



**Department of  
Environmental  
Conservation**

## **2016 Zero-Emission Vehicle (ZEV) and Infrastructure Municipal Rebate Program**

**Environmental Protection Fund – Climate Smart Communities**

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### **2016 Zero-Emission Vehicle (ZEV) and Infrastructure Municipal Rebate Grant Funding Categories:**

**1. 2016 Zero-Emission Vehicle (ZEV) Clean Vehicle (Purchase or Lease):**

Apply in the NYS Grants Gateway under Grant Opportunity ID: DEC01-ZEVCV-2016

**2. 2016 Zero-Emission Vehicle (ZEV) Clean Vehicle Infrastructure (Electric Vehicle Supply Equipment and/or Hydrogen Fuel Cell):**

Apply in the NYS Grants Gateway under Grant Opportunity ID: DEC01-ZEVIN-2016

Complete applications must be submitted through the New York State Grants Gateway Grant Opportunity Portal (<https://grantsgateway.ny.gov>) by **3:00 PM on March 31, 2017**.

No hand-delivered, facsimile, mailed, or e-mailed applications will be accepted.

## IMPORTANT INFORMATION FOR APPLICANTS

### **I. NYS GRANTS REFORM**

The State of New York launched a web-based grants management system, Grants Gateway, in 2013 to improve the way grants are administered by the state. The Grants Gateway allows organizations to browse, search and review anticipated and available grants opportunities. Before applying for a grant municipal applicants must register in the Grants Gateway. Once municipalities are registered in the Grants Gateway, they must set-up respective administrative roles in the Gateway to begin the development of an application.

For instructions on how to register for the Grants Gateway visit: <https://grantsgateway.ny.gov>

### **GRANTS GATEWAY REGISTRATION AND PREQUALIFICATION**

All NYS grant applicants must be registered in the NYS Grants Gateway to be eligible to:

- Apply for a NYS grant opportunity.
- Enter into a grant contract, amend an existing contract, or a letter of agreement.
- Apply for future grant payments.

In addition to registering, all not-for-profit organizations must also complete the Vendor Prequalification process in the Grants Gateway to be considered eligible to apply for any available grant opportunity. Government entities and public authorities are currently not required to complete the Vendor Prequalification Process.

### **CREATING ROLES IN THE GRANTS GATEWAY SYSTEM**

Once your organization is registered and prequalified in the Grants Gateway, the user with the delegated administrator role must create additional roles to initiate, complete and submit the application in the Grants Gateway. Refer to Section 4.2 of the “Grantee User Guide” located on the Grants Reform website at <http://grantsreform.ny.gov> for instructions on creating user roles in the Grants Gateway system. This step MUST be completed to submit an application in the Grants Gateway. It is imperative the delegated administrator set-up user roles for ‘Grantee’ and ‘Grantee Contract Signatory’.

Registration information, including a video tutorial, is available on the Grants Reform website at <http://grantsreform.ny.gov>

## GRANTS GATEWAY REGISTRATION INSTRUCTIONS

Registration is NOT an online process. Register now to allow time for processing!!

- 1.) On the Grants Reform Website at <http://grantsreform.ny.gov> download a copy of the Registration Form for Administrator.
- 2.) Complete the form according to the instructions provided. You must sign and notarize the completed form.
- 3.) Mail the signed and notarized original form to: NYS Grants Reform, 99 Washington Avenue, Room 1530, Albany, NY 12210-2814.
- 4.) After the form is received and reviewed, you will be provided with a username and password allowing you to access the Grants Gateway.
- 5.) Log into the Grants Gateway at <https://grantsgateway.ny.gov>. You will be prompted to change your password at the bottom of your profile page. Enter a new password and click the SAVE button located on the top, right-hand side of the page.

If you have previously registered and do not know your username, please email [grantsgateway@its.ny.gov](mailto:grantsgateway@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.

**2016 Zero-Emission Vehicle (ZEV) and Infrastructure  
Municipal Rebate Program  
Environmental Protection Fund – Climate Smart Communities**

**Request for Applications (RFA)**

**Available Funding: Up to \$3 million from the NYS Environmental Protection Fund**

**Description**

In 2015, the Governor and the Energy Planning Board released the latest State Energy Plan, which includes an inventory of New York State’s greenhouse gases, targets to reduce these emissions 40% by 2030 and 80% by 2050, and a description of the State’s approach. Governor Cuomo also signed the Under 2 MOU in 2015, which commits the State to work on preventing an increase in global temperature of more than 2°C, and to report on progress towards meeting the greenhouse gas emission targets. Emissions from New York’s transportation sector amount to 35% of the State’s total greenhouse gas emissions, and is the largest source ahead of heating for buildings (30%) and electricity generation (18%).

