

ERP 2019 FAQs

Question: Please clarify if we are supposed to complete the Work Plan Worksheet and/or a separate Work Plan. I realize that the ERP Grant guidelines state that “A completed worksheet should NOT be uploaded back into the Grants Gateway. However, if this is the case, then why does the Work Sheet contain boxes that indicate the maximum number of characters that can be typed in the box? Does this mean that if we prepare a separate Work Plan we need to abide by the maximum number of characters that are indicated for each topic? Please clarify.

Answer: The workplan worksheet is just a guide for the potential grantees to build their workplan. There is a limited number of characters in the gateway, which is why there is a maximum number of characters indicated on the worksheet.

Question: Is it possible to obtain a copy of one of the previously submitted ERP Grant applications that received an award during the initial round of funding? It would be helpful to see the level of detail that was provided in the Work Plan and budget breakdown, etc.

Answer: Based on the procurement requirements and the unfair advantage that would be afforded one applicant by providing a previously approved application, DEC would not grant such a request. The application process is self-contained within the Gateway, and the RFA is self-explanatory. An applicant should provide detail it deems appropriate and sufficient to document its request for a grant.

Question: Must an application request the entire remediation project as described in the ROD or can we apply in phases? Due to the high overall cost, we were hoping to ask just for a consultant to create the remedial plan in this first phase. Is that possible?

Answer: The 2019 Environmental Restoration Program Grant Opportunity Request for Applications states on numbered page 9 under “Grant Application Requirements and Conditions:

The Remedial Action will involve all tasks necessary to implement the remedy in accordance with DEC’s Record of Decision (ROD). Specific tasks include, as necessary: pre-design activities to address any uncertainties from the Remedial Investigation/Alternatives Analysis (RI/AAR); preparation of a remedial design report; development of the Remedial Action Work Plan in accordance with Division of Environmental Remediation Guidance DER-10 (http://www.dec.ny.gov/docs/remediation_hudson_pdf/der10.pdf); preparation of plans and specifications; contractor procurement; project scheduling; acquisition of appropriate bonding and insurance; acquisition of required permits; implementation of the remedial program; granting of an Environmental

Easement; preparation of a Site Management Plan, as required; submittal of a construction completion report and as-built drawings; and public participation.

A grant is to implement the remedy as described in the ROD in its entirety.

Question: How does my Municipality access the Grants Gateway to apply?

Answer: If the Municipality does not have access to the Grants Gateway it must apply for and receive a log-in and password for the “Grantee Delegated Administrator Role.” To register your Municipality, visit: <https://grantsmanagement.ny.gov/> then scroll down and click “How to Register”. You would then fill in, download, sign and have the form notarized. The Municipality must mail a hard copy of the registration form to the address provided in the instructions. The Grantee Delegated Administrator will need to create roles for the “Grantee” and “Grantee Contract Signatory.” The Grantee is often the project manager or consultant who will upload all the required documentation and edit the work plan and budget. In a small community, the “Grantee” and “Grantee Contract Signatory” may be the same person; however, only the municipal CEO can legally sign the contract.

Question: I can see the opportunity but not the application in the Grants Gateway.

Answer: Completing an application in the Gateway requires the appropriate Gateway role for initiating an application. Check that the user is logged into the Grants Gateway as either a Grantee System Administrator or a Grantee Contract Signatory. Only users logged in as one of these roles will be able to submit an application. To check user roles, click on the details link near the top of the page.

Question: How do we send in our application?

Answer: All applicants must apply through the NYS Grants Gateway https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx. This includes answering all program questions and uploading completed and required program documents and forms. Paper applications will NOT be accepted for this grant opportunity. Late applications will not be accepted.

All applicants must be registered with Grants Gateway to submit an application. In addition to registration, not-for-profits must also be prequalified at the time and date that the application is due. If you are not prequalified at that time and date, your application will not be considered.

Question: How many awards will there be?

Answer: It is not possible to determine the number of awards in advance.

Question: Will our application receive a more favorable ranking if we opt to have DEC undertake the project work?

Answer: No. All applications will be ranked using the same scoring process as outlined in the Request for Application on pages 19-24 regardless of whether DEC or the applicant will complete the work.

Question: Is it possible for DEC to reimburse contractors directly, or does DEC have to reimburse the grantee first (who then will reimburse its contractors)?

