

# NYS Department of State

## Division of Local Government Services

### Local Government Efficiency Grant

#### Request for Applications # 12-LGE-17

### Questions & Answers

*The responses to questions included herein are the official responses by the State to questions submitted by potential applicants and are hereby incorporated into RFA # 12-LGE-17 issued on December 28, 2012.*

*In the event of any conflict between the RFA and these responses, the requirements or information contained in these responses will prevail.*

**Q1: Would a Town be eligible for grant funds to pay for the costs of implementing the consolidation of two independent not-for-profit fire companies with whom the Town contracts for fire protection?**

A1: Independent not-for-profit fire companies are not eligible applicants under the LGE program. However the town may apply for funds to consolidate their fire protection districts through the Citizens Reorganization Empowerment Grant.

**Q2: Would the study and implementation of bringing transportation in-house instead of using contracted service providers be eligible for funding?**

A2: Such projects for a single applicant would only be eligible if the applicant has had an operating deficit in each of the last three years or has been unable to limit growth in the property tax levy to under the two-percent cap in each of the last three years. See Operating Deficit and Tax Cap Municipalities list found at: <http://www.dos.ny.gov/funding/rfa-12-lge-17/index.html>. See also page 3 of the RFA under Eligible Projects.

**Q3: May two school districts collaboratively apply for Local Government Efficiency Grant for a transportation department consolidation study and a district merger study.**

A3: Yes.

**Q4: Is a “municipality – school” project looked upon favorably in the award selection process? Is it considered to be at the same standard as two municipalities combining a facility? Does it fall under the “cooperative service agreements to share (employees or) facilities” eligibility qualification?**

A4: All successful applicants must meet minimum eligibility requirements as set forth in the RFA on page 3. Preference is not given to applicants based on type of municipality. Please see page 5 of the RFA for a description of priority projects. Capital improvements and certain equipment purchases could be funded only where such expenses are demonstrated to be integral to implementation of the project.

**Q5: Can an application request funds for implementation (capital costs) without having previously applied for and received planning assistance?**

A5: Yes.

**Q6: What happens if you have more than 8 partners? How does this affect the funding cap if at all?**

A6: Funding is based on the number of eligible applicants and is capped at \$1,000,000. The maximum cumulative funding for a project is \$200,000 for each local government involved in the project, not to exceed \$1,000,000. See page 4 of the RFA for Project Funding guidelines.

**Q7: The village has placed court consolidation on their agenda. However, the referendum would be March 19, 2013, after the grant's deadline. Is this project still eligible?**

A7: The Local Government Efficiency Grant program is a reimbursable program. Executed contracts will have an anticipated start date of April 1, 2012; only expenses incurred on or after this date will be reimbursed. Expenses incurred prior to the start date of the state contract cannot be reimbursed. This project may be eligible: the Town and Village must apply together and can do so even if the project is not yet finalized. Other eligibility requirements are located on pages 3 – 5 of the RFA.

**Q8: You ask in the application for copies of other cooperative agreements. Do you mean cooperative agreements for the activity identified in the grant application or other cooperative agreements between the communities?**

A8: Cooperative agreements associated with the activity should be submitted as part of the grant application.

**Q9: Would a consolidation of fleet maintenance be considered a functional consolidation?**

A9: Functional Consolidation is defined as one local government entity completely providing a service or function for another local government entity that no longer engages in that service or function per page 35 of the RFA. If the consolidation of fleet maintenance meets this definition it would be eligible.

**Q10: Should the application include the full value assessment for all communities that are part of the application or just the lead community?**

A10: Full value assessment information must be provided for each community. Please see the co-applicant tab on the Cost Savings Worksheet provided in Appendix C of this application.

**Q11: Would public infrastructure include the construction of a building or facility for the joint activity?**

A11: Public infrastructure would include the joint construct of a building or facility that meets the RFA requirements for Eligible Projects and is undertaken by two or more eligible applicants. See pages 3 – 5 of the RFA.