In addition to this Request for Applications (RFA), through Governor Cuomo’s leadership, New York is advancing other opportunities for state and municipal governments to address transportation sector emissions, including an aggregated procurement of plug-in hybrid electric vehicles (PHEVs), and an upcoming consumer rebate program for eligible purchases of zero emission and electric vehicles to be offered through New York State Energy Research and Development Authority.

A total of \$3,000,000 is available for this grant cycle. The municipal rebate program has available funding for the following grant categories: 1) purchase or leasing of clean vehicles, and 2) facility infrastructure projects which support public use of clean vehicles. The primary purpose of a rebate-eligible facility must be the public charging and/or fueling of clean vehicles.

<b>Funding Category</b>	<b>Total available funding per category</b>	<b>Max. rebate amount</b>	<b>Max. amount per municipality</b>	<b>Match per project</b>	<b>Grant/rebate amount per project</b>
1. Clean Vehicles Purchase or Leasing	\$750,000	\$5,000 per vehicle	\$375,000	n/a	Grant amount up to rebate limits
2. (a) Electric Vehicle Supply Equipment Infrastructure	\$1,250,000	\$250,000 per facility	\$625,000	20% of grant amount	Up to \$8000 per port (EVSE) or up to \$32,000 per pedestal (DC Fast Charge)
2. (b) Hydrogen Fuel Cell Infrastructure	\$1,000,000	\$250,000 per facility	\$750,000	20% of grant amount	Grant amount up to rebate limits

Each funding category (1 & 2) identified above has its own separate application in the NYS Grants Gateway. Applicants must pay particular attention when developing their on-line application in the Grants Gateway to ensure the correct application is developed and submitted under the funding

category for which grant funding is requested. Please make sure you are working in the correct application.

For general information and questions, please contact the New York State Department of Environmental Conservation, Office of Climate Change, 625 Broadway, Albany, NY 12233-1030, 518-402-8448, [ZEVrebate@dec.ny.gov](mailto:ZEVrebate@dec.ny.gov). Questions and answers will be posted in the Grants Gateway for all applicants to view.

### **Eligible Applicants**

Eligible applicants are counties, cities, towns, and villages of the State of New York.

### **Eligible Rebate Categories**

Rebates are available in the following categories:

#### ***1. Clean Vehicle Purchase – Grants Gateway Application No.: DEC01-ZEVCV-2016***

Clean vehicle rebates are available to municipalities that purchased or leased, and placed into municipal service, one or more eligible vehicles on or after April 1, 2016. Up to a total<sup>1</sup> of \$750,000 will initially be available for rebates for eligible clean vehicle purchases or leases, with no more than 50% of this available funding (\$375,000) awarded to any one municipality. Rebates of **up to \$5,000 per vehicle** will be issued toward the cost of an eligible clean vehicle, depending on the electric range of the vehicle (see below table). An eligible clean vehicle<sup>2</sup> is propelled at least in part by an electric motor drawing electricity from a battery (including plug-in hybrid electric vehicles) with at least four kWh capacity and which can be recharged from an external source of electricity or from a hydrogen fuel cell. Eligible vehicles must be purchased or leased at a dealer located within New York State. Applicants will be required to provide the following vehicle information, for each new vehicle, in their Grants Gateway application: vehicle model including the VIN number, vehicle specifications including electric range, and documentation of the purchase and/or lease date(s). Applications that do not include this required information will be disqualified from funding.

Clean Vehicle Application Limit: A municipality may not submit more than two Clean Vehicle applications. Each application should include the total number of vehicles purchased and/or leased and the respective funding amount requested.

Eligible clean vehicle purchase costs are those costs incurred by a municipality to own, or to lease for at least 36 months, a new eligible clean vehicle for its fleet.

<b>Electric Range</b>	<b>Municipal Rebate</b>
10-50 miles	\$2,500
50+ miles	\$5,000

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<sup>1</sup> After December 31, 2016, any remaining funds in any rebate category will be pooled and will be available for projects in all rebate categories on a first come-first served basis for projects meeting all applicable selection criteria, until all funds are exhausted, or until March 31, 2017, at which time no more applications will be accepted under this round.

