

**NYS Department of State  
Legislative Member Item Award**

**Grant Contract Instruction Sheet**

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The following instructions are prepared to assist recipients of Legislative Member Item awards with the preparation of documents required for contract execution. **It is critical to successful contract execution that contractors read the instructions outlined on the following pages.** Contract forms can be found on the Department of State's website at: <http://www.dos.ny.gov/communityprojects>.

**Contract Forms:**

1. A complete contract consists of the contract **face page** and all appendices listed. These include:
  - o Signature page
  - o State of New York Agreement
  - o Appendix A (Standard Clauses for NYS Contracts)
  - o Appendix A-1 (Agency Specific Clauses)
  - o Appendix B (Budget)
  - o Appendix C (Payment & Reporting Schedule)
  - o Appendix D (Workplan)
  - o Appendix E (Notices), and
  - o Appendix X (please leave blank)

Detailed instructions for completing these forms are included below. When completing the contract form, all information should be typed. White-out should not be used on any part of the contract; corrections can be made with single line cross-outs that are initialed by the contract signatory. Incomplete documents, or those with errors, will be returned to the applicant for correction. Contract signatories should use **BLUE INK** when signing documents to assist with verification of original document submission. **Three (3) original, signed and notarized copies of the entire CONTRACT must be returned for processing.**

2. Not-for-profit organizations are required to submit one original **Vendor Responsibility Questionnaire (VRQ)** and three signed **Certification Appendices** (see [www.dos.ny.gov/communityprojects](http://www.dos.ny.gov/communityprojects) for forms). The VRQ and Certification Appendix **MUST** be completed and returned with the contract. Failure to do so will result in a delay in contract approval. Please note that there are different questionnaires and Certification Appendices required based on the value of contract awards.

Please find registration information for online Vendor Responsibility submission at [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep). The Department recommends using the online form for ease in updating. This system also provides users contract and payment status information.

Governmental organizations are exempt from the VRQ and Certification Appendices. These include counties, cities, towns, villages, school, fire, water and sewer districts, municipal fire departments, public libraries, BOCES, and VEEBS.

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3. A copy of the Legislative Initiative Form (LIF) prepared by the Legislature has been included with your award letter. Appendix B (Budget) and Appendix D (Workplan) must be consistent with the purpose identified on the LIF. If a change in purpose is needed, please contact your legislative sponsor as soon as possible to request a revised LIF. The sponsor's finance committee must inform the Department of State in writing of any changes in the purpose of the project. You do not need to return the Legislative Initiative Form.

**If you have any questions, please contact the Contract Administration Unit at [dos.sm.Fiscal.CAU@dos.ny.gov](mailto:dos.sm.Fiscal.CAU@dos.ny.gov) or (518) 486-3905.**

**INSTRUCTIONS FOR COMPLETING CONTRACT DOCUMENTS**

**A. CONTRACT FACE PAGE:**

Please complete all sections of the face page as follows:

**Contractor** - Fill in the legally incorporated name of the organization. Under the name, enter the organization's **business** address. If the recipient's name as listed on the Legislative Initiative Form is not the legal name of the organization, please call the Contract Administration Unit at (518) 486-3905 for instructions.

**NYS Vendor ID** – This ten-character identifier is required to contract with New York State agencies and is assigned by the New York State Office of the State Comptroller's Vendor Management Unit. To obtain this identifier, please contact the Vendor Management Unit to register as a New York State Vendor at <http://www.osc.state.ny.us/vendors/vendorsguide/guide.htm#registration>.

**Federal Tax Identification Number** – This nine-digit number is provided by the Federal Internal Revenue Service which is used to report federal withholding taxes to the government. This number is required regardless of whether or not you have employees. New York State agencies cannot do business with organizations that have not obtained a Federal tax identification number. To apply for one of these numbers, call 1-800-829-3676 and ask for Form SS4.

**Municipality Code** - This 12-digit number applies only to government entities and is assigned by the New York State Office of the State Comptroller.

