registration](#)
- [New York State Prequalification System for Grants Contract Vendors: A Resource Manual and Users Guide for Not-for-Profit Vendors](#)
- [Biweekly Document Vault webinars. All information can be found on the Grants Reform website - \[Training Calendar\]\(#\)](#)

The Grants Reform Team offers regular live webinars for anyone who is interested in additional information about Grants Gateway, the Prequalification process, or submitting online applications. Learn more including times and dates for these webinars: <http://grantsreform.ny.gov/training-calendar>. Any additional technical training related to this application will also be posted to the training calendar.

You can also contact the Grants Reform Team for additional assistance:

Phone: (518) 474-5595
Email: GrantsReform@its.ny.gov

Grant Opportunity General Information and Conditions

The New York State Department of Environmental Conservation (DEC) is pleased to announce funding for programs that will implement the “pollution prevention institute.”

As per § 28-0112 of the Environmental Conservation Law (ECL), the “pollution prevention institute” shall mean an institute whose mission is to promote one or more of the purposes of § 28-0103 of the ECL through research, development, technology demonstration, technology transfer, education, outreach, recognition and training programs in a manner consistent with the definition of pollution prevention and the principles of pollution prevention established by this article, including but not limited to green chemistry and reuse and remanufacturing.

I. Program Overview

A pollution prevention institute in New York state (hereafter, “the Institute”) will offer an unparalleled center for technology evaluation and development as well as training and assistance to state businesses and organizations. The Institute will promote cost effective methods of reducing and eliminating the use of toxic substances and resources in the manufacturing process and product design through pollution prevention strategies.

Incorporating on-site technical assistance, research and development, technology transfer, technology demonstration, education and outreach, the Institute will focus on sustainability and toxic use reduction over the course of the entire production process or product life-cycle.

The Institute will foster partnerships between businesses, universities, state and local governments, and health and environmental organizations. These partnerships will stimulate the deployment of pollution prevention strategies and technologies, and lead to research and development of cutting-edge environmental technologies that have near-term potential to promote sustainable economic development. The Institute shall focus on priorities that optimize environmental benefit and economic development.

II. Purpose & Intent

The Department of Environmental Conservation (hereafter, “the Department”) is issuing a Request for Application (RFA) for eligible entities to submit proposals to develop and implement a pollution prevention institute in New York state. The Institute has been in operation since 2008 and this RFA will establish the second iteration of the Institute’s operation.

A. Goals

- For the purpose of this RFA, the Institute shall promote particular goals of ECL §28-103, in a manner consistent with the principles of pollution prevention including, but not limited to, toxics use reduction, green chemistry¹, environmentally friendly product or process design, process engineering, hazardous waste reduction, food scraps reduction, toxicology, alternatives assessment, and reuse and remanufacturing. Key goals from the statute include: Prevent the risks associated with the use and production of hazardous substances including risks to the public health and the environment.
- Reduce energy and resource consumption as well as reduction or elimination of hazardous substances, pollution, and waste.

¹ Anastas, Paul and Warner, John, Green Chemistry: Theory and Practice. (Oxford University Press: New York, 1998).

- Implement affordable and cost effective pollution prevention methods to sustain and safeguard the competitive advantage of New York businesses.
- Advance innovation in the reduction of energy and resource consumption and the reduction or elimination of hazardous substances, pollution, and waste.

B. Institute Programs

Institute programs will be responsive to the needs of industry for improving productivity, reducing toxic substances, and increasing the competitiveness of New York State businesses. Institute programs will also be responsive to public health and environmental priorities, including worker exposure to toxic substances.

The Institute must develop programs in the following areas:

1. On-Site Technical Assistance. The Institute will provide on-site technical assistance to New York state entities to integrate pollution prevention into their operations or manufacturing processes, to transfer existing pollution prevention technologies, to improve environmental performance of products, and to enhance competitiveness in green supply chains. On-site technical assistance shall focus on client needs for the purpose of implementing pollution prevention strategies. This may require the Institute to evaluate manufacturing processes, to audit current approaches, to assess opportunities, to provide staff training, to support commercialization of green technologies, to assess the environmental attributes of products, to perform life-cycle assessments, to support compliance with environmental certification standards, and to assess supply chains.

The Institute shall support and seek partnerships with other service providers to ensure that technical assistance is implemented across all of New York State. Further, the Institute will partner with others to enhance technical capacity to conduct on-site technical assistance. This may include bringing in expert partners with unique expertise in specific manufacturing sectors, technologies, evaluation techniques, or supply chains.

2. Research & Development (R&D). The Institute will engage in research and development toward practical demonstration and commercial application. Research and development will include, but not be limited to, assessment of product designs, evaluation of alternative materials and process engineering, optimization of existing environmental technologies, and development of new green chemistry products and technologies. Research projects shall be prioritized based upon the needs of businesses as well as environmental and health indicators. The Institute will share practical applications of its research through technology transfer and support the implementation of research results by New York entities.

The Institute will maintain laboratories and an on-site demonstration facility. The demonstration facility will allow for rigorous, transparent and replicable testing of new technologies. Clients, businesses, and assistance providers will have access to evaluate Institute equipment and technologies.

The Institute will emphasize research and development with near-term application and with an identified New York State partner for its application.

The Institute may also provide the Department, other state and local agencies, and non-profit organizations with research and technical support in pollution prevention and sustainability initiatives.

Institute spending for R&D shall not exceed 15% of the total New York State funding over the term of the executed contract. The Institute may supplement this through R&D funding from other sources.

3. Outreach & Education. The Institute will support and work with networks of technical assistance providers throughout industry, government, academic and non-profit sectors. The Institute will develop, in consultation with the Advisory Board, and other partners, an outreach and education program that offers workshops, webinars, training sessions, educational literature, and web resources for a variety of audiences. These targeted audiences may include, but not be limited to, businesses, colleges/universities, K-12 schools, government agencies, and community groups. In addition, community-based program support may include financial assistance to not-for-profit organizations implementing pollution prevention outreach and education. The outreach and education program shall be based upon the purpose and intent outlined in the Grant Opportunity General Information and Conditions Section II, A, and be targeted to those entities likely to implement pollution prevention projects as a result of the training.

Based upon identified need and value in promoting pollution prevention, the Institute may provide outreach and education on relevant emerging national and international programs such as the newly revised Toxic Substances Control Act (TSCA), and other chemical and product initiatives.