<sup>2</sup> In addition, an eligible vehicle has four wheels; was manufactured for use primarily on public streets, roads and highways; has a powertrain that has not been modified from the original manufacturer's specifications; is rated at not more than 8500 pounds gross vehicle weight; and has a maximum speed capability of at least 55 mph.

Clean vehicle rebate grant amounts will be awarded to municipalities based on the earliest date an eligible application is received in the Grants Gateway (aka first come-first serve basis).

	<b>Clean Vehicle Purchase/Lease Criterion</b>	
<b>Eligibility Criteria</b>	Vehicle is an eligible clean vehicle as defined by ECL §54-1521(1)(c).	<b>Pass/Fail</b>
	Vehicle was purchased or leased on or after April 1, 2016 at a dealer located within NYS, and placed into municipal service.	
	If leased, the term of the lease is no less than 36 months.	

**2. Clean Vehicle Infrastructure – Grants Gateway Application No.: DEC01-ZEVIN-2016**

Clean Vehicle Infrastructure rebates are available to municipalities in the following two subcategories listed below, in an amount of **not to exceed \$250,000 per facility**, toward the cost of eligible infrastructure projects which support the deployment of clean vehicles. An eligible infrastructure project is any facility<sup>3</sup> that is used primarily for the public charging and/or fueling of vehicles which meet the eligible vehicle definition.

Facility Infrastructure Application Limit: A municipality must submit a separate application for each facility location where infrastructure will be installed.

Eligible Rebate Costs: Eligible costs include personal services (salary and fringe), non-personal services (contractual, materials, equipment, and other direct project related costs). Infrastructure costs eligible for rebate must be incurred by the applicant within the period/term of a resulting contract.

Ineligible Rebate Costs: Ineligible costs include travel, fund-raising, salaries of elected officials, taxes, overhead or indirect costs (with the exception of electricity provided for charging, and EVSE networking fees/subscriptions), and land acquisition costs. Infrastructure costs incurred by the municipality prior to the term of a resulting contract are not eligible for reimbursement.

Match Requirement: A twenty percent (20%) local match on the rebate (grant award amount) is required for both of the infrastructure subcategories described below. Private investment in facility development will be considered as a source of eligible match. Land acquisition costs cannot be supported using the rebate funds, however, the current fair market value of the property on which a facility is installed may be used as municipal match for the rebate. Costs paid from other state and/or federal funding sources are not considered to be an eligible source of match funds.

**a. Electric Vehicle Charging (Subcategory Information)**

Up to a total<sup>4</sup> of \$1,250,000 will be available for Electric Vehicle Supply Equipment (EVSE) infrastructure, with no more than 50% of this total (\$625,000) awarded to any one municipality.

<sup>3</sup> Defined as a single location within a municipality that can be identified using institutional or commercial boundaries (e.g., an airport, a park, a mall) at which public charging or refueling infrastructure for one or more vehicles is proposed.

<sup>4</sup> After December 31, 2016, any remaining funds in any rebate category will be pooled and will be available for projects in all rebate categories on a first come-first served basis for projects meeting all applicable selection

Eligible costs include personal service and non-personal service costs incurred **by a municipality** to install an eligible electric vehicle charging facility (excluding a building and its structural components) for providing Level 2 networked Electric Vehicle Supply Equipment (EVSE) with at least one SAE J1772 standard port, or providing charging stations that offer DC Fast Charging service through both a CHAdeMO and SAE combo connector port. This includes but is not limited to the purchase of materials, hardware and software, and labor in conducting site work, trenching, paving, wiring, installation of protective features such as wheel stops and bollards, and/or installation of hardware and software related to facility operation. Up to two years of charging and/or operations costs, such as networking fees/subscriptions, will also be considered eligible for a rebate (for electric vehicle charging only), if a long-term operations and maintenance plan for the facility is submitted at the time of application.

In order to ensure cost effectiveness, New York State will award rebate amounts for EVSE up to 80% of an estimated baseline cost for eligible infrastructure, which, for EVSE, is \$10,000 per port (\$8,000 per port rebate), and for DC Fast Charge infrastructure, is \$40,000 per pedestal (\$32,000 per pedestal rebate). The municipality will be responsible for any additional costs per port or per pedestal.

**b. Hydrogen Fuel Cell (Subcategory Information)**

Up to a total<sup>5</sup> of \$1,000,000 will be available for hydrogen fuel cell infrastructure, with no more than 75% of this total (\$750,000) awarded to any one municipality.