Answer: The grant is reimbursable to the prime grantee only. The State is not able to reimburse a grantee's contractors directly. In reporting, the grantee will need to demonstrate the contractors were paid before the reimbursement can be made.

Question: What are the minimum and maximum awards?

Answer: The minimum and maximum award amounts are \$20,000 and \$3,000,000 respectively, as identified on page 5 of the Request for Application.

Question: If the application applies for a specific dollar amount, but the applicant may be willing to accept an award at a lesser amount, while still able to meet all the stated goals and objectives of the project, would there be an opportunity to discuss this (accepting less money) with DEC before it finalizes all the grant awards?

Answer: No. Applicants are advised to put forward their best efforts in thoroughly completing and fulfilling all requirements of the RFA.

Question: How do we include a contractor in the budget if the contractor is not known at this time?

Answer: The identity of the contractor does not have to be known at time of application. It is expected that an applicant will need to follow appropriate procurement procedures to secure a contractor. For the purposes of this application, you may indicate "Contractor TBD" in the budget line. If you have multiple TBD contractors (these need to be itemized individually in the budget form), you should include one or two words to identify what the contractor will do, such as "Contractor TBD, engineer", or "Contractor TBD, construction services".

Question: Must specific quotations from contractors be submitted along with filing out the electronic application?

Answer: Uploading quotes is not necessary; however, the Municipality should use estimates based on DEC's Record of Decision adjusted for inflation as discussed in the Request for Application.

Question: What is the timeline for getting an award and payment?

Answer: The timeline for award and payment depends on many factors. Time to complete a contract is potentially six months to a year but depends on the following factors, among others: how fast the Municipality completes and submits its Remedial Action Work Plan; identifying and uploading the proper insurance certificates and obtaining new certificates, if needed; time between board meetings, where authorization to sign the contract can be given; the Municipality's proficiency in using the Gateway; ability to provide all necessary information, maps, plans, etc., and submitting forms correctly filled out when vouchering.

Question: Is there a match requirement and is documentation required?

Answer: There is no separate match requirement beyond the percentages of project costs for which the Municipality is responsible, as outlined in the Request for Applications document on page 10 under "Expenditure Based Budget".

Question: What are the percentage of project costs we would be responsible for?

Answer: Where a Grantee has chosen to be the lead on the remedial project, it is responsible for at least 10% of on-site remedial costs and at least 50% for demolition or asbestos removal costs. No reimbursement from the Municipality is required for off-site remediation directed by DEC. If DEC undertakes the project on behalf of the Municipality, the Municipality will be responsible for 10% of on-site remediation costs and 50% for demolition and/or asbestos removal costs. No reimbursement is required for off-site remediation directed by DEC.

Question: What is the period of the grant?

Answer: The contract term is three years. Time extensions of up to two years beyond the contract term end date will be considered by 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.

Question: If we receive an award, when do we need to begin field work to implement the Record of Decision?

Answer: The Grantee will be required to initiate field work within 12 months of the award. If the field work for a project is not initiated within 12 months of the award, the award will become null and void and DEC may reapply the project funding to the next highest scoring application. A Municipality may begin work once it has received written approval of the Remedial Action Work Plan

Question: If DEC takes the lead on our project, how long will it take to clean it up and have it ready for redevelopment?

Answer: The length of time for cleanup would depend on several factors including the requirements to implement the Record of Decision (ROD), the nature and complexity of remedial actions needed to implement the ROD, and other factors.

Question: If DEC takes the lead on my project when do we have to pay our share of the costs to DEC?

Answer: As stated in the Request for Applications, DEC will invoice periodically.

Question: Are salaries and benefits of our Municipal employees who will perform construction work on the project eligible?

Answer: If specific work may be performed by the applicant's employees more effectively, it can be considered for force account. DEC must approve the use of force account in advance. Please refer to page 25 of the Request for Applications.

Question: Will the prime contractor be able to divide a project so that it is manageable for the M/WBE subcontractor to bid on the project?

Answer: Applicants must work with their contractors to ensure that M/WBE goals are met for the project.

Question: Is the firm hired to do construction considered a subcontractor?

Answer: Yes, a firm hired by the awardee (prime contractor) is a subcontractor under this grant.