4. Emerging Contaminants and Green Chemistry. The Institute shall have a program focused on reducing or eliminating the use or generation of emerging contaminants and hazardous substances. This program will assess trends in New York and emphasize efforts to prevent pollution from those chemicals that appear to be most rapidly impacting New York's public health and natural resources. The emerging contaminants program may focus on perfluorinated chemicals, 1,4 Dioxane, or other chemicals that do not yet have health-based standards developed or are not yet regulated in products or manufacturing. Further, the emerging contaminants and green chemistry program will focus on the twelve principles of green chemistry² and may include, but not be limited to, preventing pollution by assessing the sources of emerging contaminants; encouraging the use of less toxic alternatives; reducing or eliminating the use of hazardous substances in products; minimizing or eliminating the hazards of chemical feedstocks, reagents and solvents in the design and manufacture of products; and limiting the introduction of emerging contaminants or hazardous substances into the waste or recycling streams. The emerging contaminants program may utilize the Institute's programs for on-site technical assistance (Section II.B.1), R&D (Section II.B.2), outreach and education (Section II.B.3), or other appropriate programs.

5. Food Scraps Reduction. A focused food scraps pollution prevention program will be developed by the Institute. The Institute will support efforts to prevent the generation of food scraps and prevent pollution across the full cycle of waste generation and management. The food scraps reduction program may focus on generators such as the public or institutional generators such as universities, stadiums, or hospitality facilities. Further, the program may involve technology assessments, transfer, and integration to ensure that the best strategies are employed across New York to prevent food scraps and pollution. The food scraps reduction program may utilize the Institute's programs for on-site technical assistance (Section II.B.1), R&D (Section II.B.2), outreach and education (Section II.B.3), or other programs appropriate for the reduction of food scraps.

² Anastas, Paul and Warner, John, Green Chemistry: Theory and Practice. (Oxford University Press: New York, 1988).

III. Advisory Board

The Institute's operation will be supported by an Advisory Board (hereafter, "the Board"). The Board will provide recommendations on Institute work plans, client service needs, marketing, outreach and education, manufacturing sector priorities, transfer of R&D results, and environmental and public health priorities. It will evaluate the effectiveness of Institute programs.

The Institute shall establish the Board in consultation with the Department and provide resources, as needed, for its operation. The Department reserves the right to approve the appointment of a board member, remove a board member, restrict the number of board members, without cause or justification.

The Department shall self-designate two members. Additionally, the Institute will designate one representative from Empire State Development Corporation to serve on the Board.

The remaining members will be chosen by the Institute and be approved by the Department. They must include, but not be limited to, at least one member from each of the following groups/sectors:

- Academia
- Industry
- Labor
- Statewide Environmental or Public Health Non-Governmental Organizations
- Other State Agencies

The Institute will establish guidelines to define the purpose and objectives of the Board. These by-laws will require that they meet on dates to be determined by the Institute, but not less than four (4) times each year.

The Institute, at its discretion, may also create a technical advisory board to advise on highly technical matters requiring specialized knowledge concerning R&D, technology transfer, and technology commercialization. The Institute's selection of any technical advisory board members must be approved by the Department.

Board members shall neither be paid salaries nor stipends with Institute funds. Travel expenses, however, may be reimbursable with Institute funds based upon federal per diem rates and New York State travel rules.

IV. Funding

The Institute will be supported by a category in the Environmental Protection Fund. The most recent Environmental Protection Fund appropriation provides up to \$3.9 million in state assistance to support the operation of the Institute. Similar funding levels are expected to be appropriated for Institute operation in future years. Upon the contract award, the Department expects to enter into a five (5)-year contract with the awardee. The five (5)-year contract will be funded annually, based on appropriations made to the Environmental Protection Fund. The Department may, at its discretion, extend the initial contract for a second five (5)-year term.

Proposers must also demonstrate to the Department that they have the ability and organizational structure necessary to manage the Institute funds. The Institute shall track its finances using Generally Accepted Accounting Principles, or any other generally recognized and accepted accounting and auditing principles. An annual audited financial statement must be submitted to the Department. The

final budget will be subject to contract negotiation.

V. Term

The term of this contract shall be for five (5)-years and may be amended and extended for an additional five (5)-year term upon the mutual written consent of both parties, subject to the availability of funds, and upon approval by the Office of the State Comptroller. While additional State funding may become available for the continuation of the Institute's operation in future years, the Department makes no guarantees that this will occur.

VI. Proposed Project Timeframes

All projects must have defined objectives, tasks, and deliverables accounted for with performance measures that can be completed and invoiced within a five (5)-year contract period/term. Applicants should not begin their projects or incur costs until a Master Contract for Grants (MCG) has been fully approved by DEC, and if applicable approved by the Attorney General and the State Comptroller. Time extensions beyond the contract term end date shall be determined by the Department based upon written justification from the Grantee. Applicants should not submit an application if they do not anticipate their project can be completed within the specified contract term.

The activity for the request must fall within July 1, 2018 to June 30, 2023. Project expenditures prior to MCG start date and after the MCG end date are not eligible for reimbursement or match.

VII. Match Requirement and Expenditures

Matching funds are not required. However, the ability to leverage additional funding offers a mechanism to strengthen the capabilities of the Institute. The capacity for a proposer to help ensure the financial sustainability of the Institute will be part of the scoring criteria. While it is anticipated that state funding will be renewed, the Institute shall maximize other sources of financial support to the greatest extent possible.

Leveraged funds may be obtained from, but are not limited to, the following categories: Federal Grants, Business, Industry, or Foundations. Academic institutions or their partners may provide consultations on an in-kind basis. Staff time must be reported at prevailing fair-market value. Donations or loans of new or used equipment, and/or qualified staff time may be donated for the furtherance of the Institute's mission and must be reported at fair-market value. No other state funds will be credited as leveraged funds. However, colleges or universities within the State University of New York and the City University of New York Systems may use operating funds as leveraged funds.

VIII. Department of Environmental Conservation Oversight

The Department of Environmental Conservation reserves the right to:

- Award an agreement for any or all parts of the RFA in accordance with the method of award, or withdraw the RFA at any time at the Department's sole discretion. Award to the next highest scoring application, or terminate this opportunity, without additional award, in the event a grantee fails to negotiate a grant contract with the Department within 60 days of a grant award.
- Monitor the progress of all grant awards and withdraw grant funding if the grantee fails to make significant and timely progress on the project, or fails to receive the necessary permissions and

permits for the project.

