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REQUEST FOR APPLICATIONS

Nonprofit Infrastructure Capital Investment Program

RFA Release Date: August 5, 2016

RFA Due Date: September 29, 2016 by 3:00 PM

Designated Contact(s)
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Nonprofit Infrastructure Capital Investment Program
Grants Gateway # PBC01-NICIP-2016

Request for Applications

Timetable of Key Events:

Event:

Date:

Request for Applications Release.....	August 5, 2016
Deadline to Submit Questions.....	August 17, 2016
Applicant Webinar.....	September 1, 2016
Answers Posted By.....	September 16, 2016
Applications Due.....	September 29, 2016
Award(s) Announced By.....	November 1, 2016

Eligibility:

Nonprofit Organizations are eligible to apply for a Nonprofit Infrastructure Capital Investment Program (NICIP) grant if they meet ALL of the following criteria:

- They are registered with Grants Gateway and are Prequalified at the time and date that the application is due. Applicants are strongly encouraged to review their document vaults prior to the application deadline to ensure that their documents are up to date.
- They are a human services organization as further defined in Section 2.11 of this RFA.
- They provide direct services in New York State to individuals and families residing in New York State as further defined in Section 2.11 of this RFA.
- They currently receive funding from New York State for providing direct human services in the form of a:
 - State contract or;
 - State payment rate as further defined in Section 2.11 of this RFA or;
 - State authorized payment which is funding appropriated by the State and is passed through to a local government which then provides that funding directly to the nonprofit organization.
- They have annual revenue, as reported on line 12 of their most recently filed IRS form 990 as included in their prequalification application, of at least \$100,000. **Please see Section 2.11 for additional information for entities that are not required to file an IRS form 990, or where another organization files an IRS form 990 on behalf of the Applicant.**

See Section Two of this RFA for a more detailed description of eligibility criteria.

Prequalification:

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

All Applicants must be registered with Grants Gateway and be Prequalified at the time and date that the application is due. Applications submitted by Applicants that are not Prequalified at that time and date will not be reviewed or scored.

Applicants that are already prequalified should check their document vault regularly to verify that it remains current. Documents that expire prior to the application due date could result in the loss of Prequalification status.

For more information about Grants Gateway and Prequalification, please visit the Grants Gateway website (<http://www.grantsreform.ny.gov/Grantees>) or contact the Grants Reform Team at: grantsreform@its.ny.gov. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

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

Detailed information about Grants Gateway and Prequalification is available in Section 2.12, Contract Readiness, of this RFA.

Inquiries:

General inquiries regarding this procurement should be directed to the RFA Coordinator at the Dormitory Authority of the State of New York (DASNY) at the following email address: NICIP@DASNY.org. No other State employee is authorized to provide information regarding this RFA between the date of its release and the application due date.

In accordance with State Finance Law § 139-j and § 139-k, this RFA includes and imposes certain restrictions on communications between DASNY personnel and an Applicant, or any representative, agent, consultant or other third party representing the Applicant during the procurement process. The designated staff for this procurement is the RFA Coordinator at NICIP@dasny.org. Contacts made to any other DASNY or other State personnel regarding this procurement 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.

Technical questions regarding the Grants Gateway and Prequalification should be directed to the Grants Reform Team at: grantsreform@its.ny.gov. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

Specific questions relating to this RFA, eligible applicants, eligible projects, or other such inquiries should be posed in the tool located at <https://www.surveymonkey.com/r/NICIP> as further described in Section 2.62. These questions will be addressed at the webinar to be held on September 1, 2016 and posted in the Grants Gateway for the benefit of all Applicants.

TABLE OF CONTENTS

Section One: INTRODUCTION

1.10 Background	4
1.20 Purpose of Funding	4
1.30 Available Funding and Funding Levels	4
1.40 Term of Grant Disbursement Agreement (GDA)	6

Section Two: APPLICATION REQUIREMENTS

2.10 Eligibility	6
2.11 Eligible Entities	6
2.12 Contract Readiness	8
2.13 Eligible Costs	10
2.14 Ineligible Costs	11
2.15 Site Control	12
2.16 Equipment Inventory Tracking	12
2.17 Geographic Eligibility	12
2.18 Primary Benefit to Applicant	13
2.19 Allowable Number of Applications	13
2.20 Project Budget and Committed Financial Resources	13
2.30 Application Materials	14
2.31 General Information	14
2.40 Submission Instructions	15
2.50 Submission Deadlines	16
2.60 Questions	17
2.61 General Inquiries	17
2.62 Questions Relevant to RFA and Applicant Webinar	17

Section Three: EVALUATION

3.10 Evaluation Criteria	18
3.11 Number of Awards and Grant Funding Levels	18
3.12 Required Information	18
3.13 Pass/Fail Criteria	18
3.14 Executive Summary and Program Specific Questions	18
3.20 Evaluation Process	19

Section Four: AWARDS AND GRANT DISBURSEMENT AGREEMENT

4.10 Award Announcement	19
4.20 Prerequisites to Grant Disbursement Agreement	19
4.21 Financial Review	20
4.22 State Environmental Quality Review	20
4.23 Certification	20
4.30 Grant Disbursement Agreement	20
4.31 Grant Disbursement Agreement Process	20
4.32 Requisition of Funds	20
4.33 Term of Grant Disbursement Agreement	21
4.40 Reporting Requirements	21
4.50 Rights Reserved	21
4.60 Limits on Administrative Expenses and Executive Compensation	21
4.70 Minority and Women-Owned and Service Disabled Veteran-Owned Business Enterprises	21
4.80 Equal Employment Opportunity	23

APPENDICES:

Appendix 1 NICIP Application Questions	
Appendix 2 Map of NYS Regional Economic Development Council Regions	
Appendix 3 Sample Grant Disbursement Agreement with Grantee Questionnaire	
Appendix 4 Statement of Revenue Form and Instructions	
Appendix 5 Directions for Entering a Capital Budget in Grants Gateway	

Section One: INTRODUCTION

1.10 Background

Nonprofit organizations provide critical services to millions of New Yorkers each year on behalf of State and local governments. Using nonprofit organizations to provide these services results in a cost-effective delivery system that helps meet the needs of New Yorkers, including many of the State's most vulnerable populations. Many of the services that nonprofits provide on behalf of the State result in long-term cost avoidance and savings by intervening to help avoid crisis situations.

In order to support the work of the State's nonprofit direct human services partners, the Nonprofit Infrastructure Capital Investment Program (NICIP) was initially appropriated \$50 million in the 2015-2016 Enacted Budget. An additional \$50 million was appropriated in the 2016-2017 Enacted Budget for a total of \$100 million. The full \$100 million will be awarded through this RFA.

Please note that the application questions have changed, and, therefore, applicants may not simply resubmit an application submitted in response to the NICIP RFA issued on December 11, 2015. Applicants who previously submitted an application in response to the prior RFA are encouraged to apply in response to this RFA by submitting a new application for either the same or a different project. No awards will be made under the prior RFA.

1.20 Purpose of Funding

The Nonprofit Infrastructure Capital Investment Program will make targeted investments throughout the State in capital projects that will improve or maintain the quality, efficiency, accessibility, and reach of nonprofit human services organizations that provide direct services to New Yorkers through State contracts, State payment rates, or State authorized payments which represent funding appropriated by the State and passed through to a local government which then provides that funding directly to the nonprofit organization.

See Section 2.11, Eligible Entities, for more information about State contracts, State-authorized payments, and State payment rates.

1.30 Available Funding and Funding Levels

A total of \$100 million is available for NICIP. Projects may commence prior to April 1, 2015 as long as activities are limited to design, engineering and other preliminary planning activities. Costs incurred prior to April 1, 2015, including for such aforementioned activities, may not be reimbursed from grant funds. No more than \$50 million is available to provide reimbursement for costs incurred between April 1, 2015 and March 31, 2016. The balance of the funding is available to provide reimbursement for costs incurred April 1, 2016 or thereafter.

Of the \$100 million available, \$75 million will be reserved for projects that involve construction (renovations or expansions of program space, accessibility renovations, or energy efficiency modifications); and \$15 million will be reserved for projects related to eligible technology costs as defined in Section 2.13. The remaining \$10 million of the available funding will be placed into a Base Pool that will be used to fund projects from either category.

The total number of grants awarded will depend upon the number of applications received at each Maximum Total Funding per Grant Funding Level and the score awarded to each application based upon responsiveness to the criteria set forth in this RFA.

Projects must achieve a minimum average score of 70 out of 100 points in order to be considered for funding

Once the highest scoring applications at each Grant Funding Level have been awarded (without exceeding the Maximum Total Funding for that Grant Funding Level), any residual funds remaining at

each Grant Funding Level shall be added to the Base Pool and used to make additional NICIP awards (the “Base Pool”).

The Nonprofit Infrastructure Capital Investment Program will be administered by the Dormitory Authority of the State of New York (DASNY).

The amount of funding to be awarded to each Applicant is dependent upon the Applicant’s annual revenue, as reported on line 12 of its most recently filed IRS form 990 as included in its prequalification application (**see Section 2.11 for additional information**), and the type of project proposed. **ONLY ONE TYPE OF PROJECT MAY BE PROPOSED; EITHER CONSTRUCTION OR TECHNOLOGY – NOT BOTH.** Applicants that request funding outside of the allowable range or applications for which both categories of funding are chosen will be disqualified. Grants will range in size from a minimum of \$50,000 for the smaller nonprofit human services organizations to a maximum of \$1 million for the larger nonprofit human services organizations.

See below for more details about funding amounts by category and size of the organization. In addition to the parameters outlined below, the amount of funding requested cannot exceed 50 percent of a nonprofit organization’s annual revenue as reported on line 12 of its most recently filed IRS form 990 as included in its prequalification application (**see Section 2.11 for additional information**).

Grant Allocation Table

CATEGORY	CATEGORY ALLOCATION	LEVELS OF NONPROFIT SIZE (based on annual revenue reported in the most recently filed IRS form 990)	GRANT FUNDING LEVEL	MAXIMUM TOTAL FUNDING PER GRANT FUNDING LEVEL
Construction	\$75 million	Level C1: \$100,000 - \$2 million	\$50,000 - \$250,000	\$14M
		Level C2: More than \$2 million - \$5 million	\$100,000 - \$500,000	\$17M
		Level C3: More than \$5 million - \$17.5 million	\$150,000 - \$1 million	\$21M
		Level C4: More than \$17.5 million	\$150,000 – \$1 million	\$23M
Technology	\$15 million	Level T1: \$100,000 - \$2 million	\$50,000 - \$100,000	\$3M
		Level T2: More than \$2 million - \$5 million	\$50,000 - \$250,000	\$3M
		Level T3: More than \$5 million - \$17.5 million	\$100,000 - \$1 million	\$4M
		Level T4: More than \$17.5 million	\$100,000 - \$1 million	\$5M
Base Pool	\$10 million	Level 1: \$100,000 - \$2 million	Depends on type of project (same as above)	\$10M
		Level 2: More than \$2 million - \$5 million		
		Level 3: More than \$5 million – \$17.5 million		
		Level 4: More than \$17.5 million		

Applications will be scored on a scale of 0 to 100, and must achieve a minimum average score of 70 out of 100 in order to be considered for funding. The applications with the highest scores at each Grant Funding Level will be awarded a NICIP grant, up to the Maximum Total Funding per Grant Funding Level.

Once the highest scoring applications at each Grant Funding Level have been awarded (without exceeding the Maximum Total Funding for that Grant Funding Level) any residual funds remaining at each Grant Funding Level shall be added to the Base Pool and used to make additional NICIP awards (the “Base Pool”). Grants from the Base Pool shall be awarded to those applications receiving the next highest scores across all Grant Funding Levels; provided, however, a grant may be awarded to an Applicant from an underrepresented geographic region so long as the Applicant achieves a minimum average score of 70 out of 100, in order to ensure regional diversity across the State.

The enabling statute requires that funding is made available throughout the State. For purposes of this grant program, regional boundaries are coterminous with the Regional Economic Development Council regions (available here: <http://regionalcouncils.ny.gov/map>). In order to ensure the statewide distribution of funding, no more than 40% of the funding will be allocated to any one region of the State. Please note that the 40% figure applies to both the construction and technology categories, as well as awards made out of the Base Pool. That is, both by individual category and in the aggregate, no one region of the State may exceed 40% of the available funding. If a single region of the State has been allocated 40% of funding in any category based on straight scoring, remaining funding will be awarded to the next top-scoring Applicant from another region of the State, so long as each Applicant has achieved a minimum average score of 70 out of 100.

1.40 Term of Grant Disbursement Agreement (GDA)

The GDA between the Grantee and DASNY will terminate three years from the date of DASNY’s execution of the GDA unless DASNY, in its sole discretion, chooses to extend the term of the GDA. All projects funded with a NICIP grant awarded through this RFA are expected to be completed by that time.

Section Two: APPLICATION REQUIREMENTS

2.10 Eligibility

2.11 Eligible Entities

For purposes of NICIP:

- “Human services organization” shall mean a nonprofit organization that provides programs and services in New York State that protect the health and well-being of individuals and families residing in New York State.
- “Direct services” shall mean prevention, intervention, respite and/or habilitative services that a nonprofit organization provides directly to an individual / family or groups of individuals / families.
- “State contract” shall mean the nonprofit entity currently has a contract or grant contract with one or more State agencies for the purposes of providing direct services to an individual / family or groups of individuals / families. For purposes of this RFA, this means the nonprofit entity had a contract that began, ended or spanned the 2015-2016 State fiscal year (April 1, 2015 – March 31, 2016) or the 2016-2017 fiscal year (April 1, 2016 – March 31, 2017).
- “State-authorized payment” shall refer to those payments of funds that are not necessarily State funds but which are distributed or disbursed upon a New York State agency’s approval or by another governmental unit within New York State upon such approval, including but not limited to the federal and county portions of Medicaid program payments approved by the State agency. For purposes of this RFA, this means the nonprofit entity had received such payments during the 2015-2016 State fiscal year (April 1, 2015 – March 31, 2016) or the 2016-17 fiscal year (April 1, 2016 – March 31, 2017). **This includes federal funds that are appropriated by New York**

State. This means that the funding was appropriated by New York State but is paid to the nonprofit organization by the County, City or other municipality.

- “State payment rate” shall mean payments from the State or other governmental entity to a nonprofit organization based on a fixed or maximum rate of payment that is established or approved by a New York State agency. For purposes of this RFA, this means the nonprofit entity had such a payment rate for services provided during the 2015-2016 State fiscal year (April 1, 2015 – March 31, 2016) or the 2016-2017 fiscal year (April 1, 2016 – March 31, 2017).

An “Applicant” is an organization that has its own unique Employer Identification Number, unique Taxpayer Identification Number, or a unique SFS Vendor Identification Number. The organization must also be registered and prequalified as a separate organization in the Grants Gateway, to be eligible to apply for its own NICIP grant.

