

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

**DORMITORY AUTHORITY OF THE
STATE OF NEW YORK**

CHILD CARE CAPITAL PROGRAM

REQUEST FOR APPLICATIONS (RFA)

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the State of New York

RFA Announcement: December 20, 2023
RFA Submission Start Date: December 20, 2023
RFA Submission End Date: May 22, 2024

Child Care Capital Program
Grants Gateway # PBC01-CCCP-2023

Request for Applications

Timetable of Key Events:

<u>Event:</u>	<u>Date:</u>
Funding Opportunity Announcement.....	12/20/2023
Open Application Question Period Begins	12/20/2023
Applicant Webinar.....	1/24/2024
Deadline to Submit Questions	1/31/2024
Answers Posted By	2/29/2024
Registration/Prequalification Submissions to Grants Gateway*.	12/14/2023-4/15/2024
NYS Gateway Transition Anticipated blackout Period.....	1/8/2024-1/17/2024
Application Submission Period	12/20/2023-5/22/2024
Application Scoring	5/24/2024-6/30/2024
Awards Announced No Earlier Than	7/15/2024

Inquiries:

In accordance with State Finance Law § 139-j and § 139-k, this RFA includes and imposes certain restrictions on communications between DASNY or OCFS personnel and an Applicant, or any representative, agent, consultant or other third party representing the Applicant during the procurement process. Any questions regarding this RFA should be submitted via the CCCP Survey link: <https://www.surveymonkey.com/r/CCCP2023>

Prospective Applicants are strongly encouraged to take the time to fully review the RFA and related documents to ensure they submit the best possible application. **Applicants are also encouraged to not wait until the application due date to submit their application.**

Technical issues with sending an application may be reported to CCCP@DASNY.org but there is no guarantee that an issue can be resolved in the final hours of the submission window.

- * ***Please note that Registering with the NYS Grants Gateway and Non-profit Prequalification process may take several weeks to complete. All potential CCCP applicants are encouraged to work to complete these steps prior to 4/15/2024 to allow ample time to complete and submit their CCCP applications prior to the due date.***

Technical Question regarding Grants Gateway and Prequalification or Registration:

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

Other Resources:

- [The NYS Grants Reform Website](#)
- [Prequalify to Apply for New York State Grants \(not-for-profits\)](#)
- [To register \(for-profits\) go to <https://grantsgateway.ny.gov/>](#). Under “Registration”, click “request access now” and complete and submit the Grants Gateway Registration Form for Administrators

Should any issues arise after the Open Application Question period concludes on 01/31/2024, inquiries can be directed to the RFA Coordinator with the Subject line CCCP RFA Inquiry via CCCP@DASNY.org.

Important Note: *Contacts made to any DASNY, OCFS or other State personnel regarding this procurement as noted in this RFA between the date of release and application deadline may disqualify the Applicant and affect future procurements with governmental entities in the State of New York. Please refer to DASNY’s website (www.dasny.org) for policy and procedures regarding this law, or the OGS website (<http://ogs.ny.gov/acpl/>) for more information about this law.*

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- Appendix 2 Scoring Matrix
- Appendix 3 Frequently Asked Questions (FAQ)
- Appendix 4 Sample Grant Disbursement Agreement (GDA)

Section One: INTRODUCTION

1.1 Background

Quality child care is critical to New York families as it provides a safe environment for children, while also providing the educational foundation for the next generation of New Yorkers. Working families struggle to find quality programs in their communities in every corner of the State.

In order to effectively address New York's continuing need for affordable, quality child care services, the Child Care Capital Program (CCCP) was created to provide funding to assist child care providers in expanding the capacity of their programs.

1.2 Purpose of the Funding

The CCCP will provide reimbursement grants for the design, construction, reconstruction, rehabilitation, equipment, and other capital assets for existing or proposed not-for-profit or for-profit child day care centers licensed pursuant to 18 NYCRR 418-1, school age child care programs registered pursuant to 18 NYCRR 414 and Article 47 permitted programs. **For the purposes of this RFA, Small Day Care Centers registered pursuant to 18 NYCRR 418-2 are excluded from this definition.**

1.3 Funding Availability & Allocations

As per the 2023-24 enacted State Budget, New York State has allocated \$50,000,000 to the CCCP to be awarded to qualified child care programs through a competitive funding opportunity that will award qualified applicants grants between \$500,000 and \$1,500,000.

CCCP will be administered by the New York State Office of Children and Family Services (OCFS) and the Dormitory Authority of the State of New York (DASNY). Both OCFS and DASNY will review CCCP applications.

Funding will be split 60% for the Downstate region and 40% for the Rest of State.

Downstate is considered NYC, Long Island (Nassau, Suffolk), Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester counties.

Rest of State will include all other counties outside the Downstate region.

Within each region, 60% will be allocated to Day Care Center/Group Day Care Center (DCC/GDC) programs and 40% will be allocated for School-Age Child Care (SACC) programs.

Table 1 – Regional and Programmatic Breakdown of CCCP Awards

Downstate / Rest of State	REDC	DCC/GDC	SACC	Total
Downstate	Long Island, Mid-Hudson, NYC	\$18,000,000	\$12,000,000	\$30,000,000
Rest of State	Capital Region, Central NY, Finger Lakes, Mohawk Valley, North Country, Western NY	\$12,000,000	\$8,000,000	\$20,000,000
	All Regions	\$30,000,000	\$20,000,000	\$50,000,000

Given the great need for funds and the scarcity of capital resources for child care facilities' construction, reconstruction, rehabilitation and equipment, the application review process is expected to be highly competitive. Selection criteria used in scoring the applications is outlined in Section Four of this RFA.

Prospective CCCP applicants will be given up to **150 days** to develop and submit applications beginning with the announcement of the RFA and ending with the application due date.

Section Two: ELIGIBILITY

2.1 Definitions

Applicant: Proposed or existing not-for-profit or for-profit child day care centers licensed pursuant to 18 NYCRR 418-1, school age child care programs registered pursuant to 18 NYCRR 414 and Article 47 permitted programs that submit a Grant Application. Proposed programs must be licensed within six months of the completion of the construction project, as defined by when the Certificate of Occupancy is issued. Failure to obtain a license within that time period may result in the revocation of the grant and require repayment of all grant funds disbursed to the Grantee. **For the purposes of this RFA, Small Day Care Centers registered pursuant to 18 NYCRR 418-2 are excluded from this definition.**

Authorized Officers: Individuals in an organization that are authorized to enter the organization into contracts. In the event there is only one authorized officer, a letter from the head of the organization stating why the organization only has one individual authorized to enter into contracts must be submitted to DASNY and OCFS.

Awardee: Proposed or existing not-for-profit or for-profit child day care centers licensed pursuant to 18 NYCRR 418-1, school age child care programs registered pursuant to 18 NYCRR 414 and Article 47 permitted programs that have been selected to receive an Award Letter in accordance with the requirements of the Act and this Agreement. Proposed programs

must be licensed within six months of the completion of the construction project, defined as the date the Certificate of Occupancy is issued. Failure to obtain a license within that time period may result in the revocation of the grant and require repayment of all grant funds disbursed to the Grantee.

Award Letter: The letter sent to Awardees as described in Section 5.1 of this RFA.

Child Care Capital Program (“CCCP”): Legislation enacted by Chapter 54 of the Laws of 2022, as amended by any subsequent laws and administered by DASNY with the assistance of OCFS.

Child Care Capital Project (the “Project”): Those components of the Child Care Capital Program, as described in the Grant Application submitted by an Awardee or Grantee, which comply with the requirements set forth in the Act and the RFA and which are expected to be funded from the grant proceeds.

Child Care Program: A not-for-profit or for-profit child day care center licensed pursuant to 18 NYCRR 418-1, school age child care program registered pursuant to 18 NYCRR 414 or Article 47 permitted program. **Note: Throughout this document, the term “Child Care Program” will be used to refer to licensed/permitted day care centers and registered school age child care programs collectively. For the purposes of this RFA, Small Day Care Centers registered pursuant to 18 NYCRR 418-2 are excluded from this definition.**

Construction Feasibility: Grantee has the authority to undertake the project at the designated location, the funds necessary to complete the project and can obtain the required permits needed for construction.

DASNY: The Dormitory Authority of the State of New York.

Desert Census Tract: For the purpose of this funding opportunity, means a Census Tract where there are 3 or more children under 5 years of age for each available child care slot, or there are no available child care slots in the census tract. Available child care slots used for this analysis include infant, toddler, and preschooler slots in licensed day care centers and NYCDOHMH permitted (Article 47 programs only) group day care programs, as well as 6 weeks to 12-year-old slots in licensed group family day care and registered family day care, based on licensed capacity as of October 2021. All Census Tracts in New York State have been mapped depending on the number of available slots, and information can be found on the Child Care Capital Program Desert Map: <https://bit.ly/childcarecapitalprogram> .

Refer to Section 4.2 Application Content for definition of deserts for the purposes of scoring.

DOB: The Division of the Budget of the State of New York.

Downstate Region: New York City, Long Island (Nassau and Suffolk counties), Westchester region (Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester counties)

Eligible Project Costs: That portion of allowable General Project Development Costs incurred in connection with the CCCP that are to be reimbursed from a CCCP grant. Eligible costs are listed in this RFA.

Entity Formation Documentation: Documentation verifying the existence of a business and proof of filing with the relevant oversight authority as well as the Internal Revenue Service (IRS). The following documentation will be accepted as verification of the existence of a business and proof of filing:

- Business and not for profit corporations: Certificate of Incorporation (including any amendments), Certificate of Assumed Name, if applicable, and filing receipts with the New York State Department of State (NYS DOS).
- Education Corporations: Provisional and Absolute Charters with the State Education Department Board of Regents seal.
- Limited Liability Company: Articles of Organization, Certificate of Assumed Name, if applicable, and filing receipts with the NYS DOS.
- Limited Partnership: Certificate of Limited Partnership, Certificates of Assumed Name, if applicable, and filing receipts with NYS DOS.
- Sole Proprietors: Sole proprietors must obtain an employer identification number (EIN) from the IRS and be registered with the NYS Dept. of State.
- Statutory entities: Citation to statutory or legislative authority establishing the entity.

Grant Disbursement Agreement (GDA): The contract entered into between DASNY and the Grantee.

General Project Development Costs: Costs that include, but are not limited to design, construction, reconstruction, demolition, rehabilitation, development, improvement, or modernization of land and/or building(s) used by a Child Care Program.

Grant Application: Any application submitted by an Applicant to this RFA.

Grantee: Proposed or existing not-for-profit or for-profit child day care centers licensed pursuant to 18 NYCRR 418-1, school age child care programs registered pursuant to 18 NYCRR 414 and Article 47 permitted programs that have entered into a GDA with DASNY pursuant to Section 4.05 hereof. **For the purposes of this RFA, Small Day Care Centers registered pursuant to 18 NYCRR 418-2 are excluded from this definition.**

Grantee Certification: This document certifies that public funds will not be used to finance religious programs or programs that may favor one religion over another. As the issuer of the bonds that will finance the project to be funded with CCCP Funds, DASNY must verify that it is in compliance with all applicable Federal and State laws and regulations. This certification should accurately state the purposes for which the CCCP Funds will be used and must be signed by two Authorized Officers.

Grantee Questionnaire (“GQ”): This questionnaire is completed by all prospective grantees to provide DASNY with pertinent information necessary for DASNY to complete its diligence review of the Organization.

Grants Gateway: New York State Grants Gateway

Legal Name: Applicant’s organization name as listed on the Incorporation Documentation and which:

- matches the name on file with the IRS and corresponds to the Organization’s Federal Employer Identification Number (“FEIN”).

- includes or excludes, where applicable, 'Inc.', 'LLC', 'The', etc.; and
- does not employ acronyms for shorthand.

Major renovations: Major renovation involves structural changes to the foundation, roof, floor, exterior or load bearing walls of a facility, or the extension of a facility to increase its floor area. Major renovation also includes any extensive alteration of a facility such as to significantly change its function and purpose, even if such renovation does not include any structural change.

Modality: Type of child care program.

Please see <https://ocfs.ny.gov/programs/childcare/regulations/> for full legal definitions.

- **Day Care Center (DCC)** a program or facility licensed pursuant to 18 NYCRR 418-1 which is not a residence in which child day care is provided on a regular basis to more than six children for more than three hours per day per child for compensation or otherwise.
- **School Age Child Care (SACC)** a program or facility registered pursuant to 18 NYCRR 414, which is not a residence in which child day care is provided to an enrolled group of seven or more children under 13 years of age during the school year before and/or after the period such children are ordinarily in school or during school lunch periods. School-age programs also may provide care during school holidays and those periods of the year in which school is not in session, including summer vacation.
- **NYC Article 47 Group Day Care Centers (GDC):** a program or facility which is not a residence in which child day care is provided for five or more hours per week, for more than 30 days in a 12-month period, to three or more children under six years of age.

NYC Group Day Care regulations can be found here:

<https://www1.nyc.gov/assets/doh/downloads/pdf/about/healthcode/health-code-article47.pdf>

OCFS: The New York State Office of Children and Family Services

OSC: Office of the New York State Comptroller

Positive Pay: A fraud-prevention system offered by most commercial banks.

Project Certification: The document that certifies the project will be in compliance with various relevant statutory provisions.

RFA: Request for Application, developed by OCFS and DASNY.

Rest of NY includes: All New York State counties not included in Downstate Region as defined in this RFA.

Short Term Debt/Bridge financing: Debt that is expected to be paid off within one year and is incurred to pay for project costs until such time as Grant funds become available.

Shovel Ready: Stage when construction can begin.

Site Control: When grant applicants own or have a long-term lease agreement and the enforcement right to use the property for the Project site for at least 8 years. Additionally, all

contracts for the work to be performed are signed by an authorized signatory of the Applicant and Project costs are paid by the Applicant.

Special Characteristics: means protected classes under the NY Human Rights Law (race, color, national origin, religion, sex, familial status, disability, age, marital status, military status, sexual orientation, gender identity and expression, and source of income.

State Environmental Quality Review Act ("SEQR") Review: New York's State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making.

W-9 Form: IRS document utilized to set up the Applicant as a vendor/payee in DASNY's financial system. The Organization's FEIN is required to make payment. **NOTE: The Applicant's Legal Name and FEIN on the W-9 should match the Legal Name and FEIN on file with the Internal Revenue Service (IRS) as well as in its Entity Formation Documentation and all documents required to be uploaded to the Applicant's Grants Gateway Document Vault (for not-for-profit entities) and those submitted for review by DASNY.**

2.2 Eligible Entities

Proposed or existing not-for-profit or for-profit child day care centers licensed pursuant to 18 NYCRR 418-1, school age child care programs registered pursuant to 18 NYCRR 414 and Article 47 permitted programs. **For the purposes of this RFA, Small Day Care Centers registered pursuant to 18 NYCRR 418-2 are excluded from this definition.**

- The Applicant must be pre-qualified (not-for-profit entity) or registered (for-profit entity) for funding through the New York State Grants Gateway.
- The Applicant must have Site Control at the time of application.
- The Applicant project must have Construction Feasibility.
- By applying for this grant, the applicant attests to a willingness to accept families in receipt of child care assistance.

Note: Child Care Programs requesting funds for construction/renovation project cannot be located in a facility owned by a religious organization.

Existing Child Care Programs applying must be in good standing. Good Standing is defined as a licensed child care program in a payable status that is not the subject of certain enforcement actions by OCFS or the New York City Department of Health and Mental Hygiene (DOHMH).

Ineligible Statuses Include:

- OCFS enforcement statuses:
 - Suspension of License
 - Limitation of License
 - Suspension and Proposed Revocation of License
 - Proposed Revocation of License (amended 3/24/22)
 - Denial of Application to Renew License Ineligible
- DOHMH enforcement statuses:
 - Permit Revoked

- Permit Suspended
- Out of Business

(Expired Questions as to NYC enforcement status should be referred to NYCDOHM.)

New Program Site Proposal Background Research

If the Applicant is opening a new Child Care Program, they must have completed significant background and development work before applying to CCCP. This work could include:

- Contacting the regional childcare licensing office to discuss licensing/registration/permitted requirements so that plans reflect these requirements.
- Identifying and taking steps to obtain control of a suitable site for use as a Child Care Program.
- Working with a New York State registered architect/licensed professional engineer to develop drawings and plans and to investigate the zoning/land use compatibility and environmental impact of the project, including whether a SEQR is required.
- Compiling financial statements of the applicant, and the program's start-up and operating budgets showing anticipated income and expenses for the Child Care Program.
- Extensive fundraising, including approaching corporations, foundations, banks and government sources for project funds or donations, including donations of land.

2.3 Eligible Project Locations

Important Day Care Construction Requirements to Review prior to Project Planning:

- If you are applying to construct a child day care center for children under the age of six, to be located in New York City, you are strongly advised to review Article 47 of the New York City Health Code.
- If you are applying to construct a child day care program for school age children anywhere in New York State, you are strongly advised to review 18 NYCRR Part 414 (School Age Child Care) or
- If you are applying to construct a child day care center outside of New York City, you are strongly advised to review 18 NYCRR Part 418-1 (Day Care Centers).
- You are advised to review the SEQR regulations contained in 6 NYCRR Part 617 for information pertaining to the required SEQR analysis.
- In addition, you are encouraged to review relevant portions of State and local Building Codes. It will also be necessary to be familiar with zoning requirements in the locality where the proposed project is sited.
- Applicants should check with their Architect/Engineer prior to applying to determine if SEQR or Section 14.09 Historic Preservation Act reviews are needed for their project prior to applying.

General Project Location Requirement

Site control is required to prove that the Applicant has sufficient authorization and control to undertake the project at the project location. To determine that the Applicant owns, leases, or otherwise has control over the site where the project will be located, Applicants will be asked to

provide a copy of the deed, lease, or other indication of site control under the **Applicant's** legal name on file with NYS Dept. of State and the IRS. If they own the property, Applicant will need to provide the deed.

If the project will be undertaken on leased/rented real property, Applicant will need to provide the lease or rental agreement. **The lease/rental agreement must show that it is in effect for at least eight (8) years from the date the Application is submitted, and lease term will be verified at the time of the execution of the Grant Disbursement Agreement to ensure that a significant period of time remains on the lease term.** Support of the property owner for the capital improvement(s) is also required to be submitted with the application if the building is rented/leased. Include a letter on the landlord/lease agency's letter head giving the Applicant permission to complete the project at the designated site. The letter must be dated and signed by an authorized officer of the landlord or leasing agency.

The proposed site must not be under school district authority and programs operated at schools are excluded from this grant unless the Applicant has a segregated leased space and is the primary beneficiary of the project.

Important Note: Project sites that have been or will be funded by a tax credit structure (i.e., New Market Tax Credits (NMTCs), Low-Income Housing Tax Credits (LIHTCS), Brownfield Tax Credits (BTCs), etc.) are ineligible.

Equipment Inventory Tracking Requirement

If the project includes removable equipment or furnishings the Grant Disbursement Agreement will require awardees to develop, implement and maintain an inventory system for tracking such removable equipment and furnishings. Items will be installed, stored, or secured on property owned by and/or under the control of the Applicant; the Applicant has or will develop, implement, and maintain a usage policy for items in compliance with all State and Federal regulations or privacy laws, including use, retention, storage or deletion of any data, images, or videos stemming from grant funded purchase of such items if applicable. If the grant funding is used for anything non-fixed, then the Applicant is responsible for control over the items and said inventory is subject to potential audits.