- The Department reserves the right to close this RFA without award.
- Reject any or all applications in response to the RFA at the agency's sole discretion.

Grant Application Requirements and Conditions

Please be sure to include with your application, all of the required information described below.

1. Cover Page

Applicants must include a proposal cover page, as per Attachment E. The proposal cover page shall include the organization name, contact name, contact title and email address, physical address, and telephone number for the applicant as well as any consortium members, if applicable. The applicant will also indicate if any proprietary information is included.

2. Mandatory Submittal Checklist

Applicants must complete the Mandatory Submittal Checklist (Attachment F). The checklist is designed to provide the applicant with a reference for all documents that must be submitted for a proposal to be deemed responsive to this RFA.

3. Table of Contents

Applicants must provide a table of contents to identify major sections of their application.

4. Executive Summary

Applicants must provide an executive summary, not to exceed four pages, highlighting key elements of the proposal.

5. Proposal Narrative

Applicants must provide a proposal narrative, not to exceed twenty-four (24) pages. Proposers should follow the criteria outlined below when drafting the Proposal Narrative. Include, where appropriate, examples from prior experiences that establish credibility and demonstrate a track record in research and development, on-site technical assistance, outreach and education, food scraps reduction, and emerging contaminants as per the Grant Opportunity General Information and Conditions Section II, B. Cite publications, case studies, and peer reviewed materials from past projects which are relevant to the Institute's successful operation.

Proposal narrative shall not exceed twenty-four (24) pages. All narrative sections shall be single-spaced, in a 12-point font, on 8 ½" x 11" paper with one-inch margins. Page numbers and subject headers to identify major sections and appendices must be included. Curriculum Vitae and Letters of Support are not counted towards the twenty-four (24) page total.

A. Institute Goals & Programs

Demonstrate an overall understanding of the purpose and intent of the Institute, as per the Grant Opportunity General Information and Conditions Section II. Present an overall five-year

Institute strategy to meet the stated goals of Article 28 of the ECL to promote the principles of pollution prevention.

Present a model to effectively deliver the programs specified in the Grant Opportunity General Information and Conditions Section II.B over five years. As a component of the delivery model, offer details on how partnerships between the Institute and businesses, universities, state and local governments, and health and environmental organizations will be developed and used to support the deployment of the programs in the Grant Opportunity General Information and Conditions Section II.B. In addition, present how the Institute's delivery model will offer a balanced geographic coverage of services across New York State. Finally, present details on how the Institute will enhance competitiveness, efficiency and market opportunity within the New York state economy.

For each of the programs in the Grant Opportunity General Information and Conditions Section II.B, provide details on how the Institute will develop and operate these programs to ensure their effectiveness in implementing pollution prevention across the state.

Present a five-year marketing strategy to attract clients and businesses, to generate public interest, and to establish constituent support. The proposer shall recommend a name for the Institute to complement its marketing strategy. The Department reserves the right to approve the final name of the Institute.

B. Technical Capacity & Resources

Demonstrate sufficient technical capacity and resources to fulfill the Institute's mission. Discuss how staff, affiliates, and/or partners have expertise in pollution prevention, environmentally friendly product or process design, toxics reduction, green chemistry, process engineering, hazardous waste reduction, food scraps reduction, toxicology, alternatives assessment, emerging contaminants, outreach, marketing, training, and other expertise relevant to the deployment of the programs in the Grant Opportunity General Information and Conditions Section II.B. In addition, present how these particular skill sets will be utilized in the programs in II.B

Identify where the Institute will be located and describe the facility or facilities. Provide details of available technological resources that the Institute will have at its disposal.

Demonstrate an ability to assemble and manage an organization of similar size and complexity to the Institute. Discuss strategies to amass a multi-disciplinary staff capable of meeting the stated objectives of the Institute. Include an organizational chart for all proposed staff members indicating their roles and responsibilities. Include curriculum vitae for each staff member to exemplify educational background and professional experience complimentary to the purpose and intent outlined in the Grant Opportunity General Information and Conditions Section II, A & B. Curriculum vitae shall not count against the narrative page limit.

Present details on how the Institute will integrate and coordinate resources with any partner organizations. In the case of a consortium, discuss how each member will contribute to help make the Institute successful.

C. Administrative Capacity & Resources

Present a five-year schedule with milestones for establishing and operating the Institute. Also present a projection of spending for five years of operating the Institute. For this spending

projection assume that up to \$3.9 million will be available for each year. Thus, the total spending projection for five years shall not exceed \$19.5 million.

Identify salaries for all primary Institute employees. This shall include, but not be limited to, the Director, the Business Manager, and primary technical support staff.

Present details on how leveraged funding sources will contribute to the budget as appropriate. Itemize existing organizational resources that will be leveraged against the investment of Institute funds separately.

Present details on experience in managing funds, meeting deadlines, and creating value.

Identify an Institute Director with at least five (5) years' experience managing a program and staff of similar size and complexity to the Institute's. The Institute Director will be ultimately responsible for the execution of Institute affairs, programs, and contract deliverables.

Identify a Business Manager with at least five (5) years of relevant experience attracting clients and maintaining client relations, coordinating with service providers and other partners, and marketing and delivering services.

Present the accounting principles to be utilized to track Institute finances. Proposers must demonstrate their proficiency in maintaining an accounting system. Provide staff resume or resumes demonstrating proficiency in maintaining an accounting system. The accounting system will identify all expenditures and revenues for activities supported by Department funds, grant funds, or any additional leverage funds. Expenses must be auditable to their original source and documentation must be maintained.

Present a plan for how the Institute will use project reports and metrics³ to track and improve client services, industry impact, economic benefit, environmental benefit, outreach and education accomplishments, and community engagement. Present experience in tracking and reporting environmental and economic performance metrics of program activities. Metrics used for this reporting, where applicable, shall be the same or consistent with metrics found in current state, national or international standards, to the extent practicable.

