



Department of
Environmental
Conservation

GUIDELINES AND APPLICATION INSTRUCTIONS

*Grants to Reduce Wasted Food Through Increased
Distribution of Wholesome Food to Those in Need*

Amendment 1

Amended 9/14/18 to include
Webinar Time and Link, and adding a Project Title.

Emergency Food Relief Organizations

NYS Grants Gateway Application ID:

DEC01-DMMEFR-2018

Opportunity Timetable

ITEM	DATE
Announcement of Grant Program	9/5/2018
Applications Open in Grants Gateway	9/5/2018
Informational Webinar	9/19/2018 1:00 PM ET
Q&A Period Ends	1/25/2019 5:00 PM ET
Final Applications Due	2/1/2019 3:00 PM ET
Application Award Date	3/1/2019
Contract Start Date	5/1/2019
Contract End Date	4/30/2021

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Introduction

The New York State Department of Environmental Conservation (DEC) is pleased to announce funding for food pantries and other local emergency food assistance providers to increase the amount of wholesome food available to those in need.

Food pantries and other local emergency food assistance providers are on the front line when it comes to helping those in need. The Department is interested in increasing the donated food that food pantries have available (especially fresh fruits and vegetables) because it would help those who do not have access to enough food and it has an environmental benefit. If more wholesome food is brought to food pantries, less ends up in the waste stream and ultimately in landfills, where it generates methane, a potent greenhouse gas.

PLEASE NOTE!! Applications must be submitted through the NYS Grants Gateway (<https://grantsgateway.ny.gov>). Paper applications will NOT be accepted. Applicants are strongly encouraged to submit their applications prior to the application deadline. Late applications will not be accepted. For more information about Grants Gateway, please visit the Grants Reform website (<http://www.grantsreform.ny.gov/Grantees>) or contact the Grants Reform Team at: grantsreform@its.ny.gov. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

Applicant Eligibility

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

501(c)(3) not-for-profit corporations whose projects include providing wholesome food to those in need, either directly or indirectly. Food Banks are ineligible for this grant program since DEC already has a contract in place to fund activities at the Food Banks.

For this grant opportunity, a "Not-For-Profit Corporation" (NFP) is subject to New York State's Not-For-Profit Corporation Law and is qualified for tax-exempt status under Section 501(c)(3) of the Federal Internal Revenue Code, has an IRS 501(c)(3) determination letter to be incorporated in New York State and is current in their charities reporting requirements with the Office of the Attorney General.

Individuals and unincorporated groups are not eligible for this grant opportunity. However, an eligible applicant may apply on behalf of an individual or unincorporated group as a fiscal sponsor. The fiscal sponsor accepts responsibility of the grant, and serves as a fiscal conduit for a DEC-funded project, receiving and disbursing funds related to the grant, and administering the requirements throughout the DEC grant process, including final reporting of grant activity.

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

Grant Opportunity General Information and Conditions

a) Funding

Approximately \$ 800,000 is available from the NYS Environmental Protection Fund. This grant program is being issued in conjunction with a similar \$ 1,200,000 program for municipalities. 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.

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.

Municipalities awarded grant funds over \$10,001 will enter into a Master Contract for Grants with the State

Only purchases or incurred costs made during the contract time frame will be considered for repayment.

b) Proposed Project Timeframes

All projects must be completed and invoiced within a two-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:

<i>ITEM</i>	<i>DATE</i>
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<i>Application Award Date</i>	<i>3/1/2019</i>
<i>Contract Start Date</i>	<i>5/1/2019</i>
<i>Contract End Date</i>	<i>4/30/2021</i>

c) Minimum and Maximum Award Amount

The minimum award amount is \$100. The maximum award amount is \$15,000.

d) 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. Grants will be awarded to eligible applicants in the order they are received in the Grants Gateway, based on the earliest submission date recorded in the Gateway.

e) 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. For this grant opportunity, applicants must match at least 10% of the grant funding amount. More information about project match can be found on page 8 of this RFA.

f) Inquiries & Designated Contact Information

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

DEC's Organics Reduction and Recycling Program Staff at:
OrganicsGrants@dec.ny.gov

Please type "Food Assistance RFA" in the subject line of the email.