Primary Benefit to Applicant Requirement

CCCP funding must be used for the primary benefit of the Applicant and the Applicant's eligible child care program. Therefore, improvements to leased real property will be evaluated carefully to determine whether the landlord and other organizations or the Applicant will be the primary beneficiary of the expenditure of grant funds. For example, if an organization shares a building with other businesses or organizations, the organization cannot apply to replace the roof of the entire building. If at any point in the process, in DASNY's sole discretion, it determines that the Applicant is not the primary beneficiary, the application will no longer be deemed qualified, and the funding opportunity will be forfeited. Organizations that operate more than one program must demonstrate how the Applicant's eligible child care program(s), and not any of its ineligible programs, will receive the primary benefit of funds awarded through this grant.

Single Project Location Requirement

Organizations may submit one application for a CCCP grant and only one project location is permitted per application. If more than one application is submitted by an organization, only the first application submitted will be reviewed and scored.

2.4 Eligible Projects

The proposed project will be awarded points based on whether it is located in an area with a current shortage of regulated child care services, as defined by the Child Care Desert regional information included below and must be intended to be used as a Child Care Program for at least 8 years.

Applicants must demonstrate the ability to obtain all necessary approvals and licenses/registrations to operate the Child Care Program within six months of the completion of the construction project, as defined by when the Certificate of Occupancy is issued.

Projects must be shovel ready and have a budget of at least \$500,000. No grants under \$500,000 will be awarded and grants cannot exceed the capital project budget. The funds are to be used for design, construction, reconstruction, rehabilitation, and equipment.

Funds may also be used for the acquisition of equipment or other capital assets with a useful life of not less than ten years purchased for installation onto infrastructure that is owned or controlled by the program. Such equipment and capital assets must be solely used by the Grantee.

Grantee must have the authority to undertake the project at the designated location, have secured the funds necessary to complete the project, and can obtain the required permits needed for construction.

The Applicant must be the entity entering into the contracts for the work to be performed and the entity paying for the costs of the project. As part of the proposal, applicants must submit documentation that the project is fully funded.

All projects must comply with all local and state regulations and laws at all times.

2.5 Eligible Uses of Funds

Grants may be used for payment of capital costs of design, construction, reconstruction, rehabilitation, equipment, and the acquisition of equipment and other capital assets with a useful life of not less than ten years purchased for installation onto infrastructure that is owned or controlled by the grantee, and to be used solely by the grantee. **Costs cannot have been incurred before April 1, 2023. All CCCP projects must be fully completed and all CCCP funds fully disbursed by December 31, 2027.**

Eligible project costs include, but are not limited to:

(a) Cost of interior building improvements to:

- Create additional classroom space in existing location by converting or adapting other rooms to classroom space (e.g., demolition of partitions and infilling existing wall construction, modifying existing exits for sufficient egress, installing diaper change area for new infant/toddler classroom)
- Create or improve areas to serve as indoor gross motor and/or multi-purpose space
- Improve egress and access within the facility (e.g., ramps, sinks with knee clearances) as well as egress and access to the outdoors for children with no or limited mobility
- Bathrooms with age-appropriate plumbing and child height fixtures
- Child height handwashing sinks in classrooms, including touchless fixtures
- Windows in classrooms and common areas
- Flooring –post facility renovation
- Fire safety and fire protection systems e.g., sprinklers, smoke detectors
- Indoor air quality systems (e.g., HVAC systems upgrades mechanical air exchange system with individual classroom controls, air purifiers)
- Doors, entrances and exits including locking mechanisms
- Remediation of environmental issues when part of a larger construction/renovation project (e.g., lead pipes, asbestos, including environmental site and remedial investigation)
- Diaper changing areas
- Nurse area, sick child area
- Electric and lighting systems
- Security systems including security cameras, panic buttons and card readers
- Fixtures and equipment (FFE) with a useful life of not less than 10 years
- Kitchens and food preparation areas
- Plumbing (e.g., replacing leaking pipes, drainage issues)
- Acoustics (e.g., absorptive materials, acoustic panels, ceiling tiles)
- Secure storage areas
- Stable partitions and/or floor-to-ceiling walls to separate classrooms and improve acoustics

(b) Cost for labor and materials for exterior building improvements to:

Install, replace and/or improve equipment to provide children with age appropriate, safe, engaging outdoor play areas:

- Climbing structures (e.g., adding more cushioning)
- Creating a separate space for infants
- Bollards for parking lots and/or playgrounds
- Covered enclosures, shade structures, awnings, outdoor furniture, storage shed
- Increase accessibility or to meet code enforcement requirements, e.g., installing or replacing ramps
- Address exterior drainage issues
- Exterior fencing, including security gates
- Roof replacement
- Decking

- Sidewalks connecting classrooms
- Parking areas

Eligible non-construction costs are limited to:

- Architectural design and engineering

Ineligible Uses of Funds

Ineligible uses of CCCP funds include, but are not limited to:

- Working capital, including funds required to operate a facility, such as staff, rent, utilities, toys, internal labor, and supplies.
- Grant writing, administration, legal, insurance and other fees.
- Repairs or maintenance projects,
- Long term debt, including financing of machinery or equipment.
- Support of any project that is part of an existing or proposed Tax Credit Structure.

Section Three: APPLICATION PROCESS

3.1 View Informational Webinar

Applicant Action Items:

1. A Webinar video will be posted on the NYS Grants Gateway and on OCFS' and DASNY CCCP Websites by 4:00 pm January 24, 2024. This video will address questions and clarify specific elements of the RFA announcement.
2. Prior to the Webinar date, ensure thorough review of RFA for all requirements, including but not limited to Section Four (Evaluation) and Section Five (Advancement and Grant Disbursement Agreements);
3. Submit questions as needed as per instructions below.

OCFS and DASNY will receive all questions for the CCCP RFA via the survey monkey site <https://www.surveymonkey.com/r/CCCP2023> Please send all questions no later than 4:00 pm January 31, 2024.

Questions of a substantive nature submitted prior to 1/10/2024 will be addressed on the Applicant Webinar Video, where applicable. To maintain a fair and open process, OCFS and DASNY will only accept questions regarding this RFA received via <https://www.surveymonkey.com/r/CCCP2023>

Questions received after the Webinar Video has been posted on 1/24/2024, and prior to 5:00 pm on 1/31/2024, will be made available on the [Child Care Services page of the OCFS website](#) and DASNY ([Grant Administration | DASNY](#)) websites as well as part of the CCCP funding opportunity posted on the Grant Opportunity Profile for the CCCP Opportunity on the NYS Grants Gateway on 2/29/2024.

All potential applicants are strongly encouraged to view this Webinar as the Child Care Capital Program (CCCP) grant application process will be explained in the Webinar Video.

3.2 Prequalification or Registration in the NYS Grants Gateway

Prequalification and Registration in the NYS Grants Gateway should be verified by all prospective CCCP applicants prior to applying and no later than 4/15/2024.

Please note that the Grants Gateway is scheduled to undergo a system conversion to the Statewide Financial System (SFS) in January 2024. There will be an anticipated blackout period surrounding this transition between 1/8/2024 and 1/17/2024. The Grants Gateway system expects to re-open as of 1/18/2024.

All existing Gateway entities not up to date with their filings will not be carried over into SFS. Those entities will have to refile and re-submit their Document Vault information directly into SFS after the conversion date. As the procedure for entities to file in SFS becomes available, the information will be posted with the CCCP RFA as part of the Gateway Opportunity as well as on the OCFS and DASNY websites.

Applicant Action Items:

- Review all resources provided to you on the cover page of this RFA for technical specifications on submitting Document Vault requirements for prequalification (for not-for-profits) or registration (for for-profits in the Grants Gateway);
- Submit all required documentation for Prequalification or Registration to Grants Gateway;
- Maintain Prequalification or Registered Status throughout Application, Evaluation, Grants Administration and Payment processes.
- Three of a not-for-profit's essential financial documents - the IRS990, Financial Statement, and Charities Bureau filing - expire on an annual basis. If these documents are allowed to lapse, the not-for-profit's prequalification status expires as well, and the Applicant will not be eligible for State grant funding until documentation is updated and approved, and prequalified status is reinstated.

The Prequalification or Registration process is separate from, and in addition to, the Application submission process.

Important Note: All Applicants must have the Grants Gateway status of Prequalified or Registered prior to submitting a CCCP Application. Uploading documentation to the Document Vault and obtaining the appropriate status may take multiple weeks. It is recommended that all potential CCCP Applicants start the Gateway process, (or update their existing Document Vault), as soon as possible to ensure they are eligible to apply by the Application deadline. No exceptions or waivers will be provided. <https://grantsmanagement.ny.gov/get-prequalified>
<https://grantsmanagement.ny.gov/register-your-organization>

3.3 Submit Application

Applicant Action Items:

- 1) Make sure that the Applicant is Prequalified or Registered in Grants Gateway (see above instructions).
- 2) Review Section Four - Evaluation and Appendix 1 – CCCP Application

- 3) Ensure that Application responses directly address the program Pass/Fail requirements for eligibility as well as the scoring criteria as laid out in Appendix 2 – Scoring Matrix
- 4) Submit Applications as soon as requirements are met but no later than 5:00 pm 5/22/2024.

Applications will be accepted from **December 20, 2023, through May 22, 2024**. It is anticipated that the full allotment of CCCP funds will be awarded to Child Care Programs in one application cycle.

Applications must be submitted to CCCP@DASNY.org by the established due date and time. Incomplete Applications and/or those submitted after the submission period has ended will not be considered.

Prospective Applicants are strongly encouraged to submit their applications **as soon as their Application is complete, well in advance of the application due date**. Technical issues with sending an application may be reported to CCCP@DASNY.org but there is no guarantee that an issue can be resolved in the final hours of the submission window.

Important Steps: To complete the Application process, please pay particular attention to the following steps and required documents to be submitted:

Application Submission Tips:

Applications can be submitted only through CCCP@DASNY.org. Anything received via another email, postal delivery, or facsimile will not be accepted, and no notification will be provided to the applicant.

Required Documents to be Submitted with the Application

- For Profit Applicants must include their entity formation documentation with their application.
- Not For Profit Applicants should verify their entity information is in their Gateway Document Vault prior to submitting their application.
- Applicants must attach their site control documentation - Deed for owned property or rental/lease agreement.
- Applicants must attach their Construction Feasibility documents which include:
 - for leased/rented sites - a letter from the landlord/lease organization on company letter head giving the Applicant permission to complete the project at the designated site. Letter must be dated and signed by the landlord or an authorized member of the lease agency.
 - documentation that indicates the Applicant has the funds necessary to complete the project or, will have within **twelve months** of the date on the grant award letter.
 - Required permits obtained, or list of permits that will be needed to complete the project.
- For programs that have existing OCFS or NYSDOHMH license/registration/permit, regulator sign off is required to be uploaded with the application.

Final Submission Steps

- The CCCP Application is a fillable PDF. Be certain to save the document prior to submitting it and name the Application and any additional PDFs clearly with the Applicant

organization's name. Number relevant attachments as needed for clarity and to ensure that all relevant information and documentation is submitted.

- The Applicant may choose to submit one comprehensive PDF of the Application with all related backup documentation, or to submit an email with multiple attachments.
 - **Remember that only one CCCP Application can be submitted per organization so only the first email submitted to CCCP@DASNY.org will be evaluated. It is imperative that all relevant documents are contained in this one email.**
- Prior to submission, please be certain to include "CCCP Application" in the subject line of the email and name all attachments with your organization's name.
- ***CCCP is a competitive grant program so once your application has been submitted, you will not be able to make any changes or additions to your application. If your application is not complete, it could result in a lower score and/or render the application ineligible to advance to scoring.***

Section Four - EVALUATION

CCCP is a highly competitive grant program. Applicants will be scored using a scoring matrix. Please review Appendix 2 – Scoring Matrix for the specific criteria and valuations.

4.1 Pass/Fail Eligibility Review

Initially, all applications will be reviewed for eligibility. Based on the information provided in and with the Applications, OCFS and DASNY will determine if the submitted Application meets the eligibility criteria as outlined in this RFA.

4.2 Selection Criteria

After passing the eligibility review, all Applications will be grouped by region of the State, either the Downstate region or Rest of State as defined above.

Then OCFS and DASNY will score each eligible Application and assign points based on the information provided in the application. A total of 100 points will be available in the following categories:

All Applications will be scored based on project viability, project impact, and project need.

- Project Viability- maximum score up to 41 points:
 - DASNY will review the applications and score for statutory and bond eligibility; site control; project cost estimates as well as verification that sufficient funds exists to complete the project as described.
- Project Impact – maximum score up to 17 points:
 - OCFS will score and evaluate to the qualitative aspects of the program as well as review the proposed number of child care slots.
- Project Need – maximum score up to 42 points:
 - OCFS will score based on the Desert score of the proposed projects as well as the critical needs identified and addressed within the application.

Table 2-Desert Score Breakdown (for reference)

REDC	Percent of Census Tracts in REDC that are “deserts”	Average number of children under 5 yrs per CC slot*	Number of children under 5 yrs in REDC (ACS 5-year est, 2015-2019)**	Proportion of NY population under 5 yrs in REDC
Capital Region	68.1%	7.7	54,878	4.8%
Central NY	70.2%	9.8	42,458	3.7%
Finger Lakes	66.2%	9.0	64,872	5.6%
Long Island	62.6%	7.1	154,027	13.3%
Mid-Hudson	59.5%	7.4	135,400	11.7%
Mohawk Valley	70.5%	8.5	25,853	2.2%
New York City	57.3%	5.6	544,971	47.2%
North Country	72.1%	8.6	24,303	2.1%
Southern Tier	73.1%	10.4	32,180	2.8%
Western NY	65.3%	7.9	72,259	6.5%
Total	61.8%	7.0	1,154,201	100%

Data sources: child care capacity data for licensed child care providers (excluding School Age Child Care Programs) from Child Care Facility System, October 2021; child care capacity data for permitted day care centers in New York City data extracted from Open Data NYC, October 2021.

* Number of children under 5 years of age per census tract. Average ratio of children to slots only includes census tracts with a calculated ratio. Census tracts with no child care are coded as deserts, but do not have a calculated ratio.

**U.S. Census Bureau, American Community Survey, 5-year estimates 2015-2019

To view the [NYS Regional Economic Development Council \(REDC\) map](https://www.governor.ny.gov/sites/default/files/atoms/files/RegionalCouncilMap.pdf) please visit: <https://www.governor.ny.gov/sites/default/files/atoms/files/RegionalCouncilMap.pdf>

If there are tie scores among applicants, ties will be resolved by awarding in date/time order of earliest application submission.

Section Five: ADVANCEMENT & GRANT DISBURSEMENT AGREEMENT

5.1 Issuance of Award Letters

CCCP Awards will be announced after all qualifying applications have been scored by OCFS and DASNY.

Awards will be announced no earlier than July 15, 2024.

After the announcement, DASNY will issue an Award Letter to the Awardees selected and manage the award process. The Award Letter is not meant to constitute a commitment to provide funds but shall constitute a commitment on the part of DASNY to enter into a Grant Disbursement Agreement (GDA) subject to compliance with the conditions precedent set forth in the Award Letter and this RFA. The GDA is not effective until fully executed.

The Award Letter will expire **one year** after issuance.

Important Note: Due to the anticipated high demand of CCCP funding and in keeping with the intent to invest in time sensitive projects, all CCCP Awardees are expected to fully comply with, and complete all required reviews within twelve (12) months from the date of their CCCP Award Letter.

Failure to meet this deadline will constitute forfeiture of the CCCP funding opportunity and the funds will be returned to the CCCP pool to be made available to the next successive Qualifying CCCP Applicant. A CCCP Awardee who is subject to such forfeiture would be eligible to submit a new CCCP Application in future CCCP funding opportunities.

Important Note: Due to the competitive nature of the award, process changes to the project scope and/or project location will not be permitted at any point in the grant administration process.

5.2 Prerequisites to the Grant Disbursement Agreement

After the issuance of the Award Letter, DASNY will undertake a financial, environmental, bond and tax counsel review. DASNY will also determine whether required regulatory approvals have been obtained. DASNY will also verify that sufficient site control is in place.

Financial Review

DASNY will conduct a financial review in connection with each Award in order to verify that sufficient funds have been secured in the amount necessary to complete the CCCP project, and that such funds meet all applicable criteria set forth in this RFA. As set forth in Section 2.5 of this RFA, the full project amount must be secured. Awardees will also be required to submit a W-9.

State Environmental Quality Review

For those projects requiring an environmental review pursuant to the State Environmental Quality Review Act (SEQRA), the Applicant must provide either the Findings Statement or the Negative Declaration prepared by the SEQRA Lead Agency in connection with the project. If no SEQRA review has been undertaken in connection with a construction project that is currently underway or has not started, DASNY will undertake the necessary review if a CCCP Application is deemed Qualified.

If a Section 14.09 of the Historic Preservation Act review was completed in connection with the CCCP project, please provide documentation.

Grantee Questionnaire

DASNY needs to be certain that grant funds are paid only to Organizations that are deemed to be responsible entities. Full and accurate responses on the Grantee Questionnaire (GQ) will help to achieve this goal. A request will be made to obtain two Authorized Officer names and email addresses so that the GQ may be sent through DocuSign. The GQ is required in order to complete the review process and will be incorporated into the GDA. The submission of false information on the GQ could be a violation of Federal and State Penal Laws. **NOTE: the GQ must be completed under the Legal Name of Organization.**

Certification

All Awardees must be able to certify that funds will not be used to finance a program or project that will in any way promote or facilitate religious worship, instruction, or proselytizing. Qualifying Applicants will be asked to certify, at a minimum, the following in connection with the project to be financed by the CCCP Grant:

- No religious purpose shall be advanced or promoted by the project or program funded by the proposed CCCP funding;
- The project or program will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of services, or the use of facilities or furnishings assisted in any way by public funds;
- The project or program shall be open to all without regard to religion; and
- The Applicant shall take affirmative steps to ensure that information is widely disseminated with respect to the following aspects of the project or program:
 - a. The project or program is publicly funded;
 - b. The project or program is open to all, regardless of religious affiliation; and
 - c. The project or program beneficiaries are not limited to any particular sect or group.
- All contractors and vendors retained to perform services in connection with the Project shall be authorized to do business in the State of New York and shall possess and maintain all professional licenses and/or certifications required to perform the tasks undertaken in connection with the Project.

As a condition precedent to the execution of any GDA, an Awardee shall be required to submit copies of commitments for additional project funding to DASNY.

DASNY will require documentation to confirm that applicants have the additional required funding upon application as agreed to by OCFS and DASNY.

Please note: Should the Awardee fail to meet the required timeline, they will forfeit the CCCP opportunity, and the funding shall be made available the next successive qualifying CCCP Applicant.

The Awardee agrees to retain all license capacity at the awarded level for the duration of two licensing periods (8 years).

5.3 Grant Disbursement Agreement

DASNY will forward a Grant Disbursement Agreement (GDA) to the Awardee once the aforementioned reviews, as applicable, have been completed. The GDA is the contract between the Awardee and DASNY. The Awardee will review and sign the GDA which will then be forwarded to the Applicant's Attorney for review.