6. Expenditure Based Budget

Applicants must complete an itemized budget, as per Attachment B in the NYS Grants Gateway, that provides details of the proposed project-related expenses for the first year of the Institute's operation. A maximum of \$3.9 million in funding will be available for the first year of operation. The itemized budget should include the following: personal services (including salary and fringe benefits), non-personal services (including contractual services, travel, equipment, supplies, operating expenses), and indirect costs. The indirect cost rate shall not be applied to equipment, subcontracts in excess of \$25,000, pass-through funds, and tuition. Note that indirect costs will be a critical element in scoring applications. Eligible and ineligible costs are identified in this RFA. A project's reasonableness of costs is a

³ Metrics offer a means of periodic and quantitative assessment, specialized by subject area of progress being made. For the purposes of this RFA, reporting metrics must demonstrate a reasonable approach for measuring progress toward the purpose and intent outlined in the Grant Opportunity General Information and Conditions Section II, A & B.

significant evaluation factor in the scoring of the application; therefore, attention to budget accuracy will increase your project score.

7. Work Plan

Applicants must complete a work plan, as per Attachment C in the NYS Grants Gateway, that provides a clear overview of the programs and projects to be undertaken in the first year of the Institute's operation. This work plan shall align with the proposed expenditure based budget for your proposed first year of operation. Applications must include proposed project objectives, tasks associated with meeting each objective, and the performance measures associated with each task (performance measures can include desired project outcomes or deliverables). The work plan may include anticipated time frames in meeting project objectives, tasks and deliverables.

Note: A Work Plan 'worksheet' is available for applicants in the Grants Gateway (under Pre-submission Uploads). The 'worksheet' can be downloaded and used as a tool to help applicants organize their proposed project objectives, tasks and performance measures. A completed 'worksheet' should NOT be uploaded back into the Grants Gateway. The intent of the 'worksheet' is to assist applicants in developing their application work plan in the Grants Gateway.

8. References

Applicants must include a minimum of five (5) industry, university, or government references, as per Attachment G, with whom the applicant previously has been under contract. If the proposer is a consortium, five (5) references for each organization must be provided. Additional information may be found below in Application Evaluation, Scoring and Selection, Step 2.

9. Glossary of Key Terms

If applicant utilizes any terms of art or technical jargon which may not be commonly understood, a glossary of key terms must be provided.

10. Bidder's/Proposer's Certification Applicants must include the certification, Attachment H, to be in compliance with state ethics law.

Application Evaluation, Scoring and Selection

All applications will be reviewed and scored by a review team in accordance with the evaluation and scoring criteria contained in this RFA. Applicants are strongly encouraged to read and address the Application Evaluation, Scoring and Selection in the process of developing an application. Knowledge of the scoring criteria is valuable for designing and proposing a relevant and quality project. The Department will allow minor omissions or clarifications of information to be provided within five (5) business days of a request by the Department. All requests must be responded to in writing. The Department reserves the right to disqualify proposals that are incomplete or non-responsive to any of the requirements of this RFA. The Evaluation consists of the steps below.

Step 1: Evaluation of Mandatory Submittals (Pass/Fail)

All proposals must include the information described below. Failure to submit any information listed below may result in disqualification from the evaluation process. Mandatory submittals will be evaluated on a pass/fail basis.

The mandatory submittals include:

1. Cover page (Attachment E)
2. Mandatory Submittal Checklist (Attachment F)
3. Table of contents
4. Executive summary not to exceed four (4) pages.
5. Proposal narrative (as per Grant Application Requirements and Conditions, Scoring and Selection Section, Step 3), not to exceed twenty-four (24) pages.
6. Expenditure Based Budget (as noted above in "Grant Application Requirements and Conditions")
7. Work Plan (as noted above in "Grant Application Requirements and Conditions")
8. References (as per Attachment G)
9. Glossary of key terms
10. Bidder's/Proposer's Certification: Non-Collusive Bidding and Nondiscrimination in Employment in Northern Ireland MacBride Fair Employment Principles and State Ethics Law

Step 2: Evaluation of References (Pass/Fail)

Refer to Attachment G to complete this portion of the proposal. References will be evaluated on a pass/fail basis. Include a minimum of five (5) industry, university, or government references with whom the proposer previously has been under contract. If the proposer is a consortium, five (5) references for each organization must be provided.

Include reference name, contact name (if different from reference name), address, e-mail, and phone number. Include a brief description of the work or project conducted for each reference and an explanation of its outcome. Proposers will also include a brief summary of any on-going projects with these references.

References must be available for interview by the Department. In the event that the reference contact is unavailable, the Department will contact the next available reference in order until at least three (3) responses have been obtained. If less than three (3) references can be contacted, the proposal may be eliminated from further consideration.

References must be able to discuss the proposer's ability to complete projects in a timely and satisfactory manner, to meet all contract terms, to respond to expressed concerns in a timely and satisfactory manner, and to retain staff with appropriate skills.

Step 3: Scoring of Proposal Narrative, Budget and Work Plan (200 Points)

Those proposals that pass the Step 1 and 2 requirements above will have a review panel score the information submitted in their proposal narrative, budget and work plan. A maximum of 200 points will be available for this scoring.

The proposal scoring will evaluate the degree to which a proposal narrative, budget and work plan meets the requirements established in the RFA, and addresses the following:

A. Institute Goals & Programs (84 Points)

- A1. To what extent does the proposal demonstrate an understanding of the purpose and

intent of the Institute, as specified in Section II of the Request for Application (RFA)?

- a) on-site technical assistance,
- b) research and development,
- c) outreach and education programs
- d) emerging contaminants
- e) food scraps reduction

A2. To what extent does the proposal outline an effective strategy for building the Institute's programs on:

- a) on-site technical assistance,
- b) research and development,
- c) outreach and education programs
- d) emerging contaminants
- e) food scraps reduction

A3. To what extent does the proposal identify partnerships between the Institute and businesses, universities, state and local governments, health and environmental organizations?

A4. To what extent does the proposal offer a balanced geographic coverage of services across New York State?

A5. To what extent does the proposal offer a marketing strategy to attract clients and businesses, to generate public interest, and to establish constituent support?

B. Technical Capacity and Resources (56 Points)

B1. To what extent do proposed staff or affiliates have sufficient technical expertise in:

- a) pollution prevention utilizing green chemistry, or green process engineering,
- b) pollution prevention utilizing alternatives assessments, or toxics reduction,
- c) developing, or evaluating, green technologies or products
- d) emerging contaminants,
- e) food scraps reduction

B2. To what extent does the proposer demonstrate the ability to assemble and manage an organization of similar size and complexity to the Institute?

B3. To what extent does the proposer identify a strategy to effectively utilize technical resources from partner organizations?

B4. To what extent does the proposal offer technological resources that the Institute will have at its disposal?

