



Department of  
Environmental  
Conservation



# GUIDELINES AND APPLICATION INSTRUCTIONS

## New York State

### Department of Environmental Conservation

#### Municipal Waste Reduction and Recycling Program

Recycling Coordination, Education, Planning, and Promotion  
Projects Only

NYS Grants Gateway Application ID No.:

**DEC01-MWRC-2023**

Application Due Date: 3:00 pm ET, October 31, 2023

**Timetable of Key Events:**

Application Period Begins	August 1, 2023
Question & Answer Period Ends	October 24, 2023
Applications Due	October 31, 2023, 3:00 pm ET
Award(s) Announced By (anticipated)	January 20, 2024

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# 1. Grant Information

The New York State Department of Environmental Conservation (DEC) is pleased to announce funding for projects that will implement Municipal Waste Reduction and Recycling Education, Promotion, Planning and Coordination Projects.

## a) Funding

Approximately \$5,000,000.00 is available for MWRC Grants. Funding for this grant opportunity is provided from the Environmental Protection Fund.

## b) Proposed Project Timeframes

All projects must have defined objectives, tasks, and deliverables accounted for in performance measures that can be completed and invoiced within a January 1, 2024 to December 31, 2024 contract period/term. Costs outside of the contract period/term are ineligible. The Master Contract for Grants (MCG) must be fully approved by DEC, and if applicable approved by the Attorney General and the State Comptroller. Time extensions beyond the contract term end date (specify if NCTE's will be allowed) will be determined by the Department based upon written justification from the Grantee. Applicants should not submit an application if they do not anticipate their project can be completed within the specified contract term.

## c) Minimum and Maximum Award Amounts

Minimum grant amount is \$10,000.00. Maximum grant amount is \$2,000,000.00.

## d) Application Limit/Award limit

Applicants may submit up to one application. Multiple applications may not be for the same project or project location.

## e) Eligible Project Locations

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

# 2. Eligible Applicants

For the purposes of this grant program, the following entities are considered eligible applicants:

- Counties, Cities, Towns or Villages
- Local Public Authorities
- Local Public Benefit Corporations (organizations established by State Law)
- School Districts, Supervisory Districts & Improvement Districts
- Native American Tribes or Nations residing in New York State.

### 3. Inquiries & Designated Contact Information

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

Rebecca Vaughan

Contact Information: [RecyclingGrants@dec.ny.gov](mailto:RecyclingGrants@dec.ny.gov) or 518-402-8678

For technical information regarding the Grants Gateway application, direct questions to:

NYS Grants Management

Contact Information: [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov) or (518) 474-5595

Include “MWRC-2023” in the subject line of the email. Questions regarding this grant opportunity will be accepted by the Department until C.O.B October 24, 2023. All questions, and answers, will be uploaded in the Grants Gateway application for all applicants to view.

### 4. Application Submission

Applications must be submitted through the NYS Grants Gateway <https://grantsgateway.ny.gov>. Using **Microsoft Edge** to access the Grants Gateway is recommended. Using other browsers may cause errors in the Work Plan section of the application.

Paper applications will NOT be accepted. Applicants are strongly encouraged to submit their applications prior to the application deadline. Late applications will not be accepted. Please note those logged in as Grantees may work on the application, only those logged in as a Grantee Contract Signatory or a Grantee System Administrator can submit the application to the State. When the application is ready for submission, click the Status Changes tab, then click the “Apply Status” button under “Application Submitted”.

All Applicants must be Registered with Grants Gateway to apply. In addition to registration, not-for-profits must also be Prequalified at the time and date that the application is due. If you are not Prequalified at that time and date, your application will not be considered.

PLEASE DO NOT DELAY IN BEGINNING AND COMPLETING THE PREQUALIFICATION PROCESS.