Upon the return of the GDA to DASNY, DASNY will review the GDA for completeness and accuracy, which will include verification that the budget has not changed (or that a valid rationale is given for the change and the change does not materially affect the approved project, timeline or budget), the exhibits are properly completed, an appropriate Opinion of Counsel has been provided as required by Exhibit B of the GDA, and no other issues have arisen that would affect the status of the grant. Once this review is complete, DASNY will arrange for the execution of the GDA.

The GDA will become effective upon execution of the GDA by both the Awardee and DASNY. The GDA will be dated the date of the execution of the GDA by DASNY.

All CCCP GDAs executed pursuant to this RFA will expire on December 31, 2027. No extensions will be permitted.

- No repayment is required provided the program complies with the following requirements:
 - Operate continuously as a Child Care Program for a period of at least eight years.
 - Willingness to accept families receiving child care subsidy, though providers will not be required to maintain families receiving subsidy throughout the duration of the grant if the families chose another provider.
 - The grant recipient complies with the provisions of the Grant Disbursement Agreement.

5.4 GDA Terms and Conditions

Terms of the CCCP GDA

The CCCP GDA between the Grantee and DASNY will terminate December 31, 2027.

Important Note: It is expected that the project will be fully completed, and all payment requisitions will be processed and paid by December 31, 2027. No extensions will be permitted. Any CCCP funds not disbursed by this date will be made available for future CCCP funding opportunities.

Reporting Requirements

Any organization that receives funding through CCCP may be required to submit periodic reports on project activities.

Non-Discrimination and Affirmative Action Policy for the Project

It is the policy of the State of New York and DASNY, to comply with all federal, State and local law, policy, orders, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action to ensure that Minority and Women-owned Business Enterprises (M/WBEs), Minorities Group Members and women share in the economic opportunities generated by DASNY's participation in projects or initiatives, and/or the use of DASNY funds.

- The recipient of State funds represents that its equal employment opportunity policy statement incorporates, at a minimum, the policies and practices set forth below:
 - Grantee shall (i) not unlawfully discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, (ii) undertake or continue existing programs of affirmative action to ensure that Minority Group Members and women are afforded equal employment opportunities, and (iii) make and document its conscientious and active efforts to employ and utilize M/WBEs, Minority Group Members and women in its workforce on contracts. Such action shall be taken with reference to, but not limited to, solicitations or advertisements for employment, recruitment, job assignment, promotion, upgrading, demotion, transfer, layoff or termination, rates of pay or other forms of compensation, and selection for training or retraining, including apprenticeship and on-the-job training.
 - At the request of the Affirmative Action Officer, (AAO), the Grantee shall request each employment agency, labor union, or authorized representative of workers with whom it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union, or representative does not unlawfully discriminate, and that such union or representative will affirmatively cooperate in the implementation of the Grantee's obligations herein.
- The Grantee is encouraged to include minorities and women in any job opportunities created by the Project; and to solicit and utilize M/WBE firms for any contractual opportunities generated in connection with the Project.
- Grantee represents and warrants that, for the duration of the Agreement, it shall furnish all information and reports required by the AAO and shall permit access to its books and records by DASNY, or its designee, for the purpose of ascertaining compliance with provisions hereof.
- Grantee shall include or cause to be included, paragraphs (1) through (3) herein, in every contract, subcontract or purchase order with a Contracting Party executed in connection with the Project, in such a manner that said provisions shall be binding upon each Contracting Party as to its obligations incurred in connection with the Project.

Non-Discrimination and Affirmative Action Definitions

Affirmative Action

Shall mean the actions to be undertaken by the Borrower, Grantee and any Contracting Party in connection with any project or initiative to ensure non-discrimination and Minority/Women-owned Business Enterprise and minority/female workforce participation, as set forth in paragraph 2) herein, and developed by DASNY.

Affirmative Action Officer ("AAO")

Shall mean DASNY's Affirmative Action Officer or his/her designee, managing the affirmative action program for DASNY.

Contracting Party

Shall mean (i) any contractor, subcontractor, consultant, subconsultant or vendor supplying goods or services, pursuant to a contract or purchase order in excess of \$1,500, in connection with any projects or initiatives funded in whole or in part by DASNY and (ii) **any borrower or Grantee** receiving funds from DASNY pursuant to a loan or Grant document.

Minority Business Enterprise ("MBE")

Shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is (i) a lease fifty-one percent (51%) owned by one or more Minority Group Members; (ii) an enterprise in which such minority ownership is real, substantial and continuing, (iii) an enterprise in which such minority ownership has and exercises DASNY to control and operate, independently, the day-to-day business decisions of the enterprise; (iv) an enterprise authorized to do business in the State of New York and is independently owned and operated; and (v) an enterprise certified by New York State as a minority business.

Minority Group Member

Shall mean a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups: (i) Black persons having origins in any of the Black African racial groups; (ii) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin, regardless of race; (iii) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands; and (iv) Native American or Alaskan native persons having origins in any of the original peoples of North America.

Minority and Women-Owned Business Enterprise Participation

Minority and Women-owned Business Enterprise participation efforts are not limited to the efforts suggested herein, and the role of M/WBE firms should not be restricted to that of a subcontractor/subconsultant. Where applicable, M/WBE firms should be considered for roles as prime contractors. Such efforts may include but not be limited to:

- Dividing the contract work into smaller portions in such a manner as to permit subcontracting to the extent that it is economically and technically feasible to do so;
- Actively and affirmatively soliciting bids from qualified M/WBEs, including circulation of solicitations to Minority and Women's trade associations;
- Making plans and specifications for prospective work available to M/WBEs in sufficient time for review;
- Utilizing the services and cooperating with those organizations providing technical assistance to the Contracting Party in connection with potential M/WBE participation on DASNY contract;
- Utilizing the resources of DASNY Affirmative Action Unit to identify New York State certified M/WBE firms for the purpose of soliciting bids and subcontracts;
- Encouraging the formation of joint ventures, associations, partnerships, or other similar entities with M/WBE firms, where appropriate, and
- The Contracting Party shall remit payment in a timely fashion.

Women-owned Business Enterprise (“WBE”)

Shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is: (i) at least fifty-one percent (51%) owned by one or more citizens or permanent resident aliens who are women; (ii) an enterprise in which the ownership interest of such women is real, substantial and continuing, (iii) an enterprise in which such women ownership has and exercises DASNY to control and operate, independently, the day-to-day business decisions of the enterprise; (iv) an enterprise authorized to do business in the State of New York and is independently owned and operated; and (v) an enterprise certified by New York State as woman-owned.

5.5 Requisition of Funds

Once the GDA is fully executed, the organization may begin to requisition funds for work completed using the forms included as exhibits to the GDA. The organization must forward requisitions directly to DASNY’s Accounts Payable Unit at apgrants@dasny.org No advances will be made, and Grant funds will not be disbursed to pay deposits.

DASNY will review each requisition received from the Grantee which will include, but shall not be limited to, verification that proper documentation has been received. DASNY reserves the right to request additional information to verify the representations in the requisition.

The Child Care Capital Program will provide reimbursement only up to the amount of funding set forth in the GDA. If a project goes over budget, it will be the responsibility of the organization to cover additional expenses. **If allowable costs for the project are less than the amount awarded (i.e. “under budget”), any unused funding will revert to the State; it cannot be used for additional purchases, renovations, or any other expense.** Please refer to Section 2, including the ‘Important Notes, for additional information regarding project costs that may not be submitted for reimbursement.

The CCCP GDA allows for Grantee to utilize DASNY’s Payment on Invoice option to pay for Project costs upfront. Pursuant to the terms of the GDA, a Grantee would need to provide DASNY with documentation evidencing that a non-interest-bearing segregated account has been established by the Grantee into which Grant Funds will be deposited and that an industry standard-fraud protection be added to the segregated bank account (positive pay). Eligible expenses incurred in connection with the Project to be financed with Grant Funds must be paid out of this account. All work being paid on invoice must be completed prior to disbursement of Grant Funds. The funds in the segregated account shall not be used for any purpose other than making payments to a contractor or vendor for approved costs in connection with the Grant funded Project. The Grantee must provide proof of disbursement of Grant Funds to the respective contractor and/or vendor in a form acceptable to DASNY, within sixty (60) days of the date that Grant Funds are disbursed to the Grantee to pay for such costs. DASNY will not make any additional disbursements from Grant Funds until such time as proof of payment is provided. Failure to comply with these requirements will revoke a Grantee’s eligibility to utilize the Payment on Invoice option.

Important Note: In order to be reimbursed for eligible project costs – the following documentation must be available for submission at the time of reimbursement:

- **Paid invoice from a vendor authorized to do business in NYS**
- **Cancelled check or bank statement or corporate credit card statement evidencing payment**
- **The invoice, cancelled check, bank statement, and corporate credit card must also be in the legal name of the Applicant (i.e. not under parent or child organization)**

Annual CCCP Grantee Reporting Form

Grantee will be required to submit an annual certification to OCFS at ocfs.sm.DCCScapitalprogram@ocfs.ny.gov which shall include, but shall not be limited to, the following representations:

- The Grantee continues to operate a Child Care Program;
- The Grantee has all necessary approvals, licenses and registrations to operate the Child Care Program; The Grantee maintains a willingness to accept families in receipt of child care assistance; and
- The Grantee is in compliance with the provisions of the Act and the GDA.

In the event that a Grantee is in non-compliance with GDA and RFA requirements, DASNY, may pursue any form of redress available, legal or equitable, to recover any grant funds that have been paid to such Grantee.

Section Six: RIGHTS RESERVED

OCFS and DASNY reserve the right to:

- Amend the RFA if necessary and post updated information to the Gateway Funding Opportunity as well as the OCFS and DASNY websites;
- Reject any or all applications received in response to this RFA;
- Withdraw the RFA at any time at OCFS and DASNY sole discretion;
- Exclude ineligible expenses from the grant amount requested;
- **Withdraw the award if the Grant Administration process is delayed in excess of twelve (12) months due to non-responsiveness; or an inability of the Awardee to provide the documentation required for the successful administration of the Grant Award (e.g., site control documentation, financial documentation, etc.) towards contract execution in excess of twelve (12) months from date of award. No applicant will have any rights against OCFS or DASNY arising from such actions;**
- In the event of CCCP award forfeiture(s), OCFS and DASNY reserve the right to consider applications submitted in response to this RFA that were not initially funded. Updated information may be requested as deemed necessary by OCFS or DASNY;
- OCFS and DASNY reserve the right to adjust funding allocation splits between Downstate and Rest of State as well as amounts allocated to DCC/GDC and SACC programs to maximize grant distribution across the State; and
- OCFS and DASNY also reserve the right to solicit and accept new applications if additional CCCP funding becomes available.
- Request additional information from the Applicants as required prior to entering into a GDA. Please note, however, that OCFS and DASNY will **not** contact the Applicant during the

Application Period to seek clarification, request additional information or inform the Applicant that the Application is incomplete.

Section Seven: MORE INFORMATION

If you have questions relating to the New York State Grants Gateway, please reach out directly to the Gateway via grantsreform@its.ny.gov or 518-474-5595.

If you have any questions after reading the instructions relating to construction or financing issues, please reach out to the **DASNY** via grants@dasny.org or **518-257-3177**.

For further information on child care licensing requirements, contact your local licensing representative, listed below:

Albany Regional Office

Marjorie Galkiewicz, Manager
West Building, Room 261
52 Washington Street
Rensselaer, NY 12144
518-402-3038

Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, and Washington counties

Buffalo Regional Office

Susan Forcucci, Manager
295 Main Street, Room 545
Buffalo, NY 14203
716-847-3828

Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming counties

Long Island Regional Office

Robin Beller, Manager
Perry Duryea State Office Building
250 Veterans Memorial Highway, Suite 2a-2o
Hauppauge, NY 11788
631-240-2560 *Nassau and Suffolk counties*

New York City Department of Health and Mental Hygiene (NYCDOHMH Bureau of Child Care)

Renee Noel, Assistant Commissioner
Bureau of Child Care
125 Worth Street, 3rd Floor
New York, New York 10013
646-632-6100, Fax 347-396-8054

Borough Offices

Brooklyn/Staten Island

Lana Andrievskaya, Office Manager, 718-222-6390/6399

Bronx

Bella Morrow, Office Manager, 347-854-1971 or 72

Manhattan/Staten Island

Julie Joseph, Office Manager, 646-632-6305

Queens

Jose Jimenez, Office Manager, 718-480-2263/2265

Serving the boroughs of New York for registration and inspections of Family Day Care, Group Family Day Care, and School Age Child Care.

New York City Regional Office

Claudia Soriano, Manager

Adam Clayton Powell State Office Building

163 West 125th St, 13th Fl

New York, NY 10027

212-383-1415

General oversight of NYCDOH/MH for registration of Family Day Care, Group Family Day Care, and School Age Child Care

Rochester Regional Office

Virginia Primm, Manager

259 Monroe Avenue, 3rd Fl. Monroe Square

Rochester, NY 14607

585-238-8531

Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne, and Yates counties

Syracuse Regional Office

Briane Tice, Manager

The Atrium

100 S. Salina Street, Suite 350

Syracuse, NY 13202

315-423-1202

Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga, and Tompkins counties

Westchester Regional Office

Frances Franco-Montero, Manager

117 East Stevens Avenue

Valhalla, NY 10595

845-708-2400

Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester counties

Appendix 1

**New York State Office of Children and Family Services
Dormitory Authority of the State of New York**

**Child Care Capital Program (CCCP)
Grant Application**

Section I: Applicant Information

Legally Incorporated Name: _____

*(Should match filings with IRS/NYS DOS/Charter/Statute/Gateway/Charities
Registration as applicable.)*

d/b/a if applicable: _____

Where d/b/a filed: _____

Organization Mailing Address: _____

Street: _____

City: _____ **Zip Code:** _____

IRS Tax ID #: _____

SFS Vendor ID#: _____

NYS Charities Registration # (if applicable): _____

NYS Grant Gateway Document Vault #: _____

Year Organization Incorporated: _____

*(Note: For all For-Profit organizations, their Incorporation Documentation must be
submitted with application. Not-For-Profit organizations should ensure theirs is visible in
their Grants Gateway Document Vault prior to submitting their application.)*

Contact Person

Name: _____

Title: _____

Telephone: _____ Ext. _____ Alt. Phone: _____

Email: _____ Alt. Email: _____

Is the project renovating an existing structure for use as a Child Care Program?

Y N

(Note: If renovating an existing structure, Applicant must answer question 4 in Section IV. Project Narrative.)

Does this Application propose an entirely new Child Care Program?

Y N

What will be the total number of children to be served upon proposed project's completion?

Infant/Toddler: _____ Non-Infant/Toddler: _____

Project Schedule:

- a. Anticipated construction start date: _____
- b. Anticipated construction completion date: _____
- c. Anticipated date new child care capacity will be available: _____
- d. Were any costs for the project incurred prior to April 1, 2023?

Y N

(Note, if such costs were incurred, they must be included in the description required in Section III, question 2a.)

Additional Applicant Information

Applicant's Attorney (if available)

Name: _____

Firm Name: _____

Address: _____

Phone: _____ **Email:** _____

Project General Contractor (if selected)

Name: _____

Firm Name: _____

Address: _____

Phone: _____ **Email:** _____

[Section II Pass/Fail Eligibility Questions](#)

1. Pre-Qualification/Registration Expiration Date: _____

To find out if your Document Vault has expired, or when it will expire, please see the Gateway's FAQ #19 found here: [Prequalification FAQ | Grants Management \(ny.gov\)](#) If you are not currently Prequalified, or if your Prequalification expires prior to 4/15/2024, you will need to update the required documents and forms in your Document Vault and submit them for review to ensure your status is Prequalified by the CCCP Application submission deadline.

2. Is your organization a licensed child day care center (GDC or DCC) or a registered school age child care (SACC) program or an Article 47 permitted program?

Y N

If Yes, please provide your facility ID#: _____

Current Licensed/Registered Child Care Capacity:

Infant/Toddler: _____ Non-Infant/Toddler: _____

3. Is your organization proposing a new child care center program that will be licensed within six months of the completion of this project, as defined by when the Certificate of Occupancy is issued?

Y N

4. If your organization has an existing OCFS or NYSDOHMH license/registration/permit, **have you uploaded regulator sign off for this project?**

Y N

5. Project Site Address

Street: _____

City: _____ Zip Code: _____

County: _____ OCFS Region #: _____

6. Site Control

a. Does the Applicant own the Project Location?

Y N

i. **If Yes, include a copy of the deed with the Application.**

b. Does the Applicant Lease the Project Location?

Y N

i. **If Yes, include a copy of the lease agreement with the Application.**

ii. **If Yes, include a letter from the landlord/leasing agent indicating approval of the proposed project.**

c. For all leases, does the lease term extend at least 8 years?

Y N

i. **If No, include a letter from the landlord/leasing agent indicating lease extension currently in process with anticipated completion date.**

(Note: A Grant Disbursement Agreement (GDA) cannot be entered into unless the lease term has been formally extended. Failure to obtain an executed GDA within twelve months from the date of the Award will forfeit the CCCP Funding Opportunity.)

d. If there are any other entities that share your proposed project location, please describe how they may benefit from the proposed project (e.g., other organizations within the same building, landlord, sublessor, etc.).

7. Did you purchase equipment or start construction on your project prior to 4/1/2023?

Y N

8. Do you intend to finance the portion of your project budget to be reimbursed with grant proceeds with long-term debt (over 1 year old)?

Y N

9. Do you intend to finance any portion of your project budget with existing or proposed tax credits?

Y N

10. Did you submit documentation that indicates that your organization has the funds necessary to complete the project? ***(Please remember to include these attachments with your application.)***

Y N

11. Do you agree, if selected for processing, to meeting the requirements for a Grant Disbursement Agreement within twelve months of the date of the Grant Award Letter?

Y N

Section III Project Viability

Attach as many additional pages as needed to answer the following questions if the space provided is insufficient. Number each attachment clearly to correspond to the appropriate Section & Question.

1. Project Description & Support for Project Costs:

- a. What is the title of your project? (1 sentence)

- b. Provide a short project description (8-10 sentences)

- c. What is the total estimated cost of your project?

- d. What is the amount of CCCP funds you are requesting for your project?
(Minimum \$500k, Maximum \$1,500,000)

Please complete the **Total Construction Project Budget** on the following page, indicating all sources and uses of funds, including the proposed CCCP Grant.

Attach letters of commitment (or contingent commitment) from each other source of funds. For any other funding that has not yet been committed to the Applicant, please indicate the anticipated date the funding will be secured for the project.

(Note: A Grant Disbursement Agreement (GDA) cannot be entered into unless all other funding commitments are secured, in writing. Failure to obtain an executed GDA within twelve months of the Award will forfeit the CCCP Funding Opportunity.)

Please **attach formal costs estimates for your complete project** as described in this Application. These may be one comprehensive estimate covering the entire project, or multiple estimates for the various tasks within the project. (i.e., design, plumbing, electrical, etc.)

(Note that all estimates should be on company letterhead and be dated no earlier than October 1, 2023. Additionally, all vendors and contractors must be registered to do business in New York State.)