Eligible costs include personal service and non-personal service costs incurred **by a municipality** to install or contribute to installation of an eligible facility (excluding a building and its structural components) for refueling hydrogen fuel cell vehicles, including but not limited to the purchase of materials, equipment, and hardware; labor in conducting civil engineering and site preparation work, trenching, paving, wiring, installation of security and protective features such as fencing, wheel stops and bollards; and/or electrical grid integration and/or installation of on-site energy storage.

In order to be eligible to receive an infrastructure rebate grant award **in either infrastructure subcategory**, an application must pass a series of eligibility criteria. If an application passes all the pass/fail criteria, then the proposed facility application will be reviewed for technical criteria, and a minimum average score of at least 70 points must be accumulated to be eligible for a rebate (grant award) (see table on the following page).

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criteria, until all funds are exhausted, or until March 31, 2017, at which time no more applications will be accepted under this round.

<sup>5</sup> After December 31, 2016, any remaining funds in any rebate category will be pooled and will be available for projects in all rebate categories on a first come-first served basis for projects meeting all applicable selection criteria, until all funds are exhausted, or until March 31, 2017, at which time no more applications will be accepted under this round.

<b>Clean Vehicle Infrastructure Criterion</b>		
<b>Eligibility Criteria</b>	Facility conforms to the description of eligible clean vehicle infrastructure outlined in the Request for Applications	<b>Pass/Fail</b>
	Site is municipally owned, or applicant has certified that a climate change mitigation easement per ECL §54-1513 will be executed with the property owner	
	Site is publicly accessible and applicant demonstrates that the primary purpose of the facility is public charging and/or fueling of clean vehicles	
	Partner agreements (if applicable) are documented	
	Match of at least 20% (on the rebate grant amount) has been identified and is available	
	Facility usage and emissions reduction data monitoring and reporting plan prepared	
<b>If eligible, then...</b>	<b>Criterion</b>	<b>Points Available</b>
<b>Technical Criteria</b>	Location has been identified as part of a municipal strategy to increase clean vehicle use or reduce greenhouse gas emissions locally or regionally	60
	Location is close to popular destinations, including but not limited to places of employment, downtowns, or transportation hubs	30
	Site characteristics promote ease of installation and operation	30
	Permits and approvals have been secured	20
	Facility uses renewable energy	20
	Applicant has a long-term operations and maintenance plan for facility, including the cost structure for charging (if applicable)	15
	Facility could be expanded or renovated to add more charging facilities, additional fuel types, or faster charging in the future	15
	Facility could be converted to cleaner fuel or electricity source in the future (e.g., electrolysis for hydrogen production)	15
	Applicant is providing more than 20% match	10
	Applicant has developed a marketing plan to promote use of the facility	10
	Applicant can demonstrate public interest in and support for the project	10
	Applicant is a registered or Certified Climate Smart Community	10
	Total available points is 245	
	<b>Minimum Additional Points Needed</b> (any combination of the above)	<b>70</b>

**Department of Environmental Conservation Oversight**

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.

- Award an agreement for any or all parts of the RFA in accordance with the method of award, or withdraw the RFA at any time at the Department's sole discretion.
- Award only one application for funding in the event there are multiple application submissions for a single project or for pieces of a single project.
- Award to the next eligible application that meets all necessary criteria in the event a funding recipient fails to negotiate a grant contract with the Department within 60 - 90 days of a grant award.
- Monitor the progress of all funding awards and withdraw funding if the grantee fails to make significant and timely progress on the project, or fails to receive the necessary permissions and permits for the project.
- Not to fund projects that are determined not to be consistent with NYS's Smart Growth Public Infrastructure Policy Act.

### **Multi-Partner and Inter-Municipal Projects**

If a proposed project involves a cooperative agreement or partners, only one eligible, designated lead municipal applicant can develop and submit the on-line application for grant funding. The lead applicant must assume the responsibility for the project application, performance of work consistent with this RFA, and the State of New York Master Contract for Grants or Letter of Agreement. Letters substantiating the collaboration from each partner are required, if applicable. These letters are to be uploaded to the Grants Gateway in a single pdf file.

### **Method of Award**

Clean Vehicle and Clean Vehicle Infrastructure rebate grant applications received by December 31, 2016, will be selected to receive grant funding based on the earliest date an application is received in the Grants Gateway (first come-first serve basis) and providing the application meets all pass/fail criteria outlined in this RFA (infrastructure projects must also receive a final average score of at least 70 points to be determined eligible for funding), or until the total available funding within the respective funding category has been reached.