**Q12: Funding award information seems to indicate that only two planning projects will be funded. Is this accurate?**

A12: No. Projects will be funded as monies are available, in accordance with page 4 of the RFA. The Department of State has allotted up to \$400,000 for planning for implementation projects. Awards for planning for implementation will be up to \$25,000 per local government entity included in the application with a maximum award of \$200,000.

**Q13: Please clarify how to quantify potential savings if the proposed project is a feasibility study to explore potential cost savings?**

A13: While a proposed feasibility study may not include quantifiable savings, a reasonable estimate of anticipated future savings upon implementation should be provided. Examples of projects may be found on the DOS website: <http://www.dos.ny.gov/lg/lge/projects.html#top>.

**Q14: Other grant programs have commitments the municipality must make. For example, Community Development Block Grants require that the municipality build low income housing with the grant money. Are there any such requirements for municipalities that receive this grant money?**

A14: The RFA sets forth commitments applicants that receive grant funding must make. For example, page 4 of the RFA requires a 'local match' or matching funds equal to a minimum of 10% of the total project costs to be committed by each eligible applicant. "Local match" shall be funds from the local municipalities. This money shall be from the local budget and not from other state or federal grants or in-kind services.

Successful applicants that receive a grant must also comply with various laws, including the State Smart Growth Public Infrastructure Policy Act. Part 4 of the RFA provides the Smart Growth Impact Statement to be completed by applicants under circumstances when such funding will be used to construct a public infrastructure project: an eligible public infrastructure project must be constructed consistent with the relevant Smart Growth Criteria in law, to the extent practicable. See, pages 9, 31 – 32, and Part 4 of the RFA for smart growth requirements.

**Q15: Is there any reason to believe that a project to study a range of options from shared services to consolidation/merger among two school districts is less likely to be funded than a study to look at ONLY the merger/consolidation of those school districts?**

A15: No. Priority is given to applications which result in the dissolution or consolidation of municipalities, see page 8 of the RFA.

**Q16: Can you talk a little about what functional consolidation would look like in a school district? Would a consolidated business office count?**

A16: Functional Consolidation is defined as one local government entity completely providing a service or function for another local government entity that no longer engages in that service or function. If a business office between two school districts is consolidated, this would qualify as a functional consolidation.

**Q17: Appendix D outlines the minority- and women-owned business bidding requirements. Is there anywhere in the application where these requirements should be specifically addressed (for example, should these specifications be included in a bidding process?) or is the only requirement that contractors submit a Form A: M/WBE Utilization Plan when bidding on the project outlined in the grant proposal? In other words, if a school district is accepting bids from firms to do an efficiency study, is each firm required to fill out a Form A?**

A17: In responding to the RFA, applicants must submit "Form A: MWBE Utilization Plan" which requires applicants to consult the New York State Directory of Certified MWBEs ("Directory") to determine the certified MWBE firms the applicant proposes to utilize to meet the MWBE participation goal in any subsequent contract. The Directory can be viewed at: <http://www.esd.ny.gov/mwbe.html>. Using the example of an efficiency study, as part of its overall solicitation process in selecting firms (including non-MWBE firms) to perform the work needed, the applicant must consult the Directory by conducting a search of certified MWBE firms who may be able to perform the services needed as well. After consulting the Directory, the applicant must list those certified MWBE firms, if any, on "Form A" and when awarded a contract, make good faith efforts to utilize those firms, if any, as outlined in 5 NYCRR §142.8. If after consulting the Directory the applicant is not able to identify a certified MWBE firm who may be able to perform the work, please indicate that on "Form A"; the Office of Affirmative Action Programs will review and verify whether there are any potential certified MWBE firms available.

**Q18: Would the extension of a municipal sewer service be considered if it eliminated the current cost and environmental impacts of trucking liquid waste to a wastewater treatment plant while also increasing the day to day efficiency of the WWTP?**

A18: Consolidation of Wastewater Treatment systems between local government entities is eligible. If this project is only within a single local government entity, it would be eligible only if the local government entity is incurring chronic operating deficits or has not been able to limit increases in the property tax levy. See page 3 of the RFA.