Total Construction Project Budget

Uses (attach additional pages if necessary)	Total	Sources of Funds			
		Requested CCCP Grant Funding	Applicant Funding	Other Funding Sources	Source of Other Funding
Facility					
Design	\$	\$	\$	\$	
Construction	\$	\$	\$	\$	
Other (List below)					
	\$	\$	\$	\$	
	\$		\$	\$	
	\$	\$	\$	\$	
Soft Costs*	\$	\$ na	\$	\$	
Machinery & Equipment					
Purchase	\$	\$	\$	\$	
Installation	\$	\$	\$	\$	
Subtotal	\$	\$	\$	\$	
Working Capital*	\$	na	\$	\$	
Total	\$	\$	\$	\$	

* **Not eligible for CCCP grant funding.**

** Specify other sources of committed funds and attach relevant documentation.

- e. How did you derive the cost estimate for the DESIGN budget category and **please upload any supporting documentation (e.g., invoices or quotes).**

- f. Please provide a description of the project costs/project tasks you are expecting to be reimbursed for under the DESIGN category of the budget.

- g. How did you derive the cost estimate for the CONSTRUCTION budget category and **please upload any supporting documentation (e.g., invoices or quotes).**

- h. Please provide a description of the project costs/project tasks you are expecting to be reimbursed for under the CONSTRUCTION category of the budget.

- i. How did you derive the cost estimate for the OTHER budget category and **please upload any supporting documentation (e.g., invoices or quotes).**

- j. Please provide a description of the project costs/project tasks you are expecting to be reimbursed for under the OTHER category of the budget.

2. Anticipated Project Time Frame

- a. What costs have been incurred as of the date of this application?

- b. If costs have been incurred as the date of this application – please provide a brief description of the work that has been completed. If no work has been completed - please note instead the anticipated project start date.

- c. If the project has been completed – please note the project end date. If the project has not been completed – please provide a brief description of the work that has yet to be completed AND the anticipated end date for the project.

3. Other Project Funding Sources:

- a. What is the amount of your estimated total project cost that will not be funded by grant amount requested?

- b. What percentage of project costs that will be funded by other funding sources have been secured and committed to the project as documented by a bank statement under your organization’s legal name. If no additional funding needed – please answer 100% (***Please be certain to include the documents with your application.***)

- c. Please describe any other funding source you anticipate securing, and anticipated date by which this funding will be available to your organization in the form of equity to be applied to your project.

4. Project Location Readiness:

Please describe any regulatory approvals (such as ULURP, SEQR, SHPO, etc.) that are, or may be, required for the project. If they have been completed, attach the documentation to your application or give the anticipated date of receipt of said regulatory approvals. If unknown - please respond unknown; if not applicable - please respond N/A

Section IV PROJECT NARRATIVE

Attach as many additional pages as needed to answer the following questions if the space provided is insufficient. Number each attachment clearly to correspond to the appropriate Section & Question.

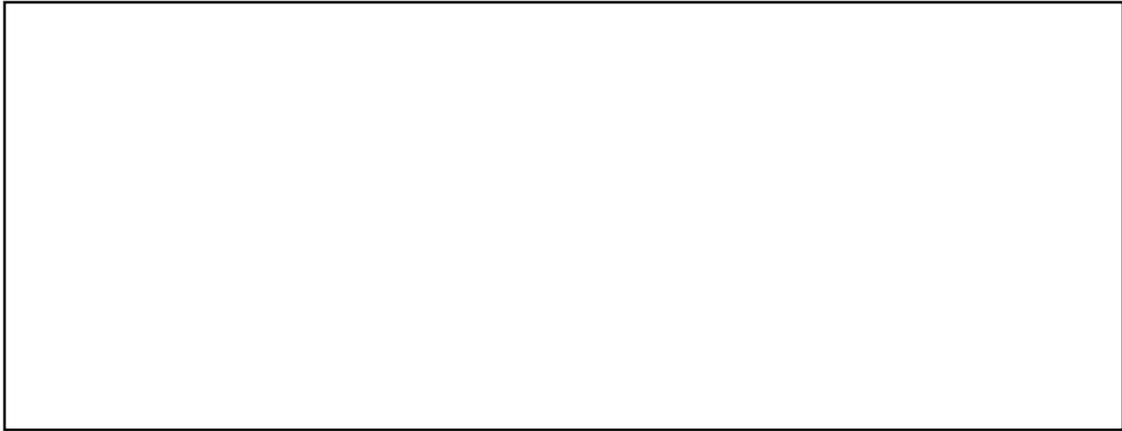
1. Describe the proposed project. Indicate whether the project involves new construction, improvements/renovation or expansion and/or purchase and permanent installation of equipment.

2. Provide an estimated timeline of all tasks, including design and construction.

3. Briefly describe the basis for selection of professionals, consultants, etc. (For example, Request for Proposal (RFP) or other method).

4. Description and site plan: Include physical description of existing and/or proposed new space, and other site or building work to be undertaken; block and lot numbers; size of plot or square footage of involved space; occupancy classification; and zoning. ***(Note: Applicant must demonstrate the ability to obtain all necessary zoning variances, special permits and licenses. Include copies of appropriate documents already obtained and indicate which are still pending, if applicable.)***

5. If this proposed project includes the renovation of an existing structure for use as a child care facility, fully describe the existing structure including: the age of the structure; all previous uses; type of construction; and any special designations or restrictions on the use or modification of the building. Also note whether the structure is nonconforming under local zoning laws and discuss the feasibility of retrofitting the structure for handicapped accessibility. Discuss the community support that exists for the any zoning amendments. Provide a description of the neighborhood and surrounding properties. Include the nature and use of surrounding properties, such as the existence of gas stations, dry cleaning establishments and other potential environmental or safety hazards. State the current zoning of the surrounding area.



6. Attach schematic design and development drawings and specifications indicating scope of construction or renovations. (*Formal Architect designs are not required to be submitted with the Application.*)
7. Submit copy of the Certificate of Occupancy, if available.

Section V - Project Impact

Attach as many additional pages as needed to answer the following questions if the space provided is insufficient. Number each attachment clearly to correspond to the appropriate Section & Question.

1. Please describe any other special characteristics (see RFA Section 2.1) of your current or intended client population in terms of protected classifications that will be served by your project, and please attach any applicable supporting documentation to your Application.

2. What percentage of your intended target population shares the special characteristics you describe in question 1 that will be served by the project?
3. If program is not open, what percentage of your proposed intended population sharing the special characteristics mentioned in question 2 will be targeted in marketing the new program?

4. Describe how you calculated the percentage for question 3 above, including any external data used, and/or your organization's relevant data collection processes and length of time you have consistently maintained this data for programmatic decision and reporting purposes.

5. How many child care slots do you anticipate will be directly impacted/served by your project?

of slots: _____

6. Describe how you calculated the number of child care slots in question 5, including any external data used, and/or your organization's relevant data collection processes and length of time you have consistently maintained this data for programmatic decision and reporting purposes.

7. Please describe any barriers your client population faces, (or your proposed target population if not yet open), in availing themselves of the services to be provided through your project (e.g. geographic distance or lack of public transportation, internet, etc.), and how your organization plans to help the client population overcome these barriers and/or engages or will engage in aggressive outreach to target population.

8. Please describe the critical need of child care slots that your project will address.

9. How did you assess the critical need(s) described in question 8 above that will be addressed by your project. Please include any external data used, (e.g., community surveys, etc.) and/or your organization's relevant data collection processes and number of years you have consistently maintained this data for programmatic decisions and reporting purposes.

Section VI – Project Need

Attach as many additional pages as needed to answer the following questions if the space provided is insufficient. Number each attachment clearly to correspond to the appropriate Section & Question.

1. Please describe the critical need of child care slots that your project will address.

2. How did you assess the critical need(s) described in question 1 above that will be addressed by your project? Please include any external data used, (e.g., community surveys, etc.) and/or your organization's relevant data collection processes and number of years you have consistently maintained this data for programmatic decisions and reporting purposes.

3. Describe how your project will address the critical need(s) you described in question 1 above.

4. Insert your project location's address into the Desert Map tool: <https://bit.ly/childcarecapitalprogram> Is your proposed program's location in a REDC with high rate of Desert Census Tracts (CTs)?

Y N

5. What level of Desert Census Tract is the proposed program located in? _____

6. What is the number of classrooms, by type (infant/toddler, non-infant/toddler), of the projected new slots to be created by your project?

of classrooms Infant/Toddler _____

of classrooms Non-Infant/Toddler _____

Section IV: - Agreement

It is understood and agreed by the Applicant that:

- (1) This Request for Grant Applications does not commit the New York State Office of Children and Family Services (OCFS) or the Dormitory Authority of the State of New York (DASNY) to enter into a Grant Disbursement Agreement, to pay the costs incurred in the preparation of a response to this Request for Grant Applications, or to disburse any funds.
- (2) OCFS and DASNY reserve the right to amend, modify or withdraw this Request for Grant Applications, to request additional information from the Applicant, and to reject any Application submitted, and may exercise such rights at any time and without notice or liability to any applicant or other parties for their expenses incurred in the preparation of an application or otherwise. Applications will be prepared at the sole cost and expense of the Applicant.
- (3) OCFS and DASNY reserve the right to accept or reject any or all Applications that do not completely conform to the instructions given in this Request for Grant Applications.
- (4) Submission of an Application will be deemed to be the consent of the Applicant to any inquiry made by OCFS or DASNY of third parties with regard to the Applicant's experience or other matters relevant to the Application.
- (5) The Applicant is willing to accept families receiving child care subsidy, though providers will not be required to maintain families receiving subsidy throughout the duration of the grant if the families choose another provider.
- (6) If a CCCP Award is made, the Child Care Program commits to being licensed to operate within six months of the project's completion, as determined by the receipt of the Certificate of Occupancy.
- (7) If a CCCP Award is made, the Child Care Program will continue to operate for minimum of 8 years from the execution of the Grant Disbursement Agreement.

The Authorized Officer of the Applicant certifies that, to the best of their knowledge and belief, the information in this Application is true and correct, and that they will comply with the above Agreement should a CCCP Award be made to the Applicant.

Signature of
Authorized Officer : _____ **Date:** _____

Q#	Child Care Capital Program PASS/FAIL Questions	Response Field Type	Documentation Required	Pass	Fail	Score (P/F)
1	Prequalification Requirement					
	a) What is the organization's Document Vault ID?	Single Line of Text	NA	a) Correct Vault ID is provided. b) Grantee has been prequalified or registered within the last year.	a) Incorrect or no Vault ID provided. b) applicant not prequalified within the last year.	
	b) For not-for-profit organizations, when does their prequalification expire?	Date	NA			
	c) For for-profit corporations, provide a copy of their business entity formation documentation with their application?	Y/N	Business Entity Documentation	Documentation provided	No documentation provided	
	d) Are they filing their application under the exact legal name that is on file with the Gateway, Department of State and IRS?	Y/N	NA	Applicant name matches DOS database, Gateway and Documents Vault submissions	Name does not match or not found in DOS or Gateway	
2	Organization Eligibility					
	a) Is the organization a licensed child day care center (GDC or DCC) or a registered school age child care (SACC) program or an Article 47 permitted program? If so, did they provide their facility ID#	Y/N	N/A	Facility ID provided for current licensed/registered/permitted programs.	Facility ID not provided or incorrect	
	b) Is the organization proposing a new child care center program that will be licensed within six months of the completion of this project, as defined by when the Certificate of Occupancy is issued?	Y/N	NA	Applicant answers Yes or question not applicable.	Applicant answers No	
	c) If their organization has an existing OCFS or NYSDOHMH license/registration/permit, did they uploaded regulator sign off for this project?	Y/N	Regulator Sign Off if applicable	Regulator sign off is included with application and shows approval or question not applicable.	If applicable, document not included or Regulator does not approve project.	
3	Project Location Eligibility					
	a) Does the organization own the project location under their legal name on file with the Gateway, DOS and IRS and not a parent or affiliate?	Y/N	Deed	Applicant has answered Yes and provides deed in correct legal name.	Applicant answers Yes and either fails to provide a deed or name does not match OR Applicant answers No to both a) and b).	
	b) Does the organization lease the project location under their legal name on file with the Gateway, DOS and IRS and not under a parent or affiliate, and do they have an executed lease with a 8 year term minimum at the time of this application?	Y/N	Lease	Applicant answers Yes and provides lease in correct legal name with correct term length.	Applicant answers Yes but lease has incorrect name or lease term OR Applicant answers No to both a) and b)	
	c) If they are leasing their project location - did they provide a letter from the landlord or leasing agency on company letterhead that gives their organization permission to complete the project at the designated site.	Attachment	Letter	Letter provided on letterhead and grants Applicant in correct legal name permission to undertake project.	Letter needed but not provided OR Letter has incorrect name and/or incorrect term.	
	d) If applicable, did they describe how any other entities or programs at the project location may benefit from the project (e.g. other organizations within the same building, landlord, sublessor, etc.)	Paragraph Text	NA	Applicant indicates there are no other entities or programs that will benefit OR the benefit accrued is de minimis and applicant and/or the other applicant programs that will benefit are eligible programs	Applicant indicates other entities or ineligible programs will receive a substantial benefit (e.g. roof / HVAC /elevator project will benefit all entities or other ineligible programs in building/ at project location)	
4	Project / Project Cost Eligibility					
	Did they purchase equipment or start construction on their project prior to April 1st 2023?	Y/N		Applicant answers N	Applicant Answers Y	

Q#	Child Care Capital Program PASS/FAIL Questions	Response Field Type	Documentation Required	Pass	Fail	Score (P/F)
5	Project Finance Eligibility					
	a) Do they intend to finance the portion of their project budget to be reimbursed with grant proceeds with long-term debt (over 1 year old)?	Y/N	NA	Applicant answered N	Applicant answers Y	
	b) Do they intend to finance any portion of their project budget with existing or proposed tax credits?	Y/N	NA	Applicant answered N	Applicant answers Y	
	c) Did they submit documentation that indicates that their organization has the funds necessary to complete the project?	Y/N	Financial Documentation	Documentation provided	No documentation provided	
	d) Does the Applicant agree, if selected for processing, to meeting the requirements for a Grant Disbursement Agreement within twelve months of the date of the Grant Award Letter?	Y/N	NA	Applicant answered Y	Applicant answered N	

Q#	Child Care Capital Program - PROJECT VIABILITY Questions	Response Field Type	Documentation Required	Scoring Guidance	MAX score	Score
1	Project Description & Support for Project Costs				21	0
	a) Title of their project (1 sentence)	Single Line of Text	NA	N/A		
	b) Short project description (8-10 sentences)	Paragraph Text	NA			
	c) What is the total estimated cost of their project?	\$	NA			
	d) What is the percentage of their estimated total project cost (TPC) for which they are requesting funding (Minimum \$500k, Maximum \$1,500,000)?	\$	NA	Amount requested is 90% or more of TPC = 3; Amount requested is 60-89% of TPC = 2; Amount requested is 40-59% = 1	3	
	e) How did they derive the cost estimate for the DESIGN budget category, if applicable, and did they upload any supporting documentation (e.g. invoices or quotes)?	Paragraph Text	Estimates, Quotes, Invoices	Cost estimate is fully supported by estimates, quotes, or invoices by qualified sources = 3; Cost estimate is mostly supported = 2, Cost estimate has some support = 1	3	
	f) Did the Applicant provide a description of the project costs/project tasks they are expecting to be reimbursed for under the DESIGN category of the budget?	Paragraph Text	NA	Description of DESIGN costs/project tasks include 0 Non-Bondable Costs = 3; description includes de minimis Non-Bondable Costs = 2; Description of of costs/project tasks include some Non-Bondable Costs = 1	3	
	g) How did they derive the cost estimate for the CONSTRUCTION budget category, if applicable, and did they upload any supporting documentation (e.g. invoices or quotes)?	Paragraph Text	Estimates, Quotes, Invoices	Cost estimate is fully supported by estimate, quotes, or invoices by qualified sources = 3; Cost estimate is mostly supported = 2, Cost estimate has some support = 1	3	
	h) Did the Applicant provide a description of the project costs/project tasks they are expecting to be reimbursed for under the CONSTRUCTION category of the budget?	Paragraph Text	NA	Description of CONSTRUCTION costs/project tasks include 0 Non-Bondable Costs = 3; description includes de minimis Non-Bondable Costs = 2; Description of of costs/project tasks include some Non-Bondable Costs = 1	3	
	i) How did they derive the cost estimate for the OTHER budget category, if applicable, and did they upload any supporting documentation (e.g. invoices or quotes)?	Paragraph Text	Estimates, Quotes, Invoices	Cost estimate is fully supported by estimate, quotes, or invoices by qualified sources = 3; Cost estimate is mostly supported = 2, Cost estimate has some support = 1	3	
	h) Did the Applicant provide a description of the project costs/project tasks they are expecting to be reimbursed for under the OTHER category of the budget?	Paragraph Text	NA	Description of OTHER costs/project tasks include 0 Non-Bondable Costs = 3; description includes de minimis Non-Bondable Costs = 2; Description of of costs/project tasks include some Non-Bondable Costs = 1	3	
2	Anticipated Project Time-Frame				6	0
	a) What costs have been incurred as of the date of this application?	\$	NA	N/A	3	
	b) If costs have been incurred as the date of this application - did the Applicant provide a brief description of the work that has been completed. If no work has been completed - did they note instead the anticipated project start date?	Paragraph Text	Invoices	Work has begun OR anticipated start date is within 3 months of application = 3; anticipated start date is within 6 months of application = 2		
	c) If the project has been completed - please note the project end date. If the project has not been completed - did the Applicant provide a brief description of the work that has yet to be completed AND the anticipated end date for the project?	Paragraph Text	NA	Project completed OR anticipated end date is within 1 year of applications = 3; anticipated end date is within 2 years of application = 2		
3	Other Project Funding Sources				10	0
	a) What is the amount of their estimated total project cost that will not be funded by grant amount requested?	\$	NA	N/A	10	
	b) What percentage of project costs that will be funded by other funding sources have been secured and committed to the project as documented by a bank statement under the organization's legal name. If no additional funding needed - please answer 100%	%	Bank Statements	If 100% = 10; If between 75-99% = 7; If between 50-74% = 5, if between 25-49% = 3, if under 25% = 1		

Q#	Child Care Capital Program - PROJECT VIABILITY Questions	Response Field Type	Documentation Required	Scoring Guidance	MAX score	Score
	c) Did the Applicant describe any other funding source they anticipate securing, and anticipated date by which this funding will be available to their organization in the form of equity to be applied to their project.	Paragraph Text	NA	If date all other funding needed anticipated within 3 months of application = +2 to score above; if date anticipated within 6 months = +1 (note: if no other funding sources needed as indicated in 3a or 3b -section score already maxed out so do not add any additional points)		
4	Project Location Readiness				4	0
	Did the applicant describe any regulatory approvals (such as SEQR, SHPO, etc.) that are or may be required for the project. If they have been completed, did they attach the documentation to their application or give the anticipated date of receipt of said regulatory approvals. If unknown - please respond unknown; if not applicable - please respond N/A	Paragraph Text	SEQR docs, Permits, etc.	If N/A or completed = 4; if anticipated completions date within six months = 3; Within 1 year = 2; if unknown = 1, if over 1 year = 0	4	
TOTALS					41	0