After December 31, 2016, all grant funding that remains available from any rebate category and subcategory will be pooled and project awards will be made based on the earliest date an application was received in the Grants Gateway, regardless of the project category or subcategory. Rebate grants will be awarded until all available funding is exhausted, or until March 31, 2017, at which time no more applications will be accepted under this grant cycle.

### **Notification of Award**

Applicants selected to receive a grant award will be notified by the Department in both an email and in an official Department award letter. The Grants Gateway will also notify the municipality of a resulting contract award.

### **Monitoring and Reporting Plan (applicable only to Clean Vehicle Infrastructure subcategories)**

If an award is received, the Contractor shall provide data for the duration of the two-year contract term on the use of the installed facility and an estimate of the greenhouse gas emissions reductions achieved to the Department as part of its regular reporting pursuant to the Master Contract for Grants or Department Letter of Agreement. For EVSE infrastructure projects, the Contractor shall issue a log-in ID with viewing (not administrative) rights to the Department for collection of charging and other data.

### **Smart Growth Infrastructure Policy Act (applicable only to Clean Vehicle Infrastructure subcategories)**

New York State's Smart Growth Public Infrastructure Policy Act (Act), Environmental Conservation Law Article 6, requires the Department and all State infrastructure agencies to assess whether each public infrastructure project that receives state funding is consistent with the State Smart Growth Public Infrastructure criteria specified in the Act, or that compliance is considered to be impractical, before making any commitment to fund such project(s).

In the Grants Gateway pre-submission upload section of the application, applicants applying in the infrastructure category must download, complete and save the Smart Growth Assessment form, prior to uploading the completed form back into the Grants Gateway. Important note: Be sure to check the assessment form after uploading into the Grants Gateway to ensure the correct file is uploaded, and that the form is completed as required.

### **Climate Change Mitigation Easement (applicable only to Clean Vehicle Infrastructure subcategories)**

For infrastructure projects, if the project site is not owned by the applicant municipality, the municipality shall obtain a climate change mitigation easement from the owner of the property pursuant to [Environmental Conservation Law \(ECL\) §54-1513](#). Climate change mitigation easements shall be enforced in the manner described for all conservation easements in [ECL §49-0305](#). The municipality shall develop, execute, and file with the appropriate County clerk's office the climate change mitigation easement, which must ensure that:

- The property shall be accessible to the municipality for any necessary work to achieve the funded purpose throughout the anticipated life of the project;
- The property shall provide the identified public benefit, *e.g.*, publicly accessible clean vehicle charging or fueling, throughout the anticipated life of the project;
- The property shall be used to achieve climate protection and mitigation goals pursuant to [ECL Article 54 Title 15](#) "Climate Smart Community Projects," *e.g.*, reduction of greenhouse gas emissions from municipal and community transportation, throughout the anticipated life of the project.
- The property owner shall provide information and data to the municipality, or will provide access to the municipality for collection of data, as specified in the rebate contract.
- A minimum ten year term for the easement to adequately reflect the useful life of both subcategory types of infrastructure.

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

Applicants selected to receive a grant award will be required to execute a MCG for awards greater than \$10,000 or a Letter of Agreement (LOA) for awards \$10,000 and below **within 60 - 90 days** from the date of their award notification. Failure to submit timely required MCG documents could cause a grantee to lose their grant award. Applicants should review and be prepared to comply with all MCG terms and conditions should grant funding be awarded. The MCG and attachments can be reviewed and/or downloaded on from the Grants Gateway. The MCG and attachments include:

- MCG Grants Face Page
- Standard Terms and Conditions (*NYS standard terms and conditions*)

- Attachment A-1 Program Specific Terms and Conditions (*Agency and Program specific terms and conditions*)
- Attachment B-1 Expenditure Based Budget (*project expense categories and detail*)
- Attachment C Work Plan (*project objectives, tasks and performance measures*)
- Attachment D Payment and Reporting Schedule (*claims for reimbursement and grant reporting provisions*)

**Important Note:** Infrastructure project related costs must be incurred within the term of the MCG or Letter of Agreement to be considered eligible for reimbursement or match. Applicants for clean vehicle rebates may have incurred eligible costs by purchasing or leasing, and placing into municipal service, one or more vehicles on or after April 1, 2016. Contract payments will not be approved or processed by the Department until a MCG, or LOA is fully approved by the Department, and as applicable the Attorney General and the State Comptroller. All infrastructure project contracts must be approved by the contract start date of which will be determined at the time of an official award.