Organizations are eligible to apply for a NICIP grant if ALL of the following criteria are satisfied:

- The Organization is registered with Grants Gateway and Prequalified at the time and date the application is due. Applicants are strongly encouraged to review their document vaults prior to the application deadline to verify that it is current.
- The Organization is a human services organization.
- The Organization provides direct services in New York State to individuals and families residing in New York State.
- The Organization currently receives funding for providing direct human services from New York State in the form of a State contract, State payment rate, or State authorized payment which is funding appropriated by the State and is passed through to a local government which then provides that funding directly to the nonprofit organization.
- The Organization has annual revenue, as reported on line 12 of its most recently filed IRS form 990 as included in its prequalification application or its Statement of Revenue described below, of at least \$100,000.
- If the Applicant organization is exempt from filing and does not file one of the following:
 - An IRS form 990, OR
 - A related organization files an IRS form 990 on behalf of the Applicant, OR
 - The Applicant does not file its own IRS form 990 for any other reason

THEN the Statement of Revenue attached to this RFA as Appendix 4 must be completed by the applicant utilizing data for the Applicant only.

- For those Applicants completing the Statement of Revenue form in Appendix 4, the information from line 12, “Total revenue,” will be utilized to determine an Applicant’s eligibility for a NICIP grant and the maximum grant amount for each Applicant for the Applicant’s organization only.
- The information contained on the Total revenue line should be used for all parts of the RFA and application that reference line 12 of the IRS 990 form. Specifically:
 - Section 1.30 “Available Funding and Funding Levels”;
 - Section 2.11 “Eligible Entities”;
 - Section 3.13 “Pass/Fail Criteria”; and
 - Grants Gateway NICIP Application, Questions 4(a), 14, and 26(a).

The Statement of Revenue should be completed, scanned as a PDF, and uploaded into the Grants Gateway NICIP Application in the “Grantee Document folder” with the title “Statement of Revenue and the year”. For require Technical Assistance uploading this document, please contact the Grants Gateway staff at 1-800-820-1890 or at helpdesk@agatesoftware.com.

For the purposes of this RFA the following organizations are deemed not to be human services organizations offering direct services and are not eligible to apply for a NICIP grant:

- Colleges and universities
- Elementary and secondary schools whether public or private
- Hospitals, nursing homes and diagnostic and treatment centers authorized under Article 28 of the New York State Public Health Law
- Fire departments
- Libraries, museums, theatres, parks, and gardens
- Organizations whose primary function is fundraising
- Organizations whose primary function is lobbying or advocacy
- Organizations whose primary function is volunteer recruitment and placement
- Membership or umbrella organizations that provide services to another organization and not directly to an individual / family or groups of individuals / families
- Organizations that provide services to another organization but not directly to an individual / family or groups of individuals / families
- Organizations that are the Performing Provider System lead for a Delivery System Reform Incentive Payment Program (DSRIP) network
- Municipal Corporations

2.12 Contract Readiness

Prior to submitting an application for funding, Applicants must complete several verifications to substantiate their capacity and organizational authority to receive public funding and/or operate as a nonprofit corporation in the State of New York.

These verifications include Prequalification in the **New York State Grants Gateway System**.

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

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 the RFA 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 that the information in this RFA regarding Prequalification is not intended to be exhaustive, and Applicants should visit the Grants Gateway website (<http://grantsreform.ny.gov/Grantees>) or contact the Grants Gateway Team (grantsreform@its.ny.gov) for more information about Grants Gateway and Prequalification. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

1) Register for the Grants Gateway

- On the Grants Reform Website, download a copy of the Registration Form for Administrator. A signed, notarized original form must be sent to the NYS Grants Reform Team at the address provided in the instructions. You will be provided with a Username and Password allowing you to access the Grants Gateway.

- If you have previously registered and do not know your Username please email grantsreform@its.ny.gov. If you do not know your Password please click the Forgot Password link from the main log in page and follow the prompts.

2) Complete your Prequalification Application.

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

3) Submit Your Prequalification Application

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

Once you are Prequalified, please check the status of your document vault on a regular basis to ensure that none of your documents expire prior to the application due date. Expired documents will lead to the loss of Prequalification status.

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

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

- [The NYS Grants Reform Website](#)
- [Prequalify to Apply for New York State Grants](#)
- [New York State Prequalification System for Grants Contract Vendors: A Resource Manual and Users Guide for Not-for-Profit Vendors](#)

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

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

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

2.13 Eligible Costs

Applicants must choose to apply for **either** a construction or technology project to be funded by a NICIP grant. **Applications that have both funding categories selected will be disqualified and the Application will not be scored.**

Consistent with the enabling statute, the NICIP grant will fund capital projects in the following areas:

Construction projects including:

- Renovations or expansions of space used for direct program services;
- Modifications to make spaces more sustainable and energy efficient resulting in overall cost and energy savings; and
- Accessibility renovations.

*Examples of **eligible** renovations or expansions include:*

- Repairing or replacing aging roofs, installing HVAC systems, or addressing structural deficiencies
- Health and safety renovations, such as installing an alarm or sprinkler system, fixing a deteriorating façade, or other code compliance projects

*Examples of **eligible** sustainability/energy efficiency modifications include:*

- Installing energy-efficient windows throughout a residential facility

*Examples of **eligible** accessibility renovations include:*

- Renovating restrooms in a building where direct services are provided in order to make them wheelchair accessible
- Installing wheelchair ramps at a building or site operated by a nonprofit where direct services are provided

For construction projects, the proposed project must involve a space that is exclusively or primarily a location where direct services are provided meaning the individual / family or groups of individuals / families being served come to the location on a regular basis.

Technology projects including:

- Technology that constitutes all or a portion of an integrated information management project, including projects to improve electronic records, direct client service, data analysis, client security, or confidentiality

For grants to install or upgrade technology, the useful life of these technology projects should be at least 3 years, and Applicants must either own the real property where the technology equipment will be located, or be a party to a lease with a term extending at least three years from the date of application. Applicants are strongly encouraged to propose technology projects with a longer useful life, such as customized, integrated systems. The NICIP grants are not intended to fund purchases of mobile technology such as cell phones.

*Examples of **eligible** technology upgrades include*

- Implementing information management systems that would eliminate the use of multiple databases among organizations or that would make a nonprofit's system more compatible with State systems
- Purchase of servers and computers

Some technology projects will require wiring or other additional capital expenses in order for the project to function successfully. These expenses are eligible for funding but must be detailed in the project budget, and the Applicant must demonstrate that expenses are an integral component of the overall project.

2.14 Ineligible Costs

Grant funding cannot be used for costs that are not capital in nature **or are otherwise ineligible under NICIP**. Ineligible expenses include, but are not limited to:

- Personnel costs;
- Supplies and non-capital equipment;
- Utilities;
- General operating costs;
- Working capital, including pay down of liabilities;
- Loans, including loans into an investment account in connection with a tax credit structure, and other debt obligations, including annual debt service and/or debt retirement;
- Routine training and maintenance costs related to implementation of information technology;
- Lease payments;
- Leased equipment;
- Acquisition of real property;
- Mobile phones;
- Tablets and similar portable devices unless the items are part of a larger information management project;
- Telephones and telephone systems unless such system is the primary method utilized for direct service such as a suicide prevention hotline;
- Non-customized computer software or licenses;
- Cloud-based software;
- Recurring costs associated with the use and maintenance of technology purchased, including internet, email, phone, voicemail service, web hosting or webcasting;
- Vehicles, unless the vehicle is utilized to provide direct services, such as a mobile clinic or a mobile food pantry (vehicles used for transportation only are ineligible);
- Replacement furniture, unless undertaken in connection with a larger renovation project;
- Building or property maintenance or improvements, structural maintenance or improvements, or building systems maintenance or improvements in a publicly owned building; and
- Other non-capital costs as determined by DASNY and DASNY's bond and tax counsel.

Tablets and similar portable devices can be purchased as long as the applicant can demonstrate that they are part of a larger information management project. For example, the purchase of 200 tablets by themselves is NOT an eligible, but the purchase of 200 tablets as part of a new data management system that will allow case workers to enter client-related data from the field is eligible for NICIP funding.

Please be advised that software and licenses generally are not eligible for funding unless they are part of a new IT system with customized software. Even then, in certain instances, only partial funding may be available.

*Examples of **ineligible** technology upgrades include:*

- Purchasing software to assist with payroll or human resources
- Purchasing cloud-based software
- Purchasing tablets and similar portable devices unless the devices are part of a larger information management project

*Examples of **ineligible** renovations or expansions include:*

- Purchasing new furniture for employee offices
- Painting the interior or exterior of a building (Note: Some of these expenses could be allowable in the context of a larger renovation. For example, if client meeting space were renovated or expanded, it could be painted as part of that larger renovation or expansion project)
- Renovating space for storage purposes or renovating space for staff training; meeting rooms/offices that are not primarily used for meeting with clients

*Examples of **ineligible** sustainability/energy efficiency modifications include:*

- Installing solar panels at a location that is used only for administrative purposes and is not used to provide direct services
- Purchasing energy efficient lighting

*Examples of **ineligible** accessibility renovations include:*

- Ongoing or routine maintenance of existing accessibility components of a facility

2.15 Site Control

Site control is required to prove that the Applicant has sufficient authorization and control to undertake the project at the project location. In order to determine that the Applicant owns, leases, or otherwise has control over the site or sites where the project will be located, Applicants must provide a copy of the deed or lease for the site to be improved with the Grant funds or the site where technology purchased with Grant funds will be located. Please note that, a deed or lease is not required at time of application, but if awarded a grant, a deed or lease must be produced prior to entering into a GDA.

The Nonprofit Infrastructure Capital Investment Program grants may be used for a construction project on real property owned by the nonprofit organization or on leased property when the term of the nonprofit organization's lease extends at least 7 years from the date of application and landlord approval has been secured for the capital improvements.

For grants to install or upgrade technology, Applicants must either own the real property where the technology equipment will be located, or have entered into a lease with a term extending at least three years from the date of application. The useful life of these technology projects should be at least 3 years.

The Applicant must be able to demonstrate site control of all properties included in an application. If an application includes multiple leased properties, the Applicant must show that the terms for all leases are in accordance with the provisions above.

2.16 Equipment Inventory Tracking

If the project includes removable equipment or furnishings including but not limited to, computer hardware, the GDA will require awardees to develop, implement and maintain an inventory system for tracking such removable equipment and furnishings.

2.17 Geographic Eligibility

The enabling statute requires that NICIP funding is made available throughout the State. For purposes of this grant program, regional boundaries are coterminous with the Regional Economic Development Council regions (available here: <http://regionalcouncils.ny.gov/map>).

Applications will be scored on a scale of 0 to 100, and must achieve a minimum average score of 70 out of 100 in order to be considered for funding. Grants will be awarded to applications that have the highest overall average final score; however, a grant may be awarded to an Applicant from an underrepresented geographic region so long as the Applicant has achieved a minimum average score of 70 out of 100, in order to ensure regional diversity across the State.

In order to achieve the statewide distribution of funding, no more than 40% of the funding will be allocated to any one region of the State. Please note that the 40% figure applies to both the construction and technology categories, as well as awards made out of the Base Pool. That is, both by individual category and in the aggregate, no one region of the State may exceed 40% of the available funding. If a single region of the State has been allocated 40% of funding in any category based on straight scoring, remaining funding will be awarded to the next top-scoring Applicant from another region of the State, so long as each Applicant has achieved a minimum average score of 70 out of 100.

If an Applicant has locations in multiple regions throughout the State, the region assigned for purposes of this grant will coincide with the site location (if the project involves a single site) or the location of the Applicant's administrative headquarters (if the project involves sites in multiple regions).

2.18 Primary Benefit to Applicant

Grant funding must be used for the primary benefit of the Applicant and the Applicant's eligible programs. Therefore, improvements to leased real property will be evaluated carefully to determine whether the landlord or the Applicant will be the primary beneficiary of the expenditure of grant funds. For example, if a nonprofit organization shares a building with other businesses or organizations, the nonprofit 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 or grant will not be processed further. Organizations that operate more than one program must demonstrate how the Applicant's eligible programs, and not any of its ineligible programs, will receive the primary benefit of funds awarded through this grant.

2.19 Allowable Number of Applications

Nonprofit organizations may submit one application for a NICIP grant and that application must be for either construction or technology. However, one application can cover a single-purpose or multi-purpose project at a single site or a single-purpose project at multiple sites. For example, an Applicant could submit one application to fix multiple infrastructure issues at a single site (replace all windows, install a new roof and create accessible entryways at a single address); an Applicant could also submit one application to address one infrastructure issue at several sites (install energy efficient windows at ten program locations or upgrade an IT system that serves twenty locations). An Applicant cannot submit one application to install new windows at Site A, replace bathroom fixtures at Site B, and upgrade outdated technology at Site C. As noted above, nonprofit organizations may submit one application for a NICIP grant and the application must be for either construction OR technology. If more than one application is submitted, only the first application submitted will be reviewed and scored.

2.20 Project Budget and Committed Financial Resources

Please note that there is no match requirement, and that the grant may fund the entire cost of the project. Applicants are advised that grants will be awarded to Applicants that can demonstrate that the project is fully funded and can be completed with the grant funds and other committed funding as necessary. Therefore, if the estimated cost of a project exceeds the amount of the grant, the Applicant must provide evidence of sufficient committed funding resources necessary to complete the project as described.

If the proposed project includes costs that are ineligible for NICIP funding, the Application must show that ineligible costs will be funded from other sources of committed funding.

As part of the application, the Capital-Based Budget form in the Grants Gateway must be completed (see Appendix 5). In the Project Description Section of the application, the Applicant will be asked to explain and justify the projected costs included in the budget. The Applicant will be asked to provide cost estimates and upload supporting documentation for those estimates (i.e. – an estimate or estimates prepared by a design or construction professional) for the following categories of expenses as well as narratives that explain how the Applicant arrived at the cost estimates:

- Scoping and Pre-Development
- Design

- Construction
- Other

The “Other” category in the Capital-Based Budget form should be used to distinguish among three types of IT-related costs, in the order below. When entering this information, please enter whole dollar amounts.

- a. IT Equipment – Hardware _____
- b. IT Equipment – Customized Software _____ *
- c. IT Equipment – Licenses _____ *

** Please note that software and licenses generally are not eligible for funding unless they are part of a new IT system and involve customization. Even then, in certain instances only partial funding may be available.*

Include additional lines as needed in the “Other” category to describe non-IT related costs not already specified. Any information provided in the Capital-Based Budget form should match the information provided in the “Required Information” Section of the application.

The Applicant must explain and justify how the amount of funding requested is consistent with (i) the size of the Applicant’s organization, (ii) the size and scope and type of the human services that the Applicant provides, (iii) the scope of the project the Applicant plans to undertake and (iv) the number of people who will be served or benefit from the proposed project and the location of the project.