Q#	Child Care Capital Program PROJECT IMPACT Questions	Response Field Type	Documentation Required	Scoring Guidance	MAX score 17	Score
1	Did the Applicant describe any other special characteristics (see Section 2.1 definition) of their current or intended client population in terms of protected classifications that will be served by their project, and attach any applicable supporting documentation to their application?	%	Supporting Documentation	Characteristic described is a protected class under the NY Human Rights Law (race, color, national origin, religion, sex, familial status, disability, age, marital status, military status, sexual orientation, gender identity and expression, and source of income = 2; characteristic described is not protected class but is otherwise compelling = 1	2	
2	What percentage of their intended target population shares the special characteristics they described above will be served by the project? If program is not open, what percentage of their proposed intended population sharing the special characteristics mentioned above will be targeted in marketing the new program?	%	NA	Over 50% = 3; 25-49% = 2; 1-24% = 1	3	
3	How did they calculated the percentage for question 2 above, including any external data used, and/or their organization's relevant data collection processes and length of time they have consistently maintained this data for programmatic decision and reporting purposes	Paragraph Text	NA	Response is highly supported with reliable external or internal data collected by applicant and used to make programmatic decisions and for reporting purposes by applicant = 3; Somewhat supported but lacking reliable external data or a consistent robust internal data collection process = 2; minimally supported = 1	3	
4	How many child care slots do they anticipate will be directly impacted/served by their project?	#	NA	More than 250=3; between 100-249=2; between 1-99=1	3	
5	How did they calculate the number of child care slots, including any external data used, and/or their organization's relevant data collection processes and length of time they have consistently maintained this data for programmatic decision and reporting purposes	Paragraph Text	NA	Response is highly supported with reliable external or internal data collected by applicant and used to make programmatic decisions and for reporting purposes by applicant = 3; Somewhat supported but lacking reliable external data or a consistent robust internal data collection process = 2; minimally supported = 1	3	
6	Did they describe any barriers their client population faces, (or their proposed target population if not yet open), in availing themselves of the services to be provided through their project (e.g. geographic distance or lack of public transportation, internet, etc.), and how their organization plans to help the client population overcome these barriers and/or engages or will engage in aggressive outreach to target population.	Paragraph	NA	No barriers - project location is firmly imbedded within target client population through geographic proximity and extensive outreach by applicant = 3; Some barriers but there is a demonstrated plan to help client population overcome these barriers and extensive outreach plan = 2; Some barriers but will not overly prohibit services from being rendered to client population = 1	3	
TOTALS					17	0

Q#	Child Care Capital PROJECT NEED Questions	Response Field Type	Documentation Required	Scoring Guidance	MAX score	Score
Critical Needs & Service Accessibility of Client Population					42	0
1	What was the described critical need of child care slots that their project will address.	Paragraph Text	NA	Critical need(s) described not currently available at all to intended population = 3; Need described are only moderately available to intended population = 2; Need descibed are widely available to intended population = 1	3	
2	How did they asses the critical need(s) described in question 1 above that will be addressed by their project. Please include any external data used, (e.g., community surveys, etc.) and/or their organization's relevant data collection processes and number of years they have consistently maintained this data for programmatic decisions and reporting purposes.	Paragraph Text	NA	Response is highly supported with reliable external or internal data collected by applicant and used to make programmatic decisions and for reporting purposes by applicant = 3; Somewhat supported but lacking reliable external data or a consistent robust internal data collection process = 2; Minimally supported = 1	3	
3	How did they describe how their project will address the critical need(s) they describe in question 1 above.	Paragraph Text	NA	Reponse supports that the project will highly address critical needs = 3; Project will moderately address critical needs = 2; Project will minimally address critical needs = 1.	3	
4	Desert Score Location	Paragraph Text	NA	Insert the Program's address into the Desert map tool: https://bit.ly/cc_deserts Is the proposed program in a REDC with high rate of Desert Census Tracts (CTs)? GDC/DCC/SACC - High (>=68.10%) = 15; Medium (64.0-67.9%) = 10; Low (<=63.9% = 5	15	
5	What level of desert census tract is the proposed program located in?	#	NA	High (Desert w/ no CC and >49 children) = 3; Medium (Desert w/ >10.0 children per slot) = 2; Low (Desert w/ 3.01-9.99 children per slot or Desert w/ no CC and <50 children) = 1	3	
6	What is the number of classrooms by type (infant/toddler, non-infant/toddler) of the projected new slots?	#	NA	For DCC/GDC Projects estimated to create one non-infant/toddler classroom = 5; two non-infant/toddler classrooms or 1 infant/toddler classroom = 10; three non-infant/toddler classrooms or two infant/toddler classrooms = 15 For SACC Projects estimated to create one classroom = 5; two classrooms = 10; three classrooms = 15	15	
TOTALS					42	0

S#	Section	MAX score	Score
1	Project Viability	41	0
2	Project Impact	17	0
3	Project Need	42	0
TOTALS		100	0



Child Care Capital Program (CCCP)

Frequently Asked Questions

This list is designed to answer many of the questions that Applicants may have about the Child Care Capital Program, (CCCP) administered by the Dormitory Authority State of New York (DASNY) and the Office of Children and Family Services (OCFS). If, after reviewing this list, the Applicant has additional questions email CCCP@dasny.org.

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Definitions:

Applicant – the Eligible Applicant (as outlined in the RFA) applying for CCCP Funds for a Project.

Authorized Officer – an individual who has the corporate authority to bind the entity into a contract.

Awardee – Proposed or existing not-for-profit or for-profit child day care centers licensed pursuant to 18 NYCRR 418-1, school age child care programs registered pursuant to 18 NYCRR 414 and Article 47 permitted programs that have been selected to receive an Award Letter in accordance with the requirements of the Act and this Agreement. Proposed programs must be licensed within six months of the completion of the construction project, defined as the date the Certificate of Occupancy is issued. Failure to obtain a license within that time period may result in the revocation of the grant and require repayment of all grant funds disbursed to the Grantee.

Capital Costs –

- The construction, demolition, or replacement of a fixed asset;
- The major renovation of a fixed asset or assets which materially extends its useful life or materially improves or increases its capacity; or
- The planning or design of the construction, demolition, replacement or renovation of a fixed asset or assets, including the preparation and review of plans and specifications including engineering and other services, field surveys and sub-surface investigations incidental thereto.

Charities Registration Bureau – a division of the NYS Attorney General’s Office with which charitable Organizations operating in NYS are required to file annually, unless it is determined that they are exempt from doing so. More information can be found at https://www.charitiesnys.com/faqs_reg_new.html.

Document Vault – a secure online repository to store and share commonly requested documents which is managed by NYS Grants Management (“Grants Management”).

Eligible Applicant – an Applicant as described in the Section 2.1 of the CCCP Request for Grant Applications (“RFA”) and is an organization that has its own unique Employer Identification Number, unique Taxpayer Identification Number, or a unique SFS Vendor Identification Number. The Applicant must also be registered and prequalified as a separate organization in the Grants Gateway to be eligible to apply for its own CCCP grant.

Eligible Project – a capital project as defined in the RFA.

Financial Documentation – copies of quotes, proposals, cost estimates or any other document from a qualified professional that will identify projects costs necessary to complete the project. If the cost estimate is higher than the value of the CCCP award, DASNY will need to see evidence of the other source(s) of funding for the project.

Funding Opportunity – The opportunity to apply for CCCP funding as detailed in the Request for Applications (RFA) under the timeframe outlined.

Grant Disbursement Agreement (“GDA”) – the contract by and between DASNY and the Applicant.

Grantee – An Applicant who has received a fully executed GDA.

Organization – the Applicant entering into the contracts and paying the vendors, and who has control over the project location.

Grantee Certification – This document certifies that public funds will not be used to finance religious programs or programs that may favor one religion over another. As the issuer of the bonds that will finance the project to be funded with CCCP Funds, DASNY must verify that it is in compliance with all applicable Federal and State laws and regulations. This certification should accurately state the purposes for which the CCCP Funds will be used and must be signed by two Authorized Officers.

Grantee Questionnaire (“GQ”) – DASNY needs to be certain that grant funds are paid only to Organizations that are deemed to be responsible entities. Full and accurate responses on the GQ will help to achieve this goal. A request will be made to obtain two Authorized Officer names and email addresses so that the GQ may be sent through DocuSign. The GQ is required in order to complete the review process and will be incorporated into the GDA. The submission of false information on the GQ could be a violation of Federal and State Penal Laws. **NOTE: the GQ should be completed under the Legal Name of Organization.**

Incorporation Documentation – articles of incorporation (including any amendments) or a charter necessary to verify eligibility under CCCP and to verify that the Organization is authorized to do business in the State of New York. If the Organization has a D/B/A, that should also be provided.

Legal Name – Applicant’s name as listed on the Incorporation Documentation) and which:

- matches the name on file with the IRS and corresponds to the Organization’s Federal Employer Identification Number (“FEIN”);
- includes or excludes, where applicable, ‘Inc.’, ‘LLC’, ‘The’, etc.; and
- does not employ acronyms for shorthand.

Positive Pay – a fraud-prevention system offered by most commercial banks.

Project Certification – As the issuer of the bonds that will finance the project to be funded with CCCP Funds, DASNY must verify that the Applicant and the Grant funded project are in compliance with all applicable Federal and State laws and regulations. This document certifies that the project will be in compliance with various relevant statutory provisions and must be signed by an Authorized Officer.

Short Term Debt/Bridge financing – debt that is expected to be paid off within one year and is incurred to pay for project costs until such time as Grant funds become available.

Site Control – a deed, lease, or other document showing that the Applicant has sufficient authorization and control to undertake the project at the project location(s).

W-9 Form – an IRS document utilized to set up the Applicant as a vendor/payee in DASNY’s financial system. The Organization’s FEIN is required to make payment. **NOTE: The Applicant’s Legal Name and FEIN on the W-9 should match the Legal Name and FEIN on file with the Internal Revenue Service as well as in its Incorporation Documents and all documents required to be uploaded to the Applicant’s Document Vault, and those submitted for review by DASNY.**

CCCP Funds – Child Care Capital Program funds made available by the State of New York.

I. Process Questions

A. Questions Regarding DASNY’s Role in Administering CCCP

Q.A1: What is DASNY’s role in administering CCCP?

A.A1: DASNY is partnering with OCFS to review Applications to ensure that the Applicant is eligible to receive CCCP Funds, and the project can be financed with the proceeds of DASNY bonds. After OCFS and DASNY have scored all Applications, OCFS will advance all qualified Applications to DASNY for grant processing. DASNY will undertake additional required reviews for all awarded projects. Upon successful completion of these reviews, DASNY will enter into a Grant Disbursement Agreement (GDA) with each Awardee, and will process requisitions for eligible costs upon submission of certified requisitions by the Grantee.

B. Questions Regarding Information Needed Prior to Submitting a CCCP Application:

Q.B1: What should our Organization do first when applying for an opportunity?

A.B1: Each Nonprofit Organization will need to register and maintain a Document Vault in the Grants Management system. The Document Vault must be in prequalified status throughout the grant process, from application submission all the way through to GDA and reimbursement phase. **(Note: See Prequalification heading under Q.C1, below for more information on this.)**

Required Forms for Prequalification include:

1. IRS Determination Letter
2. Incorporation Documentation (including any amendments and D/B/As)
3. Most recent IRS Charities 990, 990EZ or 990-PF (ideally from 2021)
4. NYS Charities 410, if applicable
5. Organizational Bylaws
6. List of Organizational Board Members
7. Top Leadership Profiles
8. Recent Organizational Financial Statement

A for profit organization is not required to prequalify, but they are required to register their organization within the Grants Management system.

For additional information on the Grants Management requirements and processes, prospective Applicants can contact GrantsGateway@its.ny.gov directly or view the following videos:

<https://grantsmanagement.ny.gov/videos-grant-applicants>
<https://grantsmanagement.ny.gov/videos-grant-applicants>

Q.B2: Why must our Organization provide a cost estimate?

A.B2: Applicants must demonstrate that they have a complete understanding of their project's total current cost and the funds that will be needed to complete the project. CCCP Funds will only be awarded for a project if it can be demonstrated that the project can be fully completed as proposed and within the mandated timeframe.

Q.B3: Our Organization has members with a variety of backgrounds in construction. Why must we submit a professional cost estimate?

A.B3: All construction estimates must be from either qualified licensed contractors or developed by a licensed engineer or architect and submitted on their letterhead. The contractor should not have the appearance of a conflict of interest.

For the purpose of equipment purchases, website vendor search pages are acceptable.

C. Post Application Review Process for Awardees

Q.C1: What happens after the Awardee has received an Award letter?

A.C1: After OCFS and DASNY have scored the Applications DASNY will communicate to each Awardee via email with the information required by DASNY in order for the Awardee to receive a GDA. Once all the documents requested have been returned by the Awardee, a DASNY processor will be assigned to follow-up and coordinate all required reviews needed to obtain a Grant Disbursement Agreement (GDA). Depending upon the complexity of the project, DASNY may request additional information or call the Applicant to discuss the project in more detail. Please note that all documentation must be provided electronically.

DASNY recommends that Applicants do not start their projects until a fully executed GDA has been provided.

Generally, DASNY will undertake the following reviews for each grant:

General Overview:

DASNY reviews each project for compliance with CCCP enabling legislation and applicable tax laws. DASNY will also review documentation evidencing site control, corporate authority, evidence of committed funding to pay for the entire project as described, environmental reviews and other matters. During this review process, the Awardee will be asked to complete certain forms electronically and return them

electronically to DASNY. Please do so promptly, as delays in returning these forms will delay the process and, ultimately, the disbursement of CCCP Funds to the Organization.

Prequalification:

Effective August 1, 2013, not-for-profit Organizations are required to register with Grants Management (<https://grantsmanagement.ny.gov/>) in order to receive CCCP Funds. State entities will post upcoming and available funding opportunities on this website. Grants Management will also provide Organizations a secure Document Vault to store and share commonly requested documents. **The Document Vault should be continuously monitored, amended when appropriate and must be in the prequalified status throughout the process including the payment phase.** DASNY will not be able to enter into a GDA with, or make payments to, any Applicants that are not prequalified in Grants Management system. DASNY does not have any discretion in this regard. Any questions regarding Grants Management and the Document Vault should be directed to the New York State Gateway Grants Management Staff via the following link: [Grants Management](#).

Incorporation Documentation:

Please note that, in order to verify that DASNY is entering into a GDA with the appropriate Organization and the Organization is eligible to do business in the State of New York, we will need to review the Applicant's Incorporation Documentation. If the Applicant has a D/B/A, DASNY will need a copy of the filed D/B/A certificate as well. **NOTE: The Applicant's Legal Name and FEIN on the W-9 should match the legal name and FEIN on file with the Internal Revenue Service as well as in its Incorporation Documents and all documents required to be uploaded to the Applicant's Document Vault, and those submitted for review by DASNY.**

If an Organization does not have Incorporation Documentation, then the Organization should contact DOS by calling (518) 473-2492 or submitting a question through the DOS portal at: [Copies of Corporation or Business Entity Documents | Department of State \(ny.gov\)](#).

If an Organization is incorporated in another state, then the Applicant must file a Certificate of Authority with DOS in order to be qualified to do business in the State of New York.

Site Control:

While the site control documentation provided with the CCCP Application was initially reviewed in the application scoring process, DASNY will again verify that the information provided is still accurate prior to the execution of the GDA. If the Organization owns the facility, the Organization must continue to own the property for a period of 10 years after CCCP Funds have been disbursed.

If the Applicant leases the facility, the term of the lease must be for at least eight (8) years and extend for a reasonable period of time after the capital improvements funded by CCCP are scheduled to be completed. If a condition of the Lease is to obtain Landlord permission prior to work being done, please be advised that Landlord permission is a term and condition of the GDA and therefore must be acquired prior to GDA execution.

Financial Review:

DASNY must verify the existence of committed funding resources sufficient to complete the project as described. Acceptable proof of such funding commitments may include the following: commitment letters from a bank or other lending institution; evidence of other grant awards; a board resolution committing funds to complete the project accompanied by recent audited financial statements; or other documentation acceptable to DASNY that confirms that funding exists to complete the project as proposed within the mandated timeframe.

Office of Environmental Affairs (OEA) Review

All CCCP-Funded projects are subject to the State Environmental Quality Review Act (SEQRA) and State Historic Preservation Act (SHPA). As needed, DASNY's Office of Environmental Affairs will reach out to coordinate and ensure these legislative requirements are met. **NOTE: reviews for certain CCCP-Funded projects can be completed internally by DASNY and would not require further action or documentation by the Applicant.**

Coordination with SHPO is required if the project building(s) or site(s) are eligible for, or listed on, the State and National Registers of Historic Places; if the building(s) or site(s) are considered a contributing element to a defined historic district; or are located in an area of archaeological sensitivity. The Applicant can find this information on the SHPO and NYS Department of Environmental Conservation (DEC) websites:

<https://parks.ny.gov/shpo/online-tools/> and <http://www.dec.ny.gov/eafmapper/>.

NOTE: consultation with SHPO may also be required for structures approaching 50 years old, and/or if the project involves ground disturbance/demolition.

Please provide DASNY with a copy of the determination letter from OPRHP once the consultation has been completed. **NOTE: the project must be filed in SHPO's Cultural Resource Information System (CRIS) to receive a determination letter.** SHPO will not issue a determination letter upon receipt of a Lead Agency Letter or email. The CRIS system can be found at: <https://parks.ny.gov/shpo/online-tools/cris/>

If there are any questions regarding SEQR or SHPO requirements, please direct these questions to grantsseqr@dasny.org.

Bond Counsel Review:

Once all documentation has been returned to DASNY, we will review it in consultation with our bond and tax counsel as needed. We may call the Applicant to discuss further. The timing of bond counsel reviews varies and is dependent upon the complexity of the project. Once it has been determined that the Applicant's project complies with relevant statutory provisions and all paperwork is in order, DASNY will forward a GDA to the Applicant electronically for execution.

Q.C2: Why must our Organization complete a form certifying that the CCCP Funds will not be used for programs that might have some religious components?

A.C2: It could be a violation to use public funds to finance religious programs or programs that may favor one religion over another. As the issuer of the bonds, DASNY must take great care to ensure that it is in compliance with all applicable Federal and State laws, including tax laws and regulations promulgated by the Securities and Exchange Commission.

Q.C3: Once a CCCP Application has been advanced to DASNY for review, is there a deadline for returning required documentation to DASNY?

A.C3: Yes, all Awardees are required to work with DASNY to complete the required reviews within twelve months from the date the Award Letter. **Failure to do so will disqualify the Award and the funding opportunity will be forfeited.**

D. Processing of the GDA

The GDA is the contract between DASNY and the Applicant setting forth the terms pursuant to which the CCCP Funds will be disbursed.

Organizations will be attesting in the GDA that:

All contractors and vendors retained to perform services in connection with the Project shall be authorized to do business in the State of New York and/or have filed such documentation, certifications, or other information with the State or County as required in order to lawfully provide such services in the State of New York. In addition, said contractors/vendors shall possess and maintain all professional licenses and/or certifications required to perform the tasks undertaken in connection with the Project.