THE STATE RESERVES 5 DAYS TO REVIEW SUBMITTED PREQUALIFICATION APPLICATIONS. PREQUALIFICATION APPLICATIONS SUBMITTED TO THE STATE FOR REVIEW LESS THAN 5 DAYS PRIOR TO MWRC-2023 APPLICATION MAY NOT BE CONSIDERED.

APPLICANTS SHOULD NOT ASSUME THAT THEIR PREQUALIFICATION INFORMATION WILL BE REVIEWED IF THEY DO NOT ADHERE TO THIS TIMEFRAME.

- a) Applicant Prequalification

Pursuant to the New York State Division of Budget Bulletin H-1032 Revised, effective July 16, 2014, New York State has instituted key reform initiatives to the grant contract Information on these initiatives can be found on the Grants Management Website.

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

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

PLEASE NOTE: The information included here regarding Prequalification is not intended to be exhaustive, and Applicants should visit the Grants Management website <https://grantsmanagement.ny.gov/> or contact the Grants Management Team [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov) for more information about Grants Gateway and Prequalification. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

#### 4.1.1 Register for the Grants Gateway

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

#### 4.1.2 Complete your Prequalification Application – Municipalities are Exempt from Prequalification

- Log in to the Grants Gateway. If this is your first time logging in, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.
- Click the Organization(s) link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A Document Vault link will become available near the top of the page. Click this link to access the main Document Vault page.
- Answer the questions in the Required Forms and upload Required Documents. This constitutes your Prequalification application. Optional Documents are not required unless specified in this document.

#### 4.1.3 Submit Your Prequalification Application

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

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

If you are not familiar with Grants Gateway, there are many resources available to help you register and become Prequalified on the NYS Grants Management Website <https://grantsmanagement.ny.gov/resources-grant-applicants> including:

- Video tutorials on Grants Gateway Registration or Applications
- Vendor User Manual includes walkthroughs for the Application process
- Biweekly Document Vault webinars

## 5. Grant Opportunity General Information and Conditions

### a. Grant Application Requirements and Conditions

Please be sure to include with your application, information on the following requirements, if applicable to your project:

Applications must meet the following minimum requirements to be eligible:

Applicant must be an eligible entity;

Applicant must have a recycling law adopted in compliance with General Municipal Law (GML) Section 120-aa;

Applicant must have a Department-approved Local Solid Waste Management Plan or Comprehensive Recycling Analysis; and

All project funding sources are eligible and minimum match requirement is met.

b. Expenditure Based Budget

Applicants must complete an itemized budget in the NYS Grants Gateway that provides details of the proposed project-related expenses. Budget detail must clearly distinguish between expenses to be claimed under the State grant share and expenses comprising the match. The itemized budget should also include appropriate level of information for the breakdown of costs for each budget item (depending on the budget category this information is provided in the budget detail and/or budget narrative) Eligible and ineligible costs are identified in this RFA.

c. Match Requirement and Expenditures

Match is the portion of project expenditures not paid for with grant funds. Match must be from local funds.

Eligible sources of match funds cannot come from other New York State, federal, or other outside funding sources. Applicants will be required to provide the sources of all matching funds using the Match Worksheet in the Grants Gateway.

Grant funds are available for up to 50% of the requested budget. Applicants must match at least 100% of the grant funding amount.

d. Work Plan

Applicants must complete a work plan in the NYS Grants Gateway that provides a clear overview of the project. Applications must include proposed project objectives, tasks associated with meeting each objective, and the performance measures associated with each task (performance measures can include desired project outcomes or deliverables). The work plan may include anticipated time frames in meeting project objectives, tasks and deliverables.

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

e. Debriefing Request

In accordance with Section 163 of the NY State Finance Law, the Department must, upon request, provide a debriefing to any unsuccessful applicant that responded to the RFA, regarding the reasons that the application submitted by the applicant was not eligible for an award. An applicant wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that their application was denied an award.

f. Department of Environmental Conservation Oversight

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for projects consistent with this grant opportunity.
- Award an agreement for any or all parts of the RFA in accordance with the method of award or withdraw of the RFA at any time at the Department's sole discretion.