If the cost of the total project exceeds the proposed grant amount, Applicants should include documentation to verify that there are sufficient funds to complete the project. This may include, but is not limited to, any or all of the following:

- Bank account and investment account statements
- Donor pledges, agreements and receipts
- Grant award letters, agreements and contracts
- Loan agreements, commitment letters, terms and conditions
- Bond documents
- Personal service contracts
- Bills of sale and paid invoices evidencing payment for an eligible cost

Please note that pledges not memorialized in a binding legal agreement, award letters with unsatisfied contingencies, grant applications, pending loan applications, and other non-final commitments do not constitute secured sources of funding.

2.30 Application Materials

2.31 General Information

In addition to basic background information, the application will consist of the following sections:

- Required Information:
 - Documentation that the Applicant receives funding from New York State through State contracts, State payment rates, or State authorized payments which represent funding appropriated by the State and passed through to a local government which then provides that funding directly to the nonprofit organization for providing direct human services and a description of those services
 - Information about which State agency or agencies has primary oversight for the programs that will benefit from the grant
 - For organizations that do not own the real property that will be improved with funding from this grant and/or are co-located with other non-Applicant entities, a description of how the Applicant and not the Applicant’s landlord, other non-applicant entities, will be the primary beneficiary of any funds awarded through this grant

- For organizations that operate more than one program, a description of how the Applicant's eligible programs, and not any of its ineligible programs, will receive the primary benefit from any funds awarded through this grant
 - Information about the type and size of the grant for which the Applicant is applying and the size of the Applicant organization
 - Additional information for technology-related grants
 - Information about when costs were incurred or will be incurred
- Pass/Fail Questions
- An Executive Summary describing the Applicant and the proposed project
- Program specific questions, which include the following sections:
 - Demonstration of Need
 - Project Description
 - Project Impact
- Capital-Based Budget form (see Appendix 5 for instructions)

2.40 Submission Instructions

All application materials for NICIP must be submitted through Grants Gateway. Applications submitted outside of the Grants Gateway system will not be reviewed.

General guidelines for navigating the Grants Gateway system:

- Log into Grants Gateway as a Grantee, Grantee Contract Signatory or Grantee System Administrator.
- Click the "View Opportunities" button.
- From the "search by funding agency" drop-down menu, select Dormitory Authority of the State of New York. Click "search."
- Locate Nonprofit Infrastructure Capital Investment Program and click on the blue link.
- Click the "Apply for Opportunity" button.
- From the FORMS MENU, complete the forms described in the instructions. Sections from the Forms Menu do not have to be completed in any particular order. Certain forms may be left blank if they do not apply to your application. There will be a "global warning" error if you try to submit an application without completing required forms.
- You must SAVE YOUR WORK before moving onto a new screen.
- If you do not complete the application in one session, it will be in your "tasks" box labeled "application in process." Another way to find that an application is in process is to click the "applications" tab at the top of the screen.
- Please note: though those logged in as Grantees may work on the application, only someone logged in as a Grantee Contract Signatory or a Grantee System Administrator can submit the application to the State. When you are ready, click the Status Changes tab, and click the "apply status" button under "application submitted."

Other helpful information:

- There is a Grantee Application Tutorial Video available. After logging into Grants Gateway, click the "training materials" tab at the top of the screen.
- Contact the Grants Reform Team for technical assistance:
 - Phone: (518) 474-5595
 - Email: GrantsReform@its.ny.gov
- Additional technical Grants Gateway help desk is also available from Monday to Friday, 8am to 8pm:
 - Phone: 1-800-820-1890
 - Email: helpdesk@agatesoftware.com

The Grants Reform Team offers regular live webinars for anyone who is interested in additional information about Grants Gateway, the Prequalification process, or submitting online applications. Learn

more including times and dates for these webinars: <http://grantsreform.ny.gov/training-calendar>. Any additional technical training related to this application will also be posted to the training calendar.

2.50 Submission Deadlines

Applications must be submitted to NYS for review in the Grants Gateway by the established due date and time (3:00 PM on September 29, 2016). The Grants Gateway will not allow applications to be completed and/or submitted after the due date and time has passed. Incomplete and/or unsubmitted applications will not be considered.

Prospective grantees are strongly encouraged to submit their applications at least 48 hours prior to the due date and time. This will allow sufficient opportunity for the applicant to obtain assistance and take corrective action should there be a technical issue with the submission process. Failure to leave adequate time to address issues identified during this process may jeopardize an applicant's ability to submit their application. Grants Reform staff are available to answer applicant's technical questions and provide technical assistance prior to the application due date and time. Contact information for the Grants Reform Team is available under Section 2.12 of this RFA.

Although the Grants Reform staff will do their best to address concerns that are identified less than 48 hours prior to the due date and time, there is no guarantee that they will be resolved in time for the application to be submitted and, therefore, considered for funding. The Grants Gateway will always notify applicants of successful submission. If a prospective grantee does not get a successful submission message assigning their application a unique ID number, it has not successfully submitted an application.

During the application process, please pay particular attention to the following:

- Not-for-profit applicants must be prequalified on the due date for this application submission. Be sure to maintain prequalification status between funding opportunities.
- 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 expire, the not-for-profit's prequalification status expires as well, and it will not be eligible for State grant funding until its documentation is updated and approved, and prequalified status is reinstated.
- Only individuals with the roles "Grantee Contract Signatory" or "Grantee System Administrator" can submit an application.
- Prior to submission, the system will automatically initiate a global error checking process to protect against incomplete applications. An applicant may need to attend to certain parts of the application prior to being able to submit the application successfully. Be sure to allow time after pressing the submit button to clean up any global errors that may arise. You can also run the global error check at any time in the application process. (see p.66 of the [Grantee User Guide](#)).
- Grantees should use numbers, letters and underscores when naming their uploaded files. There cannot be any special characters in the uploaded file name. Also be aware of the restriction on file size (10 MB per upload) when uploading documents.

Applications can be submitted only through the Grants Gateway System. Applications submitted via email, postal delivery, or facsimile will not be accepted.

PLEASE NOTE: The Prequalification process is separate from, and in addition to, the Application submission process. In **addition** to submitting the Application at least 48 hours prior to the posted due date and time, the Applicant must **also** submit its prequalification application at least 5 days prior to the RFA due date. Prequalification applications submitted for review less than 5 days prior to the RFA due date and time may not be considered.

2.60 Questions

2.61 General Inquiries

From the issuance of this RFA until awards are announced, any general inquiries related to the procurement must be directed to the RFA Coordinator. Applicants are not permitted to have contact with other personnel within New York State government regarding this RFA from the time of issuance until awards have been announced. All inquiries regarding this RFA should be addressed to:

RFA Coordinator

Email: NICIP@DASNY.org

Subject: NICIP RFA Inquiry

In accordance with State Finance Law § 139-j and § 139-k, this RFA includes and imposes certain restrictions on communications between DASNY personnel and an Applicant, or any representative, agent, consultant or other third party representing the Applicant during the procurement process. Contacts made to any other DASNY or other State personnel regarding this procurement 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.

Please see section 2.12 for contact information for questions related to prequalification or technical assistance in navigating the Grants Gateway.

2.62 Questions Relevant to RFA and Applicant Webinar

DASNY has set up a survey tool to handle all questions for the NICIP RFA. The program tool requires that the Applicant choose a relevant category from the drop-down box, enter the question and submit. Each question must be entered as a separate entry in the survey. Detailed instructions are provided in the survey tool which may be accessed via the web link below:

<https://www.surveymonkey.com/r/NICIP>

DASNY will host an Applicant Webinar on Thursday, September 1, 2016, 1:00 – 3:00 p.m. DASNY will address questions and clarify specific elements of the RFA announcement during this webinar. Questions of a substantive nature **submitted via the survey tool** prior to 4:00 pm on August 17, 2016 will be addressed on the Applicant Webinar, where applicable. To maintain a fair and open process, DASNY will only accept questions regarding this RFA received via the survey tool link: <https://www.surveymonkey.com/r/NICIP>. Potential applicants are strongly encouraged to attend this webinar.

The Nonprofit Infrastructure Capital Investment Program (NICIP) grant application process will be explained in a webinar on September 1, 2016 at 1:00 PM EST.

All attendees must register for the webinar at the following

link: <https://meetny.webex.com/meetny/j.php?RGID=re2b73bb1cb687e5ba7f39cbc0882ac82>

Once registered, you will receive an email with the webinar link and password.

How to join the webinar:

- 1) Click the [link to the webinar](#) about 10 minutes prior to the start time.
- 2) Provide your email and name if asked
- 3) Connect to the webinar
 - a. If you are unable to install the WebEx client, click the "Run Temporary Application" option.
- 4) Once connected, you can click the "I Will Call In" link to view the phone conference dial-in information

If you have questions or issues related to the webinar, please contact the Grants Gateway help desk at grantsgateway@its.ny.gov or call 518-474-5595.

Answers to questions of a substantive nature will be posted to the DASNY website (www.dasny.org) by **September 16, 2016** and also can be found in the Grant Opportunity Profile for this Grant Opportunity on the Grants Gateway Portal.

Section Three: EVALUATION

3.10 Evaluation Criteria

3.11 Number of Awards and Grant Funding Levels

A total of \$100 million is available for NICIP. Projects may commence prior to April 1, 2015 as long as activities are limited to design, engineering and other preliminary planning activities. Costs incurred prior to April 1, 2015, including for such aforementioned activities, may not be reimbursed from grant funds. No more than \$50 million is available to provide reimbursement for costs incurred between April 1, 2015 and March 31, 2016. The balance of the funding is available to provide reimbursement for costs incurred April 1, 2016 or thereafter.

The total number of grants awarded will depend upon the number of applications received at each Maximum Total Funding per Grant Funding Level and the score awarded to each application based upon responsiveness to the criteria set for in this RFA. Projects must have achieved a minimum average score of 70 out of 100 points in order to be considered for funding.

Once the highest scoring applications at each Grant Funding Level have been awarded (without exceeding the Maximum Total Funding for that Grant Funding Level) any residual funds remaining at each Grant Funding Level shall be added to the Base Pool and used to make additional NICIP awards (the "Base Pool").

The amount of funding available to individual Applicants depends on the Applicant's annual revenue and the type of project they wish to fund. Grants will range in size from a minimum of \$50,000 for the smaller nonprofit human services organizations to a maximum of \$1 million for the larger nonprofit human services organizations. See Section 1.30 of this RFA "Available Funding and Funding Levels" for specific information.

3.12 Required Information

Applications will be reviewed to determine whether all information from the "Required Information" Section has been provided (See Appendix 1 Required Information Questions 1-7). The score of each application will be reflective of the degree of compliance with these requirements.

3.13 Pass/Fail Criteria

In order to be considered for funding under NICIP, the Applicant must be Prequalified at the time and date the application is due and meet the all of the Pass/Fail criteria (See Appendix 1 Pass/Fail Criteria Questions 8-16).

3.14 Executive Summary and Program Specific Questions

Applicants will be required to respond to a number of questions in the following areas:

- Executive Summary (See Appendix 1 Executive Summary Question 17).
- Demonstration of Need (See Appendix 1 Program Specific Questions 18-26).
- Project Description including the Capital-Based Budget (See Appendix 1 Program Specific Questions 27-35).
- Project Impact (See Appendix 1 Program Specific Questions 36-42).

Responses to these questions will be the basis for the Applicant's score.

3.20 Evaluation Process

DASNY will oversee the application evaluation process. Applications will first be reviewed based on the “Pass/Fail” criteria set forth in Section 3.13 of this RFA and also reviewed to determine whether all required information has been provided. All applications that meet all of the Pass/Fail criteria will then be scored by the review teams. The review teams will include representatives from one or more State agencies, including but not limited to representatives from the Office of Children and Family Services, the Office of Temporary and Disability Assistance, the Office for People With Developmental Disabilities and the Office of Mental Health.

Applications will be evaluated based on the following criteria:

- Executive Summary
- Demonstration of Need
- Project Description including the Capital-Based Budget
- Project Impact

Applications will be scored on a scale of 0 to 100, and must achieve a minimum average score of 70 out of 100 in order to be considered for funding. Grants will be awarded to applications that have the highest overall average final score; however, a grant may be awarded to an Applicant from an underrepresented geographic region so long as the Applicant has achieved a minimum average score of 70 out of 100, in order to ensure regional diversity across the State.

The applications with the highest scores at each Grant Funding Level shall be awarded a NICIP grant, up to the Maximum Total Funding per Grant Funding Level.

Once the highest scoring applications at each Grant Funding Level have been awarded (without exceeding the Maximum Total Funding for that Grant Funding Level) any residual funds remaining at each Grant Funding Level shall be added to the Base Pool and used to make additional NICIP awards (the “Base Pool”). Grants from the Base Pool shall be awarded to those applications receiving the next highest scores across all Grant Funding Levels; provided, however, a grant may be awarded to an Applicant from an underrepresented geographic region so long as the Applicant achieves a minimum average score of 70 out of 100, in order to ensure regional diversity across the State.

If two or more applications have the same highest average score, the nonprofit human services organization(s) with the highest average score on the Project Impact Section will be awarded funding. If a tie still remains, the organization(s) with the highest average score on the Project Description Section will be awarded funding. If a tie still remains, the organization(s) with the highest average score on the Project Need Section will be awarded funding. If a tie still remains, the organization with the greatest percentage of State funding compared to its total revenue will be awarded funding.

Section Four: AWARDS AND GRANT DISBURSEMENT AGREEMENTS

4.10 Award Announcement

Once all applications have been reviewed and scored, DASNY will create a master list of grant awards, with award amounts to the nearest dollar, and notify organizations that have received awards.

4.20 Prerequisites to Grant Disbursement Agreement

Once all award recipients have been notified, DASNY will undertake a financial, environmental, bond and tax counsel review. DASNY will also determine whether required regulatory approvals have been obtained. In addition, DASNY will verify that all award recipients have sufficient site control for the site(s) in which the project will be completed.

4.21 Financial Review

DASNY will conduct a financial review in connection with each application in order to verify that sufficient funds have been secured in the amount necessary to complete the NICIP project, and that such funds meet all applicable criteria set forth in this RFA. As set forth in Section 2.20 of this RFA, the full project amount must be secured.

4.22 State Environmental Quality Review

For those projects requiring an environmental review pursuant to the State Environmental Quality Review Act (SEQRA), 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 NICIP grant is awarded to the Applicant.

Please provide evidence of completion if a ULURP review or Section 14.09 of the Historic Preservation Act review was completed in connection with the NICIP project.

4.23 Certification

All Grantees 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. Grantees will be asked to certify, at a minimum, the following in connection with the project to be financed by the Grant:

- 1) No religious purpose shall be advanced or promoted by the project or program funded by the Grant;
- 2) 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;
- 3) The project or program shall be open to all without regard to religion; and
- 4) The Grantee 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.