If the Applicant is uncertain if the contractor or vendor being retained to perform services is authorized to do business in the State, the Organization may want to consult its attorney or reach out to the New York State Department of State at:

- https://www.dos.ny.gov/corps/bus_entity_search.html; or
- by calling (518) 473-2492; or
- by submitting a question through the portal at [Contact Us | Department of State \(ny.gov\)](#)

Q.D1: When will I receive a GDA from DASNY?

A.D1: When all DASNY required reviews have been completed, DASNY will notify OCFS and request approval to issue a GDA to the Awardee. Upon receipt of this approval DASNY

will forward a GDA to the Awardee electronically for execution. Once a GDA is fully executed by both parties, the CCCP funds will be deemed awarded as evidenced by the GDA between DASNY and the CCCP Grantee.

Q.D2: When will our Organization receive money?

A.D2: Funds are only available for requisition when a GDA has been fully executed. CCCP is a reimbursement program; that is, the Organization must actually incur project costs and have paid those expenses or have been invoiced by the contractor for work actually completed before receiving reimbursement from CCCP Funds. Once expenses have been incurred and/or paid, the Organization will submit one or more requisitions to DASNY, using the forms included within the GDA, along with such supporting documentation as may be required by DASNY.

Please note that in cases where an Organization is unable to make payment to the contractor in the first instance, the Organization must request that the contractor be paid on invoice. If this option is requested, then the Organization must establish a segregated bank account into which CCCP Funds will be deposited and from which CCCP-Funded project costs will be paid. If payment on invoice is chosen as the method of payment to vendors, then the Organization should apply industry standard fraud protection to the segregated bank account (Positive Pay). See section below regarding the requisition process for more information.

II. Eligibility

A. Entity Eligibility

Q.A1: Are all child care programs eligible for CCCP funding?

A.A1: No, as outlined in Section 2.2 of the RFA, only child care centers licensed pursuant to 18 NYCRR 418-1 and school age child care programs registered pursuant to 18 NYCRR 414 and Article 47 are eligible to apply for CCCP funds. **For the purposes of this RFA, Small Day Care Centers registered pursuant to 18 NYCRR 418-2 are excluded from this definition.**

B. Project Eligibility

Q.B1: What kinds of projects are allowed under this program?

A.B1: CCCP funding can be used to reimburse for capital expenses to expand the number of children served or to make certain facility improvements. See Section 2.4 of the RFA for a broader list of eligible project costs.

Q.B2: How do I know if my area is in a child care desert?

A.B2: Using this link <https://bit.ly/childcarecapitalprogram>, enter the address of the project location for confirmation.

Q.B3: What do you consider downstate?

A.B3: Downstate is considered all of New York City, Long Island (Nassau & Suffolk Counties), as well as Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester Counties.

Q.B4: Where can I go if I have questions about child care licensing requirements?

A.B4: Please visit <https://ocfs.ny.gov/programs/childcare/providers/> to review information about starting a child care program. Additional child care licensing inquiries can be submitted to ocfs.sm.DCCScapitalprogram@ocfs.ny.gov.

III. Reimbursable Costs

A. Deposits, Retainers, Professional Service Fees, and Storage of Materials

Q.A1: Can I use the CCCP Funds for a down payment or a deposit to a contractor or vendor or for a retainer fee to a professional such as an architect or an engineer?

A.A1: No. CCCP Funds may only be used to pay for work actually undertaken and completed (or materials received at the project site) specifically for the approved project at the project location. However, the Applicant will be able to submit for reimbursement of a down payment or deposit once documentation has been received from the Applicant's contractor that the payment has been applied to the value of the work completed to date and is no longer being held as a deposit, or once the job has been completed and the contractor bills the Applicant for the balance of the job.

Q.A2: Can I use the CCCP Funds to make a payment to my attorney or other service professional for work related to the project or to assist with the CCCP Administration process on our behalf?

A.A2: Generally, no. Attorney's fees or other professional service fees incurred to assist with documentation and administrative requirements do not qualify as a capital work or purpose pursuant to Federal and State laws.

Q.A3: Can I use the CCCP Funds to purchase real property?

A.A3: No. The purchase of real property is not a CCCP eligible expense.

Q.A4: The contractor has ordered supplies for the project early so they wouldn't be delayed when it was time to install them. The supplies were recently delivered to the contractor but can't be installed until another portion of the project has been completed in another month or so. The costs show up on my latest bill from the contractor. May we be reimbursed for these materials now that the contractor has them in hand?

A.A4: No. All materials are required to be received at the approved project location(s) prior to submission for reimbursement.

B. Payment for Internal Labor

Q.B1: **Q.B2: Our Organization would like to use the CCCP Funds to pay the salary of the employee who will be administering the project for our Organization. Is this allowable?**

A.B1: No. Salaries of administrative personnel do not qualify.

Q.B2: Members of our Organization are interested in undertaking portions of our project. Since they are not our employees, can the Organization pay them and be reimbursed?

A.B2: In order to be reimbursed for project costs, all contractors and vendors must be authorized to do business in the State of New York and/or have filed such documentation, certifications or other information with the State or County as required in order to lawfully provide such services in the State of New York. In addition, said contractor/vendors shall possess and maintain all professional licenses and/or certifications required to perform the tasks undertaken in connection with the project.

Please note however, per a provision of the GDA, CCCP Funds cannot be used for:

payments to any firm, company, association, corporation or Organization in which a member of the Organization's Board of Directors or other governing body, or any officer or employee of the Organization, or a member of the immediate family of any member of the Organization has any ownership, control or financial interest, including but not limited to an officer or employee directly or indirectly responsible for the preparation or the determination of the terms of the contract or other arrangement pursuant to which the proceeds of the Grant are to be disbursed. For purposes of this paragraph, "ownership" means ownership, directly or indirectly, of more than five percent (5%) of the assets, stock, bonds or other dividend or interest-bearing securities; and "control" means serving as a member of the board of directors or other governing body, or as an officer in any of the above; and payment to any member of Organization's Board of Directors or other governing body of any fee, salary or stipend for employment or services, except as may be expressly provided for in this Agreement.

C. Payments on a Lease, Mortgage, or to Pay Existing Debt

Q.C1: Can CCCP Funds be used to make lease payments on equipment?

A.C1: No. CCCP Funds may only be used to purchase and install equipment and may not be used to make lease payments or pay down existing debt incurred to finance the purchase and installation of such.

Q.C2: Can the Organization use CCCP Funds to make mortgage payments, pay off an existing mortgage or make other debt service payments?

A.C2: No. As explained above, this would be considered working capital, as opposed to a capital cost. CCCP Funds may not be used to make mortgage payments or pay off an existing mortgage.

D. Costs Constituting Working Capital

Q.D1: Our Organization runs on a very tight budget and would like to use the CCCP Funds to assist in making our rent payments or in paying the utility bills at our site. Is this an allowable use of CCCP Funds?

A.D1: No. Such costs would be considered working capital, or operating costs, as opposed to a capital cost. Federal and State laws mandate that CCCP Funds be spent on capital work only.

Q.D2: Can our Organization use CCCP Funds to pay for certain maintenance or repair costs?

A.D2: No. As explained above, this would be considered working capital. Please note that maintenance and repair costs are not reimbursable even if the awarded project was for the purpose of upgrading and/or replacing a particular system. For example, suppose an award was made for the purpose of replacing a boiler. In addition to replacing the boiler, the contractor also tests the entire heating system, makes necessary repairs, and replaces worn parts. While the costs for replacing the boiler would be reimbursable, the cost of testing and repairing the heating system would not be.

Q.D3: What is the difference between maintenance and capital work? Our Organization would like to apply for CCCP Funds to fix the exterior of our Community Center but we aren't sure what is eligible?

A.D3: It depends on the nature of the work to be done. In general, replacing or reconstruction is generally considered capital. Repairing or resurfacing is almost always considered maintenance. For example, replacing windows is capital, but reglazing the panes on existing windows is not. Likewise, completely milling and repaving a parking lot is capital, but fixing cracks and sealing the existing pavement is maintenance.

Please note that flooring is an exception to this rule. Replacing carpet or vinyl flooring in a facility would only be eligible for reimbursement if it was in conjunction with renovation or reconstruction projects that created new space or moved walls. Simply replacing worn flooring is considered maintenance.

Q.D4: Our building hasn't been painted in more than 20 years. May we apply for CCCP funding to repaint?

A.D4: Painting on its own, whether interior or exterior, is considered maintenance and not a capital project. However, if a facility is undergoing reconstruction and painting is an element of finishing that renovation, it may be eligible.

Q.D5: Our Organization would like to do a variety of projects to improve our building like automatic doors, energy efficiency, bathrooms and exterior renovations. Will we be allowed to have multiple projects within our application?

A.D5: Yes, as long as each task in a proposed project is capital in nature and at one project location. The cost estimates that are provided with the Organization application should outline the anticipated costs for each item on the list, not just an overall project total.

Q.D6: Can our Organization use CCCP Funds to purchase supplies such as paper, pens, postage, and similar items if they would be used in connection with the Project?

A.D6: No. Such costs would be considered working capital, or operating costs, as opposed to a capital cost. As explained above, CCCP Funds may only be spent on capital costs.

Q.D7: Can our Organization use CCCP Funds to purchase software, licensing fee, maintenance plan, service agreement or extended warranty for our Project?

A.D7: No. Such costs would be considered working capital, or operating costs, as opposed to capital costs. As explained above, CCCP Funds may only be spent on capital costs. CCCP Funds may not be used to pay for service agreements or extended warranties.

Q.D8: Can our Organization use CCCP Funds to pay for recurring costs such renewing work permits?

A.D8: No. CCCP Funds may not be used to pay any recurring costs such as or costs incurred to renew work permits.

Q.D9: Our Organization would like to do work that will lower our overhead costs. Can we be reimbursed for installing solar panels?

A.D9: The purchase and installation of solar panels is a capital eligible project. However, the solar equipment must be owned by the Organization and installed at the project location. Solar installations that lease the solar equipment to the facility would not be eligible for reimbursement, nor would community solar projects. In addition, please note that the Organization must be the only entity benefiting from the solar panels.

E. New Yorkers Must Benefit

Q.E1: Our Organization is located in a town just over the New York border, but many of the children in our program live in New York. Can we apply for CCCP Funding?

A.E1: No. CCCP Funds must be used for projects that will be located within the State of New York and benefit New York State Residents.

F. Tax Credit Structures

Q.F1: Our Organization would like to use a tax credit structure such as New Market Tax Credits, Low Income Tax Credits, Historic Preservation Tax Credits, or similar programs to help finance our project. Is this allowable?

A.F1: No. It is often difficult to reconcile the requirements of the tax credit programs with CCCP. For example, the CCCP requires the named Applicant to incur costs related to the funded project and to retain ownership of the funded project. Many tax credit programs require title to be held in the name of a related entity and project costs are paid out of a corpus held in the name of a party other than the Applicant. CCCP requires that all CCCP funds be used for projects other than those being funded through a tax credit structure.

III. The Requisition Process

A. Timing Questions

Q.A1: Our Organization started work on the project before submitting the Application. May we submit a requisition for work undertaken before the Application date?

A.A1: Eligible Projects cannot have started prior to April 1, 2023 as stated in the RFA. Any cost incurred prior to this date are not reimbursable costs.

Q.A2: How often may our Organization submit a requisition for payment?

A.A2: There is no limit on the number or frequency of submissions. DASNY typically has two payment dates per month, and Grantees may receive one payment per month so long as the requisition meets all of the requirements.

Q.A3: Is there a time limit as to when the Organization can submit a requisition?

A.A3: Yes. All costs must be incurred, and all payment requisitions must be processed and paid by December 31, 2027. Any funds not utilized at this point will be forfeited by the Grantee.

The Grantee may submit its first requisition once the GDA is fully executed.

Q.A4: How long will it take to receive payment after a requisition is submitted?

A.A4: DASNY attempts to pay all requisitions submitted with the proper supporting documentation within six (6) weeks from the date the requisition is submitted. Please note that if insufficient documentation is provided, or if DASNY requires additional documentation to support a requisition, it could take longer. In addition, DASNY must voucher for the CCCP Funds from the State in order to make payment on a requisition. Typically, such funds are received in time to make a payment within six (6) weeks of submission, but please be advised that DASNY will only be able to make payment on the requisitions once funds are received from the State.

B. Submission of Requisitions

Q.B1: What backup documentation must be submitted with a requisition?

A.B1: Certain exhibits to the GDA must be returned to DASNY in connection with each requisition for reimbursement. Please note that Grantees must have two (2) Authorized Officers sign the Dual Certification in support of each requisition. In addition, copies of **invoices** provided by the contractor must be provided. *Quotes, proposals, estimates, purchase orders, and other such documentation do NOT qualify as invoices.*

In addition, readable copies of both the front and back of canceled checks or other satisfactory proof of payment MUST be included with the request for reimbursement. Please see A.B2, below, for more information.

All checks must be drawn on an account of the Grantee and not an affiliate, subsidiary, or parent Organization. If a check is drawn on an account with a name that is different from the Grantee, it will delay the reimbursement process. Please note that for payment on invoice, checks must be drawn on the segregated account as discussed below in Section C.

Q.B2: My bank does not provide copies of canceled checks, so I can't provide them. Does this pose any problems?

A.B2: If the Grantee cannot get virtual copies of canceled checks, please provide a copy of the front of the signed check along with a copy of a bank statement clearly showing that payment was made by Grantee to the contractor. In addition, DASNY requires the Grantee to certify that documents submitted in support of the requisition are accurate copies of the original documents as presented to, and cashed by, the contractor or vendor.

Q.B3: What backup documentation must be provided when payment is made by credit card, PayPal, Venmo or other form of electronic payment?

A.B3: If the card used was a corporate credit card, we require a copy of the statement showing the charge, the invoice for the materials purchased, and a copy of the canceled check paying the statement in full. We do not recommend using a personal credit card to pay for CCCP project-related costs; this may require additional processing time and could delay payment. If, however, payments have been made using a personal credit card, we will need to see the individual's credit card statement, the invoice for the materials purchased, and a copy of the canceled check showing the Grantee reimbursed the appropriate party for the CCCP project-related items.

DASNY does not recommend using PayPal, Venmo or other virtual payment methods to pay costs for which the Grantee will seek reimbursement from CCCP. If, however, this is unavoidable, then DASNY must see funds drawn directly on the bank account of the named Grantee and DASNY must also see that the appropriate party is in receipt of the funds.

Note: project expenses that have been incurred by an Grantee using a credit card are NOT eligible for payment on invoice.

Q.B4: The contractor was paid in cash for work related to the project. Does this pose any problems?

A.B4: Yes. DASNY must receive adequate proof of payment prior to releasing CCCP Funds, and we will not reimburse the Grantee for costs paid in cash. The preferred method of payment is by check as evidenced by a copy of a Grantee's canceled check made payable directly to the contractor or vendor.

Q.B5: The contractor did not give our Organization an invoice, so we cannot provide one with the requisition. Is this a problem?

A.B5: Yes. An invoice from the contractor along with proof of payment must be provided in order to be reimbursed for project expenditures. Please ask each contractor for an invoice made out to the Grantee when work is undertaken in connection with the Project.

Q.B6: The contractor requested that the check be made payable to him personally, and not to the corporate entity. Is this acceptable?

A.B6: No. Payment should be made to the corporate entity that performed the work and provided the invoice. For example, if an invoice is received from "Jack's Contracting, Inc.," the check should be payable to "Jack's Contracting, Inc." and not to "Jack Smith."

Q.B7: Another entity has actually paid for the construction costs relating to the project and is looking to our Organization for reimbursement. Does this pose any problems?

A.B7: Yes. DASNY can only use CCCP Funds to reimburse a Grantee for costs related to their project that were actually incurred by the Grantee and not another entity. The Grantee is the entity that should be incurring project costs, paying those costs from their own bank or checking account, and then requesting reimbursement. If another entity paid for the project costs and the Grantee is seeking reimbursement for those costs, there will likely be a delay in processing the requisition and/or it will be denied.

Q.B8: What if the wrong documentation is submitted with the requisition?

A.B8: If the wrong documentation is included with the Grantee's requisition request, DASNY will not make payment. The Grantee will be informed, in writing, of the portions of the requisition for which DASNY is unable to make payment and the reason(s) why payment was denied. Please note that it is the Grantee's responsibility to submit requisitions that are properly assembled and clearly delineate allowable costs to be paid for with CCCP Funds; it is not the responsibility of DASNY staff to make sense of a disorganized submission. If the requisition is not readily understandable, the entire requisition package will be returned to the Grantee for resubmission prior to payment.

Q.B9: Is there someone available to assist my Organization with assembling a requisition?

A.B9: As indicated above, it is the Grantee's responsibility to submit requisitions that are properly assembled and clearly delineate allowable costs to be paid for with CCCP Funds. While members of DASNY's Accounts Payable staff are available to answer specific questions about a requisition, DASNY cannot assume the Grantee's responsibility to locate the documentation necessary to support costs to be paid for with CCCP Funds or evidencing proof of payment; matching proof of payment to invoiced

costs; inferring the services or materials provided where the documentation does not clearly provide an explanation; and other such tasks.

Q.B10: Can our Organization submit a requisition request electronically?

A.B10: Yes. After the Grantee receives an executed GDA, requisitions should be submitted by email to apgrants@dasny.org. Please email the requisition from the Grantee's email account, and please include the project ID number and Grantee's Legal Name in the subject line.

C. Payment on Invoice

Q.C1: Our Organization does not have the funds to make payment in the first instance. Is there a way to access the CCCP Funds to pay the costs as they are incurred?

A.C1: CCCP is intended to be a reimbursement program. However, we recognize that it may be difficult for some Grantees to pay for project costs upfront. If that is the case, pursuant to the terms of the GDA, the Grantee will need to provide DASNY with documentation evidencing that a non-interest-bearing, segregated account has been established by the Grantee into which CCCP Funds will be deposited, and that an industry standard fraud protection service has been added to the segregated bank account (Positive Pay). Eligible expenses incurred in connection with the project to be financed with CCCP Funds must be paid out of this account. All work being paid on invoice must be completed prior to disbursement of CCCP Funds. The funds in the segregated account shall not be used for any purpose other than making payments to a contractor or vendor for costs in connection with the CCCP-Funded project. The Grantee must provide proof of disbursement of CCCP Funds to the respective contractor and/or vendor in a form acceptable to DASNY, within sixty (60) days of the date that CCCP Funds are disbursed to the Grantee to pay for such costs. DASNY will not make any additional disbursements from CCCP Funds until such time as proof of payment is provided.

Q.C2: When seeking payment on invoice, what must our Organization submit to access the CCCP Funds?

A.C2: Submit an invoice from the contractor/vendor for the completed work undertaken on the project along with the appropriate requisition exhibits that are in the executed GDA. All project-related work being paid on invoice must be completed prior to the disbursement of CCCP Funds. All CCCP Funds paid on invoice must be deposited into the non-interest-bearing segregated account established by the Grantee (see prior question and answer) and all eligible expenses incurred in connection with the project to be financed with CCCP Funds must be paid out of this segregated account. The funds in the segregated account shall not be used for any purpose other than making payments to the contractor or vendor for costs incurred in connection with the CCCP-Funded project. When the Grantee receives payment on invoice, the Grantee must show proof of

disbursement of all funds from the segregated account to the contractor before DASNY will pay any additional payment requests.