Question: Regarding subcontractors: We anticipate a bidding process for our capital project, so at the time of the application submission we will not know specific subcontracting entities. Please advise how we should address this issue?

Answer: If there are impediments to specifically identifying by name those subcontractors which will be involved in project execution, the applicant should note "To Be Determined" and, to the best of its ability, describe the type of work to be performed and the type of subcontractor.

Question: What are the consequences if a project is funded and initiated, but not completed?

Answer: The State reserves the right within the Master Contract to pursue available legal or equitable remedies.

Question: Can a developer enter the Brownfield Cleanup Program for our site and implement the remedy under that program and receive tax credits?

Answer: DEC would review any application submitted for the Brownfield Cleanup Program for the site and would make a determination at that time.

Question: After the site is cleaned up, what can it be used for?

Answer: The site would be eligible to be used for the allowable use or uses identified in the site's Record of Decision.

Question: If awarded, can we receive an advance on grant funding?

Answer: No. This is a reimbursement grant. The awardee must incur eligible expenses and submit a Claim for Payment/Voucher and supporting documentation for reimbursement.

Question: The Request for Application document indicates we can adjust our original budget shown in the Record of Decision. Can we increase costs based on inflation?

Answer: You can adjust the value of the selected remedy in the site's Record of Decision, adjusted by Consumer Price Index to the current year. You cannot estimate for any potential increases beyond the current year, since the CPI rates are unknown.

Question: Can we provide letters or support, for example, from elected officials? If so, should we upload in the Grantee Document folder, or somewhere else?

Answer: Letters of Support are not a requirement of the RFA and are not part of the evaluation criteria.

Question: Are there character/word limits involved with each question and if so, what are they?

Answer: The response option limit provided below each text box includes characters with spaces. Graphic elements (tables, charts, maps, etc.) may not be placed in the narrative text boxes for the Program Specific Questions in Grants Gateway. If an applicant would like to submit additional documentation such as tables, charts, graphs and maps to support the narrative response, such documentation may be uploaded in a PDF document into the "Grantee Document Folder" in the Forms Menu of the online application. Please clearly label any uploaded files.

Question: I am not getting the "APPLY FOR GRANT OPPORTUNITY" button.

Answer: To access attachments and apply for the grant opportunity, a user must first be registered and logged into the Grants Gateway as a Grantee, Grantee Contract Signatory, or Grantee System Administrator. Once logged in, the user should click on the "View Available Opportunities" button available on their home screen and search for the Grant Opportunity by name. On the Opportunity Funding Profile page, click on "Apply for Grant Opportunity" to begin the application. If you are having difficulty, go to the Resources for Grant Applicants webpage at:

<http://grantsmanagement.ny.gov/resources-grant-applicants> or contact:

Grants Gateway Team Email: grantsgateway@its.ny.gov

Phone: 518-474-5595

Hours: Monday thru Friday 8am to 4:00pm

(Application Completion, Policy, and Registration questions)

Question: Is an Industrial Development Agency (IDA) eligible to apply for this opportunity? The property in question is owned by an IDA.

Answer: If the IDA owns a property that has a DEC-issued Record of Decision (ROD) issued under the Environmental Restoration Program, it is eligible to apply.

Question: If a Municipality chooses to have DEC perform the remediation at the site, would we simply state in the application that we would elect to have DEC undertake the work or do we need a more formal agreement put in place prior to submitting an application?

Answer: If you will request that DEC perform the remediation work, you are not required to obtain a formal agreement with DEC before submitting an application. If, ultimately, DEC offers a grant for your project, the municipality and DEC would enter into a formal agreement regarding DEC performing the work at the time the Master Grant for Contracts is finalized.

Question: The application asks for cost estimates, project phasing/milestones, etc. so how would these be addressed if the work is primarily performed by DEC?

Answer: An applicant cannot submit the application without inputting a budget and workplan. Because the Grants Gateway system requires a budget and workplan, DEC cannot exempt an applicant from submitting them. Each eligible site's Record of Decision (ROD) provides a general estimate of the cost of the selected remedy. It is recommended that an applicant develop a budget and Scope of Work in a generic sense (in other words, not assuming either DEC or the Municipality would perform the remediation, but simply how the remedy specified in the ROD would be implemented), following the guidelines beginning on page 10 of the RFA.