**New York State Contract Number** – A unique contract number was assigned to this agreement by the New York State Department of State and is listed in the letter you received with the copy of your Legislative Initiative Form. This number begins with an **M**, **TM**, or **C** and should be referenced on all correspondence and phone inquiries.

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**Contract Amount** – This amount is provided in the letter you received with the copy of the Legislative Initiative Form. This must be listed exactly as it appears on the on the form.

**Total Project Cost** – This is the same value as the contract amount.

**Initial Contract Period** – This is the time period during which project activities are to be conducted and project costs incurred. Activities and related costs occurring outside of this time period will not be eligible for reimbursement. The start date is the date identified in your award letter, and the end date will be the July 31 of the year that follows the contract endorsement. For example, if the contract is endorsed on December 1, 2011, the end date will be July 31, 2012.

**Status:**

Sectarian Statement - This statement is in regard to the sectarian nature of all contracting institutions and their projects; that is, whether your organization and project has as one of its purposes the advancement of a particular religion. Check the response that pertains to your organization and project. If the organization is sectarian in nature, yet the purpose of this particular project is secular (non-sectarian), you must provide written explanation in your project narrative justifying as to how the project complies with the Federal Constitution as it pertains to the separation of church and state.

Not-for-Profit Statement - Check the response that pertains to your organization.

**Charities Registration -**

Charities Registration Number – This six-digit number is provided to not-for-profit organizations registering with the New York State Attorney General, Charities Registration Bureau. Article 7A of the New York State Executive Law requires that all not-for-profit organizations which intend to solicit and actually receive contributions of \$25,000 or more from persons in New York State or from any governmental agency by any means whatsoever or utilize the services of a solicitation, file for registration with the Charities Registration Bureau. **Contractors that are exempt from the requirements of Article 7A must indicate the reason for exemption next to E2 on the face page or provide a letter of exemption.** The complete list of exemptions can be found on pages 9 of these instructions. Please see page 8 for additional information.

Estates, Powers and Trusts - If the organization is exempt from the reporting requirements as identified in Executive Law, Article 8, Section 8-1.4(b), please indicate the reason for exemption next to E3 on the face page. The complete list of exemptions can be found on pages 10 of these instructions. Please see page 9 for additional information.

If the organization did not claim an exemption under both E2 and E3, please indicate the status of the organization's filing with the Charities Registration Bureau (i.e., has or has not filed timely).

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Questions regarding these statutory requirements or regarding the registration status of the organization, should be directed to: *NYS Office of the Attorney General, Charities Registration Bureau, 120 Broadway, New York, NY 10271, (212) 416-8401.*

**B. Signature Page**

- Contract #: Provide number on the top right hand corner of page.
- Contract Signature: Use only **BLUE INK** to assist with verification of original signatures. Provide vendor's legal name exactly as shown on Federal W-9. The signatory must be the official that is authorized to sign documents on behalf of the *organization or municipality*.
- The licensed Notary Public must complete the notary section including the expiration date of his/her commission and the county of authorization. **DO NOT USE WHITE OUT.**

**C. State of New York Agreement**

Review and insert after the signature page. *No modification is required.*

**D. Appendix A**

Review and insert after the State of New York Agreement. *No modification is required.*

**E. Appendix A1**

Review and insert after the Appendix A. *No modification is required.*

**F. Appendix B: Budget**

Please complete the Appendix B Budget Summary Sheet (B-1) and Budget Detail Sheets (B2 - B4) for all categories which you will be requesting reimbursement and put -0- on the total line of each category for which no costs are budgeted. Additional pages may be attached as needed. (The sum of all categories may not exceed and must equal the amount listed in the letter you received with the Initiative Form and as listed on the **CONTRACT FACE PAGE**.) For each category, indicate on the Detail Sheets, the types of items or services being purchased and the estimated cost of each. Equipment is limited to those items that exceed \$200 each or have a useful life of more than 1 year. Each piece of equipment being purchased must be itemized by specific description (type and model) and cost. The Contractual Services category includes items such as telephone, postage, rent, utilities, rental or repairs to equipment, lease of equipment, sub-contracted services and construction costs.

