



Department of
Environmental
Conservation

Grants Gateway Application Guidelines

Municipal Food Scraps Reduction, Food Donation, and Food Scraps Recycling Programs

Amendment 2

Amended 9/7/18 to include contract start and end dates.

Amended 9/14/18 to include Webinar Time and Link, clarify the contract as having a 3 year term, and adding a Project Title.

NYS Grants Gateway Application ID:

DEC01-DMMFSR-2018

Opportunity Timetable

<i>ITEM</i>	<i>DATE</i>
<i>Announcement of Grant Program</i>	9/5/2018
<i>Applications Open in Grants Gateway</i>	9/5/2018
<i>Grants Gateway Webinar</i>	9/26/2018 1:00 PM ET
<i>Q&A Period Ends</i>	2/22/2019 5:00 PM ET
<i>Final Applications Due</i>	3/1/2019 3:00 PM ET
<i>Award Announced</i>	4/5/2019

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1.0 Introduction

Passage of the Environmental Protection Act in 1993 created the Environmental Protection Fund (EPF), a continuing source of funds dedicated to environmental projects, including programs such as the Municipal Waste Reduction and Recycling (MWRR) program to help municipalities meet environmental goals and mandates. Funding for the individual program components is subject to annual legislative appropriations.

The EPF allows the Department of Environmental Conservation (DEC) to provide MWRR funding to local governments for waste reduction and recycling projects. The overall goal of this funding program is to assist municipalities in expanding local waste reduction and recycling programs, and increase participation in those programs. The MWRR State assistance program can help fund the costs of:

- Capital Investment in Facilities and Equipment
- Recycling Education/Promotion/Outreach and Coordination
- Waste Reduction Capital or Education Costs

The 2018/19 Budget included a \$ 2,000,000 fund specifically for food scraps reduction, food donation, and food scraps recycling activities. The funding is available for food rescue organizations and municipalities. This grant program is being issued in conjunction with a similar \$800,000 program for emergency food relief organizations. The total amount available for both programs is \$ 2,000,000. If one program has excess funds after the funding time frame, those funds may be transferred to the other program.

Eligible projects are expected to enhance the reduction, recovery, and/or recycling programs of municipalities with relation to food waste. Waste reduction capital or education can include the capital, planning and promotional costs of waste reduction projects undertaken to reduce the volume or toxicity of material entering the Municipal Solid Waste stream, by reducing the volume or toxicity of material at the point of generation. Food recovery projects eliminate the wasting of wholesome, edible food and/or make food available to those in need. Recycling equipment includes structures, machinery, or devices providing for the environmentally sound recovery of recyclables including source separation equipment and recyclables recovery equipment. Recycling education and coordination promotes and encourages participation in local recycling programs.

If, during the application process, any questions arise or any assistance is needed please contact, as applicable:

Department of Environmental Conservation

Email: OrganicsGrants@dec.ny.gov

Grants Reform Helpdesk

Phone: 518-474-5595

Email: Grantsgateway@its.ny.gov

**APPLICATION DUE DATE:
3:00 PM ET March 1, 2019**

Questions regarding this grant opportunity will be accepted by the DEC until 5:00 PM ET February 22, 2019. All questions, and answers, will be uploaded in the Grants Gateway application for all applicants to view.

Join us for our webinar September 26th at 1pm

Webinar Login Info:

Meeting Number: 648 079 151

Meeting Password: GG2018

To join the online meeting (Now from mobile devices!)

1. Go to
<https://meetny.webex.com/meetny/j.php?MTID=m88f33231a82d09750930cf6576a0bcae>
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: GG2018
4. Click "Join".
5. After you join the webinar, follow the prompts to enter the voice conference.

NOTE: please try to join 10 minutes prior to the start time to ensure the webinar components are installed on your computer.

2.0 Eligibility Information

Who is eligible to apply?

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

By law, private companies, not-for-profit organizations, and State agencies are **NOT** eligible to receive this MWRR funding.

Note: Not-for-profits may be eligible for a separate food donation grant program available from DEC.

What is public education/promotion/outreach?

Examples include:

- Food Scraps Reduction, Food Donation, and/or Food Scraps Recycling guides, mailers, brochures, and webpages.
- Advertising on TV, radio, newspaper, billboards, etc.
- Signs and displays
- Give-a-ways, children's shows, county fair fees
- Other media for educating the public on the benefits and methods of food scraps reduction, food donation, and food scraps recycling

What is a waste reduction project?

A waste reduction project is a project undertaken to reduce the volume or toxicity of materials entering the MSW stream, by reducing the volume or toxicity of materials at the point of generation. For this grant program, waste reduction projects include capital, planning, and educational activities to increase awareness of methods to prevent the generation of food scraps.