- Award only one application for funding in the event there are multiple application submissions for a single project or for pieces of a single project.
- Partially fund an application if the partially funded portion can be demonstrated to meet the criteria for this RFA.
- Reduce an award from the amount requested in the application, should the project budget contain costs considered ineligible under this grant program.
- Monitor the progress of all grant awards and withdraw grant funding if the grantee fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.
- The Department reserves the right to decline to fund projects that are deemed inconsistent with NYS's Smart Growth Public Infrastructure Policy Act.
- The Department reserves the right to decline to fund projects that are deemed inconsistent with the Climate Change Leadership and Community Protection Act or its' implementing regulations.
- If an application is determined by DEC to be incomplete, the applicant will be notified by DEC, and the application may be revised, or missing components added and resubmitted at the discretion of DEC. DEC, at its own discretion, will establish a deadline for resubmission of the application, which in no instance will exceed 30 calendar days after notification that an application is incomplete.
- DEC is authorized, at its own discretion, to combine applications from municipalities in overlapping jurisdictions.
- Reject any or all applications in response to the RFA at the agency's sole discretion.

g. Sexual Harassment Prevention Certification

State Finance Law §139-l requires all applicants of grant funding to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees.

Where applying for grant funding is required pursuant to statute, rule or regulation, every application submitted to the state or any public department or agency of the state must contain the following statement: "By submission of this application, each applicant and each person signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one g of the labor law."

Applications that do not contain the certification will not be considered for award; provided however, that if the applicant cannot make the certification, the applicant may provide a signed statement with their application detailing the reasons why the certification cannot be made. After

review and consideration of such statement, the Department may reject the application or may decide there are sufficient reasons to accept the application without such certification.

Applicants are required to sign and upload the Sexual Harassment Prevention Certification form or upload a signed statement with their application detailing the reasons why the certification cannot be made into the pre-submission uploads folder.

#### h. Executive Order 16

Executive Order No. 16 provides that “all Affected State Entities are directed to refrain from entering into any new contract or renewing any existing contract with an entity conducting business operations in Russia.” The complete text of Executive Order No. 16 can be found at <https://www.governor.ny.gov/executive-order/no-16-prohibiting-state-agencies-and-authorities-contracting-businesses-conducting>. The Executive Order remains in effect while sanctions against Russia imposed by the federal government are in effect. Accordingly, vendors who may be excluded from award because of current business operations in Russia are nevertheless encouraged to respond to solicitations to preserve their contracting opportunities in case the sanctions are lifted during a solicitation or even after award in the case of some solicitations. As defined in Executive Order No. 16, an “entity conducting business operations in Russia” means an institution or company, wherever located, conducting any commercial activity in Russia or transacting business with the Russian Government or with commercial entities headquartered in Russia or with their principal place of business in Russia in the form of contracting, sales, purchasing, investment, or any business partnership. Vendors responding to this solicitation are required to complete and submit the form entitled “Certification Under Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia”.

In the Grants Gateway pre-submission upload section of the application, ALL applicants must download, complete and save the Executive Order No. 16 Certification form, prior to uploading the completed form back into the Grants Gateway.

## 6. Application Evaluation

All applications will be reviewed for eligibility by a review team in accordance with the evaluation criteria contained in this RFA. Applicants are strongly encouraged to read and address the Application Review Standards in the process of developing an application. Knowledge of the eligibility criteria is valuable for designing and proposing a relevant and quality project. Evaluation consists of:

Step 1: Application and Project Eligibility Determination.

Pass/Fail criteria – Applicant eligibility, application completeness.

Step 2: Project Evaluation – Pass/Fail criteria.

If your application meets all eligibility pass/fail criteria, it will be further evaluated by a review team in accordance with the Evaluation Standards contained in this RFA. These include:

A. New municipal recycling program components to be initiated or improvements to an

existing program.