C. Administrative Capacity & Resources (60 Points)

C1. Cost Proposal Evaluation -- To what extent does the proposal's budget include an optimal mix of expenditures to create the best value for the implementation of the Institute's mission and demonstrate an economically feasible and competitive approach to the use of

state funds?

C2. To what extent does the proposal demonstrate the experience, ability and organizational structure to manage the financial and business aspects of the Institute? To what extent does the proposal demonstrate the ability to manage funds, meet deadlines and create value?

C3. To what extent does the proposal present a reasonable schedule, with specific milestones, to establish and run the Institute?

C4. To what extent does the proposal offer a viable plan to leverage funds to strengthen the Institute's capabilities and help ensure its sustainability?

Step 4 - Contract Award

The Department will select the proposal that receives the highest score. In the event that two or more proposals have an identical numeric score, the indirect cost percentage shall be the basis for determining the award. In the event that two or more proposals have identical numeric scores and indirect costs, the number of consortium partners will be used to determine the award.

The Commissioner shall award state assistance payments to the winning proposer on a competitive basis and within amounts appropriated.

Grant Program Payment

Advance payments of up to 25% of the awarded grant amount may be available to not-for-profit grantees once a Master Contract for Grants (MCG) has been fully approved by all applicable State agencies. Only not-for-profits are eligible to receive advance payments under State Finance Law.

Project costs eligible for reimbursement must be incurred between the MCG term start and end dates. Costs incurred prior to the MCG term start date or after the MCG term end date will not be considered eligible for grant reimbursement or match. Copies of supporting cost documentation (paid invoices, receipts, cancelled checks, etc.) must be audited and approved by the DEC for costs to be eligible for grant reimbursement.

Eligible and Ineligible Expenditures

(note: state and/or use of federal funds are typically not eligible for grant reimbursement)

1. Eligible Project Expenditures

Department funds may be used for personal services, fringe, contractual services, travel, equipment, and operating expenses (materials & supplies, IT services).

2. Ineligible Project Expenditures

Department funds may not be paid to any for-profit entity, except for general allowable needs, including equipment purchases, travel expenditures, laboratory analysis, and consulting services approved by the Department. Funds may not be utilized for capital construction or

equipment, rent, upgrading infrastructure, or telecommunication and utility costs. Funds for dedicated staff will only be used to cover the portion of staff time spent working for the Institute.

Grant Program Reporting

At a minimum, Quarterly Narrative Reports must be submitted in narrative form, no later than 30 days from the end of the calendar quarter. The reports will summarize how the project progressed toward meeting project objectives and deliverables during the respective quarter. Quarterly reports shall be submitted in the NYS Grants Gateway.

At a minimum, Quarterly Expenditure Reports, detailed by object of expense as defined in the MCG Attachment B-1 Expenditure Based Budget, must accompany the quarterly Narrative Reports, no later than 30 days from the end of the calendar quarter. These reports must correlate to subsequent vouchers submitted for payment.

Quarterly MCG payment reimbursement requests will be accepted prior to submission of a final closeout reimbursement request. Approved project design, required permits and landowner permissions must be in place to submit a reimbursement request.

Final Report must be submitted and approved by the DEC prior to the release of the final contract payment to the Grantee. The Contractor must submit the Final Report no later than 60 days after the end of the contract period. The Final Report should report on all aspects of the program and detail how the use of grant funds were utilized in achieving the goals set forth in the approved MCG Attachment C Work Plan. Copies of appropriate documents (i.e. inventory and/or management plan) must be submitted and approved by the DEC.

A DEC on-site inspection may be required to confirm all work was completed in accordance with the approved project work plan (including the installation of interpretive signage, if applicable, at the project site).

Projects already receiving funds from another NYS or Federal assistance grant program are not eligible to receive funding for the same project activities identified in this RFA.

What to Expect If You Receive an Award

1. Notification of Award

Applicants selected to receive a grant award will be notified by email and in an official Department award letter. The NYS Grants Gateway will also provide you with an award status.

IMPORTANT NOTE: By accepting an award, applicant agrees to abide by all Master Contract for Grants (MCG) terms and conditions. Any changes to the terms and conditions will not be accepted and may affect applicant's award.

2. State of New York Master Contract for Grants (MCG)

Applicants selected to receive a grant award will be required to execute a MCG **within 60 - 90 days** from the time of their award notification. Failure to submit timely required MCG documents could cause a grantee to lose their grant award. Applicants should review and be prepared to comply with all MCG terms and conditions should grant funding be awarded. The MCG and attachments can be reviewed and/or downloaded in the Grants Gateway HRE application under the screen named

'Contract Document Properties'. The MCG and attachments include:

- MCG Grants Face Page
- Standard Terms and Conditions (NYS standard terms and conditions)
- Attachment A-1 Program Specific Terms and Conditions (*Agency and Program specific terms and conditions*)
- Attachment A-2 Federally Funded Grant Terms and Conditions (*optional*)
- Attachment B-1 Expenditure Based Budget (*project expense categories and detail*)
- Attachment C Work Plan (project objectives, tasks and performance measures)
- Attachment D Payment and Reporting Schedule (claims for reimbursement and grant reporting provisions)

IMPORTANT NOTE: Project related costs must be incurred within the term of the MCG to be considered eligible for reimbursement or match. Contract payments will not be approved or processed by the DEC until a MCG is fully approved by the DEC, and as applicable the Attorney General and the State Comptroller. All contracts must be approved by the contract start date of which will be determined at the time of an official award.

3. Applicants (referred to as “Contractor” following award of Grant Contract) Should Be Prepared to Comply with the Following MCG Requirements:

a. Insurance Requirements

Contractor will be required to carry appropriate insurance as specified in the MCG or LOA, Attachment A-1 Program Specific Terms and Conditions, and agree that each project consultant, project contractor and project subcontractor secures and delivers to the contractor appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies must name the contractor as an additional insured, with appropriate limits, covering contractor’s public liability and property damage insurance, contractor’s contingency liability insurance, “all-risk” insurance and workers’ compensation/disability benefits coverage for the project.

b. Vendor Responsibility Questionnaire

Not-For-Profit contractors and/or subcontractors are subject to a vendor responsibility review by the State to ensure public dollars are being spent appropriately with responsible contractors. A vendor responsibility review may include a contractor and/or subcontractor to present evidence of its continuing legal authority to do business in NYS, integrity, experience, ability, prior performance, and organizational and financial capacity. To enroll in and use the NYS VendRep System, see the VendRep System instructions available at http://www.osc.state.ny.us/vendrep/vendor_index.htm , or go directly to the VendRep System at <https://portal.osc.state.ny.us>

c. Iran Divestment Act

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. By entering into a Contract, the Contractor certifies that it is not on the “Entities

Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012” list (“Prohibited Entities List”) posted on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additional detail on the Iran Divestment Act can be found in the MCG, Attachment A-1 Program Specific Terms and Conditions.

d. Minority/women Business Enterprises (M/WBE) and Equal Employment Opportunities (EEO) Requirements

The Department is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (“MWBE Regulations”) for all State contracts with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.