4.30 Grant Disbursement Agreement

4.31 Grant Disbursement Agreement Process

DASNY will forward a Grant Disbursement Agreement ("GDA") to nonprofit organizations that have received awards once the aforementioned reviews, as applicable, have been completed. The GDA is the contract between the nonprofit organization and DASNY.

DASNY will review the GDA for completeness and accuracy upon receipt from the organization, 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 Applicant and DASNY. The GDA will be dated the date of the execution of the GDA by DASNY.

4.32 Requisition of Funds

Once the GDA is fully executed, the organization may begin to requisition funds using the forms included as exhibits to the GDA. The organization must forward requisitions directly to DASNY's Accounts Payable Unit.

DASNY will perform an audit with respect to each requisition received from the nonprofit organization, which will include, but shall not be limited to, verification that proper documentation has been received.

The Nonprofit Infrastructure Capital Investment 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 nonprofit 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 related to the nonprofit organization.

4.33 Term of Grant Disbursement Agreement

The GDA between the Grantee and DASNY will terminate three years from the date of DASNY's execution of the GDA unless DASNY, in its sole discretion, chooses to extend the term of the GDA.

4.40 Reporting Requirements

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

4.50 Rights Reserved

DASNY reserves the right to:

- Reject any or all applications received in response to this RFA.
- Reject any application submitted by an Applicant which is not in compliance with all State requirements.
- Exclude ineligible expenses from the grant amount requested.

Should additional NICIP funding become available, DASNY reserves the right to consider applications submitted in response to this RFA that were not initially funded. Updated information will be requested as deemed necessary by DASNY. The Dormitory Authority of the State of New York also reserves the right to solicit and accept new applications if additional funding becomes available.

4.60 Limits on Administrative Expenses and Executive Compensation

Applicants are required to comply with the limitations on administrative expenses and executive compensation contained within Governor Cuomo's Executive Order #38 and any applicable regulations related thereto.

4.70 Minority and Women-Owned and Service Disabled Veteran-Owned Business Enterprises

DASNY recognizes its obligation to promote opportunities for maximum feasible participation of certified minority and women-owned business enterprises ("MWBEs") and the employment of minority group members and women in the performance of DASNY contracts. In accordance with New York State Executive Law Article 15-A, DASNY hereby establishes an 18% goal for Minority-owned Business Enterprise ("MBE") participation, a 12% goal for Women-owned Business Enterprise ("WBE") participation, and a 2% goal for Service-Disabled Veteran-owned Business Enterprises ("SDVOB") participation on any award resulting from this solicitation in excess of \$25,000 for commodities and services or \$100,000 for construction.

With respect to MWBEs, each award recipient must document its good faith efforts to provide meaningful opportunities for participation by MWBEs as subcontractors and suppliers in the performance of the project to be described in each grant disbursement agreement, and must agree that DASNY may withhold payment pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how DASNY will determine a Contractor's "good faith efforts," refer to 5 NYCRR § 142.8.

In accordance with 5 NYCRR § 142.13, each award recipient acknowledges that if, upon audit, it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth herein and in its Grant Disbursement Agreement, such finding constitutes a breach of contract and DASNY may withhold payment from the award recipient as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the award recipient achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the grant disbursement agreement.

By submitting an application, an Applicant agrees to demonstrate its good faith efforts to achieve its goals for the utilization of MWBEs by submitting evidence thereof in such form as DASNY shall require should Applicant become an award recipient.

Additionally, an award recipient may be required to submit the following documents and information as evidence of compliance with the foregoing:

- A. An MWBE Utilization Plan, which shall be submitted in conjunction with the execution of the Grant Disbursement Agreement except as otherwise authorized by DASNY. Any modifications or changes to the MWBE Utilization Plan after the execution of the Grant Disbursement Agreement must be reported on a revised MWBE Utilization Plan and submitted to DASNY. DASNY will review the submitted MWBE Utilization Plan and advise the award recipient of DASNY acceptance or issue a notice of deficiency within 30 days of receipt.
- B. If a notice of deficiency is issued, the award recipient will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to DASNY, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by DASNY to be inadequate, DASNY shall notify the award recipient and direct the award recipient to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for cancellation of the grant award.

DASNY may refuse to enter into a Grant Disbursement Agreement, or terminate an existing Grant Disbursement Agreement resulting from this solicitation, under the following circumstances:

- a) If an award recipient fails to submit a MWBE Utilization Plan;
- b) If an award recipient fails to submit a written remedy to a notice of deficiency;
- c) If an award recipient fails to submit a request for a waiver; or
- d) If, upon audit, DASNY determines that the award recipient/grantee has failed to document good faith efforts.

The award recipient will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the project. Requests for a partial or total waiver of established goal requirements may be made at any time during the term of the project, but must be made no later than prior to the submission of a request for final payment under the Grant Disbursement Agreement.

Upon DASNY's request, each award recipient may be required to submit a Quarterly M/WBE Contractor Compliance & Payment Report to DASNY over the term of the project, in such form and at such time as DASNY shall require, documenting the progress made toward achievement of the MWBE goals established for the project.

With respect to SDVOBs, information about SDVOB certification and set asides for SDVOB participation in public procurement can be found at: <http://www.ogs.ny.gov/Core/SDVOBA.asp>, which provides information about SDVOB certification and guidance for State agencies in making determinations and administering set asides for procurements from SDVOBs.

Applicant agrees, to the maximum extent practical and consistent with legal requirements of the State Finance Law, the Executive Law and any implementing regulations, to use, if Applicant becomes an

award recipient, NYS certified Service-Disabled Veteran-Owned Business Enterprises (SDVOBs) in purchasing and utilizing commodities, services and technology that are of equal quality and functionality to those that may be obtained from non-SDVOBs. Applicant acknowledges being subject to the provisions of Executive Law Article 17-B and the applicable regulations (9 NYCRR Part 252), and that the directory of NYS certified SDVOBs is located at: http://ogs.ny.gov/Core/docs/CertifiedNYS_SDVOB.pdf. Applicant acknowledges that the SDVOB utilization goal for this solicitation is 2%. Applicant further acknowledges that this requirement is separate and distinct from the similar requirement to utilize small, and minority and women-owned businesses (M/WBEs), consistent with current State law (Executive Law, Article 15-A).

4.80 Equal Employment Opportunity

By submission of its application, the award recipient warrants that it is an Equal Opportunity Employer and that it does not discriminate in its employment and business practices on any of the bases provided in the New York State Human Rights law or any applicable federal laws.

APPENDICES:

Appendix 1...NICIP Application Questions

Appendix 2...Map of NYS Regional Economic Development Council Regions

Appendix 3...Sample Grant Disbursement Agreement with Grantee Questionnaire

Appendix 4...Statement of Revenue form and Instructions

Appendix 5...Directions for Entering a Capital Budget in Grants Gateway

It is the responsibility of each Applicant to see that applications are submitted through Grants Gateway by **3:00 pm on September 29, 2016**. The Grants Gateway will not allow applications to be completed and/or submitted after the due date and time has passed. Incomplete and/or unsubmitted applications will not be considered.

Appendix 1

NONPROFIT INFRASTRUCTURE CAPITAL INVESTMENT PROGRAM (NICIP) APPLICATION QUESTIONS

Note: The RFA contains the information needed to accurately respond to the application questions. Please carefully read the RFA before initiating an application in the Grants Gateway.

GENERAL INFORMATION

1. Organization Name
2. Organization Address (including county)
3. Address of Proposed Project Site (including county)
4. Identify New York State Regional Economic Development Council Region

REQUIRED INFORMATION

- 1.) Describe the direct human services provided by the applicant Organization and the type of funding the applicant Organization currently receives from New York State to provide these services. The funding must be in the form of a State contract, State payment rate, or State authorized payment (See Section 2.11 for definitions of these terms). Provide evidence of State funding. Please make the first page of any upload a summary listing of the documentation provided. Funds received as pass-through from another nonprofit organization do not meet the definition of State funding. Please note that the information provided will be used to determine eligibility in the Pass/Fail section. ***(No response required to #1, provide responses to questions 1a-1e.)***
 - 1a.) Provide a brief description of the direct human services that are State funded; clearly identify the form of State funding received; provide a description of the documentation provided in 1b, 1c, 1d, and/or 1e; and explain how this documentation verifies receipt of State funding.
 - 1b.) Provide a State contract number(s). When providing a State contract number(s), please be certain that the contract is for the provision of direct human services and the contract is fully executed (i.e. fully approved). Include the name of the State agency that holds the contract, the date the contract was approved, the term of the contract, and the State agency contact person and contact information for the contract. A copy of the fully approved contract signature page is helpful but not mandatory as long as all of the information is provided. If you are not providing a State contract number(s), please enter “not applicable”.
 - 1c.) Provide the applicant Organization’s Medicaid ID number. If the source of State funding received is in the form of Medicaid payments, please provide the 8-digit Medicaid Provider ID Number and/or 10-digit NPI number (preferably both). If you are not providing a Medicaid ID number, please enter “not applicable”.

- 1d.) Provide proof that any pass-through funding the applicant Organization receives originated with the State. If State funding for human services is received through the county or other governmental entity, please identify the county and county agency. Provide a copy of a contract, letter from the county or other documentation to establish that the funding received originated with New York State, the date the contract was approved and the term of the contract. Funds received as pass-through from another nonprofit organization do not meet the definition of State funding. If you are not providing information about pass-through funding, please enter “not applicable”.
- 1e.) Provide information about any other forms of State funding that the applicant Organization receives. If any other form of State funding is received, please provide any information – such as State agency responsible for funding, funding mechanism, or State agency contact person and contact information– that will allow reviewers to easily verify that the funding originated from a State source and that funding is for providing direct human services. If you are not providing information about other forms of State funding, please enter “not applicable”.
- 2.) Which State agency or agencies has primary oversight for the programs that will benefit from the NICIP grant? If the applicant Organization has a contract(s) or is licensed/certified with a specific State agency, identify the agency or agencies and describe the specific programs for which funding is received and/or the program(s) that are licensed/ certified. If another State agency is the oversight agency for the program(s) that will benefit from the NICIP grant, please identify that agency and describe the services you provide. Please note that the information provided will be used to determine eligibility in the Pass/Fail section.
- 3.) Please provide the following information relating to the beneficiary of the NICIP Grant Funding. Please note that the information provided will be used to determine eligibility in the Pass/Fail section. **(No response required to #3, provide responses to questions 3a-3b.)**
 - 3a.) If the property to be improved with funding from this grant is leased and/or is co-located with other non-applicant Organizations, describe how the applicant Organization and not the applicant Organization’s landlord or other non-applicant Organizations will be the primary beneficiary of any funds awarded through this grant. If this does not apply, please enter “not applicable”.
 - 3b.) For organizations that operate more than one program, describe how the applicant Organization’s eligible program(s), and not any of its ineligible program(s), will receive the primary benefit from any funds awarded through this grant. If this does not apply, please enter “not applicable”.
- 4.) Please provide the following information related to the size of the applicant Organization and the grant funding requested. See Section 1.30 of the RFA for the allowable grant amounts based on the type of grant requested and the size of the organization. Please

note that the information provided will be used to determine eligibility in the Pass/Fail section. **(No response required to #4, provide responses to questions 4a-4e.)**

- 4a.) What is the applicant Organization's annual revenue as reported on line 12 of the most recently filed IRS 990 form as included in the prequalification application or in the uploaded Statement of Annual Revenue (if the Statement of Annual Revenue is required as part of this application). (See Section 2.11 of the RFA for more details.)
- 4b.) What is the total cost of the proposed project? (This should match the amount entered in the Capital Based Budget form of the application.)
- 4c.) What is the amount of NICIP funding being requested? (This should match the amount entered in the Capital Based Budget form of the application). NOTE: In order to be considered eligible, funding requested must be: 1) At least \$50,000; AND 2) No more than 50% of the applicant Organization's annual revenue; AND 3) Consistent with the Grant Allocation Table found in Section 1.30 of the RFA based on the type of grant requested and the size of the organization.
- 4d.) What is the amount of other funding needed for project completion? This amount should be the difference between the total cost of the proposed project and the amount of NICIP funding being applied for and should match the amount entered in the Capital Based Budget form of the application. (If the NICIP grant will fully fund the project, enter "0".)
- 4e.) If the total cost of the project exceeds the amount of NICIP funding requested, describe how the applicant Organization will make up the difference and upload documentation to the Grantee Document Folder demonstrating the funding that has been committed to date (See Section 2.20 of the RFA for examples of documentation.) Enter "not applicable" if the project will be fully funded by the NICIP grant.
- 5.) If the applicant Organization is applying for a technology-related grant, provide the following breakdown of how much is being requested for each sub-category. This information is needed to assess the allowability of IT-related costs that may be paid with State-supported debt and must also be provided in the Capital Based Budget form of the application (see Section 2.20 of the RFA). Please note that software and licenses generally are not eligible for funding unless they are part of a new IT system and involve customization. Even then, in certain instances, only partial funding may be available. Applicants should carefully review sections 2.13 & 2.14 of the RFA for information regarding eligible and ineligible technology projects. When entering this information, please enter in whole dollar amounts. If the applicant Organization is not applying for a technology related grant, please enter "0" on each of these lines. **(No response required to #5, provide responses to 5a-5c.)**
 - 5a.) IT Equipment – Hardware amount requested (enter "0" for none)
 - 5b.) Equipment – Customized Software amount requested (enter "0" for none)

5c.) IT Equipment – Licenses amount requested (enter “0” for none)

- 6.) Did the applicant Organization begin to incur costs for which it is seeking a NICIP grant on or after April 1, 2015, but prior to April 1, 2016?

☐ Yes ☐ No

- 7.) Did or will the applicant Organization begin to incur costs for which it is seeking a NICIP grant on or after April 1, 2016?

☐ Yes ☐ No

Pass/Fail Criteria

- 8.) In order to be considered for funding under NICIP, the applicant Organization must be Prequalified at the time and date applications are due, must provide the required information that allows for verification of the answers, and must be able to answer “yes” to the following questions. ***(No response required to number 8, provide responses to questions 9 - 16.)***

- 9.) Is the applicant Organization a human services organization? For purposes of this grant, a “human services organization” is a nonprofit organization that provides programs and services in New York State that protect the health and well-being of individuals and families residing in New York State and is not on the list of types of ineligible organizations in Section 2.11 of the RFA. This answer should be supported by and consistent with the information provided in the response to Questions #1a and #2 above.

☐ Yes ☐ No

- 10.) Does the applicant Organization provide direct services? For purposes of this grant, “direct services” shall mean prevention, intervention, respite and/or habilitative services that a nonprofit organization provides directly to an individual / family or group of individuals / families. It does not mean providing services to other non-profit organizations. This answer should be supported by and consistent with the information provided in the response to Questions #1a and #2 above.