What is a Food Recovery/Rescue Project?

A food recovery/rescue project is a project undertaken to reduce the volume of wholesome, edible food from being disposed and to divert it to the food insecure. Food recovery projects include capital, planning, educational, and personal service costs to get food that would be otherwise wasted to those in need.

Funding available

- Total funds available are \$1,200,000. If funds are remaining after the grant period, excess funds may be transferred to the Emergency Food Relief Organizations grant project for not-for-profit food providers, being provided by DEC in conjunction with this program. The total available for both grant programs is \$2,000,000.
- If any Federal or other assistance is received for the project, reimbursement will be limited to the net eligible costs incurred after deduction of any Federal or other assistance received.

- Payments will be made only after a grant contract for the eligible portions of the proposed project is executed by all required State agencies and appropriate reimbursement requests / payment documentation have been reviewed and approved by the DEC.
- Applications awarded grant funds below \$10,000 will not be contracted through the Grants Gateway and the Master Grants Contract, rather it will be processed as a Purchase Order.
- Upon approval of a final application, the municipality will enter into a Master Contract for Grants with the State (for awards totaling over \$10,000). Only purchases or incurred costs made during the contract time frame will be considered for repayment.

Proposed Project Timeframes

All projects must be completed and invoiced within a three-year contract period/term. Applicants should not begin their projects or incur costs until a Master Contract for Grants (MCG) has been fully approved by DEC, and if applicable, approved by the Attorney General and the State Comptroller. Time extensions beyond the contract term end date will be determined by the DEC based upon written justification from the Grantee. Applicants should not submit an application if they do not anticipate their project can be completed within the specified contract term. The full timetable for this opportunity is outlined below:

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<i>Award Announced</i>	4/5/2019
<i>Contract Start Date</i>	6/5/2019
<i>Contract End Date</i>	6/4/2022

Minimum and Maximum Project Amounts

The minimum award amount is \$1,000. The maximum award amount is \$250,000. The maximum project award allocated for staffing resources is \$150,000. Engineering costs are limited to 15% of the total project cost.

Application Limit

Applicants may submit only one (1) application. The application can contain multiple items. Any ineligible items requested in the application will be excluded from the final award amount.

Match Requirements and Expenditures

Match is the portion of project expenditures not paid for with grant funds. Match can be from local and/or in-kind contributions. Local sources can include funding from other non-state and/or non-federal grant sources or from project partners. In-Kind contributions are non-cash donations provided by non-state and/or non-federal third parties, which can include equipment, supplies, services, and other expendable property. Matching share contributions must support the objectives of the grant.

Eligible sources of match funds cannot come from other New York State or federal funding sources. More information about project match can be found on page 5 of this RFA.

Application Scoring

Projects will be funded based on the following scoring criteria:

Type of Project – 20 points

- 20 – wasted food prevention and reduction
- 10 – donation/food rescue
- 0 – organics recycling and other projects

Cost Effectiveness of Project – 20 points

- 20 – all costs proposed are the lowest required to effectively complete the project
- 10 – costs appear reasonable but insufficient information provided
- 0 – not addressed in application or not reasonable

Partnerships – 10 points

- 10 – well-developed partnerships established
- 5 – some engagement
- 0 – no partners

Effectiveness of tracking project outcomes – 10 points

- 10 – robust tracking system
- 5 – some tracking occurring or planned
- 0 – tracking not addressed in application

Practicality of project – 15 points

- 15 – realistic and fulfills existing need
- 10 – realistic
- 5 – seems challenging to implement
- 0 – not addressed in application

Additional Benefits – 15 points

- Regional Economic Development Plan (Program Question 10) – 5 points
- Environmental Justice (Program Question 11) – 5 points
- Community Support (Program Question 12) – 5 points

90 TOTAL POINTS POSSIBLE

Examples of **ELIGIBLE** Costs

1. Dedicated facilities planned, designed and constructed to ensure environmental protection and to recycle food scraps (composting, etc.).
2. Structures, machinery or devices required to separate or process food scraps (depackaging, etc.).
3. Containers for the temporary storage of food scraps by single family and multiple family dwellings (totes, etc.) and wholesome food or food scraps from commercial or institutional generators.
4. Collection vehicles specifically dedicated to hold and transport donated food or food scraps.
5. Add-ons or trailers designed to modify collection vehicles to allow sorting and separation of food scraps.
6. Receptacles, roll-off containers, sheds or facilities dedicated to the temporary storage of food scraps.
7. Staff time associated with food scraps reduction, food donation, and/or food scraps recycling.
8. Costs for reduction, donation, recycling public education/promotion/outreach materials