The Grantee must provide proof of disbursement of CCCP Funds to the respective contractor and/or vendor in a form acceptable to DASNY, within sixty (60) days of the date that CCCP Funds are disbursed to the Grantee to pay for such costs. DASNY will not make any additional disbursements from CCCP Funds until such time as proof of payment is provided.

IV. Project Changes After the Award

Q.A1: The project is going to take longer than originally estimated. Can our Organization receive an extension of time to complete the project?

A.A1: As per the terms of the RFA, all projects are required to be completed and payment requisitions processed by December 31, 2027. If the project cannot be completed during that timeframe, the Organization will have to decline the CCCP funding opportunity.

Please contact DASNY via email at CCCP@dasny.org if your Organization can no longer undertake the awarded project.

Q.A2: What if our Organization wants to use the CCCP Funds to pay for costs other than those described in the Application?

A.A2: Since the CCCP is a competitive program, changes are **not permitted**. If the project proposed in the Application can no longer go forward, the Organization will have to decline the Award.

Please contact DASNY via email at CCCP@dasny.org if your Organization can no longer undertake the awarded project.

This **GRANT DISBURSEMENT AGREEMENT** includes all exhibits and attachments hereto and is made on the terms and by the parties listed below and relates to the project described below:

DORMITORY AUTHORITY OF THE STATE OF NEW YORK (“DASNY”):

515 Broadway
Albany, New York 12207
Contact: Karen Hunter
Phone: (518) 257-3177
E-mail: grants@dasny.org

THE GRANTEE:

Grantee
Grantee Street Address
City, New York Zip
Contact: Grantee Contact
Phone: Grantee Phone #
Email: Grantee Email

THE PROJECT:

Project Description

PROJECT LOCATION(S):

Project Location

ADDRESS:

Project Location Address

GRANT AMOUNT:

\$Grant Amount

FUNDING SOURCE:

Child Care Capital Program (“CCCP”)

For Office Use Only:

PRELIMINARY APPLICATION OR PROJECT INFORMATION SHEET DATE:

Award Date

EXPIRATION DATE OF THIS AGREEMENT:

December 31, 2027

Project ID: Project#
GranteeID: GranteeID#
FMS#: Grantee FMS#

TERMS AND CONDITIONS

1. The Project

The Grantee will perform tasks within the scope of the project description, budget, and timeline as set forth in the Project Budget attached hereto as Exhibit A (collectively, the "Project") which was described by the Grantee in the CCCP Application submitted by the Grantee, then reviewed by DASNY and approved by the Office of Children & Family Services.

2. Project Budget and Use of Funds

- a) The Grantee will undertake and complete the Project in accordance with the overall budget, which includes the Grant funds, as set forth in the attached Exhibit A. The Grant will be applied to eligible expenses which are as described in the CCCP Application, and fall within the scope of the project description set forth in the attached Exhibit A.
- b) Grantee agrees and covenants to apply the Grant proceeds only to capital works or purposes, which shall consist of the following:
 - i. the acquisition, construction, demolition, or replacement of a fixed asset or assets;
 - ii. the major renovation of a fixed asset, or assets, which materially extends its useful life or materially improves or increases its capacity; or
 - iii. the planning or design of the acquisition, construction, demolition, replacement, major renovation of a fixed asset or assets, including the preparation and review of plans and specifications including engineering and other services, field surveys and sub-surface investigations incidental thereto.
- c) Grantee agrees and covenants that the Grant proceeds shall not be used for costs that are not capital in nature, which include, but shall not be limited to working capital, rent, utilities, salaries, supplies, administrative expenses, or to pay down debt incurred to undertake the Project.

3. Books and Records

The Grantee will maintain accurate books and records concerning the Project for eight (8) years from the date the Project is completed and will make those books and records available to DASNY, its agents, officers and employees during Grantee's business hours upon reasonable request. In the event of earlier termination of this Agreement, such documentation shall be made available to DASNY, its agents, officers and employees for eight (8) years following the date of such early termination.

4. Conditions Precedent to Disbursement of the Grant

No Grant funds shall be disbursed until the following conditions have been satisfied:

- a) DASNY has received the project description, budget, and timeline as set forth in the attached Exhibit A, and an opinion of Grantee's counsel, in substantially the form attached hereto as Exhibit B; and
- b) The requirements of the CCCP have been met; and
- c) The monies required to fund the Grant have been received by DASNY; and
- d) In the event of disbursement pursuant to paragraph 5(b) below, the Grantee has provided DASNY with documentation evidencing that a segregated account has been established by the Grantee into which Grant funds will be deposited (the "Segregated Account"). The Segregated Account must have industry-standard fraud protections added to the account, including but not limited to, check positive pay and ACH positive pay. Eligible Expenses incurred in connection with the Project to be financed with Grant proceeds that are to be paid on invoice shall be paid out of the Segregated Account. The funds in such account shall not be used for any other purpose.
- e) The Grantee certifies that it is in compliance with the provisions of the CCCP as well as this Agreement and that the Grant will only be used for the Project set forth in the CCCP Application and in Exhibit A hereto.
- f) Not-for-profit organizations are required to register and prequalify on the New York State Grants Gateway (<https://grantsmanagement.ny.gov/>) in order to receive Grant funds. The Grantee's Document Vault must be in prequalification status prior to any disbursements of the grant funds.
- g) For profit organizations are required to register and maintain their registration in the New York State Grants Gateway in order to receive Grant funds.

5. Disbursement

Subject to the terms and conditions contained in this Agreement, DASNY shall disburse the Grant to the Grantee, in the manner set forth in Exhibit D, as follows:

- a) Reimbursement: DASNY shall make payment directly to the Grantee in the amount of Eligible Expenses actually incurred and paid for by the Grantee, upon presentation to DASNY of:
 - i. the Payment Requisition Forms attached to this Agreement as Exhibit E and its attachments;
 - ii. copies of invoices for Eligible Expenses from the Grantee's contractor and/or vendor and proof of payment from the Grantee to the contractor and/or vendor in a form acceptable to DASNY; and

- iii. such additional supporting documentation as DASNY may require in order to clearly demonstrate that Eligible Expenses were incurred and paid by the Grantee in connection with the Project described herein; or

b) Payment on Invoice:

- i. DASNY may make payment directly to the Grantee in the amount of Eligible Expenses actually incurred by the Grantee, upon presentation to DASNY of:
 - 1) the Payment Requisition Forms attached to this Agreement as Exhibit E and its attachments;
 - 2) copies of invoices for Eligible Expenses from the Grantee's contractor and/or vendor in a form acceptable to DASNY evidencing the completion of work; and
 - 3) such additional supporting documentation as DASNY may require in order to clearly demonstrate that Eligible Expenses were incurred by the Grantee in connection with the Project described herein.
 - ii. The Grantee must deposit all Grant proceeds paid on invoice pursuant to this paragraph 5(b) into the Segregated Account established pursuant to Paragraph 4(d). All Eligible Expenses incurred in connection with the Project to be financed with Grant funds that are to be paid on invoice must be paid out of this account. The account shall not be used for any other purpose.
 - iii. The Grantee must provide proof of disbursement of Grant funds to the respective contractor and/or vendor in a form acceptable to DASNY, within sixty (60) days of the date that Grant funds are disbursed to the Grantee to pay for such costs. DASNY will not make any additional disbursements from Grant funds until such time as proof of payment is provided.
 - iv. Utilizing the Grant funds paid to the Grantee pursuant to this section for any purpose other than paying the contractors and/or vendors identified in the requisition documentation in the amounts set forth in the requisition shall constitute a default under this Agreement and shall, at a minimum, result in the denial of payment on invoice for subsequent requisitions.
 - v. DASNY may deny payment on invoice at its sole and absolute discretion, thereby restricting the method of payment pursuant to this contract to reimbursement subject to the terms of Section 5(a).
- c) Electronic Payments Program: DASNY reserves the right to implement an electronic payment program ("Electronic Payment Program") for all payments to be made to the Grantee thereunder. Prior to implementing an Electronic Payment Program, DASNY shall provide the Grantee written notice one hundred twenty days prior to the effective date of such Electronic Payment Program ("Electronic Payment Effective Date").

Commencing on or after the Electronic Payment Effective Date, all payments due hereunder by the Grantee shall only be rendered electronically, unless payment by paper check is expressly authorized by DASNY. Commencing on or after the Electronic Payment Effective Date the Grantee further acknowledges and agrees that DASNY may withhold any request for payment hereunder, if the Grantee has not complied with DASNY's Policies and Procedures relating to its Electronic Payment Program in effect at such time, unless payment by paper check is expressly authorized by DASNY.

- d) In no event will DASNY make any payment which would cause DASNY's aggregate disbursements to exceed the Grant amount.
- e) The Grant, or a portion thereof, may be subject to recapture by DASNY as provided in Section 9(c) hereof.

6. Non-Discrimination and Affirmative Action

The Grantee shall make its best effort to comply with DASNY's Non-Discrimination and Affirmative Action policies set forth in Exhibit F to this Agreement.

7. No Liability of DASNY or the State

DASNY shall not in any event whatsoever be liable for any injury or damage, cost or expense of any nature whatsoever that occurs as a result of or in any way in connection with the Project and the Grantee hereby agrees to indemnify, defend, and hold harmless DASNY, the State and their respective agents, officers, employees and directors (collectively, the "Indemnitees") from and against any and all such liability and any other liability for injury or damage, cost or expense resulting from the payment of the Grant by DASNY to the Grantee or use of the Project in any manner, including in a manner which, if the bonds are issued on a tax-exempt basis, (i) results in the interest on the bonds issued by DASNY the proceeds of which were used to fund the Grant (the "Bonds") to be includable in gross income for federal income tax purposes or (ii) gives rise to an allegation against DASNY by a governmental agency or authority, which DASNY defends that the interest on the Bonds is includable in gross income for federal income tax purposes, other than that caused by the gross negligence or the willful misconduct of the Indemnitees.

8. Warranties and Covenants

The Grantee warrants and covenants that:

- a) The Grant shall be used solely for Eligible Expenses in accordance with the Terms and Conditions of this Agreement.

- b) No materials, if any, purchased with the Grant will be used for any purpose other than the eligible Project costs as identified in Exhibit A.
- c) The Grantee agrees to utilize all funds disbursed in accordance with this Agreement in accordance with the terms of the CCCP Program.
- d) The Grantee is solely responsible for all Project costs in excess of the Grant. The Grantee will incur and pay Project costs and submit requisitions for reimbursement in connection with such costs.
- e) The Grantee has sufficient, secured funding for all Project costs in excess of the Grant, and will complete the Project as described in the CCCP Application and in this Agreement.
- f) The Grantee agrees to use its best efforts to utilize the Project for substantially the same purpose set forth in this Agreement until such time as the Grantee determines that the Project is no longer reasonably necessary or useful in furthering the public purpose for which the grant was made.
- g) There has been no material adverse change in the financial condition of the Grantee since the date of submission of the CCCP Application to DASNY.
- h) No part of the Grant will be applied to any expenses paid or payable from any other external funding source, including State or Federal grants, or grants from any other public or private source.
- i) The Grantee owns, leases, or otherwise has control over the site where the Project will be located. If the Project includes removable equipment, or furnishings the Grantee has or will develop, implement, and maintain an inventory system for tracking such items, as well as has or will develop, implement, and maintain a usage policy.
- j) The Project to be funded by the Grant will be located in the State of New York.
- k) Grantee is in compliance with, and shall continue to comply in all material respects, with all applicable laws, rules, regulations and orders affecting the Grantee and the Project including but not limited to maintaining the Grantee's document vault on the New York State Grants Reform Gateway (<https://grantsmanagement.ny.gov/>).
- l) The Grantee has obtained all necessary consents and approvals from the property owner in connection with any work to be undertaken in connection with the Project.
- m) All contractors and vendors retained to perform services in connection with the Project shall be authorized to do business in the State of New York and/or filed such documentation, certifications, or other information with the State or County as required in order to lawfully provide such services in the State of New York. In addition, said contractor/vendors shall possess and maintain all professional licenses and/or certifications required to perform the tasks undertaken in connection with the Project.

- n) Neither the Grantee nor any of the members of its Board of Directors or other governing body or its employees have given or will give anything of value to anyone to procure the Grant or to influence any official act or the judgment of any person in the performance of any of the terms of this Agreement.
- o) The Grant shall not be used in any manner for any of the following purposes:
- i. political activities of any kind or nature, including, but not limited to, furthering the election or defeat of any candidate for public, political or party office, or for providing a forum for such candidate activity to promote the passage, defeat, or repeal of any proposed or enacted legislation;
 - ii. religious worship, instruction or proselytizing as part of, or in connection with, the performance of this Agreement;
 - iii. payments to any firm, company, association, corporation or organization in which a member of the Grantee's Board of Directors or other governing body, or any officer or employee of the Grantee, or a member of the immediate family of any member of the Grantee's Board of Directors or other governing body, officer, or employee of the Grantee has any ownership, control or financial interest, including but not limited to an officer or employee directly or indirectly responsible for the preparation or the determination of the terms of the contract or other arrangement pursuant to which the proceeds of the Grant are to be disbursed. For purposes of this paragraph, "ownership" means ownership, directly or indirectly, of more than five percent (5%) of the assets, stock, bonds or other dividend or interest-bearing securities; and "control" means serving as a member of the board of directors or other governing body, or as an officer in any of the above; and
 - iv. payment to any member of Grantee's Board of Directors or other governing body of any fee, salary or stipend for employment or services, except as may be expressly provided for in this Agreement.
- p) The relationship of the Grantee (including, for purposes of this paragraph, its officers, employees, agents and representatives) to DASNY arising out of this Agreement shall be that of an independent contractor. The Grantee covenants and agrees that it will conduct itself in a manner consistent with such status, that it will neither hold itself out as, nor claim to be, an officer, employee, agent or representative of DASNY or the State by reason hereof, and that it will not by reason thereof, make any claim, demand or application for any right or privilege applicable to an officer, employee, agent or representative of DASNY or the State, including without limitation, worker's compensation coverage, unemployment insurance benefits, social security coverage or retirement membership or credit.
- q) The information contained in the CCCP Application submitted by the Grantee in connection with the Project and the Grant, as such may have been amended or supplemented and any supplemental documentation requested by the State or DASNY in connection with the Grant, is incorporated herein by reference in its entirety. In the event of an inconsistency between the descriptions, conditions, and terms of this Agreement and those contained in the CCCP Application, the provisions of this

Agreement shall govern. The Grantee hereby acknowledges that DASNY has relied on the statements and representations made by the Grantee in the CCCP Application and any supplemental information in making the Grant. The Grantee hereby represents and warrants that it has made no material misstatement or omission of fact in the CCCP Application, supplemental information, or otherwise in connection with the Grant and that the information contained in the CCCP Application and supplemental information continues on the date hereof to be materially correct and complete.

- r) The Grantee hereby represents and warrants that it has made no material misstatement or omission of fact in the Grantee Questionnaire (“GQ”), attached hereto as Exhibit C, or the Grantee’s document vault in the New York State’s Grants Reform Gateway completed by the Grantee in connection with the Project and the Grant, and that the responses in the GQ and the document vault continue on the date hereof to be materially correct and complete. The Grantee hereby acknowledges that DASNY has relied on the statements and representations made by the Grantee in the GQ in making the Grant, and that the Grantee will be required to reaffirm the information therein each time a requisition for grant funds is presented to DASNY.
- s) The Grantee is duly organized, validly existing and in good standing under the laws of the State of New York, or is duly organized and validly existing under the laws of another jurisdiction and is authorized to do business and is in good standing in the State of New York and shall maintain its corporate existence in good standing in each such jurisdiction for the term of this Agreement, and has full power and authority to execute and deliver the Agreement and to perform its obligations thereunder;
- t) The Grantee agrees to provide such documentation to DASNY as may be requested by DASNY in its sole and absolute discretion to support a requisition for payment, to determine compliance by the Grantee with the terms of this Agreement or otherwise reasonably requested by DASNY in connection with the Grant, and further acknowledges that if documentation requested in connection with a requisition for payment does not, in the sole and absolute discretion of DASNY, provide adequate support for the costs requested, that such requisition request shall be denied and payment shall not be made to the Grantee.
- u) The Agreement was duly authorized, executed and delivered by the Grantee and is binding on and enforceable against the Grantee in accordance with its terms.

9. Default and Remedies

- a) Each of the following shall constitute a default by the Grantee under this Agreement:
 - i. Failure to perform or observe any obligation, warranty or covenant of the Grantee contained herein, or the failure by the Grantee to perform the requirements herein to the reasonable satisfaction of DASNY and within the time frames established therefor under this Agreement.

- ii. Failure to annually certify with the Office of Children and Family Services by submitting **Exhibit G – CCCP Annual Reporting Form** for a period of eight (8) years following the Execution of this Agreement.
 - iii. Determination by the Office of Children and Family Services that the Grantee has been deemed Non-Compliant with relevant licenses for a period of eight (8) years following the Execution of this Agreement.
 - iv. Failure to comply with any request for information reasonably made by DASNY to determine compliance by the Grantee with the terms of this Agreement or otherwise reasonably requested by DASNY in connection with the Grant.
 - v. The making by the Grantee of any false statement or the omission by the Grantee to state any material fact in or in connection with this Agreement or the Grant, including information provided in the CCCP Application or in any supplemental information that may be requested by the State or DASNY.
 - vi. The Grantee shall (A) be generally not paying its debts as they become due, (B) file, or consent by answer or otherwise to the filing against it of, a petition under the United States Bankruptcy Code or under any other bankruptcy or insolvency law of any jurisdiction, (C) make a general assignment for the benefit of its general creditors, (D) consent to the appointment of a custodian, receiver, trustee or other officer with similar powers of itself or of any substantial part of its property, (E) be adjudicated insolvent or be liquidated or (F) take corporate action for the purpose of any of the foregoing.
 - vii. An order of a court having jurisdiction shall be made directing the sale, disposition or distribution of all or substantially all of the property belonging to the Grantee, which order shall remain undismitted or unstayed for an aggregate of thirty (30) days.
 - viii. The Grantee abandons the Project prior to its completion.
 - ix. The Grantee is found to have falsified or modified any documents submitted in connection with this grant, including but not limited to invoice, contract or payment documents submitted in connection with a Grantee's request for payment/reimbursement.
 - x. Utilizing the Grant funds paid to the Grantee pursuant to Section 5(b) for any purpose other than paying the contractors and/or vendors identified in the requisition documentation in the amounts set forth in the requisition.
- b) Upon the occurrence of a default by the Grantee and written notice by DASNY indicating the nature of the default, DASNY shall have the right to terminate this Agreement.
- c) Upon any such termination, DASNY may withhold any Grant proceeds not yet disbursed and may require repayment of Grant proceeds already disbursed. If DASNY determines that any Grant proceeds had previously been released based upon

fraudulent representations or other willful misconduct, DASNY may require repayment of those funds and may refer the matter to the appropriate authorities for prosecution. DASNY shall be entitled to exercise any other rights and seek any other remedies provided by law.

10. Term of Agreement

Notwithstanding the provisions of Section 9 hereof, this Agreement shall terminate December 31, 2027 without any further notice to the Grantee. All requisitions must be submitted to DASNY in proper form prior to the termination date in order to be reimbursed and all requisition payments must be processed and paid out to CCCP Grantees prior to the stated CCCP expiration date of December 31, 2027.