☐ Yes ☐ No

- 11.) Does the applicant Organization currently receive funding from New York State in the form of a State contract, State payment rate, or State authorized payment which is funding appropriated by the State and is passed through to a local government who then provides that funding directly to the nonprofit organization as defined in Section 2.11 of the RFA? This answer should be supported by and consistent with the information provided in the response to Question #1b, c, d, and/or e above.

☐ Yes ☐ No

- 12.) Is the applicant Organization applying for EITHER a construction project OR technology project but not BOTH? Projects must be EITHER a construction project OR a technology project. Project costs that do not fit into a single category may be deemed ineligible.
- ☐ Yes ☐ No
- 13.) Is the project at a single site or does the project achieve a single purpose at multiple sites? (See Section 2.19 of the RFA.)
- ☐ Yes ☐ No
- 14.) Is the applicant Organization's annual revenue, as reported on line 12 of the most recently filed IRS 990 form as included in the prequalification application or the uploaded Statement of Annual Revenue, at least \$100,000?
- ☐ Yes ☐ No
- 15.) Is the amount of NICIP funding being requested by the applicant Organization: **(No response required to #15, provide responses to questions 15a – 15c.)**
- 15a.) At least \$50,000?
- ☐ Yes ☐ No
- 15b.) No more than 50% of the applicant Organization's annual revenue?
- ☐ Yes ☐ No
- 15c.) Within the allowable range based on the size of the applicant Organization and the type of grant which is being requested? (See Section 1.30 of the RFA.)
- ☐ Yes ☐ No
- 16.) Does the applicant Organization attest that it is not seeking a NICIP grant for any costs incurred for a proposed project, and no equipment related to the project was purchased, prior to April 1, 2015?
- ☐ Yes ☐ No

Executive Summary

- 17.) Executive Summary: This section will highlight the work of the applicant Organization, the objectives to be accomplished with grant funds, if awarded, and provide information about the population(s) served by the applicant Organization. This Executive Summary should be suitable for dissemination to the public. **(No response required to #17, provide responses to questions 17a-17b.)**

- 17a.) Provide a brief overview (1,000 characters or less) of the applicant Organization while incorporating information related to: 1) The purpose of the applicant Organization; 2) The number of clients served; 3) The applicant Organization's goals for using NICIP funding; 4) A brief description of the project; 5) Total cost of the proposed project; and 6) The amount of the NICIP grant requested. (2 points)
- 17b.) Provide a brief description (1,000 characters or less) of the services that the applicant Organization provides and the communities for which these services are provided. If the applicant Organization were to receive NICIP funding, please indicate the following: 1) The services that would be directly impacted; 2) The specific location of the project; and 3) Which program(s) would benefit. (2 points)

Demonstration of Need

- 18.) DEMONSTRATION OF NEED: This section will establish why the applicant Organization is seeking NICIP funds. ***(No response required to #18, provide responses to questions 19-26.)***
- 19.) Provide a detailed description of the population(s) served by the applicant Organization. Provide as much specific demographic information as possible including, but not limited to, age group, special needs such as disability status, and percent of clients living in poverty. Also, describe how the applicant Organization serves populations with a high level of need that could be designated as "underserved" or "disadvantaged." (5 points)
- 20.) How long has the applicant Organization been serving these populations?
- 21.) What notable outcomes has the applicant Organization achieved with the population it serves and over what time period were these outcomes achieved? (2 points)
- 22.) Please answer **either** questions 23a – 23e **OR** 24a – 24e based on whether the applicant Organization has chosen a construction or technology project. Projects must be **EITHER** a construction project **OR** a technology project. **Therefore, applicant Organizations that answer both 23a – 23e and 24a – 24e will be disqualified.**
(No response required to #22, provide responses to questions 23 and 24, and either question 23a – 23e OR 24a – 24e)
- 23.) Are you applying for a construction project? **If you are applying for a construction project, answer questions 23a - 23e.** If you are applying for a technology project, DO NOT respond to questions 23a – 23e.
- ☐ Yes ☐ No
- 23a.) Describe why the applicant Organization's services are critical for the individual / family or groups of individuals / families it serves. (2 points)
- 23b.) Why is it important for the applicant Organization to continue providing services at the location(s) that will benefit from NICIP funding? (2 points)

- 23c.) Were it not for the applicant Organization, what alternatives would its individual / family or groups of individuals / families have to receive similar services in its geographic area? (2 points)
- 23d.) Describe how the project will benefit the broader community (beyond the applicant Organization and its clients) where the project is located. (2 points)
- 23e.) Describe some of the unique needs this project addresses for the individual / family or groups of individuals / families that are served by the applicant Organization. (2 points)
- 24.) Are you applying for a technology project? **If you are applying for a technology project, answer questions 24a - 24e.** If you are applying for a construction project, DO NOT respond to questions 24a – 24e.
- ☐ Yes ☐ No
- 24a.) Describe how the proposed project will benefit the applicant Organization and the clients it serves. (2 points)
- 24b.) Describe how will the new technology included in the proposed project will improve the services provided by the applicant Organization. (2 points)
- 24c.) Describe the scope of organizations that will be using the technology (i.e. what organizations will the applicant Organization interact with through the technology) and the scope of information that will be exchanged. (2 points)
- 24d.) Describe how the proposed project will automate processes related to information exchange thereby improving business operations and decision making. (2 points)
- 24e.) Describe how the proposed project will improve the security of the systems and data. (2 points)
- 25.) Please provide the following information related to the applicant Organization's existing space, equipment, or systems that are used to provide direct services to clients. For construction projects, the proposed project must involve a space that is exclusively or primarily a location where direct services are provided, meaning that the clients physically come to the location on a regular basis. For technology projects, the proposed project must involve direct client contact, client data, or can otherwise be directly connected to clients. **(No response required to #25, provide responses to questions 25a-25d.)**
- 25a.) Describe how the applicant Organization's existing space, equipment, or systems are used to provide direct human services to its clients. (3 points)
- 25b.) Describe a clear connection between the space, equipment, or systems the applicant Organization would like to improve and the direct human services that

they provide while demonstrating that there will be a high level of direct impact on the client population. (5 points)

- 25c.) Describe why the existing space, equipment, or systems that are used to provide services to the applicant Organization's clients need to be repaired, replaced, enhanced or expanded. (5 points)
- 25d.) Describe how the existing space, equipment, or systems used to provide services negatively impacts the applicant Organization's clients and the services that they receive. (5 points)
- 26.) Please provide the following information related to State funding received by the applicant Organization. (No response required to #26, provide responses to questions 26a-26c.)
- 26a.) What is the annual revenue of the applicant Organization (reported on line 12 of the applicant Organization's most recently filed IRS 990 form as included in the applicant Organization's prequalification application or in the uploaded Statement of Annual Revenue)?
- 26b.) How much of the total annual revenue is derived from New York State in the form of State contract(s), State payment rate(s), or State authorized payment(s) which is funding appropriated by the State and is passed through to a local government who then provides that funding directly to the nonprofit organization?
- 26c.) What percentage is the State revenue of the applicant Organization's total revenue? (Please take the number provided from question (26b) divided by the number provided in question (26a) of this question to calculate this percentage.) (1 point)

PROJECT DESCRIPTION

- 27.) PROJECT DESCRIPTION: This section should provide a detailed description of the proposed project, including a budget, management plan, and timeline for the project. **(No response required to #27, provide responses to questions 28-35.)**
- 28.) Provide a detailed and robust description of the project that the applicant Organization would undertake with the NICIP grant funds. Include information to demonstrate that the project has been thoroughly considered and developed, and identify the full scope of work that must be undertaken to bring the project to completion. (8 points)
- 29.) Please provide the following information related to how the proposed project budget was developed. **(No response required to #29, provide responses to questions 29a-29c.)**
 - 29a.) Based on the Capital Based Budget form completed in the Grants Gateway, describe in detail how the cost estimates were developed. (5 points)

- 29b.) Describe how the development of the final cost estimates was fair and objective. Include detail regarding whether or not multiple estimates were solicited and if these estimates were prepared by professionals. (5 points)
- 29c.) Provide further information related to any purchases that would need to be made, services that would need to be contracted, and permits, approvals or permission that would need to be secured or have already been secured. All supporting documentation related to cost estimates should be uploaded to the Grantee Document Folder. (2 points)
- 30.) Provide the expected lifespan of the proposed project or system and include information related to: 1) Costs that are associated with its maintenance; and 2) How the applicant Organization will pay for these costs. (3 points)
- 31.) Describe how the proposed project will result in cost savings to the applicant Organization including the expected savings over the life of the project. If there will be no costs savings, please explain. (3 points)
- 32.) Explain why the amount of funding requested is reasonable in relation to the size of the applicant Organization; the size, scope and type of the human services provided; the scope of the project to be undertaken; the number of people who will be served or benefit from the proposed project; and the location of the project. For example, a high-cost project that serves very few people could be considered reasonable if the services provided involve intensive and ongoing care. (6 points)
- 33.) Provide a description of how the project will be managed including: 1) The titles of staff who will oversee key aspects of the program; and 2) Relevant experience they have in this type of project management. (2 points)
- 34.) Provide the following information related the project timeline. **(No response required to #34, provide responses to questions 34a – 34c.)**
- 34a.) What is the projected start date for the proposed project?
- 34b.) What is the projected end date for the proposed project?
- 34c.) Provide a detailed timeline for project completion. This should include a description of key project milestones, when milestones will be achieved, and how much funding will be needed at each stage of project completion. Please include details about any necessary State / local approvals or permits that will be required and when they will be secured. (4 points)
- 35.) Identify and describe how any service delivery impacts that might occur during the project construction/installation and implementation will be mitigated. (2 points)

PROJECT IMPACT

- 36.) PROJECT IMPACT: This section will give the applicant Organization an opportunity to make the case for why the proposed project should be considered for funding and how it will have a positive effect on the clients served by the applicant Organization. One of the goals of NICIP is to create the greatest positive impact on individuals and communities. ***(No response required to #36, provide responses to questions 37-42.)***
- 37.) Describe how the proposed project will address the infrastructure deficiencies identified in Question 25c of this application. (4 points)
- 38.) Describe how the proposed project will mitigate the deficiencies and their effects on clients as identified in Question 25d of this application. (4 points)
- 39.) Describe the immediate impact that the proposed project will have on the quality, efficiency, and/or accessibility of direct human services. (3 points)
- 40.) What improvements will the applicant Organization's clients experience within three months of project completion? (2 points)
- 41.) Describe the long-term benefits that the applicant Organization expects to achieve as a result of this project. (4 points)
- 42.) Please discuss qualitative and quantitative measures that will be used to demonstrate improvements to or maintenance of the quality, efficiency, and/or accessibility of services once the project is complete. (3 points)

Appendix 2

New York State

Regional Economic Development Councils



Regional Economic Development Council	Counties
Western New York	Allegany, Cattaraugus, Chautauqua, Erie, Niagara
Finger Lakes	Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates
Southern Tier	Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga, Tompkins
Central New York	Cayuga, Cortland, Madison, Onondaga, Oswego
Mohawk Valley	Fulton, Herkimer, Montgomery, Oneida, Otsego, Schoharie
North Country	Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, St. Lawrence
Capital Region	Albany, Columbia, Greene, Saratoga, Schenectady, Rensselaer, Warren, Washington
Mid-Hudson	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester
New York City	Bronx, Kings, New York, Richmond, Queens
Long Island	Nassau, Suffolk

APPENDIX 3

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: Sara Richards, Esq.
Phone: (518) 257-3177
Fax: (518) 257-3475
E-mail: grants@dasny.org

THE GRANTEE:

«LegalOrganizationName»
«GranteeAddress1»
«GranteeAddress2»
«GranteeCity», «GranteeState»
«GranteeZip5»
Contact: «ContactSalutation».
«ContactFirstName»
«ContactMiddleName».
«ContactLastName»
Phone: «ContactTelephone»
Fax: «ContactFaxNumber»

THE PROJECT:

«ProjectDesc»

PROJECT LOCATION:

«ProjectLocation»

GRANT AMOUNT:

\$«GrantAmt»

FUNDING SOURCE:

«GrantTypeDesc» ("«GrantTypeName»")

For Office Use Only:

**PRELIMINARY APPLICATION OR PROJECT
INFORMATION SHEET DATE:**

DATE GRANT SENT TO GRANTEE:

DATE AGREEMENT SIGNED BY GRANTEE:

DATE AGREEMENT SIGNED BY DASNY:

EXPIRATION DATE OF THIS AGREEMENT:

PROJECT ID #: «ProjectID»

FMS#:

GranteeID: «GranteeID»

GrantID: «GrantID»

TERMS AND CONDITIONS

1. The Project

The Project description, including tasks and a timeline with respect thereto, is set forth in Exhibit A. The Grantee will perform the tasks on the schedule and as described in Exhibit A to this Agreement.

2. Project Budget and Use of Funds

- a) The Grantee will undertake the Project in accordance with the overall Project budget, which includes the Grant funds, as set forth in Exhibit A to this Agreement. The Grant will be applied only to Eligible Expenses, which are separately identified as described in the Preliminary Application or Project Information Sheet and in Exhibit A hereto.
- 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 repair or 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 repair 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.
- 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 six (6) 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 six (6) 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 a description of the Project, budget and timeline in the form of Exhibit A, and an opinion of Grantee's counsel, in substantially the form appended to this Agreement as Exhibit B; and
- (b) The requirements of the «GrantTypeName» Program 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"). 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 «GrantTypeName» and this Agreement and that the Grant will only be used for the Project set forth in the Preliminary Application or Project Information Sheet and in Exhibit A hereto.
- (f) Not-for-profit organizations are required to register and prequalify on the New York State Grants Gateway (www.grantreform.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.

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:

- (1) DASNY may make payment directly to the Grantee in the amount of Eligible Expenses actually incurred 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 in a form acceptable to DASNY evidencing the completion of work; and (iii) 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.

(2) The Grantee must deposit all Grant proceeds paid on invoice pursuant to this paragraph (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.

(3) 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.

(4) 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.

(5) 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(f).

(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.

Minority and Women-Owned and Service Disabled Veteran-Owned Business Enterprises

The Grantee shall comply with the provisions 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 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 «GrantTypeName» 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 Preliminary Application or Project Information Sheet 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 Preliminary Application or Project Information Sheet 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 including but not limited to, computer hardware and software, air conditioning units, lab equipment, office furniture and telephone systems, Grantee will develop, implement and maintain an inventory system for tracking such removable equipment and furnishings.
- (j) The Project to be funded by the Grant will be located in the State of New York. If the Grant will fund all or a portion of the purchase of any type of vehicle, such vehicle will be registered in the State of New York and a copy of the New York State Vehicle Registration documents will be provided to DASNY's Accounts Payable Department at the time of requisition.
- (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 (www.grantsreform.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 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 Preliminary Application or Project Information Sheet 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 Preliminary Application or Project Information Sheet, 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 Preliminary Application or Project Information Sheet 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 Preliminary Application or Project Information Sheet, supplemental information, or otherwise in connection with the Grant and that the information contained in the Preliminary Application or Project Information Sheet 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 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.
 - (iii) 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 Preliminary Application or Project Information Sheet or in any supplemental information that may be requested by the State or DASNY.
 - (iv) 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.