**Q19: Please provide some guidance regarding MWBE compliance. For example, if a study is being done to determine feasibility of shared services among municipalities, it would make sense for the study to be done by one entity. If that entity is not an MWBE enterprise, how do we allocate 20% of funding to those vendors?**

A19: Once a contract has been entered into by the applicant and Department, the applicant is required to make good faith efforts to utilize MWBE firms for the products or services needed pursuant to 5 NYCRR §142.8. When hiring a consultant to perform certain services as the question suggests, the applicant must consult the New York State Directory of Certified MWBEs to identify potential certified MWBE firms, include those certified MWBE firms in the solicitation process (which may also include non-MWBE firms) and make good faith efforts to utilize them for the products or services needed pursuant to the contract. The Directory can be viewed at <http://www.esd.ny.gov/mwbe.html>. If after making good faith efforts a certified MWBE firm is not selected, the applicant must submit "Form E: Request for Waiver"; the Office of Affirmative Action Programs will consider whether to grant a total or partial waiver of the MWBE participation goal in the contract.

**Q20: Are you going to cover how the MWBE requirements might be met?**

A20: Please refer to Appendix D, Minority and Women-Owned Business Enterprises, of the LGE RFA.

**Q21: Is grant administration an eligible project cost?**

A21: No. The program expects local communities to have the resources to manage the grant.

**Q22: Would an applicant proposing a planning project be required to complete the smart growth section, and would it be necessary to check yes on "public infrastructure component" on that form?**

A22: Planning studies are not subject to Smart Growth review, but studies that receive grant funding should address the Smart Growth impacts of implementation because any future "public infrastructure" funding requests to the State will be subject to Smart Growth review. The Smart Growth Impact Statement in Part 4 of the RFA may provide guidance.

Note: The Smart Growth Impact Statement is used by the Department of State to evaluate whether or not a public infrastructure project, which may be constructed in accordance with planning studies undertaken with money previously granted by the Department, are consistent with the State Smart Growth Public Infrastructure Policy Act and eligible for future grant funding.

**Q23: Is there a competitive threshold as it applies to cost savings and tax benefit? Is there any way to determine the points tied to certain levels of cost benefit?**

A23: There is no competitive threshold for cost savings and tax benefit. Cost savings and tax benefit are ways to measure the value of the project to the local government, the residents and the state. A higher ratio of savings may be a more competitive application.

**Q24: Would shared Technology Services and/or shared Mechanic services be eligible for this grant?**

A24: Eligible projects include cooperative service agreements to share employees or facilities. Eligible applicants may apply for funding to plan for implementation or implementation of such shared services. See page 3 of the RFA.

**Q25: Are there examples of grants for shared services focused on consolidating information systems?**

A25: Examples of previously funded projects may be found on the DOS website: <http://www.dos.ny.gov/lg/lge/projects.html#top>

**Q26: In Part 2, Section F, by operating deficit, could this be for a special district only operating at a deficit, or should this be answered for the entire municipality?**

A26: The table of eligible municipalities, found at: <http://www.dos.ny.gov/funding/rfa-12-lge-17/index.html>, includes counties, cities, towns, villages, fire districts and school districts.

**Q27: Is the maximum funding for implementation planning for 25K included in the maximum cumulative funding for the 200K?**

A27: Yes.

**Q28: Can we estimate costs of potential savings in a request for funding of a study of shared services? The study will show projected savings in multiple areas.**

A28: Yes. While a proposed feasibility study may not include quantifiable savings, a reasonable estimate of anticipated future savings upon implementation should be provided. Examples of projects may be found on the DOS website: <http://www.dos.ny.gov/lg/lge/projects.html#top>.

**Q29: Can you discuss the need to use Minority/Women-owned business**

A29: Please refer to Appendix D, Minority and Women-Owned Business Enterprises, of the LGE RFA.