In the remaining budget categories, it is not necessary to list each specific item to be purchased. Like items such as office supplies and printing supplies can be combined, and the estimated costs for each like item must be provided. **It is unacceptable to use terms such as "Miscellaneous,"**

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**“Etcetera” or “Other” when listing items or services. Please keep in mind that expenditures eligible for reimbursement must be incurred (goods or services received) during the contract period as set forth on the Contract Face Page and must be paid for prior to seeking reimbursement.**

Certain expenditures are not eligible for funding unless specified in State budget appropriation language. These items include, but are not limited to:

- Alcohol
- Out-of-state or out-of-country travel
- Prizes and awards
- Honoraria in excess of \$100 per event
- Lobbying expenses
- Fund-raising events
- Fines and penalties
- Taxes
- Deficit funding
- Land
- Contingencies
- Religious activities
- Overhead costs
- Indirect costs

**G. Appendix C: Payment and Reporting Schedule**

Review the terms of the contract for payment and reporting requirements. *No modification is required.*

**H. Appendix D: Program Workplan**

1. **Recipient Organization Name** – Insert the name of the recipient of funds as listed on **CONTRACT FACE PAGE**.
2. **Type** - Indicate type of recipient organization according to the following:
  - M:** Municipality
  - N:** Not-for-Profit Organization
3. **Program Contact Person** – Insert the name and daytime phone number of a person who can answer questions regarding the project and/or forms completion.

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**4. Narrative:**

Please describe in detail **only** the project activities to be financed with the funding provided under this contract. All proposed project activities must be consistent with, and in direct support of, the purpose of the appropriation as approved by the State Legislature and as set forth on the enclosed Legislative Initiative Form.

The narrative must address each cost category in Appendix B in which budgeted funds have been identified and must clearly explain how and why the proposed expenditures are necessary for carrying out the purpose of the appropriation as set forth in the enclosed Legislative Initiative Form. For example, if the organization intends to purchase equipment or supplies and materials, please explain what is to be purchased, the purpose it serves and where it will be maintained or stored. If the organization anticipates that this item will have to be purchased from a particular vendor, please identify and include price quotes as they apply. If activities or purchases are complete, please submit supporting documents to assist with prompt processing of the contract.

If funds are going to be used to pay salaries and/or fringe benefits, please explain, by title, how the activities of those individuals being employed relate to the conduct of the project and the period of time that the salaries will cover.

If funds are going to be used for program development or implementation, please explain what kind of program, who is involved, what are your goals, and how the proposed activities are necessary for achieving those goals.

If funds are going to be used to obtain contractual services, please provide the Department with a detailed description of the services, an explanation as to why you must contract out, and how these services are necessary for the success of the project.

If the organization is sectarian in nature, explain the secular (non-sectarian) purpose of this particular project and provide justification as to how it complies with the Federal Constitution as it pertains to the separation of Church and State.

**Appendix E: Notices**

Insert current contact information. The information is required; do not leave blank.

**Appendix X: Modification Agreement Form**

**This form is NOT to be completed at this time.** However, it is part of the formal contract and must be included with the contract submission. This form will be used to modify the contract, if needed. Instructions for completion will be available if a modification is required.

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**Contract Submission:**

**THREE** complete contract packages with original signatures **must** be submitted for processing. Please do not make any changes to any pages beyond the Appendix B and D. Changes to the boilerplate text will result in rejection of the contract for correction. **If you make a mistake, do not cross out or use white-out.** Please print new pages from the Department of State's website.

**IN ADDITION:** If you are not a governmental entity as listed on page one of the instructions, one copy of a Vendor Responsibility Questionnaire and three copies of a Certification Appendix **MUST** be completed and returned with the three copies of the contract.