Questions regarding this grant opportunity will be accepted by the DEC until C.O.B. January 25, 2019. All questions, and answers, will be uploaded in the Grants Gateway application for all applicants to view.

Join us for our webinar September 19th at 1pm

Webinar Login Info:

Meeting Number: 642 883 447

Meeting Password: GG2018

1. Go to <https://meetny.webex.com/meetny/j.php?MTID=mf95150ce7715221b716a5e53697c9c13>
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.

g) Department of Environmental Conservation Oversight

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for projects consistent with this grant opportunity.
- Partially fund an application if the partially-funded portion can be demonstrated to meet the criteria for this RFA.
- Reject any or all applications in response to the RFA at the agency's sole discretion.
- Reduce an award from the amount requested in the application, so long as the reduced funding does not jeopardize the viability of the project to proceed at the reduced funding level.
- Reduce an award from the amount requested in the application, should the project budget contain costs considered ineligible under this grant program.
- 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 DEC's sole discretion.
- Monitor the progress of all grant awards and withdraw grant funding, if the grantee fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.

h) Application Submission

Applications must be submitted through the NYS Grants Gateway <https://grantsgateway.ny.gov>

Paper applications will NOT be accepted. Applicants are strongly encouraged to submit their applications prior to the application deadline. Late applications will not be accepted.

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

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

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

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

i) Applicant Prequalification

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

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

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

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

1. Register for the Grants Gateway

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

2. Complete your Prequalification Application

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

- Specific questions about the Prequalification process should be referred to your agency representative or to the Grants Reform Team at grantsreform@its.ny.gov. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

3. **Submit Your Prequalification Application**

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

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

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

- [The NYS Grants Reform Website](#)
- [Video: Grants Gateway Registration](#)
- [New York State Prequalification System for Grants Contract Vendors: A Resource Manual and Users Guide for Not-for-Profit Vendors](#)
- Biweekly Document Vault webinars. All information can be found on the Grants Reform website - [Training Calendar](#)

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

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

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

Eligible and Ineligible Expenditures

Eligible Project Expenditures

- Personal Services: Staff salaries including fringe benefits, directly devoted to the project. Itemize salaries according to job title and roles/responsibilities 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.
- Supplies and Materials: Directly needed to implement the project.
- Equipment: Equipment that is directly necessary to implement the project.
- Travel: Travel costs directly required to implement the project (within New York State only).

Examples of Eligible Project Items (other items may be eligible as well):

- Refrigerator, freezer space, walk-in cold room/cooler
- Kitchen equipment to prepare and cook food
- Refrigerated vehicle
- Vehicle to either transport people to food OR to transport food to sites
- Expansion of physical space
- Cambro or other similar insulated food transporters
- Oven
- Funding to support the set-up of a donation program with local farms, restaurants, grocery stores, etc.; Funding to support nutritional education programs and/or publicity about the sites' services
- Money to pay staff to:
 - Introduce and manage new donation programs
 - Conduct outreach and education programs to pantry clients on:
 - How to use the donated food efficiently and reduce their residential food waste, hold cooking classes on how to cook fresh produce or expand on basic ingredients, etc.
- Funding for transportation or a delivery service from food sources to pantries/meal sites

Ineligible Project Expenditures

- Indirect costs: Overhead or operating expenses (space, rent, utilities, etc.)
- Travel: Out-of-state travel costs, and any travel not directly required to implement the project.
- Administrative salaries: Administrative salaries are NOT eligible for grant reimbursement, but may be used as match funds. For the purposes of this RFA, administrative salaries are defined as follows:
 - Preparation of equal employment opportunity and women and minority business enterprises documentation.
 - Preparation of quarterly narrative and expenditure reports.
 - Preparation of payment reimbursement request forms and backup cost documentation.
 - Preparation of Final Report upon project completion.

- State and/or federal funding: project costs funded from other state and/or federal funding sources are not eligible for grant reimbursement.

Match Requirements and Expenditures

Applicants must provide **10% in match funds based on the amount of grant funds**.

$$\text{Formula: Requested Budget Item Cost} \times 10\% = \text{Required Match}$$

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.
 - Preparation of quarterly narrative and expenditure reports.
 - Preparation of payment reimbursement request forms and backup cost documentation.
 - Preparation of 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.