B. The size of project service area or populations served.

C. A detailed and significant scope of work.

D. The number of new work products to be created.

E. A budget with both Recycling Coordination and Education costs, as appropriate.

F. Consistency with applicant's DEC-approved Local Solid Waste Management Plan, as applicable.

G. Enactment of a local recycling law consistent with NYS General Municipal Law 120-aa.

All eligible applications will be individually evaluated by at least two technical review team members.

## **7. Method of Award**

Complete applications will be reviewed for eligibility by DEC and, if acceptable, will be approved for State assistance for up to 50 percent of eligible costs.

If there are insufficient funds to provide 50 percent reimbursement for all acceptable applications, DEC may either lower the percentage or set a dollar maximum on the level of funding to be provided to each municipality. In the event DEC lowers the maximum reimbursement percentage, the lowered percentage or dollar maximum will be the same for all municipalities that submit an acceptable and approved application.

## **8. Grant Program Payment**

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

Upon execution of a contract, and completion of purchases, the grantee may request 50 percent reimbursement for the eligible costs of completed portions of the project.

As of the date of this RFA, payment requests are NOT incorporated into the Grants Gateway for the MWRC program. Payment requests include a completed State Aid Voucher and must contain all supporting documents (vendor invoice, purchase order, cancelled check) for the

expenses claimed. The grantee is required to file a "certificate of completion" with the final payment request.

After review of a payment request, DEC may approve, disapprove or modify the amount of funds reimbursed. Payment will not exceed the approved grant contract amount.

## **9. Eligible and Ineligible Expenditures**

### **a. Eligible Project Expenditures**

1. Salary, health insurance and pension costs paid by the employer for an employee who is responsible for recycling coordination, education, promotion, or outreach. Personnel must be employees of the applicant and assigned to the project for no less than 50 percent of their full-time work schedule.
2. Direct costs necessary to educate the public and increase public awareness of, and participation in, waste reduction and recycling, including:
  - a. recycling guides, mailers, brochures, and webpages;
  - b. advertising on TV, radio, newspaper, internet, billboards, etc.;
  - c. recycling signs and displays; and
  - d. give-away items, children's shows, county fair displays, America Recycles Day items.
3. Reasonable costs for consultant services necessary for recycling education, promotion, planning, public relations, or other specialized purposes.
4. Costs for supplies and materials specifically acquired and used as part of the municipal waste reduction and recycling education, promotion, planning and coordination project.

### **b. Ineligible Project Expenditures**

1. Costs of any item NOT primarily used for educating, promoting, planning, and coordinating the benefits or methods of waste reduction, reuse, and recycling.
2. Ordinary operating costs for facilities and offices, including, but not limited to, office supplies and equipment, equipment service, office maintenance, internet service, telephone (except for dedicated recycling "hotlines"), utilities, mileage costs, travel expenses, and fuel within an applicant's service area or other similar costs or expenses, as determined by the Department.
3. Indirect, overhead or in-kind costs.
4. Costs of facility construction, repair, improvement, or recyclables processing equipment.

5. Costs of bins, totes, carts, composters, food scraps buckets, or other recycling or composting containers.
6. Costs incurred in preparing and submitting an application for state assistance.
7. Unnecessary or unreasonable costs as determined by the Department of Environmental Conservation.
8. Costs for hourly employees, contractor-employees or employees who use less than 50% of their work time for recycling coordination and education.
9. Items required by law, such as Worker's Compensation, Social Security, Medicare, and unemployment insurance.
10. Costs of mobile message signs/devices or costs of affixed signs that are not specifically about recycling.
11. Costs of educational materials that describe disposal, such as collection schedules for non-recyclables.

c. Match Requirement and Expenditures

Grant funds are available for up to 50% of the requested budget. Applicants must provide the remaining 50% in match funds.