Examples of **INELIGIBLE** Costs

1. Costs of facilities or equipment of which the primary purpose is to process waste for disposal.
2. Costs of preparing and submitting an application for State assistance or other grants.
3. Expendable or non-durable items such as food scraps collection bags, bags required for waste or recyclables collection, laboratory chemicals, and cleaning products.
4. Maintenance or general operational equipment, brooms, hand tools, power tools, or general hardware.
5. Public space bins or containers for garbage or litter deposition or collection.
6. General purpose vehicles (such as pickup trucks or dump trucks) that are not clearly used for compostables collection or donated food transportation programs.
7. Costs of educational materials that describe disposal, such as collection schedules for non-recyclables

Match Requirements and Expenditures

Applicants must provide the following percentages in match funds based on the amount of grant funds.

$$\text{Formula: (Requested Budget Item Cost) x (\% Match) = Required Match Amount}$$

Match Percentages

Required % match is determined by project type:

- 20% Match – Outreach and Education Materials
- 20% Match – Staffing-related Costs
- 50% Match – Capital and Construction Costs
 - Note: Engineering costs limited to 15% of project.

Maximum Funding per Applicant \$ 250,000 (\$ 150,000 for staff)	Percentage covered by State grant: 80% for Outreach and Education Materials and Staff
Minimum Funding per Applicant \$ 1,000	50% for Equipment and Other Capital (Engineering Costs Limited to 15% of Project)

Eligible Forms of Match

- **Cash:** Includes other grants from non-state or non-federal funding sources.
- **Personal Services:** Staff salaries devoted to the project, including fringe benefits expenses. Itemize salaries according to job title or job assignment on the project. Grantees will be required to document time worked, tasks, pay ratio and payment.
- **Contractual Services:** The value of services provided by responsible professional and technical personnel and consultants (i.e. engineering and architectural services, surveys, plans and specifications, research, design and development of a project, consultant and legal services directly related to a project, feasibility study for a facility, archaeological field work, report writing, curation of artifacts and interpretation, etc.).
- **Supplies and materials:** The current market value of items warehoused (not yet installed) that are required to implement the project; use value current at time items were obtained.
- **Volunteer Labor:** Skilled and professional labor can be computed at the job rate. Unskilled labor and work performed by professionals or skilled laborers in an area outside of their area of expertise must be computed at the minimum wage (For example, a lawyer donating legal services may compute the value based on the standard billing rate, but the same lawyer donating time painting walls must calculate the value using minimum wage).
- **Equipment:** Compute the value according to its fair market value in the project location.
- **Travel:** Travel costs directly required to implement the project (within New York State only).
- **Administrative Salaries:** Administrative salaries must be documented and identified by task, and must fall within the grant contract term to be eligible as match. For the purposes of this RFA, administrative salaries are defined as follows:
 - Preparation of equal employment opportunity and women and minority business enterprises documentation, quarterly narrative and expenditure reports, payment reimbursement request forms and backup cost documentation, and Final Report upon project completion.

Ineligible Forms of Match

- **Indirect Costs:** Overhead or operating expenses (space, rent, utilities, etc.).

- Travel costs: Out-of-state travel costs, and any travel not directly required to implement the project.
- Other State or Federal funding: Project costs paid from other state and/or federal funding sources.

3.0 Application Procedures

New York State has implemented an electronic Grants Gateway system. The Grants Gateway is a statewide governor initiative to reform the contract process with the intention of making it easier for grantees to apply for and receive funding. Applicants must be registered in the Grants Gateway to apply for and receive food scraps grants.

Grants Gateway Registration

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, an amendment to an existing contract, or a letter of agreement.
- Apply for future grant payments.

GRANTS GATEWAY REGISTRATION INSTRUCTIONS

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

1. On the Grants Reform Website at <https://grantsreform.ny.gov/grantees>, download a copy of the Registration Form for Administrator.
2. Complete the form according to the instructions provided. The completed form must be signed and notarized.
3. Mail the signed and notarized original form to the Division of Budget at the address provided in the instructions.
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 in to 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. If you do not know your Password, please click the Forgot Password link from the main log in page and follow the prompts.

A municipality may file an application for a new food scraps grant with the approval and direction of its governing body. The applicant municipality must login to the New York State Grants Gateway system and initiate a food scraps proposal.