- (v) 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 undismissed or unstayed for an aggregate of thirty (30) days.
 - (vi) The Grantee abandons the Project prior to its completion.
 - (vii) 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.
 - (viii) 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 three (3) years after the latest date set forth on the front page hereof without any further notice to the Grantee. DASNY, in its sole discretion, may extend the term of this Agreement upon a showing by the Grantee that the Project is under construction and is expected to be completed within the succeeding twelve (12) months. All requisitions must be submitted to DASNY in proper form prior to the termination date in order to be reimbursed.

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 six (6) years following the completion of the Project or earlier termination of this Agreement.

12. Survival of Provisions

The provisions of Sections 3, 7, 8(n), 8(o) 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 «GrantTypeName» Program to DASNY.

«LegalOrganizationName»

«ProjectDesc»

Project ID «ProjectID»

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

Authorized Officer

(Printed Name)

Date:

GRANTEE: «LEGALORGANIZATIONNAME»

(Signature)

(Printed name and title)

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	Minority and Women Owned and Service Disabled Veteran Owned Business Enterprises

DRAFT - NOT FOR SIGNATURE

EXHIBIT A: Project Budget

«LegalOrganizationName»

«ProjectDesc»

Project ID «ProjectID»

USE OF FUNDS	TIMELINE		SOURCES					TOTAL
	Anticipated Dates		DASNY Share	In-Kind/Equity Sponsor	Other Sources			
TASKS*	Start	End	Amount	Source Name	Amount	Entity Name	Amount	
	Total Project Cost							

- * Please note that the tasks set forth in this column must be those for which reimbursement or payment on invoice will be sought. Please ensure that the task list is complete and includes all the tasks for which you will be submitting requisitions. The failure to do so may delay payment.

EXHIBIT B: Opinion of Counsel

[Letterhead of Counsel to the Grantee]

[Date]

DASNY
515 Broadway
Albany, New York 12207

Attn: Michael E. Cusack, General Counsel

Re: «GrantTypeDesc» («GrantTypeName») Grant
«ProjectDesc»
Project ID «ProjectID»

Ladies and Gentlemen:

I have acted as counsel to «LegalOrganizationName» (the “Grantee”) in connection with the Project referenced above. In so acting, I have reviewed certain Grant Disbursement Agreement between you and the Grantee, executed by the Grantee on [*Insert date Agreement executed by 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, 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 has full power and authority to execute and deliver the Agreement and to perform its obligations thereunder; and
2. 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.

Very truly yours,

EXHIBIT C: Grantee Questionnaire

DRAFT - NOT FOR SIGNATURE



DASNY

Grant Programs

Grantee Questionnaire

**THIS QUESTIONNAIRE MUST BE COMPLETED IN FULL BEFORE DASNY WILL
PROCESS YOUR GRANT APPLICATION**

If you have previously submitted a Grantee Questionnaire in the past six (6) months and there are no changes since your last submission, please attach a signed and notarized Affidavit of No Change Form along with your most recent copy of the previously submitted Grantee Questionnaire. The Form is attached to the back of this document.

SECTION I: GENERAL INFORMATION

1. GRANTEE (LEGALLY INC. NAME): _____
2. FEDERAL EMPLOYER ID NO. (FEIN): _____
3. D/B/A – DOING BUSINESS AS (IF APPLICABLE): _____
COUNTY FILED: _____
4. WEBSITE ADDRESS (IF APPLICABLE): _____
5. BUSINESS E-MAIL ADDRESS: _____
6. PRINCIPAL PLACE OF BUSINESS ADDRESS: _____
7. TELEPHONE NUMBER: _____ 7. FAX NUMBER: _____
8. DOES THE GRANTEE USE, OR HAS IT USED IN THE PAST FIVE (5) YEARS, ANY OTHER BUSINESS NAME, FEIN, OR D/B/A OTHER THAN WHAT IS LISTED IN QUESTIONS 1-4 ABOVE?
☐ YES ☐ NO

If **yes**, provide the name(s), FEIN(s) and d/b/a(s) and the address for each such entity on a separate piece of paper and attach to this questionnaire.

9. AUTHORIZED CONTACT:
NAME: _____
TITLE: _____
TELEPHONE NUMBER: _____ FAX NUMBER: _____
E-MAIL: _____
10. HOW MANY YEARS HAS THIS GRANTEE BEEN IN BUSINESS? _____

Grantee FEIN: _____

11. TYPE OF BUSINESS (PLEASE CHECK APPROPRIATE BOX):

- a) ☐ BUSINESS CORPORATION
- b) ☐ PUBLIC RESEARCH INSTITUTION
- c) ☐ ACADEMIC RESEARCH INSTITUTION
- d) ☐ NOT-FOR-PROFIT RESEARCH INSTITUTION
- e) ☐ NOT-FOR-PROFIT CORPORATION CREATED ON BEHALF OF
A PUBLIC, NOT-FOR-PROFIT PRIVATE OR ACADEMIC RESEARCH INSTITUTION
- f) ☐ NOT-FOR-PROFIT CORPORATION CHARITIES REGISTRATION NUMBER: _____
- g) ☐ LOCAL DEVELOPMENT CORPORATION OR INDUSTRIAL DEVELOPMENT AGENCY
- h) ☐ MUNICIPALITY
- i) ☐ UNIVERSITY/EDUCATIONAL ORGANIZATION
- j) ☐ OTHER – SPECIFY _____

12. PLEASE INDICATE WHETHER YOU BELIEVE THAT ANY OF THE INFORMATION SUPPLIED HEREIN IS
CONFIDENTIAL AND SHOULD BE EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION LAW:
☐ YES ☐ NO

IF YOU CHECKED "YES" YOU MUST IDENTIFY THE INFORMATION YOU FEEL IS CONFIDENTIAL BY
PLACING AN ASTERISK IN FRONT OF THE APPROPRIATE QUESTION NUMBER(S) AND YOU ARE
REQUESTED TO ATTACH AN ADDITIONAL SHEET(S) UPON WHICH THE BASIS FOR SUCH CLAIM(S) IS
EXPLAINED.

YOU MAY ALSO REQUEST THAT THE CONFIDENTIAL DOCUMENTATION BE REVIEWED AND RETURNED
TO YOU AND NOT RETAINED BY THE AUTHORITY. PLEASE BE ADVISED, HOWEVER, THAT THE
AUTHORITY MUST COMPLY IN ALL RESPECTS WITH THE FREEDOM OF INFORMATION LAW.

SECTION II: GRANTEE CERTIFICATION AS TO PUBLIC PURPOSE

A. DEFINITIONS

AS USED HEREIN IN THIS *GRANT PROGRAMS* GRANTEE QUESTIONNAIRE:

1. "AFFILIATE" MEANS ANY PERSON OR ENTITY THAT DIRECTLY OR INDIRECTLY CONTROLS OR IS CONTROLLED BY OR IS UNDER COMMON CONTROL OR OWNERSHIP WITH THE GRANTEE.
2. "GRANTEE" MEANS THE PARTY OR PARTIES RECEIVING FUNDS PURSUANT TO THE TERMS OF A GRANT DISBURSEMENT AGREEMENT ("GDA") TO BE ENTERED INTO BETWEEN THE GRANTEE AND DASNY OR THEIR EMPLOYEES AND AFFILIATES.
3. "GRANT-FUNDED PROJECT" MEANS THE WORK THAT WILL BE FULLY OR PARTIALLY PAID FOR WITH THE PROCEEDS OF THE GRANT, AS DESCRIBED IN THE PRELIMINARY APPLICATION, PROJECT INFORMATION SHEET AND THE GDA, AND INCLUDES, BUT IS NOT LIMITED TO, ARCHITECTURAL, ENGINEERING AND OTHER PRELIMINARY PLANNING COSTS, CONSTRUCTION, FURNISHINGS AND EQUIPMENT.
4. "RELATED PARTY" MEANS: (I) THE PARTY'S SPOUSE, (II) NATURAL OR ADOPTED DESCENDANTS OR STEP-CHILDREN OF THE PARTY OR OF THE SPOUSE, (III) ANY NATURAL OR ADOPTED PARENT OR STEP-PARENT OR ANY NATURAL, ADOPTED, OR STEP-SIBLING OF THE PARTY OR OF THE SPOUSE, (IV) THE SON-IN-LAW, DAUGHTER-IN-LAW, BROTHER-IN-LAW, SISTER-IN-LAW, FATHER-IN-LAW OR MOTHER-IN-LAW OF THE PARTY OR OF THE SPOUSE, (V) ANY PERSON SHARING THE HOME OF ANY OF THE PARTY OR OF THE SPOUSE, (VI) ANY PERSON WHO HAS BEEN A STAFF MEMBER, EMPLOYEE, DIRECTOR, OFFICER OR AGENT OF THE PARTY WITHIN TWO (2) YEARS OF THE DATE OF THIS GRANTEE QUESTIONNAIRE, AND (VII) AFFILIATES OR SUBCONTRACTORS OF THE PARTY.
5. "SPONSORING MEMBER(S)" MEANS THE ASSEMBLY MEMBER OR STATE SENATOR WHO SPONSORED, ARRANGED FOR AND/OR PROCURED THE GRANT. IN ADDITION, "SPONSORING MEMBER(S)" SHALL INCLUDE THE GOVERNOR WHEN APPROPRIATE AS LISTED HEREIN.

B. GRANT AWARD

1. HAS THE GRANTEE OR ANY OF THE GRANTEE'S RELATED PARTIES PAID ANY THIRD PARTY OR AGENT, EITHER DIRECTLY OR INDIRECTLY, TO AID IN THE SECURING OF THIS GRANT? ☐ Yes ☐ No

IF ANSWER IS "YES", PLEASE EXPLAIN:

2. HAS THE GRANTEE OR ANY OF THE GRANTEE'S RELATED PARTIES AGREED TO SELECT SPECIFIC CONSULTANTS, CONTRACTORS, SUPPLIERS OR VENDORS TO PROVIDE GOODS OR SERVICES IN CONNECTION WITH THE GRANT-FUNDED PROJECT AS A CONDITION OF RECEIVING THE GRANT? ☐ Yes ☐ No

IF ANSWER IS "YES", PLEASE EXPLAIN:

3. WILL ALL CONSULTANTS, CONTRACTORS, SUPPLIERS AND VENDORS SELECTED TO PROVIDE GOODS OR SERVICES IN CONNECTION WITH THE GRANT FUNDED PROJECT BE CHOSEN IN ACCORDANCE WITH THE GRANTEE'S CONFLICT OF INTERESTS POLICY, OR IF CONSULTANTS, SUPPLIERS AND VENDORS RETAINED IN CONNECTION WITH THE GRANT FUNDED PROJECT HAVE ALREADY BEEN SELECTED, WAS THE SELECTION UNDERTAKEN IN ACCORDANCE WITH THE GRANTEE'S CONFLICT OF INTEREST POLICY? ☐ Yes ☐ No

IF GRANTEE'S GOVERNING BOARD HAS NOT ADOPTED A CONFLICT OF INTERESTS POLICY, PLEASE STATE NONE. _____.

IF ANSWER IS "NO", PLEASE EXPLAIN:

4. DOES THE SPONSORING MEMBER(S) OR ANY RELATED PARTIES TO SPONSORING MEMBER(S) HAVE ANY FINANCIAL INTEREST, DIRECT OR INDIRECT, IN THE GRANTEE OR IN ANY OF THE GRANTEE'S EQUITY OWNERS, OR WILL THE SPONSORING MEMBERS OR ANY RELATED PARTIES TO SPONSORING MEMBERS RECEIVE ANY FINANCIAL BENEFIT, EITHER DIRECTLY OR INDIRECTLY, FROM THE PROJECT FUNDED IN WHOLE OR IN PART WITH GRANT PROCEEDS? ☐ YES ☐ NO

IF THE ANSWER IS "YES", PLEASE PROVIDE DETAILS IN SEPARATE APPENDIX ATTACHED TO THIS CERTIFICATION.

SECTION III: DUE DILIGENCE QUESTIONS

1. DOES THE GRANTEE POSSESS ALL CERTIFICATIONS, LICENSES, PERMITS, APPROVALS, OR OTHER AUTHORIZATIONS ISSUED BY ANY LOCAL, STATE, OR FEDERAL GOVERNMENTAL ENTITY IN CONNECTION WITH THE PROJECT, GRANTEE'S SERVICES, OPERATIONS, BUSINESS, OR ABILITY TO CONDUCT ITS ACTIVITIES? PLEASE NOTE THIS DOES NOT INCLUDE CONSTRUCTION RELATED ACTIVITIES SUCH AS BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY.

☐ YES ☐ NO

IF THE ANSWER IS "NO", PLEASE SET FORTH ON A SEPARATE DOCUMENT ATTACHED HERETO THE CERTIFICATIONS, LICENSES, PERMITS, APPROVALS, OR OTHER AUTHORIZATIONS THAT ARE REQUIRED AND THE DATE(S) THAT SUCH CERTIFICATIONS, LICENSES, PERMITS, APPROVALS, OR OTHER AUTHORIZATION IS EXPECTED.