Applicants subject to executing a future NYS Master Contract for Grants agree, in addition to any other nondiscrimination provision of the MCG and at no additional cost to the Department, to fully comply and cooperate with the Department in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for certified minority and women-owned business enterprises (“MWBEs”). Contractor’s demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, state or local laws.

Failure to comply with M/WBE and EEO requirements may result in a Department finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages or enforcement proceedings.

Please refer to the NYS Master Contract for Grants - Article IV (J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review M/WBE and EEO requirements. Required M/WBE and EEO related forms can be found at <http://www.dec.ny.gov/about/48854.html>

- The local government is responsible for designating someone to serve as their Affirmative Action representative. The governing body should make this designation through official means.
- A list of certified M/WBE enterprises can be obtained via the internet from the NYS Department of Economic Development at <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=9885>
- Contracts which meet the established M/WBE-EEO thresholds require the Contractor to submit Quarterly Reports, http://www.dec.ny.gov/docs/administration_pdf/quarterly.pdf, detailing payments made by the Prime Contractor to NYS Certified M/WBEs.
- The following M/WBE-EEO “Fair Share” goals are established as follows:

Minority and Women Owned Business Enterprise (MWBE) Overall Participation Goals:

- Construction/Engineering – 20%
- Commodities – 20%
- Services/Technologies – 20%

Equal Employment Opportunity (EEO) Participation Goals

EEO Minority Workforce Participation Goals (DEC Regions 1- 9) 0%

EEO Female Workforce Participation Goals (DEC Regions 1-9) 0%

DEC M/WBE Compliance
NYS Department of Environmental Conservation
Bureau of Contract and Grant Development/MWBE Program
625 Broadway, 10th Floor
Albany, New York 12233-5028
Phone: (518) 402-9240
Fax: (518) 402-9023

e. Service-Disabled Veteran Owned Business Equal Opportunity Requirements

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOB”), thereby further integrating such businesses into New York State’s economy. The Department recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of Department contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. To obtain more information regarding the utilization of SDVOBs including how to find and contact them, please use the contact information below or go to the Division of Service Disabled Veteran’s Business Development (DSDVBD) website at <https://ogs.ny.gov/Veterans/default.asp>

4. Procurement of Contractors/Subcontractors

Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money. Failure to comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.

5. Americans With Disabilities Act

In the event the monies defined herein are to be used for the development of facilities, outdoor recreation areas, transportation or written or spoken communication with the public, the Contractor shall comply with all requirements for providing access for individuals with disabilities as established by Article 4A of the New York State Public Buildings Law, Americans with Disabilities Act, and relevant sections of the New York State Uniform Fire Prevention and Building Code. Standards for certain Recreation Facilities are found in the 2010 ADA Standards for Accessible Design while others are found in the Architectural Barriers Act Accessibility Guidelines for Outdoor Recreation Areas <https://www.access-board.gov/guidelines-and-standards>.

6. Debriefing Language

Non-winning proposers will be notified of the intent to award and the possibility that a failed negotiation could result in an alternative award. The non-winning proposers will be offered the opportunity for a debriefing limited to the evaluation results as they apply to the entity's own proposal. The debriefing may occur at any time following the notification.

7. Responsive

Proposers are advised that failure to use the attached forms, and to adhere to the proposal requirements, instructions, conditions, and timetable may result in a proposal being judged non-responsive.

8. Non-Committal

This Request for Applications does not commit the Department to award a contract, pay any costs incurred in the preparation of a proposal, or to procure or contract for services or supplies. The Department reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with all qualified sources, or to cancel, in part, or in its entirety, this RFA if it is in the best interest of the Department to do so.

9. Standard Contract Clauses

Standard Contract Clauses. The successful proposer will be required to comply with all of the mandatory New York State and Department contracting provisions contained in the following two documents, which may be downloaded in the Grants Gateway:

Appendix A - Standard Clauses for All New York State Contracts;
Appendix B - Standard Clauses for All NYSDEC Contracts.

10. MacBride Fair Employment Principles.

All proposers are required to complete the combined "Non-Collusion Bidding and Nondiscrimination in Employment in Northern Ireland: MacBride Fair Employment Principles and Ethics Law Provision" form, as per Attachment H and to submit it as part of the proposal.

11. Information from Other Sources.

The Department reserves the right to obtain information regarding the proposer from sources other than the proposer as it deems pertinent to the evaluation process.

12. Clarification Process.

The Department may request clarification from proposers to resolve ambiguities or to clarify information included in the RFA. Clarifications may occur throughout the evaluation process. All responses will be made in writing and submitted within five (5) business days. Responses shall specifically address the request and omit any non-pertinent information.

13. Ownership of Proposals.

All proposals will become the property of the Department and will not be returned to the proposers.

The Department further reserves the right to use any information contained therein to the extent permitted by law. Any copyrighted material, trade secrets, or any other proprietary information will be specifically delineated by the proposer. Failure to do so shall be deemed a waiver of those rights.

14. Cost Liability of Proposals.

The Department assumes no responsibility and no liability for costs incurred by any firm, organization, or university resulting from the completion and submission of RFA applications.

15. Rejection of Proposals.

The Department reserves the right to reject any or all proposals, to award contracts in whole or in part if deemed to be in the best interest of the State of New York.

16. Change of Financial Condition.

If a proposer experiences a substantial change in financial condition prior to the award of a contract pursuant to this RFA, or if a successful proposer experiences a substantial change in financial condition during the term of a contract with the Department, the Department must be notified in writing at the time the change occurs or is identified. Failure to notify the Department of such a change may result in rejection of the proposal or termination of the contract.

17. Change in Performance and/or Delivery of Service

If circumstances beyond the control of the Contractor result in a late delivery, it is the responsibility and obligation of the Institute to make the details known upon discovery to the Department.