To complete an application, applicants must complete these components in the Grants Gateway:

- A. Program Specific Questions – answer all applicable questions online in the Grants Gateway (*upload any additional information or required attachments as Microsoft (MS) Word documents*)
- B. Input a Work Plan Overview and Objectives for the project

- C. Input an Expenditure Budget consistent with the project (*upload any additional attachments or worksheets as MS Word documents*)

The proposed project will be evaluated. If conceptually eligible, it will be scored using the criteria outlined in this proposal. Projects will be funded starting with the highest to the lowest scores until all available funds are expended. Submission of an application is NOT a guarantee or promise of future funding from the State. DEC may modify and/or reject costs that are determined to be ineligible for funding but fund the remaining eligible items. When DEC determines that a project is eligible for funding and that funding is available, the applicant's project manager will be notified to complete the Grants Gateway steps for a project approval.

The DEC may ask for additional information from an applicant as necessary to update or complete an application. Failure to provide additional required information in a timely manner, as determined by DEC, may result in the application being disapproved.

If the grant application is approved, the following items will be required for contracting:

- A. Proof of Applicant's Workers Compensation Insurance – upload if grant is approved
- B. Proof of Applicant's Disability Insurance - upload if grant is approved
- C. Proof of Liability Insurance as required depending on project scope.
- D. Vendor Responsibility Information, if applicable.

Vendor Responsibility Requirement: (*Applicable to projects where a project subcontractor is paid \$100,000 or more.*) 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. Contractors or subcontractors that receive contract funding valued at \$100,000 or more must complete a Vendor Responsibility Questionnaire.

To enroll in and use the NYS VendRep System, see the VendRep System instructions available at https://www.osc.state.ny.us/vendrep/info_vrsystem.htm or go directly to the VendRep System at <https://portal.osc.state.ny.us>. Please note: Although municipalities are exempt from Vendor Responsibility, their subcontractors are not.

If the grant is not approved, applicants may request a debriefing - In accordance with section 163 of the NY State Finance Law, (Agency name) must, upon request, provide a debriefing to any unsuccessful offeror that responded to the RFP, regarding the reasons that the proposal or bid submitted by the unsuccessful offeror was not selected for an award. An unsuccessful offeror wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that their proposal did not result in an award.

4.0 Contracting and Payment Procedures

Grants Gateway

All food scraps grant contracts are handled in the Grants Gateway.

Master Contract for Grants

1. Upon approval by DEC of a final application, a municipality must enter into a Master Contract for Grants. The Master Contract for Grants can be viewed at: <https://www.grantsreform.ny.gov>.
2. The food scraps Contract will include: The statewide Master Contract for Grants, Attachment A-1 Program Specific Terms and Conditions, Attachment B-1 Expenditure Based Budget, Attachment C – Work Plan and Attachment D – Payment and Reporting Schedule. The project Work Plan and Expenditure Based Budget are drafted by the Applicant and approved by DEC prior to the Contract being sent to the grantee for signature. Once the Applicant has signed the Contract, DEC will execute the contract. For contracts valued at more than \$50,000, approval by the Office of the State Attorney General and the Office of the State Comptroller is also required. Applicants must carefully review and fully understand all Master Contract for Grants terms and conditions and be prepared to comply with all terms and conditions should a grant be awarded.
3. Applications awarded grant funds below \$10,000 will not be contracted through the Grants Gateway and the Master Grants Contract, rather it will be processed as a Purchase Order.

Payment Procedures

1. Upon execution of a contract, and completion of purchases, the grantee may request the appropriate percentage for reimbursement for the eligible costs of completed portions of the project.
2. Payment requests are NOT incorporated into the Grants Gateway for the food scraps program. Payment requests include a completed State Aid Voucher and must contain all supporting documents (vendor invoice, purchase order, cancelled check) for the expenses claimed. The grantee is required to file a "certificate of completion" with the final payment request.
3. After review of a payment request, DEC may approve, disapprove or modify the amount of funds reimbursed. Payment will not exceed the approved grant contract amount.
4. For capital projects, DEC may conduct an inspection of the project before deciding on payment approval. In no case will the total of all partial payments and the final payment exceed the total Master Contract for Grants funding amount specified on the contract.

5.0 Reporting

A Progress Report is required with each payment request, at least quarterly, as they are submitted. A Final Report is required within 60 days after the end of the contract period. Reporting requirements will be detailed in the Master Grants Contract, to be developed upon award.

6.0 Program Specific Questions

The following questions must be answered online in the Grants Gateway. They are copied here to allow for previewing before completing online. It is recommended that applicants generate, edit and save responses in this format, then cut and paste the finalized responses into the Grants Gateway screens. Please **do not submit this information in paper form**.