### **Project Time Periods/Terms**

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

Applicants applying for clean vehicle rebates **MUST** have purchased or leased, and placed into municipal service, one or more eligible clean vehicles on or after April 1, 2016.

### **Insurance Requirements**

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

### **Permit Requirements (if applicable)**

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

### **State Environmental Quality Review (SEQR) Documentation**

With respect to the project, the Contractor certifies that it has complied, and shall continue to comply with all requirements of the State Environmental Quality Review Act (SEQRA). The Contractor agrees to provide all environmental documents as may be required by the Department. The Contractor has

notified, and shall continue to notify, the Department of all actions proposed for complying with the environmental review requirements imposed by SEQRA.

### **Vendor Responsibility Questionnaire**

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

### **Iran Divestment Act**

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

### **Americans with Disabilities Act**

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

### **Payment and Reporting Requirements**

Municipalities are not eligible to receive advance payments under State Finance Law. Project costs eligible for reimbursement must be incurred between the MCG term start and end dates. The costs of eligible vehicles purchased or leased on or after April 1, 2016, and placed into municipal service, are eligible for a rebate. For infrastructure, costs incurred prior to the MCG term start date or after the MCG term end date will not be considered eligible for grant reimbursement or match. Copies of supporting cost documentation (paid invoices, receipts, cancelled checks, etc.) must be audited and approved by the Department for costs to be eligible for grant reimbursement.

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

Quarterly Narrative Reports must be submitted in narrative form, no later than 30 days from the end of the quarter. The reports will summarize how the project progressed towards meeting project objectives and deliverables during the quarter.

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

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

A Department on-site inspection may be required to confirm all work was completed in accordance to the approved project work plan.

### **Procurement of Contractors/Subcontractors**

Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Failure to comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.

### **Minority/Women Business Enterprises (M/WBE) and Equal Employment Opportunities (EEO) Requirements**

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

- Applicants subject to executing a future NYS Master Contract for Grants agree, in addition to any other nondiscrimination provision of the MCG and at no additional cost to the Department, to fully comply and cooperate with the Department in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for certified minority and women-owned business enterprises (“MWBEs”). Contractor’s demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, state or local laws.
- Failure to comply with M/WBE and EEO requirements may result in a Department finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages or enforcement proceedings.
- Please refer to the NYS Master Contract for Grants - Article IV.(J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review M/WBE and EEO requirements. Required M/WBE and EEO related forms can be found at <http://www.dec.ny.gov/about/48854.html>.

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

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

Construction/Engineering – 30%

Commodities – 30%

Services/Technologies – 30%

**Equal Employment Opportunity (EEO) Participation Goals:**

EEO Minority Workforce Participation Goals (DEC Regions 1- 9) – 10%

EEO Female Workforce Participation Goals (DEC Regions 1-9) – 10%

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**ADDITIONAL APPLICATION REQUIREMENTS/INFORMATION**

Please be sure to complete in the Grants Gateway application the following required information:

**Expenditure Based Budget (mandatory completion in the Grants Gateway)**

Applicants are required to complete an expenditure budget in the Grants Gateway. The budget must provide details of the proposed project-related expenses. Eligible and ineligible costs are identified in this grant opportunity. A project’s reasonableness of costs is an evaluation factor in the scoring of the application; therefore, attention to budgetary accuracy and detail will increase your application’s score.

**Work Plan (mandatory completion in the Grants Gateway)**

Applicants are required to complete a work plan in the Grants Gateway. The work plan must provide a clear overview of project objectives, tasks associated with meeting each objective, and the project outcome or deliverables accounted for in performance measures. The work plan should include anticipated time frames in meeting the proposed project objectives, tasks and deliverables (i.e. Spring, Summer, Fall, Winter).

**Note:** A Work Plan Worksheet is provided in the Grants Gateway (under Pre-submission uploads) as a tool to help applicants organize their proposed project objectives, tasks, and performance measures. The Work Plan Worksheet should NOT be uploaded back into the Grants Gateway. The worksheet is intended to better assist applicants in developing their application work plan in the Grants Gateway.

All projects must comply with the Uniform Fire Prevention and Building Code, the State Labor Law, and the Workers' Compensation Law and any other applicable State, Federal or Local laws

**Signage**

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