18. Principal Employees

The principal employees of the Contractor who are to perform the work under this contract shall be subject to the approval of the Department. In the case of death, disability, or end of employment of one or more but not all the persons so approved, the Department shall have the right to approve successor personnel to perform the work under this contract. If the Department does not approve such personnel, then this contract may terminate.

In the case of the death, disability or end of employment of all the persons so approved without approved replacements, all data and records pertaining to the project shall be delivered within sixty (60) days to the Department or its duly authorized representative. In case of the failure of the Contractor's successors or personal representatives to make such delivery on demand, then and in that event the representatives of the Contractor shall be liable to the Department for any damage it may sustain by reason thereof. Upon the delivery of all such data to the Department, the Department will pay to the representatives of the Contractor all amounts due to the Contractor, including retained percentages to the date of the death of the last survivor.

19. Intellectual Property

Intellectual Property shall include all data, software, copyrightable materials, working papers, processes, inventions and/or discoveries conceived and/or reduced to practice in performance of the work funded in this contract and resulting patents, divisions, continuations, or substitutions of such applications and all reissues. The Contractor shall own all Intellectual Property created during

the performance of the work funded under this contract. Notwithstanding this provision, the Department shall retain a perpetual, non-exclusive, royalty-free license for use of all copyrightable materials, (excluding software and scholarly or academic publication), for any New York state purposes (the "New York State licensed IP").

With respect to other non-New York State licensed IP created in performance of the work funded under this contract, the Contractor shall comply with the applicable legal and regulatory requirements, as well as its policies, consistent with its status as a non-profit educational corporation, but it may in particular instances license or assign intellectual property created in a particular research project directly to a New York state company (defined as a company with a physical presence in New York state with the capacity to utilize the intellectual property within New York state) or a University P2I Partner Institution, for the benefit of the company and the New York economy, consistent with section (a) below -- provided the Contractor also makes reasonable efforts to retain educational and research rights to the non-company specific, or non-company proprietary advances, funded under this contract so these advancements may benefit all of New York and advance pollution prevention efforts throughout New York State.

(a) The Contractor agrees that it shall not charge any New York State company for the right to use any of the Intellectual Property developed under this contract. Contractor may charge companies for the cost to implement such intellectual property in a particular project, to the extent that those costs are not otherwise included in the contract. Further, any particular license or assignment of non-New York State licensed IP to a company by the Contractor, must only be made to a New York state company as that term is defined in the Master New York State Contract. The provision that the Contractor may not charge for use of, or licensing of, the Intellectual Property funded under this contract shall not apply to sublicensing or sales of company user at levels below the Contractor to company transaction.

20. Publication & Acknowledgment

The Institute shall not issue any news releases pertaining to this procurement process or the performance of the contract without prior written approval by the Department, and then only in cooperation with the Department.

An acknowledgement of the Department support shall be conspicuously displayed in any Institute communication to the public. Communication to the public shall include, but not be limited to, signs, banners, printed publications, press releases and events, speeches, electronic media, conferences, exhibits, and announcements and invitations. All such materials, except scientific articles and papers published in scientific journals, must contain the following disclaimer: "Any opinions, findings, conclusions or recommendations expressed are those of the author(s) and do not necessarily reflect the views of the Department of Environmental Conservation."

Any materials that are copyrighted shall be subject to a royalty-free, irrevocable, worldwide, non-exclusive license to the Department to reproduce, perform, translate, and otherwise use and to authorize others to use such materials.

The Institute will fully cooperate with the Department in providing information to disseminate through the Department's website including, but not limited to biographical information.

The Department shall have the right to approve the portion(s) of all press releases which relate to the Department's funding and/or sponsorship at least three (3) business days before its issuance. It also shall have the right to participate in the public issuance of such press releases.

The Institute shall seek the Department's prior approval before it commits to any type of sponsorship that relates to the Institute's mission and funding, including matching funds if required. After approval has been granted, the Institute will provide planning updates on an ongoing basis.

The Institute shall provide the Department fifteen (15) business days notice prior to any project meetings and activities, including but not limited to meetings of advisory bodies, project review and selection meetings, seminars, conferences, and workshops. The Department reserves the right to attend such meetings and activities to observe first-hand the operation of the project without the imposition of any fees.

21. Advertising

The Institute agrees not to use the Department's name, logos, images, nor any data or results arising from this procurement process or contract as part of any commercial advertising without prior written approval by the Department.

22. Environmental Protection Fund Acknowledgement

If applicable, in recognition of a portion of the Department funds utilized for any work completed under this Contract, the Contractor agrees to acknowledge in any communication to the public, that such funding was provided from the Environmental Protection Fund as administered by the New York State Department of Environmental Conservation.

23. Recyclable Materials

The Institute will use recyclable materials. These materials must reflect the recyclable logo.

24. Appendices

Appendix A, Standard Clauses for all New York State Contracts, and Appendix B, Standard Clauses for all New York State Department of Environmental Conservation contracts are uploaded in the Grants Gateway as part of this opportunity and will be included as part of the contract.

State's Reserved Rights

To enable the State to acquire goods and services that represent the "best value," the State reserves the right to:

1. Define Requirements

Define requirements to meet agency needs and to modify, correct, and clarify requirements at any time during the process provided the changes are justified and that modifications would not materially benefit or disadvantage a proposer.

2. Disqualify proposals

Disqualify proposals that fail to meet mandatory requirements, provided that the RFA discloses to the proposers the Department's right to make such decisions.

3. Establish evaluation criteria

Establish evaluation criteria relating to quality, quantity, performance and cost; establish the relative importance of each criterion; and evaluate proposals as well as award contracts on the basis of these criteria. As a result, service and technology procurements administered through an RFA process will not necessarily be awarded to the responsible proposer submitting the lowest priced proposal.

4. Assessment

Include an assessment of total life-cycle costs and benefits in addition to the proposer's price, in selecting the proposal most advantageous to the Department.

5. Firm Offer

Consider every offer as firm and not revocable for a period of one hundred eighty (180) calendar days from the bid opening. At the conclusion of the one hundred eighty (180) calendar day period, proposals may be withdrawn by submitting a written request.

6. Contract Award

Award a contract for any or all parts of a proposal and negotiate contract terms and conditions to meet Department program requirements consistent with the solicitation.

7. Bond or Security

Require at the discretion of the Department, and where not otherwise mandated by law, a bond or other guarantee of performance, and to approve the amount, form and sufficiency thereof.