11. Project Audit

DASNY shall, upon reasonable notice, have the right to conduct, or cause to be conducted, one or more audits, including field inspections, of the Grantee to assure that the Grantee is in compliance with this Agreement. This right to audit shall continue for eight (8) years following the completion of the Project or earlier termination of this Agreement.

12. Survival of Provisions

The provisions of Sections 3, 7, 8(o), 8(p) and 11 shall survive the expiration or earlier termination of this Agreement.

13. Notices

Each notice, demand, request or other communication required or otherwise permitted hereunder shall be in writing and shall be effective upon receipt if personally delivered or sent by any overnight service or three (3) days after dispatch by certified mail, return receipt requested, to the addresses set forth on this document's cover page.

14. Assignment

The Grantee may not assign or transfer this Agreement or any of its rights hereunder.

15. Modification

This Agreement may be modified only by a written instrument executed by the party against whom enforcement of such modification is sought.

16. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of New York. This Agreement shall be construed without the aid of any presumption or other rule of law regarding construction against the party drafting this Agreement or any part of it. In case any one or more of the provisions of this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such provision(s) had never been contained herein.

17. Confidentiality of Information

Any information contained in reports made to DASNY or obtained by DASNY as a result of any audit or examination of Grantee's documents or relating to trade secrets, operations and commercial or financial information, including but not limited to the nature, amount or source of income, profits, losses, financial condition, marketing plans, manufacturing processes, production costs, productivity rates, or customer lists, provided that such information is clearly marked "confidential" by the Grantee that concerns or relates to trade secrets, operations and commercial or financial information, including but not limited to the nature, amount or source of income, profits, losses or expenditures, financial condition, marketing plans, manufacturing processes, production costs, productivity rates, or customer lists, which is determined by DASNY to be exempt from public disclosure under the Freedom of Information Law, shall be considered business confidential and is not to be released to anyone, except DASNY and staff directly involved in assisting the Grantee, without prior written authorization from the Grantee, as applicable. Notwithstanding the foregoing, DASNY will not be liable for any information disclosed, in DASNY's sole discretion, pursuant to the Freedom of Information Law, or which DASNY is required to disclose pursuant to legal process.

18. Executory Clause

This Agreement shall be deemed executory to the extent of monies available for the CCCP Program to DASNY.

Grantee
Project Description
Project ID: Project ID#

This agreement is entered into as of the latest date written below:

GRANTEE: Grantee

(Signature of Grantee Authorized Officer)

(Printed Name and Title)

Date: _____

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

(Signature of DASNY Authorized Officer)

(Printed Name)

Date: _____

DASNY OFFICE USE ONLY	
GRANTS ADMIN REVIEW	FINAL LEGAL REVIEW
APPROVED FOR LEGAL REVIEW:	APPROVED FOR SIGNATURE:

DATE:	DATE:
-------	-------

GRANT DISBURSEMENT AGREEMENT

EXHIBITS

EXHIBIT A	Project Budget
EXHIBIT B	Opinion of Counsel
EXHIBIT C	Grantee Questionnaire
EXHIBIT D	Disbursement Terms
EXHIBIT E	Payment Requisition Form and Dual Certification
EXHIBIT E-1	Payment Requisition Cover Letter
EXHIBIT E-2	Payment Requisition Back-up Summary
EXHIBIT F	Non-Discrimination and Affirmative Action Policy
EXHIBIT G	CCCP Annual Reporting Form to OCFS

SAMPLE

EXHIBIT A: Project Budget

Grantee
Project Description
Project ID: Project ID#

USE OF FUNDS	TIMELINE		SOURCES			Total
	Anticipated Dates**		DASNY Share	In-Kind / Equity /Sponsor	Other Sources	
Project Description*	<i>Start</i>	<i>End</i>	<i>Amount</i>	<i>Amount</i>	<i>Amount</i>	
Project Description			\$Grant Amount			

* Please note that the project description as set forth in this column must summarize the scope of the Eligible Expenses set forth in the CCCP Application as per Section 2(a) of this Agreement for which reimbursement or payment on invoice will be sought. Please ensure that the project description is an appropriate summary of the Eligible Expenses for which grantee will be submitting for requisition. The failure to ensure **all** Eligible Expenses are consistent with the project description may delay payment.

** Please be sure to complete the anticipated start and end dates in the Project timeline.

EXHIBIT B: Opinion of Counsel

DASNY
General Counsel
515 Broadway
Albany, New York 12207

Re: Child Care Capital Program (“CCCP”) Grant
Project Description
Project ID: Project ID#

Ladies and Gentlemen:

I have acted as counsel to Grantee (the “Grantee”) in connection with the Project referenced above. In so acting, I have reviewed a certain Grant Disbursement Agreement between you and the Grantee (the “Agreement”) and such other documents as I consider necessary to render the opinion expressed hereby.

Based on the foregoing, I am of the opinion that:

1. the Grantee is duly organized, validly existing and in good standing under the laws of the State of New York; **or**

the Grantee is duly organized and validly existing under the laws of another jurisdiction, and the Grantee is in good standing and authorized to do business in the State of New York;

2. the Grantee has full power and authority to execute and deliver the Agreement and to perform its obligations thereunder; **and**

3. the Agreement was duly authorized, executed and delivered by the Grantee and is binding on and enforceable against the Grantee in accordance with its terms.

By selecting this option and providing my electronic signature, I hereby execute and deliver a validly binding legal opinion in the form of this Exhibit B, just the same as a pen-and-paper signature on a separate document.

Approved – Legal Opinion attached

***Instructions – Grantee’s Attorney will choose appropriate response. If “Approved as to form” is checked, the Attorney will DocuSign form. If “Approved – Legal Opinion attached” is checked, the Attorney must attach a legal opinion using the language provided in this exhibit.*

EXHIBIT C: Grantee Questionnaire

PLEASE READ THE FOLLOWING:

- 1) You are acknowledging the following regarding the included Grantee Questionnaire:
 - This inserted Grantee Questionnaire is an accurate and true copy of such previously submitted DASNY Grantee Questionnaire.
 - The Grantee certifies that there has been no material change in the information provided in the Grantee Questionnaire.

EXHIBIT D: Disbursement Terms

Grantee
Project Description
Project ID: Project ID#

Subject to the terms and conditions contained in this Agreement, DASNY shall disburse the Grant to the Grantee as follows:

Standard Reimbursement

DASNY shall make payment to the Grantee, no more frequently than monthly, based upon Eligible Expenses (as set forth and in accordance with the schedule in Exhibit A) actually incurred by the Grantee, in compliance with Exhibit A and upon presentation to DASNY of the Payment Requisition Forms attached to this Agreement as Exhibit E and its attachments, together with such supporting documentation as DASNY may require in order to clearly demonstrate that Eligible Expenses were actually incurred by the Grantee in connection with the Project described herein. Payment shall be made by reimbursement, subject to the terms and conditions of Sections 4 and 5(a) of this Agreement; by payment on invoice subject to the terms and conditions of Sections 4 and 5(b) of this Agreement; or, for real property acquisition, subject to the terms and conditions of Sections 4 and 5(c) of this Agreement.

Supporting documentation acceptable to DASNY must be provided prior to payment, including invoices and proof of payment in a form acceptable to DASNY. If the fronts and backs of canceled checks cannot be obtained from the Grantee's financial institution, a copy of the front of the check must be provided, along with a copy of a bank statement clearly showing that payment was made by the Grantee to the contractor. DASNY reserves the right to request additional supporting documentation in connection with requests for payment, including the backs of canceled checks, certifications from contractors or vendors, or other documentation to verify that grant funds are properly expended. *Please note that quotes, proposals, estimates, purchase orders, and other such documentation do NOT qualify as invoices.*

The Grantee agrees to provide such documentation to DASNY as may be requested by DASNY in its sole and absolute discretion to support a requisition for payment, to determine compliance by the Grantee with the terms of this Agreement or otherwise reasonably requested by DASNY in connection with the Grant, and further acknowledges that if documentation requested in connection with a requisition for payment does not, in the sole and absolute discretion of DASNY, provide adequate support for the costs requested, that such requisition request shall be denied and payment shall not be made to the Grantee.

All expenses submitted for reimbursement or payment on invoice must be for work completed at the approved Project location(s) and/or items received at the approved Project location(s) prior to the date of the request for reimbursement/payment. In addition, if funds are requisitioned for the purchase of a vehicle, the New York State Vehicle Registration Documents and title must be submitted along with the requisition forms.

EXHIBIT E: Payment Requisition Form and Dual Certification

Grantee
Project Description
Project ID: Project ID#

<p>For Office Use Only:</p> <p>FMS#: Grantee FMS#</p>

Payment Request #

For work completed between / / and / /

THIS REQUEST:

A: DASNY SHARE*	B: THIS REQUEST	C: TOTAL REQUESTED PRIOR TO THIS REQUEST	D: A-B-C BALANCE
\$	\$Grant Amount		

* Please note that when submitting a requisition for payment, DASNY can only reimburse for capital expenditures for the Project as set forth in Exhibit A of this Agreement. In addition, all capital expenditures are to be both incurred (billed to) and paid for by the named Grantee. Capital expenditures include the costs of acquisition, design, construction, reconstruction, rehabilitation, preservation, development, improvement, modernization and equipping of the approved Project location.

EXHIBIT E: Payment Requisition Form and Dual Certification

DUAL CERTIFICATION

This certification must be signed by two Authorized Officers of the Grantee, for Project #Project ID#.

We hereby warrant and represent to DASNY that:

1. To the best of our knowledge, information and belief, the expenditures described in Payment Requisition Request # _____ attached hereto in the amount of \$ _____ for which Grantee, is seeking payment and/or reimbursement comply with the requirements of the Agreement between DASNY and Grantee (the "Agreement"), are Eligible Expenses, and that the payment and/or reimbursement of expenditures for which it is seeking payment and/or reimbursement from DASNY does not duplicate reimbursement or disbursement of costs and/or expenses from any other source.
2. The warranties and covenants contained in Section 8 of the Agreement are true and correct as if made on the date hereof.
3. The Eligible Expenses for which reimbursement is sought in connection with this requisition were actually incurred by the Grantee named on the cover page of this Agreement, and/or will be paid by the Grantee solely from the Segregated Account established pursuant to paragraph 4(d) of the Grant Disbursement Agreement to the contractor named on the invoices submitted in connection with this requisition and shall not be used for any other purpose.
4. All Project costs described in any contractor/vendor invoice submitted pursuant the payment requisition form have been completely and fully performed and/or received on site at the applicable project location prior to the date hereof.
5. Proof of disposition of funds from the Segregated Account to the contractor and/or vendors that are being paid on invoice, if any, will be provided to DASNY within sixty (60) days of the date that Grant funds are disbursed to the Grantee to pay for such costs. We understand that in the event that acceptable proof of payment is not provided, DASNY will not make any additional disbursements from Grant funds until such time as such proof of payment is provided.
6. We have the authority to submit this requisition on behalf of Grantee. All eligible expenses have been incurred within the scope of the project description set forth in the schedule in Exhibit A to this Agreement.
7. The following documents are hereby attached for DASNY approval, in support of this requisition, and are accurate images of the original documents **(Please check off all that apply)**:
 - Readable copies of both front and back of canceled checks.
 - Readable copies of the front of the checks and copies of bank statements showing that the checks have cleared.
 - Invoices/receipts for eligible goods/services that have been received/performed at the approved Project location(s) and a completed Exhibit E-2: Payment Requisition Back-up Summary.
 - Other:

Authorized Officer Signature: _____ **Date:** _____

Print Name: _____

Title: _____

Authorized Officer Signature: _____ **Date** _____

Print Name: _____

Title: _____

EXHIBIT E-I: Payment Requisition Cover Letter

ON GRANTEE'S LETTERHEAD

Date

Attention: Accounts Payable - Grants
DASNY
515 Broadway
Albany, New York 12207

*Re: Child Care Capital Program ("CCCP") Grant
Project Description
Project No. Project ID#*

To Whom It May Concern:

Enclosed please find our request for payment/reimbursement. The package includes completed Exhibits E and E-2, including a Dual Certification with original signatures from two authorized officers. I have also included supporting documentation and invoices, as summarized in Exhibit E-2.

Below I have checked off the relevant payment option and completed the required payment information. This information is complete and accurate as of the date of this letter:

1) <input type="checkbox"/> We would like to be paid by reimbursement pursuant to section 5(a) of the grant disbursement agreement. Proof of payment is enclosed for all invoices submitted in this request. Please remit payment by check.
OR
2) <input type="checkbox"/> We would like to be paid by reimbursement pursuant to section 5(a) of the grant disbursement agreement. Proof of payment is enclosed for all invoices submitted in this request. Please remit payment by wire. The wire instructions for our account are as follows: BANK NAME: _____ ACCOUNT #: ACCOUNT NAME: _____ ABA #:

OR

- 3) We would like to be paid on invoice pursuant to Section 5(b) of the grant disbursement agreement. We have not paid the invoice(s) included in this request. We have established a **segregated account to be used solely for accepting and disbursing funds from DASNY for this grant and for no other purpose.** We have applied industry standard fraud protections to this account, including but not limited to, check positive pay and ACH positive pay. The wire instructions for this account are as follows:

BANK NAME: _____ ACCOUNT #:

ACCOUNT NAME: _____ ABA #:

If any further information is needed, please contact me at () _____.

Please sign and return these documents to DASNY at apgrants@dasny.org. Please return them from the Grantee's organizational email address and retain the original copies for production to DASNY if requested. By providing electronic signature(s), the Grantee's designee will be providing validly binding legal documents, just the same as a pen-and-paper signature.

Signature: _____

Print Name: _____ Title: _____

EXHIBIT E-2: Payment Requisition Back-up Summary

Grantee
Project Description
Project ID: Project ID#

Please list below all invoice amounts totaling the amount for which you are seeking reimbursement in this request. Invoices should be organized and total amount requested for reimbursement from grant subtotaled. Please use additional sheets if necessary.

VENDOR/ CONTRACTOR NAME	INVOICE/ APPLICATION #	AMOUNT REQUESTED FROM GRANT FUNDS	COMMENT
TOTAL Requested:			(Transfer total amount requested to Exhibit E pg. 18 column B)

EXHIBIT F

NON-DISCRIMINATION AND AFFIRMATIVE ACTION POLICY FOR THE PROJECT

It is the policy of the State of New York and DASNY, to comply with all federal, State and local law, policy, orders, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action to ensure that Minority and Women-owned Business Enterprises (M/WBEs), Minorities Group Members and women share in the economic opportunities generated by DASNY's participation in projects or initiatives, and/or the use of DASNY funds.

- 1) The recipient of State funds represents that its equal employment opportunity policy statement incorporates, at a minimum, the policies and practices set forth below:
 - a) Grantee shall (i) not unlawfully discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, (ii) undertake or continue existing programs of affirmative action to ensure that Minority Group Members and women are afforded equal employment opportunities, and (iii) make and document its conscientious and active efforts to employ and utilize M/WBEs, Minority Group Members and women in its workforce on contracts. Such action shall be taken with reference to, but not limited to, solicitations or advertisements for employment, recruitment, job assignment, promotion, upgrading, demotion, transfer, layoff or termination, rates of pay or other forms of compensation, and selection for training or retraining, including apprenticeship and on-the-job training.
 - b) At the request of the AAO, the Grantee shall request each employment agency, labor union, or authorized representative of workers with whom it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union, or representative does not unlawfully discriminate, and that such union or representative will affirmatively cooperate in the implementation of the Grantee's obligations herein.
- 2) The Grantee is encouraged to include minorities and women in any job opportunities created by the Project; and to solicit and utilize M/WBE firms for any contractual opportunities generated in connection with the Project.
- 3) Grantee represents and warrants that, for the duration of the Agreement, it shall furnish all information and reports required by the AAO and shall permit access to its books and records by DASNY, or its designee, for the purpose of ascertaining compliance with provisions hereof.
- 4) Grantee shall include or cause to be included, paragraphs (1) through (3) herein, in every contract, subcontract or purchase order with a Contracting Party executed in connection with the Project, in such a manner that said provisions shall be binding upon each Contracting Party as to its obligations incurred in connection with the Project.

NON-DISCRIMINATION AND AFFIRMATIVE ACTION DEFINITIONS

Affirmative Action

Shall mean the actions to be undertaken by the Borrower, Grantee and any Contracting Party in connection with any project or initiative to ensure non-discrimination and Minority/Women-owned Business Enterprise and minority/female workforce participation, as set forth in paragraph 2) herein, and developed by DASNY.

Affirmative Action Officer (“AAO”)

Shall mean DASNY’s Affirmative Action Officer or his/her designee, managing the affirmative action program for DASNY.

Contracting Party

Shall mean (i) any contractor, subcontractor, consultant, subconsultant or vendor supplying goods or services, pursuant to a contract or purchase order in excess of \$1,500, in connection with any projects or initiatives funded in whole or in part by DASNY and (ii) **any borrower or Grantee** receiving funds from DASNY pursuant to a loan or Grant document.

Minority Business Enterprise (“MBE”)

Shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is (i) a least fifty-one percent (51%) owned by one or more Minority Group Members; (ii) an enterprise in which such minority ownership is real, substantial and continuing, (iii) an enterprise in which such minority ownership has and exercises DASNY to control and operate, independently, the day-to-day business decisions of the enterprise; (iv) an enterprise authorized to do business in the State of New York and is independently owned and operated; and (v) an enterprise certified by New York State as a minority business.

Minority Group Member

Shall mean a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups: (i) Black persons having origins in any of the Black African racial groups; (ii) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin, regardless of race; (iii) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands; and (iv) Native American or Alaskan native persons having origins in any of the original peoples of North America.

Minority and Women-Owned Business Enterprise Participation

Minority and Women-owned Business Enterprise participation efforts are not limited to the efforts suggested herein, and the role of M/WBE firms should not be restricted to that of a subcontractor/subconsultant. Where applicable, M/WBE firms should be considered for roles as prime contractors. Such efforts may include but not be limited to:

- (a) Dividing the contract work into smaller portions in such a manner as to permit subcontracting to the extent that it is economically and technically feasible to do so;
- (b) Actively and affirmatively soliciting bids from qualified M/WBEs, including circulation of solicitations to Minority and Women’s trade associations;
- (c) Making plans and specifications for prospective work available to M/WBEs in sufficient time for review;

- (d) Utilizing the services and cooperating with those organizations providing technical assistance to the Contracting Party in connection with potential M/WBE participation on DASNY contract;
- (e) Utilizing the resources of DASNY Affirmative Action Unit to identify New York State certified M/WBE firms for the purpose of soliciting bids and subcontracts;
- (f) Encouraging the formation of joint ventures, associations, partnerships, or other similar entities with M/WBE firms, where appropriate, and
- (g) The Contracting Party shall remit payment in a timely fashion.

Women-owned Business Enterprise (“WBE”)

Shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is: (i) at least fifty-one percent (51%) owned by one or more citizens or permanent resident aliens who are women; (ii) an enterprise in which the ownership interest of such women is real, substantial and continuing, (iii) an enterprise in which such women ownership has and exercises DASNY to control and operate, independently, the day-to-day business decisions of the enterprise; (iv) an enterprise authorized to do business in the State of New York and is independently owned and operated; and (v) an enterprise certified by New York State as woman-owned.