Grant Application Requirements and Conditions

1. General

- The applicant must be eligible, as defined on page 1 in this RFA (Applicant Eligibility).
 - Projects must implement at least one of the eligible project items identified in this RFA (see page 6, Eligible and Ineligible Expenditures section).
 - The uploaded project time line indicates completion of project objectives, tasks and deliverables on or before April 30, 2021.
 - At least 10% in eligible match is identified for all eligible project funding sources.
 - Application completeness: The application is broken out into four sections in the Grants Gateway: Program Information, Expenditure Budget, Work Plan, and Pre-Submission Uploads. To be eligible, applicants must complete all of these sections and upload the required documentation.
2. **Project Objective and Impact** – The project must meet the objectives of this funding. The amount of food that would otherwise be wasted is reduced and/or additional wholesome food is available for those in need.
 3. **Project Timeline** – Applicants must upload a project timeline detailing completion dates for all applicable actions and purchases required by the project. Applicants must have the resources and ability to complete the project in the required time line. Project expenditures prior to Master Contract for Grants (MCG) start date and after the MCG end date are not eligible for reimbursement or match. The timeline must be uploaded in the pre-submission uploads page.
 4. **Knowledge, Skills, and Expertise** – Applicants must possess the knowledge, skills, and/or track record to successfully implement the project.
 5. **Project Cost Effectiveness** – The costs incurred as part of the project must be cost-effective. Applicants are encouraged to provide multiple quotes from vendors/contractors for the work to be completed to help justify cost effectiveness.

Application Evaluation

All applications will be reviewed and those that comply with the criteria in this RFA will be funded in the order which they were submitted.

Grant Program Payment

Project costs eligible for reimbursement and project match must be incurred between the MCG term start and end dates. Costs incurred prior to the MCG term start date or after the MCG term end date will not be considered eligible for grant reimbursement or match. Copies of supporting cost documentation (paid invoices, receipts, cancelled checks, etc.) must be audited and approved by the DEC for costs to be eligible for grant reimbursement. A DEC on-site inspection may be required to confirm all work was completed in accordance to the approved project work plan.

Grant Program Reporting

A report must be submitted and approved by the DEC prior to the release of the final contract payment to the Grantee. The Contractor must submit the Report no later than 60 days after the end of the contract period. The 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 this RFA.

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. Applications will **not** be accepted in paper form. **Throughout the review process, the DEC reserves the right to request additional information of the applicant based on the responses to these questions.**

We request you enter the project title: 2018 Emergency Food Relief Organizations

1. Applicant details – Please list the applicant’s contact info, as shown below:
 - a. Name
 - b. Address
 - c. Phone
 - d. Email
2. Are you an eligible entity as defined on page 1 of the RFA, Applicant Eligibility Section?
3. Describe your organization's operations related to food rescue and/or emergency feeding activities. Include any data or details on collaborative partnerships relevant to this project (e.g., number of people fed per year, hours of operation, service area, unique variations or challenges to your operation, pounds of food recovered per year, etc.).
4. Describe the proposed project to be completed under this RFA. Explain how this project will help the organization divert more food to those in need. What components of the operation will be newly initiated or improved by this project?

Please review page 6 of the RFA, the Eligible and Ineligible Expenditures Section, to ensure your project meets all eligibility requirements. Upload any additional MS Word documents, as necessary.

5. IF THIS PROJECT INCLUDES THE HIRING OF STAFF:

Describe the duties that will be performed by the staff person. *(Upload the official job description/duties (MS Word) if possible.)* Include details related to any specific tasks or work products that will be completed by the staff person.

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 Expenditure Budget items in the Forms Menu.
3. Submit the Project Timeline as a Pre-Submission Upload.

To Submit this Application after the above items are completed:

4. Login as Grantee Contract Signatory or Grantee System Administrator (other roles cannot submit)
5. Go to your application
6. Go to Status Changes
7. Under APPLICATION SUBMITTED, click the APPLY STATUS button.
8. Read the Agreement, Click on "I Agree" Button.

Please be advised that if this application is approved for funding, the following additional documents will be required from the applicant:

1. Proof of Disability Insurance
2. Proof of Workers' Compensation Insurance
3. Proof of Liability Insurance as required depending on project scope.

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.