2. ON A SEPARATE DOCUMENT ATTACHED HERETO, LIST ALL CONTRACTS THE GRANTEE HAS ENTERED INTO WITH ANY NEW YORK STATE AGENCY, PUBLIC AUTHORITY, OR OTHER QUASI-STATE ENTITY, IN THE PAST FIVE (5) YEARS. PLEASE LIST THE NAME, ADDRESS AND CONTACT PERSON FOR THE CONTRACTING ENTITY, AS WELL AS THE CONTRACT EFFECTIVE DATES. ALSO PROVIDE STATE CONTRACT IDENTIFICATION NUMBER, IF KNOWN. ☐ N/A

3. ON A SEPARATE DOCUMENT ATTACHED HERETO, LIST ALL GRANTS RECEIVED FROM FEDERAL, STATE, AND LOCAL ENTITIES TO FUND ALL OR A PORTION OF ANY COMPONENT OF THE PROJECT WITHIN THE PAST 5 YEARS. ☐ N/A

4. WITHIN THE PAST FIVE (5) YEARS, HAS THE GRANTEE, ANY PRINCIPAL, OWNER, DIRECTOR, OFFICER, MAJOR STOCKHOLDER (10% OR MORE OF THE VOTING SHARES FOR PUBLICLY TRADED COMPANIES, 25% OR MORE OF THE SHARES FOR ALL OTHER COMPANIES), RELATED COMPANY OR AFFILIATE BEEN THE SUBJECT OF ANY OF THE FOLLOWING:

(a) A JUDGMENT OR CONVICTION FOR ANY BUSINESS RELATED CONDUCT CONSTITUTING A CRIME UNDER FEDERAL, STATE OR LOCAL GOVERNMENT LAW? ☐ YES ☐ NO

(b) BEEN SUSPENDED, DEBARRED OR TERMINATED BY A LOCAL, STATE OR FEDERAL AUTHORITY IN CONNECTION WITH A CONTRACT OR CONTRACTING PROCESS? ☐ YES ☐ NO

(c) BEEN DENIED AN AWARD OF A LOCAL, STATE OR FEDERAL GOVERNMENT CONTRACT, HAD A CONTRACT SUSPENDED OR HAD A CONTRACT TERMINATED FOR NON-RESPONSIBILITY? ☐ YES ☐ NO

(d) HAD A LOCAL, STATE, OR FEDERAL GOVERNMENT CONTRACT SUSPENDED OR TERMINATED FOR CAUSE PRIOR TO THE COMPLETION OF THE TERM OF THE CONTRACT? ☐ YES ☐ NO

(e) A CRIMINAL INVESTIGATION OR INDICTMENT FOR ANY BUSINESS RELATED CONDUCT CONSTITUTING A CRIME UNDER FEDERAL, STATE OR LOCAL GOVERNMENT? ☐ YES ☐ NO

(f) AN INVESTIGATION FOR A CIVIL VIOLATION FOR ANY BUSINESS RELATED CONDUCT BY ANY FEDERAL, STATE OR LOCAL AGENCY? ☐ YES ☐ NO

- (g) AN UNSATISFIED JUDGMENT, INJUNCTION OR LIEN FOR ANY BUSINESS RELATED CONDUCT OBTAINED BY ANY FEDERAL STATE OR LOCAL GOVERNMENT AGENCY INCLUDING, BUT NOT LIMITED TO, JUDGMENTS BASED ON TAXES OWED AND FINES AND PENALTIES ASSESSED BY ANY FEDERAL, STATE OR LOCAL GOVERNMENT AGENCY? ☐ YES ☐ NO
- (h) A GRANT OF IMMUNITY FOR ANY BUSINESS-RELATED CONDUCT CONSTITUTING A CRIME UNDER FEDERAL, STATE OR LOCAL LAW INCLUDING, BUT NOT LIMITED TO ANY CRIME RELATED TO TRUTHFULNESS AND/OR BUSINESS CONDUCT? ☐ YES ☐ NO
- (i) AN ADMINISTRATIVE PROCEEDING OR CIVIL ACTION SEEKING SPECIFIC PERFORMANCE OR RESTITUTION IN CONNECTION WITH ANY FEDERAL, STATE OR LOCAL CONTRACT OR LEASE? ☐ YES ☐ NO
- (j) THE WITHDRAWAL, TERMINATION OR SUSPENSION OF ANY GRANT OR OTHER FINANCIAL SUPPORT BY ANY FEDERAL, STATE, OR LOCAL AGENCY, ORGANIZATION OR FOUNDATION? ☐ YES ☐ NO
- (k) A SUSPENSION OR REVOCATION OF ANY BUSINESS OR PROFESSIONAL LICENSE HELD BY THE GRANTEE, A CURRENT OR FORMER PRINCIPAL, DIRECTOR, OR OFFICER OF THE GRANTEE, OR ANY MEMBER OF THE ANY CURRENT OR FORMER STAFF OF THE GRANTEE? ☐ YES ☐ NO
- (l) A SANCTION IMPOSED AS A RESULT OF JUDICIAL OR ADMINISTRATIVE PROCEEDINGS RELATIVE TO ANY BUSINESS OR PROFESSIONAL LICENSE? ☐ YES ☐ NO
- (m) A CONSENT ORDER WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, OR A FEDERAL, STATE OR LOCAL GOVERNMENT ENFORCEMENT DETERMINATION INVOLVING A VIOLATION OF FEDERAL, STATE OR LOCAL LAWS? ☐ YES ☐ NO
- (n) A CITATION, NOTICE, VIOLATION ORDER, PENDING ADMINISTRATIVE HEARING OR PROCEEDING OR DETERMINATION FOR VIOLATIONS OF:
- FEDERAL, STATE OR LOCAL HEALTH LAWS, RULES OR REGULATIONS ☐ YES ☐ NO
 - UNEMPLOYMENT INSURANCE OR WORKERS' COMPENSATION ☐ YES ☐ NO
 - COVERAGE OR CLAIM REQUIREMENTS ☐ YES ☐ NO
 - ERISA (EMPLOYEE RETIREMENT INCOME SECURITY ACT) ☐ YES ☐ NO
 - FEDERAL, STATE OR LOCAL HUMAN RIGHTS LAWS ☐ YES ☐ NO
 - FEDERAL INS (IMMIGRATION AND NATURALIZATION SERVICE) AND ALLIANCE LAWS, SHERMAN ACT OR OTHER FEDERAL ANTI-TRUST LAWS ☐ YES ☐ NO
 - A FEDERAL, STATE, OR LOCAL DETERMINATION OF A WILLFUL VIOLATION OF ANY PUBLIC WORKS OR LABOR LAW OR REGULATION? ☐ YES ☐ NO
 - AN OCCUPATIONAL SAFETY AND HEALTH ACT CITATION AND NOTIFICATION OF PENALTY CONTAINING A VIOLATION CLASSIFIED AS SERIOUS OR WILLFUL? ☐ YES ☐ NO

FOR EACH YES ANSWER TO QUESTIONS 4 A-N, PROVIDE DETAILS ON ADDITIONAL SHEETS REGARDING THE FINDING, INCLUDING BUT NOT LIMITED TO CAUSE, CURRENT STATUS, RESOLUTION, ETC.

5. DURING THE PAST THREE (3) YEARS, HAS THE GRANTEE FAILED TO:

- (a-1) FILE ANY RETURNS, INCLUDING, IF APPLICABLE, FEDERAL FORM 990, WITH ANY FEDERAL, STATE OR LOCAL GOVERNMENT ENTITY? ☐ YES ☐ NO

IF YES, IDENTIFY THE RETURN THAT WAS NOT FILED, THE TYPE OF FORM, THE YEAR(S) IN WHICH THE REQUIRED RETURN WAS NOT FILED, AND THE REASON WHY THE RETURN WAS NOT FILED: _____

- (a-2) PAY ANY APPLICABLE FEDERAL, STATE, OR LOCAL GOVERNMENT TAXES? ☐ YES ☐ NO

IF YES, IDENTIFY THE TAXING JURISDICTION, TYPE OF TAX, LIABILITY YEAR(S) AND TAX LIABILITY AMOUNT THE GRANTEE FAILED TO PAY AND THE CURRENT STATUS OF THE LIABILITY: _____

- (b) FILE RETURNS OR PAY NEW YORK STATE UNEMPLOYMENT INSURANCE? ☐ YES ☐ NO

IF YES, INDICATE THE YEARS THE GRANTEE FAILED TO FILE/PAY THE INSURANCE AND THE CURRENT STATUS OF THE LIABILITY: _____

- (c) FILE DOCUMENTATION REQUESTED BY ANY REGULATING ENTITY SET FORTH IN SECTION III, QUESTION 1 ABOVE, WITH THE ATTORNEY GENERAL OF THE STATE OF NEW YORK OR WITH ANY OTHER LOCAL, STATE, OR FEDERAL ENTITY THAT HAS MADE A FORMAL REQUEST FOR INFORMATION? ☐ YES ☐ NO

IF YES, INDICATE THE YEARS THE GRANTEE FAILED TO FILE THE REQUESTED INFORMATION AND THE CURRENT STATUS OF THE MATTER: _____

6. HAVE ANY BANKRUPTCY PROCEEDINGS BEEN INITIATED BY OR AGAINST THE GRANTEE, RELATED ORGANIZATIONS, ENTITIES OR ITS AFFILIATES WITHIN THE PAST SEVEN (7) YEARS (WHETHER OR NOT CLOSED) OR IS ANY BANKRUPTCY PROCEEDING PENDING BY OR AGAINST THE GRANTEE, RELATED ORGANIZATIONS, ENTITIES OR ITS AFFILIATES, REGARDLESS OF THE DATE OF FILING? ☐ YES ☐ NO

IF YES, INDICATE IF THIS IS APPLICABLE TO THE SUBMITTING GRANTEE OR ONE OF ITS AFFILIATES:

IF IT IS AN AFFILIATE, RELATED ORGANIZATION OR ENTITY, INCLUDE THE AFFILIATE'S NAME AND FEIN: _____

PROVIDE THE COURT NAME, ADDRESS AND DOCKET NUMBER: _____

INDICATE IF THE PROCEEDINGS HAVE BEEN INITIATED, REMAIN PENDING OR HAVE BEEN CLOSED: _____

IF CLOSED, PROVIDE THE DATE CLOSED: _____

7. DOES GRANTEE HAVE THE FINANCIAL RESOURCES (IN EXCESS OF THE GRANT) TO FULFILL THE REQUIREMENTS OF THE PROJECT DESCRIBED IN THE PRELIMINARY APPLICATION OR PROJECT INFORMATION SHEET? ☐ YES ☐ NO ☐ N/A, PROJECT IS FULLY FUNDED BY GRANT.

IF YES, PLEASE SET FORTH ON A SEPARATE DOCUMENT ATTACHED HERETO THE SOURCE(S) OF THE ADDITIONAL FUNDS NECESSARY TO COMPLETE THE PROJECT, THE TIMING OF THE AVAILABILITY OF THE FUNDING, AND A CONTACT PERSON FOR EACH SOURCE. PLEASE BE ADVISED THAT DASNY MAY CONTACT ONE OR MORE OF THE LISTED SOURCES TO VERIFY FUNDING AVAILABILITY.

IF NO, INDICATE HOW THE GRANTEE WILL FULFILL THE REQUIREMENTS OF THE PROJECT DESCRIBED IN THE PRELIMINARY APPLICATION OR PROJECT INFORMATION SHEET AND THE TERMS OF THE GRANT DISBURSEMENT AGREEMENT.

CERTIFICATION

THE GRANTEE CERTIFIES THAT ALL FUNDS THAT WILL BE EXPENDED PURSUANT TO THE TERMS OF THE GDA TO BE ENTERED INTO BETWEEN DASNY AND THE GRANTEE ARE TO BE USED SOLELY AND DIRECTLY FOR THE PUBLIC PURPOSE OR PUBLIC PURPOSES DESCRIBED IN THE PRELIMINARY APPLICATION, PROJECT INFORMATION SHEET AND GDA. THE GRANTEE FURTHER CERTIFIES THAT ALL SUCH FUNDS WILL BE USED SOLELY IN THE MANNER DESCRIBED IN THE PRELIMINARY APPLICATION, PROJECT INFORMATION SHEET, AND GDA. THE GRANTEE FURTHER CERTIFIES THAT IT WILL UTILIZE THE REAL PROPERTY, EQUIPMENT, FURNISHINGS, AND OTHER CAPITAL COSTS PAID FOR WITH GRANT PROCEEDS UNTIL SUCH TIME AS THE GRANTEE REASONABLY DETERMINES THAT SUCH REAL PROPERTY, EQUIPMENT, FURNISHINGS AND OTHER CAPITAL COSTS ARE NO LONGER REASONABLY NECESSARY OR USEFUL TO FURTHER THE PUBLIC PURPOSE FOR WHICH THE GRANT WAS MADE.

THE UNDERSIGNED RECOGNIZES THAT THIS QUESTIONNAIRE IS SUBMITTED FOR THE EXPRESS PURPOSE OF INDUCING DASNY TO MAKE PAYMENT TO THE GRANTEE FOR SERVICES RENDERED BY THE UNDERSIGNED AND THAT DASNY MAY IN ITS DISCRETION, BY MEANS WHICH IT MAY CHOOSE, DETERMINE THE TRUTH AND ACCURACY OF ALL STATEMENTS MADE HEREIN. THE UNDERSIGNED FURTHER ACKNOWLEDGES THAT INTENTIONAL SUBMISSION OF FALSE OR MISLEADING INFORMATION MAY CONSTITUTE A FELONY UNDER PENAL LAW SECTION 210.40 OR A MISDEMEANOR UNDER PENAL LAW SECTION 210.35 OR SECTION 210.45, AND MAY ALSO BE PUNISHABLE BY A FINE OF UP TO \$10,000 OR IMPRISONMENT OF UP TO FIVE YEARS UNDER 18 U.S.C. SECTION 1001; AND STATES THAT THE INFORMATION SUBMITTED IN THIS QUESTIONNAIRE AND ANY ATTACHED PAGES IS TRUE, ACCURATE AND COMPLETE.

THE UNDERSIGNED ALSO CERTIFIES THAT S/HE HAS NOT ENTERED THE CONTENT OF THE QUESTIONS IN THE QUESTIONNAIRE IN ANY MANNER; HAS READ AND UNDERSTANDS ALL OF THE ITEMS CONTAINED IN THE QUESTIONNAIRE AND ANY ATTACHED PAGES; HAS SUPPLIED FULL AND COMPLETE RESPONSES TO EACH ITEM THEREIN TO THE BEST OF HIS/HER KNOWLEDGE, INFORMATION AND BELIEF; IS KNOWLEDGEABLE ABOUT THE SUBMITTING GRANTEE'S BUSINESS AND OPERATIONS; UNDERSTANDS THAT DASNY WILL RELY ON THE INFORMATION SUPPLIED IN THIS QUESTIONNAIRE WHEN ENTERING INTO A CONTRACT WITH THE GRANTEE; AND IS UNDER DUTY TO NOTIFY DASNY OF ANY MATERIAL CHANGES TO THE GRANTEE'S RESPONSES HEREIN UNTIL SUCH TIME AS THE GRANT PROCEEDS HAVE BEEN FULLY PAID OUT TO GRANTEE.

Signature of Authorized Officer

Signature of Chair of the Board of Grantee
(or other Authorized Officer)

Printed Name of Authorized Officer

Print Name of Chair of the Board of Grantee
(or other Authorized Officer)

Title of Authorized Officer

Sworn to before me this ____ day
of _____, 201__.

Sworn to before me this ____ day
of _____, 201__.

Notary Public

Notary Public

AFFIDAVIT OF NO CHANGE

Note: If you have previously submitted a Grantee Questionnaire in the past six (6) months and there are no changes since your last submission, please sign and notarize this Affidavit of No Change Form and submit it along with your most recent copy of the previously submitted Grantee Questionnaire.

If you have never filled out a Grantee Questionnaire you do not have to complete this form.

DASNY

GRANTEE:

The undersigned, being duly sworn, deposes and says:

1. I am an officer of _____

_____ hereinafter the "Grantee"),
which is currently entering in a Grant Disbursement Agreement with DASNY.

2. Grantee previously submitted a DASNY Grantee Questionnaire within the past six months notarized by the Grantee on _____ in connection with the _____ (Grant Program) for _____ (Project).