**Vendor Responsibility Questionnaire (if needed, see page 1)**

State Agencies are required to make a determination as to the scope of vendor (contractor) responsibility prior to entering into a contract or submitting a material amendment to an existing contract to the Office of State Comptroller for approval. To assist the Department in making this determination, each contractor must complete and submit a Vendor Responsibility Questionnaire, including the certification, before the contract and/or amendment can be approved. There are two Vendor Responsibility Questionnaires depending on value of contract; complete appropriate questionnaire. Please find registration information for online Vendor Responsibility submission at [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep). The Department recommends using the online form for ease in updating. This system also provides users contract and payment status information.

**Certification Appendix (if needed, see page 1)**

Recently implemented contract review procedures by the Office of the Attorney General require that a Certification Appendix be completed and returned with the contract package (see [www.dos.ny.gov/communityprojects](http://www.dos.ny.gov/communityprojects) for forms). There are two Certification Appendices depending on value of contract; complete appropriate Appendix. Contract number must be filled in on the top right hand corner of both pages, and item IV must be completed. The Sponsoring Member's name is provided on the Legislative Initiative Form that was mailed with your award letter from the Department of State. The Certification Appendix must be **signed** by the same individual who signed the original signature pages of the contract, and it must also be **notarized**.

Send the completed contract documents to: *NYS Department of State, Contract Administration Unit – LMI, One Commerce Plaza, 11<sup>th</sup> Floor, 99 Washington Avenue, Albany, NY 12231-0001.*

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**E1 CHARITIES REGISTRATION AND CHARITABLE TRUSTS**

Most not-for-profit organizations (including corporations and charitable trusts) are required to file annual financial reports with the Attorney General. This requirement is found in Article 7-A of the Executive Law and Article 8 of the Estates, Powers and Trusts Law (EPTL). Specifically, Section 8-1.4 of the EPTL states:

(a) For the purposes of this section, “trustee” means (1) any individual, group of individuals, corporation or other legal entity holding and administering property for charitable purposes, whether pursuant to any will, other instrument or agreement, court appointment, or otherwise pursuant to law, over which the attorney general has enforcement or supervisory powers, (2) any non-profit corporation organized under the laws of this state for charitable purposes, and (3) any non-profit foreign corporation organized for charitable purposes, doing business or holding property in this state. Neither a foreign corporation nor a trustee acting under the will of, or any agreement executed by, a non-resident of this state shall become subject to the provisions of this section merely by reason of maintaining a bank, custody, investment or similar account in this state.

(b) A trustee shall not be qualified to make application for funds or grants or to receive such funds from any department or agency of the state without certifying compliance with paragraphs (d), (f), and (g) of this section and all applicable registration and reporting requirements of Article 7-A of the Executive Law.

In addition, please note that the new Charities Registration number is a 6-digit number with a hyphen after the second and fourth digits.

Pages E-2 and E-3 contain the inclusive listing of exemptions to the registration and reporting requirements of each article of law cited above.

If the Contractor qualifies for exemption from either article of law, place the complete number, i.e., 2(b), of the exemption in the respective section of Box 4 on the Contract Face Page.

Any questions regarding the statutory requirements or applicability to your organization should be directed to:

Office of the Attorney General  
Charities Registration Bureau  
120 Broadway  
New York, New York 10271  
(212) 416-8401

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**E2**

**CHARITIES REGISTRATION EXEMPTIONS  
EXECUTIVE LAW, ARTICLE 7-A**

1. This article shall not apply to corporations organized under the religious corporations law, and other religious agencies and organizations, and charities, agencies, and organizations operated, supervised, or controlled by or in connection with a religious organization.
  