Formula: Requested Budget x 50% = Required Match

d. Eligible Forms of Match

- Local funds

e. Ineligible Forms of Match

- Indirect costs overhead or operating expenses (space, rent, utilities).
- Other grant funding: project costs paid from other state and/or federal funding sources or other outside funding.
- Personal Services: Staff salaries devoted to the project, including fringe benefits expenses. Itemize salaries according to job title or job assignment on the project. Grantees will be required to document time worked, tasks, pay ratio and payment.
- Contractual Services: The value of services provided by responsible professional and technical personnel and consultants (i.e., engineering, and architectural services, surveys, plans and specifications, research, design and development of a project, consultant and legal services directly related to a project, feasibility study for a facility, archaeological field work, report writing, curation of artifacts and interpretation, etc.).
- Supplies and materials: The current market value of items warehoused (not yet installed); use value current at time items were obtained.
- Volunteer Labor: Skilled and professional labor can be computed at the job rate. Unskilled labor and work performed by professionals or skilled laborers in an area outside of their area of expertise must be computed at the minimum wage (For example, a lawyer donating legal services may compute the value based on the standard billing rate, but the same lawyer donating time painting walls must calculate the value using minimum wage).

- Equipment: Compute the value according to its fair market rental value in the project location.
- Administrative Salaries: Administrative salaries must be documented and identified by task and must fall within the grant contract term to be eligible as match. For the purposes of this RFA, administrative salaries are defined as follows:
  - Preparation of equal employment opportunity and women and minority business enterprises documentation.
  - Preparation of quarterly narrative and expenditure reports.
  - Preparation of payment reimbursement request forms and backup cost documentation.
  - Preparation of Final Report upon project completion.

## 10. Grant Program Reporting

When requesting reimbursement, the grantee must include a Progress Report for the project. A final payment request must also include a Certificate of Completion.

## 11. What to Expect If You Receive an Award

### a. Notification of Award

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

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

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

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

- MCG Grants Face Page
- Standard Terms and Conditions (NYS standard terms and conditions)
- Attachment A-1 Program Specific Terms and Conditions (Agency and Program specific terms and conditions)

- Attachment B-1 Expenditure Based Budget (project expense categories and detail)
- Attachment C Work Plan (project objectives, tasks and performance measures)
- Attachment D Payment and Reporting Schedule (claims for reimbursement and grant reporting provisions)

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

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

#### I. Insurance Requirements

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

#### II. Permit Requirements (if applicable)

Contractors agree to obtain all required permits, including but not limited to, local, state and federal permits prior to the commencement of any project related work. The Contractor agrees that all work performed in relation to the project by the Contractor or its agents, representatives, or contractors will comply with all relevant federal, state and local laws, rules, regulations and standards, zoning and building codes, ordinances, operating certificates for facilities, or licenses for an activity.

#### III. State Environmental Quality Review (SEQR) Documentation

With respect to the project, the Contractor certifies that it has complied, and shall continue to comply with all requirements of the State Environmental Quality Review Act (SEQRA). The Contractor agrees to provide all environmental documents as may be required by the DEC. The Contractor has notified, and shall continue to notify, the DEC of all actions proposed for complying with the environmental review requirements imposed by SEQRA.

#### d. Vendor Responsibility Questionnaire

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

e. Iran Divestment Act

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. By entering into a Contract, the Contractor certifies that it is not on the “Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012” list (“Prohibited Entities List”) posted on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additional detail on the Iran Divestment Act can be found in the MCG, Attachment A-1 Program Specific Terms and Conditions.

f. Minority and Women Business Enterprise (MWBE) and Equal Employment Opportunity (EEO) Requirements

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

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

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

Please refer to the NYS MCG - Article IV (J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review MWBE and EEO requirements.

- The local government is responsible for designating someone to serve as their Affirmative Action representative. The governing body should make this designation through official means.