8. Default & Termination

- a. This contract may be canceled or terminated by the Department, and all moneys due or to become due hereunder may be forfeited if the Institute shall employ thereon either directly or indirectly, in any capacity, any person who at the time of such employment is also an employee of the State. No notice is required for this clause to take effect,
- b. If the Department determines that the Institute has breached a material term of this contract, it shall issue a written notice, providing the Institute with thirty (30) calendar days to correct the defect. If the Institute fails to correct the defect within this time period, or fails to make a good faith effort to do so as determined by the Department, the Department may terminate this contract for cause.

INSTRUCTIONS FOR ATTACHMENTS E - H

THE BELOW ATTACHMENTS E – H ARE MANDATORY

DOWNLOAD ATTACHMENTS E – H FROM THE PRE-SUBMISSIONS UPLOAD PAGE ON THE GRANTS GATEWAY

COMPLETE THEM ELECTRONICALLY THEN UPLOAD THEM AS PART OF THE APPLICATION NARRATIVE DOCUMENT.

Attachment E

Proposal Cover Page

Applicant/Lead Proposer Information

Organization Name		Address	
Contact Name			
Title			
e-mail		Telephone	

Consortium Member #1

Organization Name		Address	
Contact Name			
Title			
e-mail		Telephone	

Consortium Member #2

Organization Name		Address	
Contact Name			
Title			
e-mail		Telephone	

Consortium Member #3

Attach Additional Sheets as Necessary

Organization Name		Address	
Contact Name			
Title			
e-mail		Telephone	

Institute Location(s)

Primary Location		Location 4	
Location 2		Location 5	
Location 3		Location 6	

Proprietary Information

Check One	
<input type="checkbox"/>	No Proprietary information is included in this proposal.
<input type="checkbox"/>	All Proprietary information is identified in the proposal with a "CONFIDENTIAL" or "PROPRIETARY" label. Additionally, a letter is included requesting exception to public disclosure.

Attachment F

Mandatory Submittal Checklist

Applicant: _____

Contact: _____

Telephone: _____

Email: _____

In order to be eligible for further review, an applicant must:

Be ANY ONE of the following:

- a. **University** which for the purposes of this RFA is defined as an institution of higher education with, at minimum, a master's degree program in a research field(s) that directly apply to the purpose and intent of this RFA, OR,
- b. **Non-profit institution** which must be a 501 (c) (3) organization as defined by the United States Internal Revenue Service code, OR,
- c. **Consortium** of University and/or Non-profit research institutions with a lead proposer.

AND INCLUDE EACH of the following:

Proposal Cover Page (Attachment E)

Mandatory Submittal Checklist (Attachment F)

Table of contents;

Executive summary not to exceed four (4) pages;

Proposal Narrative not to exceed twenty-four (24) pages;

Expenditure Based Budget (Attachment B);

Work Plan (Attachment C);

Minimum of five (5) business references (Attachment G);

Glossary of key terms;

Completed Bidder's/Proposer's Certification: Non-Collusive Bidding and Nondiscrimination in Employment in Northern Ireland MacBride Fair Employment Principles and State Ethics Law Provision Form (Attachment H).

Attachment G

Proposer Business Reference Form
(Use Additional Copies as Necessary)

Applicant Name: _____

Customer/Client Name: _____

Contact Name: _____

Address: _____

Telephone: _____ **E-Mail:** _____

Project Start Date: _____ **Project Completion Date:** _____

Project Description:

Attachment H

Contract No.: TBD

BIDDER'S/PROPOSER'S CERTIFICATION

NON-COLLUSIVE BIDDING
AND
NONDISCRIMINATION IN EMPLOYMENT IN NORTHERN IRELAND
MACBRIDE FAIR EMPLOYMENT PRINCIPLES
AND
STATE ETHICS LAW PROVISION
AND
PROCUREMENT LOBBYING LAW

**BY SUBMISSION OF THIS BID AND BY SIGNING HEREUNDER THE
BIDDER/PROPOSER, AND
EACH PERSON SIGNING ON BEHALF OF SUCH PARTY CERTIFIES, AND IN THE CASE
OF A
JOINT BID/PROPOSAL, EACH PARTY THERETO CERTIFIES AS TO ITS OWN
ORGANIZATION,
UNDER PENALTY OF PERJURY, THAT TO THE BEST OF HIS/HER KNOWLEDGE AND
BELIEF:**

A. NON-COLLUSION State Finance Law §139-d

1. The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

2. Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

3. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

B. MACBRIDE FAIR EMPLOYMENT PRINCIPLES State Finance Law §165(5)

1. it or any individual or legal entity in which the bidder/proposer holds a 10% or greater ownership interest, or any individual or legal entity that holds a 10% or greater ownership in the bidder/proposer, either: (answer yes or no to one or both of the following, as applicable).

2. has business operations in Northern Ireland;
Yes _____ or No _____ (check answer)

IF YES, COMPLETE #3

3. shall take lawful steps in good faith to conduct any business operations that it has in Northern Ireland in accordance with the MacBride Fair Employment Principles relating to nondiscrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland, and shall permit independent monitoring of their compliance with such Principles.

Yes _____ or No _____ (check answer)

C. STATE ETHICS LAW PROVISION

By submittal of this bid/proposal, the undersigned hereby certifies, for and on behalf of the bidder/proposer, that he is familiar with the following provisions of the State Ethics Law provisions applicable to post employment restrictions affecting former state employees: POL §73(8)(a)(i) the two year bar, and §73(8)(a)(ii), the life-time bar, and that submittal of this bid/proposal is not in violation of either provision, and that no violation will occur by entering into a contract or in performance of the contractual services, and further that the bidder/proposer recognizes that the Department may rely upon this certification

Except as follows: (attach information if needed)

(Proposer is to make full disclosure of any circumstances which could affect its ability to perform in complete compliance with the cited laws. Any questions as to the applicability of these provisions should be addressed to the New York State Ethics Commission, 39 Columbia Street, Albany, N.Y. 12207: telephone #1-800-87-ETHICS.)

D. PROCUREMENT LOBBYING LAW

The Undersigned affirms that it understands and agrees to comply with the procedures of the New York State Department of Environmental Conservation relative to the permissible contacts as required by State Finance Law _139j(3) and _139-j(6)(b).

NOTE: All references to “bid” “bidder” shall be deemed to include “proposer” “proposal”.

Date: _____

Print Name and Title _____

Signature _____