2. The following persons shall not be required to register with the attorney general:
  - (a) An educational institution confining its solicitation of contributions to its student body, alumni, faculty and trustees, and their families.
  - (b) Fraternal, patriotic, social, alumni, law enforcement support organizations and historical societies chartered by the New York state board of regents when solicitation of contributions is confined to their membership.
  - (c) Persons requesting any contributions for the relief of any individual, specified by name at the time of solicitation, if all of the contributions collected, without any deductions whatsoever, are paid to or for the benefit of the named beneficiary.
  - (d) Any charitable organization which does not intend to solicit and receive and does not actually receive contributions in excess of twenty-five thousand dollars during a fiscal year of such organization, provided none of its fund raising functions are carried on by professional fund raisers or commercial co-venturers. However, if the gross contributions received by such charitable organization during any fiscal year of such organization shall be in excess of twenty-five thousand dollars, it shall within thirty days after the date it shall have received total contributions in excess of twenty-five thousand dollars register with the secretary as required by section one hundred seventy-two of this article.
  - (e) Any charitable organization receiving an allocation from a federated fund, incorporated community appeal or a united way, provided such fund, appeal or united way is complying with the provisions of this article relating to registration and filing of annual reports with the secretary, and provided such organization does not actually receive, in addition to such allocation, contributions in excess of twenty-five thousand dollars during the fiscal year, and provided further that all the fund-raising functions of such organizations are carried on by persons who are unpaid for such services. However, if the gross contributions other than such allocation received by such charitable organization during any fiscal year of such organization shall be in excess of twenty-five thousand dollars, it shall within thirty days after the date it shall have received such contributions in excess of twenty-five thousand dollars register with the secretary as required by section one hundred seventy-two of this article.
  - (f) A local post, camp, chapter or similarly designated element, or a county unit of such elements, of a bona fide veterans' organization which issues charters to such local elements throughout this state, a bona fide organization of volunteer firemen, an organization providing volunteer ambulance service (as defined in section three thousand one of the public health law) or a bona fide auxiliary or affiliate of such organizations, provided all its fund-raising activities are carried on by members of such an organization or an affiliate thereof and such members receive no compensation, directly or indirectly, thereof.
  - (g) An educational institution which files annual financial reports with the regents of the university of the State of New York as required by the education law or with an agency having similar jurisdiction in another state or library which files annual financial reports as required by the state education department.
  - (h) A charitable organization which receives all or substantially all of its funds from a single governmental agency and reports annually to that agency provided such reports contain financial information substantially similar in content to that required by subdivision one of section one hundred seventy-two-b of this article; provided, however, that such organization may receive no more than twenty-five thousand dollars from sources other than the government agency to which it reports.
  - (i) Any police department, sheriff's department or other governmental law enforcement agency.
  - (j) The state parent teachers association and any parent teachers association affiliated with an educational institution that is subject to the jurisdiction of the state education department.
  
3. In addition to the statutory exemptions, the following are also exempt:
  - (a) Any Municipality.
  - (b) Fire Districts, School Districts, and Water Districts.

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**E3 CHARITABLE TRUSTS REPORTING EXEMPTIONS  
ESTATES, POWERS AND TRUSTS LAWS  
EXECUTIVE LAW, ARTICLE 8, SECTION 8-1.4(b)**

The registration and reporting provisions of this section do not apply to:

1. Contractor is not a Trustee as define in Section 8-1.4(a) set forth in Appendix E.
2. Government entity.
3. Entity required by law to complete an annual report to either the United States Congress or the New York State Legislature;
4. Religious organizations;
5. Educational institution incorporated under the Education Law or by special act;
6. Hospital;
7. Fraternal, patriotic, social, student, alumni, veterans, volunteer firefighters, volunteer ambulance workers' organization or historical society chartered by the New York State Board of Regents;
8. Trust or estate for which there is a corporate trustee acting as sole trustee or co-trustee under the will of a decedent who died domiciled outside New York or a trust instrument executed by a nonresident of New York State;
9. Trust or estate in which the charitable interest is delayed or contingent;
10. Officer, director or trustee of an organization exempt from registration who holds property for the religious, educational or charitable purposes of the organization;
11. Cemetery corporation subject to the provisions of Article 15 of the Not-for-Profit Corporation Law;
12. The state parent teachers association ("PTA") and any parent teachers association affiliated with an educational institutional that is subject to the jurisdiction of the State Education Department; and
13. Any corporation organized under Article 43 of the Insurance Law.