- A list of certified MWBE enterprises can be obtained via the internet from the NYS Department of Economic Development at <https://ny.newnycontracts.com/FrontEnd/searchcertifieddirectory.asp>

MWBE reporting for Department of Environmental Conservation contracts must now be completed using the New York State Contract System (NYSCS). <https://ny.newnycontracts.com/>.

**All contracts of \$25,000 or more will be assessed for MWBE goals. Contracts which meet the established MWBE-EEO thresholds require the Contractor to submit the Utilization Plan prior to the execution of the contract and Monthly Compliance Audits in the NYSCS after the contract is executed. To submit the required MWBE Utilization Plan, log-in to NYSCS and access the Utilization Plans section displayed on the user dashboard. Plans requiring action will be displayed in red.**

All contractors shall complete an Equal Employment Opportunity (EEO) Policy Statement and Staffing Plan form and submit it prior to the execution of the contract. These EEO forms are to be uploaded to the Grants Gateway in the grantee document folder.

For more information regarding MWBE compliance and reporting guidelines, and to download required forms, please visit <https://www.dec.ny.gov/about/61016.html#MWBE>.

- The following MWBE “Fair Share” goals are established as follows:
- **Minority and Women Owned Business Enterprise (MWBE) Overall Participation Goals:**

Construction/Engineering – up to 0%  
Commodities – up to 0%  
Services/Technologies – up to 0%

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

g. Service-Disabled Veteran-Owned Business (SDVOB) Participation Requirements

The Department is required to implement the provisions of New York State Veteran’s Law Article 3. The contractor must make Good Faith Efforts to subcontract a goal of 0% of the contract amount to New York State Certified Service-Disabled Veteran-Owned Businesses (SDVOBs), for purposes of providing meaningful participation by SDVOBs.

The contractor is required to complete and submit a SDVOB Utilization Plan detailing how the contractor intends to meet the SDVOB goal. In addition, the contractor must complete and submit quarterly compliance reports detailing the amount spent on SDVOBs in the previous quarter. Please upload all required forms to the Grants Gateway. In addition, all forms and guidance can be located at; [Division of Service-Disabled Veterans' Business Development Compliance and Reporting | Office of General Services \(ny.gov\)](#). Please contact the Department’s SDVOB compliance staff with any questions at:

DEC SDVOB Compliance Unit

NYS Department of Environmental Conservation  
Bureau of Contract and Grant Development/SDVOB Program  
625 Broadway, 10th Floor  
Albany, New York 12233-5028  
[SDVOB@dec.ny.gov](mailto:SDVOB@dec.ny.gov)  
Phone: (518) 402-9240

h. Procurement of Contractors/Subcontractors

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

i. Americans With Disabilities Act

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

j. Signage

For infrastructure projects, the contractor shall install signage on-site that identifies the site as a clean vehicle charging/refueling facility; promotes public use of the facility; and acknowledges rebate funding from the Department of Environmental Conservation through Title 15 of the New York State Environmental Protection Fund. Signage developed for use at a rebate-funded facility shall be subject to review and approval by the Department prior to installation.

k. Diesel Emissions Reduction Act 2006

In 2007, New York State passed legislation establishing the Diesel Emissions Reduction Act 2006 (DERA). This Act amended the Environmental Conservation Law (ECL) by adding Section 19-0323 which requires the use of best available retrofit technology (BART) and ultra-low sulfur diesel fuel (ULSD) for heavy duty vehicles owned or operated by, including on behalf of, state agencies and state or regional public authorities. The Department has promulgated regulations (6 NYCRR Part 248) to provide guidance on provisions of the law. The regulations may be found on the Department's website at <http://www.dec.ny.gov/regs/2492.html>.

If applicable, the contractor must comply with the specifications and provisions of ECL Section 19-0323 and 6 NYCRR Part 248, which require the use of BART and ULSD, unless specifically waived by the Department. Qualifications for a waiver under this law are the responsibility of the Contractor.