3. Attached is an accurate and true copy of such previously submitted DASNY Grantee Questionnaire.

4. I hereby certify that there has been no material change in the information pertaining to the Grantee Questionnaire:

NAME

TITLE

Sworn before me this

_____ day of _____,

Notary Public

EXHIBIT D: Disbursement Terms

«LegalOrganizationName»

«ProjectDesc»

Project ID «ProjectID»

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 budget 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 or by payment on invoice subject to the terms and conditions of Sections 4 and 5(b) 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

«LegalOrganizationName»

«ProjectDesc»

Project ID «ProjectID»

For Office Use Only:

FMS#: _____

GranteeID: «GranteeID»

GrantID: «GrantID»

Payment Request # _____

For work completed between _____ / _____ / _____ and _____ / _____ / _____

THIS REQUEST:

A: TASK #*	B: DASNY SHARE*	C: THIS REQUEST	D: TOTAL REQUESTED PRIOR TO THIS REQUEST	E: B-C-D BALANCE
TOTAL:				

- * Please note that the task numbers and DASNY Share amounts set forth in columns A and B respectively must correspond to the tasks and DASNY Share amounts set forth in Exhibit A. When submitting a requisition for payment, please remember that DASNY can reimburse you for capital expenditures made by and invoiced to the Grantee set forth on the cover page of this Agreement only. Capital expenditures include the costs of acquisition, design, construction, reconstruction, rehabilitation, preservation, development, improvement, modernization and equipping of a «GrantTypeDesc» facility.

DASNY may not reimburse Grantees or make payments on invoice for costs including, but not limited to, the following: working capital, rent, utilities, salaries, supplies and other administrative expenses.

EXHIBIT E: Payment Requisition Form and Dual Certification

DUAL CERTIFICATION

This certification must be signed by two Authorized Officers of the «LegalOrganizationName», for Project # «ProjectID».

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 «LegalOrganizationName», is seeking payment and/or reimbursement comply with the requirements of the Agreement between DASNY and «LegalOrganizationName» (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 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 «LegalOrganizationName». The tasks have been completed in the manner outlined in the 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.
 - ☐ Copies of New York State Vehicle Registration and Title documents for all vehicles purchased with Grant funds.
 - ☐ 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: «GrantTypeDesc» («GrantTypeName») Grant
«ProjectDesc»
Project No. «ProjectID»

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)	<input type="checkbox"/>	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. 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 () _____.

Signature: _____

Print Name: _____

Title: _____

EXHIBIT E-2: Payment Requisition Back-up Summary

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

Task #: Task Description:

VENDOR/ CONTRACTOR NAME	INVOICE/ APPLICATION #	AMOUNT REQUESTED FROM GRANT FUNDS	COMMENT
TOTAL Requested for Task:			(Transfer to Exhibit E)

Task #: Task Description:

VENDOR/ CONTRACTOR NAME	INVOICE/ APPLICATION #	AMOUNT REQUESTED FROM GRANT FUNDS	COMMENT
TOTAL Requested for task:			(Transfer to Exhibit E)

Task #: Task Description:

VENDOR/ CONTRACTOR NAME	INVOICE/ APPLICATION #	AMOUNT REQUESTED FROM GRANT FUNDS	COMMENT
TOTAL Requested for task:			(Transfer to Exhibit E)

EXHIBIT F

Minority and Women-Owned and Service Disabled Veteran-Owned Business Enterprises

DASNY recognizes its obligation to promote opportunities for maximum feasible participation of certified minority and women-owned business enterprises ("MWBEs") and the employment of minority group members and women in the performance of DASNY contracts. In accordance with New York State Executive Law Article 15-A, DASNY has established an 18% goal for Minority-owned Business Enterprise ("MBE") participation, a 12% goal for Women-owned Business Enterprise ("WBE") participation, and a 2% goal for Service-Disabled Veteran-owned Business Enterprises ("SDVOB") participation on any grant awarded under NICIP in excess of \$25,000 for commodities and services or \$100,000 for construction.

With respect to MWBEs, each Grantee must document its good faith efforts to provide meaningful opportunities for participation by MWBEs as subcontractors and suppliers in the performance of the Project and agrees that DASNY may withhold payment pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how DASNY will determine a Contractor's "good faith efforts," refer to 5 NYCRR § 142.8.

In accordance with 5 NYCRR § 142.13, each Grantee acknowledges that if, upon audit, it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth herein, such finding constitutes a breach of contract and DASNY may withhold payment from the Grantee as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Grantee achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied.

Grantee agrees to demonstrate its good faith efforts to achieve its goals for the utilization of MWBEs by submitting evidence thereof in such form as DASNY shall require.

Additionally, upon the request of DASNY, Grantee agrees to submit the following documents and information as evidence of compliance with the foregoing:

- A. An MWBE Utilization Plan, Any modifications or changes to the MWBE Utilization Plan after the execution of the Grant Disbursement Agreement must be reported on a revised MWBE Utilization Plan and submitted to DASNY. DASNY will review the submitted MWBE Utilization Plan and advise the Grantee of DASNY acceptance or issue a notice of deficiency within 30 days of receipt.
- B. If a notice of deficiency is issued, the Grantee will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to DASNY, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by DASNY to be inadequate, DASNY shall notify the Grantee and direct Grantee to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for termination of the Grant Disbursement Agreement.

Requests for a partial or total waiver of established goal requirements may be made at any time during the term of the Project, but must be made no later than prior to the submission of a request for final payment under the Grant Disbursement Agreement.

Upon DASNY's request, each Grantee may be required to submit a Quarterly MWBE Contractor Compliance & Payment Report to DASNY over the term of the Project, in such form

and at such time as DASNY shall require, documenting the progress made toward achievement of the MWBE goals established for the project.

With respect to SDVOBs, information about SDVOB certification and set asides for SDVOB participation in public procurement can be found at: <http://www.ogs.ny.gov/Core/SDVOBA.asp>, which provides information about SDVOB certification and guidance for State entities in making determinations and administering set asides for procurements from SDVOBs.

The Grantee agrees, to the maximum extent practical and consistent with legal requirements of the State Finance Law, the Executive Law and any implementing regulations, to use NYS certified Service-Disabled Veteran-Owned Business Enterprises (SDVOBs) in purchasing and utilizing commodities, services and technology that are of equal quality and functionality to those that may be obtained from non-SDVOBs. Grantee acknowledges being subject to the provisions of Executive Law Article 17-B and the applicable regulations (9 NYCRR Part 252), and that the directory of NYS certified SDVOBs is located at: http://ogs.ny.gov/Core/docs/CertifiedNYS_SDVOB.pdf. Grantee acknowledges that the SDVOB utilization goal for NICIP is 2%. Grantee further acknowledges that this requirement is separate and distinct from the similar requirement to utilize small, and minority and women-owned businesses (M/WBEs), consistent with current State law (Executive Law, Article 15-A).

The Grantee warrants that it is an Equal Opportunity Employer and that it does not discriminate in its employment and business practices on any of the bases provided in the New York State Human Rights law or any applicable federal laws.

DRAFT - NOT FOR SIGNATURE

Appendix 4

The one page Statement of Revenue form (Part VIII of the IRS 990 form, page 9) is to be completed if an Applicant:

- 1) Is exempt from filing and does not file an IRS form 990
- 2) A related organization files an IRS form 990 on behalf of the Applicant
- 3) The Applicant does not file its own IRS form 990 for any other reason

Please note that these are rare circumstances and most Applicants will have already provided this information through the IRS form 990 uploaded in their Grants Gateway Document Vault.

Applicants in one of these categories are not required to actually file a separate IRS form 990. For those Applicants completing the one page Statement of Revenue form, the information from line 12, "Total revenue," will be utilized solely to determine an Applicant's eligibility for a NICIP Grant and the maximum grant amount for each Applicant for the Applicant's organization only.

The information contained on the "Total revenue" line should be used for all parts of the RFA and application that reference line 12 of the IRS 990. Specifically:

- Section 1.30 "Available Funding and Funding Levels";
- Section 2.11 "Eligible Entities";
- Section 3.13 "Pass/Fail Criteria"; and
- Grants Gateway NICIP Application, Questions 5(c), 11, and 22(a).

Please see page 36 of the IRS' publication "2014 Instructions for Form 990 Return of Organization Exempt from Income Tax" for definitions and guidance related to terms used in the Statement of Revenue: <https://www.irs.gov/pub/irs-pdf/i990.pdf>

Once completed, the one page Statement of Revenue form should be uploaded into the Grants Gateway Document Vault under Forms Optional Documents under Other (Specify) with the title Statement of Financial Position and the year. If you require Technical Assistance with this, please contact the Grants Gateway staff at 1-800-820-1890 or at helpdesk@agatesoftware.com.

Part VIII Statement of RevenueCheck if Schedule O contains a response or note to any line in this Part VIII ☐

				(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512-514
Contributions, Gifts, Grants and Other Similar Amounts	1a	Federated campaigns	1a				
	b	Membership dues	1b				
	c	Fundraising events	1c				
	d	Related organizations	1d				
	e	Government grants (contributions)	1e				
	f	All other contributions, gifts, grants, and similar amounts not included above	1f				
	g	Noncash contributions included in lines 1a-1f: \$					
	h	Total. Add lines 1a-1f ▶					
Program Service Revenue				Business Code			
	2a						
	b						
	c						
	d						
	e						
	f	All other program service revenue .					
	g	Total. Add lines 2a-2f ▶					
Other Revenue	3	Investment income (including dividends, interest, and other similar amounts) ▶					
	4	Income from investment of tax-exempt bond proceeds ▶					
	5	Royalties ▶					
	6a	(i) Real		(ii) Personal			
		Gross rents					
		b Less: rental expenses					
		c Rental income or (loss)					
	d	Net rental income or (loss) ▶					
	7a	(i) Securities		(ii) Other			
		Gross amount from sales of assets other than inventory					
		b Less: cost or other basis and sales expenses					
		c Gain or (loss)					
	d	Net gain or (loss) ▶					
	8a	Gross income from fundraising events (not including \$ of contributions reported on line 1c). See Part IV, line 18 a					
		b Less: direct expenses b					
		c Net income or (loss) from fundraising events . ▶					
	9a	Gross income from gaming activities. See Part IV, line 19 a					
		b Less: direct expenses b					
		c Net income or (loss) from gaming activities . . ▶					
	10a	Gross sales of inventory, less returns and allowances a					
b Less: cost of goods sold b							
c Net income or (loss) from sales of inventory . . ▶							
Miscellaneous Revenue			Business Code				
11a							
b							
c							
d	All other revenue						
e	Total. Add lines 11a-11d ▶						
12	Total revenue. See instructions. ▶						

Appendix 5



New York State
Grants Gateway

Entering a Capital Budget in Grants Gateway

A capital budget has sections for the following categories used for capital projects:

- Scoping and Pre-Development
- Design
- Construction
- Other

Applicants will enter in values for line items in each applicable category and then finalize the budget summary, which shows the total for each category, and the amount the applicant is asking for from the grant for each category.

When entering this information, please enter whole dollar amounts.

- 1) In the Forms Menu, click on the category for the budget section you would like to add a line item for. In the example below, Scoping and Pre Development has been selected.
 - a. Enter the Description of the item in "Type/Description"
 - b. Optional: enter an Item Number
 - c. Optional: enter a Quantity
 - d. Optional: enter a Unit Price
 - e. Enter the Total Cost of this line item. **NOTE:** on this line you are entering the **Total Cost** of the line item, not the amount of grant funding you are requesting for this line item.

SCOPING AND PRE DEVELOPMENT

Instructions:

1. Please complete all the required fields.

2. Select the **Save** button above to save your work frequently.

3. Once a Scoping and Pre Development item has been saved successfully, select the **Add** button above to add additional Scoping and Pre Development items.

4. Click Forms Menu to return to the navigation links.

For allowable and unallowable costs see Attachment A. Note that both the total cost and the grant budgeted cost for this application/contract are required. The Total Cost may be more than the Grant Budgeted Cost in situations where the grant is supplemented by the use of Match or Other 3rd Party funds.

Details

Type/Description

Licenses, Inspections, and Approvals

Item # (if applicable)

Quantity (if applicable)

Financial

Unit Price (if applicable)

Total Cost

Line Total

Category Cost

\$1,500.00*

\$1,500.00

\$1,500.00

- 2) Click the [SAVE] button
- 3) Click the [ADD] button to add another line item for this category, or go back to the Forms Menu to enter another category.
 - a. Continue adding line items to the different categories following steps 1-3 until the entire budget has been added.
 - b. Note that once you have added more than one line item to a category, there will be a dropdown list on the top right that allows you to navigate between the multiple entries.

[Back](#)
[Menu](#)
[Forms Menu](#)
[Status Changes](#)
[Management Tools](#)
[Progress Reports and Related Documents](#)

Document Information: [PBC01*-NICIP-2015-00051](#)

[Details](#)

Parking Area Markings

GO

CONSTRUCTION

- 4) Once all line items have been added, click on the Capital Summary page in the Forms Menu.
 - a. In the right-most column (**Total**), the total amount for each category will be displayed. Verify that the total is correct and accurately reflects the projected cost of your entire project.
 - b. In the **Grant Funds** column, enter the amount for each category that you are requesting the grant to cover. Note: this can be the full amount as long as your grant application is within the parameters of your project type and organization size.
 - c. The NICIP grant does not utilize **Match Funds** so the entries in this column are grayed-out and can't be typed in.
 - d. In the **Other Funds** column, enter the amount for each category that will be covered by other contributions to the project.
 - e. Click the [SAVE] button to save your page capital budget summary.
 - f. The totals for Grant Funds and Other Funds must add up to the amount in the "Total" column. You will not be able to submit your application until these columns add up properly.

CAPITAL SUMMARY

Instructions:

1. Adjust the values in the Grant Funds, Match Funds & Other Funds so their sum matches the "Total" column.
2. The "Total" values are pulled from the "Category Cost" field found at the bottom of each budget category form.
3. Select the **Save** button to save your work frequently.
4. Click Forms menu to return to the navigation links.

Category of Expense	Grant Funds *	Match Funds	Match % Calculated	Match % Required	Other Funds	Total
1. Scoping and Pre Development	\$8,300.00	\$0	0%	0%	\$8,366.75	\$16,666.75
2. Design	\$8,000.00	\$0	0%	0%	\$1,460.65	\$9,460.65
3. Acquisition	\$0	\$0	0%	0%	\$0	\$0
4. Construction	\$84,930.00	\$0	0%	0%	\$0	\$84,930.00
5. Administration	\$0	\$0	0%	0%	\$0	\$0
6. Work Capital/Reserves	\$0	\$0	0%	0%	\$0	\$0
7. Other	\$0	\$0	0%	0%	\$0	\$0
Total	\$101,230.00	\$0	0%	0%	\$9,827.40	\$111,057.40
Period Total	\$0.00					