We request you enter the project title: 2018 Food Scraps Reduction

ELIGIBILITY QUESTIONS

1. Applicant contact details – Please list the applicant’s contact info, as shown below:
 - a. Municipality Name
 - b. Contact Name
 - c. Address
 - d. Phone
 - e. Email
2. Are you an eligible entity as defined on page 2 of the RFA, Section 2.0 Eligibility Information? (Y/N)
3. Budget - Does the budget include the matched fund requirements detailed on page 5?

PROJECT/TECHNICAL QUESTIONS

4. Which of the following categories is this project targeting? (20 points possible) *Please record all that apply to your project.*
 - a. Wasted food prevention and reduction
 - b. Food donation/rescue
 - c. Organics recycling and other projects
5. What type of project is this? *Please record all that apply to your project.*
 - a. Capital Purchase/Installation
 - i. Containers/bins/totes/receptacles
 - ii. Vehicles
 - iii. Organics processing equipment
 - iv. Facility construction
 - v. Food rescue equipment
 - b. Coordination/Education
 - i. Promotional/outreach materials
 - ii. Staffing
 - c. Other (please explain)
6. Does this project involve any partnerships or collaboratives between organizations to accomplish the goals described in this application? (10 points). Briefly describe the nature of any partnerships/collaboratives.

Please upload (MS Word) any letters or documentation detailing partnerships related to this project.

7. Describe ***in detail*** the proposed project to be completed under this RFA. What components of the municipality's organics diversion program will be newly initiated or improved by this project?

Please review page 4 of the RFA for eligible and ineligible project expenditure examples.

*For **coordination/education projects**: upload the coordinator job description/list the staff person's required duties (as a MS Word document).*

*For **construction projects**: upload the Certificate as to Title of the Property Site as well as the building floor plan sketch (as a MS Word document).*

8. Address the practicality of the project, including its ease of implementation. (15 points possible)
9. Please describe how this project is cost effective for the applicant. (20 points possible)

Note: You will be required to manually enter your budget into the gateway for review. Here you may describe any bid or quoting processes, the cost effectiveness of the capital equipment chosen, reasonable equivalent costs considered, etc.

10. Describe any tracking systems that will be implemented and/or how project progress will be monitored. (10 points possible)
11. Regional Economic Development Plan (5 points)
If applicable, describe how the proposed project aligns with a Regional Economic Development Plan.
Include a brief narrative describing the economic benefits of the proposed project and cite the portion of the relevant plan, goals, or strategies with which the project aligns.
12. Environmental Justice (5 points)
If applicable, describe how the proposed project will benefit a designated Environmental Justice community.
13. Community Support (5 points)
Describe how the proposed project will go above and beyond typical community/stakeholder engagement. Include any letters of support from applicable community groups. (MS Word doc)

Throughout the review process, the DEC reserves the right to request additional information of the applicant based on the responses to these questions.

ADDITIONAL INSTRUCTIONS

To Complete this Application:

1. Provide a brief workplan or description of the proposed project in the Work Plan Overview Form link in the Forms Menu.
2. Enter the Objectives, Tasks, and Performance Measures of this project in the Work Plan Properties Form in the Forms Menu. Note: goals must be related to food scraps reduction, donation, and/or recycling, relevant to the project.
3. Enter the Expenditure Budget Items in the Forms Menu.

What to Expect if You Receive an Award

1) Notification of Award

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

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

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

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

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

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

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

a. Insurance Requirements

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

b. 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.

c. State Environmental Quality Review Documentation

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

d. Vendor Responsibility Questionnaire

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

e. Iran Divestment Act

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

f. Minority/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/quarterlyversion7.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 – 0%

Commodities – 0%

Services/Technologies – 0%

Equal Employment Opportunity (EEO) Participation Goals

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

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

DEC M/WBE Compliance

NYS Department of Environmental Conservation

Bureau of Contract and Grant Development/MWBE Program

625 Broadway, 10th Floor

Albany, New York 12233-5028

Phone: (518) 402-9240

Fax: (518) 402-9023

4) Procurement of Contractors/Subcontractors

Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money. Failure to

comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.

5) Americans With Disabilities Act

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

6) Debriefing Request - In accordance with section 163 of the NY State Finance Law, (Agency name) must, upon request, provide a debriefing to any unsuccessful offeror that responded to the RFP, regarding the reasons that the proposal or bid submitted by the unsuccessful offeror was not selected for an award. An unsuccessful offeror wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that their proposal did not result in an award.

To submit the application after the above items are completed:

Login as **Grantee Contract Signatory** or **Grantee System Administrator**

Go to your application

Go to Status Changes

Under APPLICATION SUBMITTED, click the APPLY STATUS button.

Read the Agreement, Click on "I Agree" Button.