**Q30: Under "Eligible Applicants" on page 3 of the 2012 -2013 Local Government Efficiency Grant Program RFA # 12-LGE-17 Grant Application and Instructions, it states:**

**" ..... and Boards of Cooperative Educational Services advancing certain joint applications."**

**What specifically is meant by "certain joint applications?"**

**A30:** A Board of Cooperative Educational Services (BOCES) will be considered a municipality only in instances where such BOCES advances a joint application on behalf of school districts and other municipalities within the BOCES region but any agreement with a BOCES:

1. Will not generate additional state aid;
2. Will be deemed not to be a part of the program, capital and administrative budgets of the board of cooperative educational services for the purposes of computing charges upon component school districts pursuant to Education Law § 1950(1),(4)(b)(7) or § 1951 (1); and
3. Will be deemed to be a cooperative municipal service for purposes of Education Law § 1950(4)(d)(2).

**Q31: On page 4 under project funding, our team has a question regarding the planning funding versus the implementation funding. Is each local government eligible for \$25K for planning, total project planning not to exceed \$200K? And, is each local government eligible for additionally up to \$200K not to exceed \$1 million for the total project? For example, a local government could apply for up to \$25K for planning AND up to \$200K for implementation receiving \$225K for their project.**

**A31:** The total maximum **cumulative** funding for a project (planning and implementation) is \$200,000 for each local government involved in the project, not to exceed \$1,000,000. If a local government applied for \$25,000 for a planning project, they would be eligible for only an additional \$175,000 for implementation, cumulatively totaling \$200,000.

**Q32: If a shared Assessor service was implemented on March 1, 2012, would it be eligible for funds?**

**A32:** Only expenses incurred after April 1, 2012, are eligible for reimbursement for this grant. Expenses incurred between March 1 and March 31, 2012, are not eligible for reimbursement.

**Q33: Would shared Assessment services be considered? Is there a threshold for savings?**

**A33:** Yes, a shared assessment services project between at least two municipalities is an eligible project. While there is no competitive threshold for cost savings and tax benefit, generally, a higher ratio of savings will be more competitive. See RFA page 15.

**Q34: Could a County Government consolidate with a Housing Rural Preservation Company that has the same jurisdiction to provide housing related services and receive NYS Government money?**

A34: Eligible applicants are New York State local government entities, which include: counties, cities, towns, villages, special improvement districts, fire districts, public libraries, association libraries, water authorities, sewer authorities, regional planning and development boards, school districts, or boards of cooperative educational services. Applicants may partner with other entities, but funding will be based on the number of eligible applicants. If an applicant has had an operating deficit in each of the last three years or has been unable to limit growth in the property tax levy to under two-percent in each of the last three years, they may apply individually, without a co-applicant.

**Q35: If grants will be awarded in 2012, can monies be spent in 2012 and 2013 if the project takes that long?**

A35: If awarded, expenses incurred after April 1, 2012, are eligible. The contract term is anticipated to be April 1, 2012 – March 31, 2015.

**Q36: What if the consolidation does not have a property tax impact, but will have an impact on other user fees assessed to residents, such as water charges?**

A36: An impact on fees should be explained in the application narrative and treated as a tax impact on the cost savings sheets.

**Q37: When will the award of the grants be announced?**

A37: No date has been set for an award announcement.

**Q38: Would the construction of a bio-digester to handle organic waste and create electrical energy shared between towns qualify for this grant program?**

A38: Projects between two or more local governments that increase efficiencies to an existing service and are able to provide cost savings are eligible.

**Q39: Is a multi-community street paving program eligible? How about a joint yard waste and leave transfer station?**

A39: Consolidation of existing programs that include cost savings are eligible projects.

**Q40: With a grant to implement previous study recommendations would the total amount for the project grant be up to \$200,000 per municipality? Is a local municipality and local school district in the same geographic area considered 1 municipality or 2?**

A40: Any implementation grant is eligible for \$200,000 per local government applicant. If the implementation project is the result of the previous Local Government Efficiency study grant, the local share of the study grant will be added to the implementation award to offset part of the local match. An application with a local municipality (city, town or village) and a school district has two eligible applicants.

**Q41: Can a Village get funding for moving offices to a new facility with Town and County offices, with shared use of court rooms, police, records management, building inspectors?**

A41: Yes, if the town and county are functionally consolidating programs and operations.

**Q42: Could co-location and consolidation of Village and Town highway departments be an eligible project?**

A42: Yes, consolidation of the highway departments between two local government entities is an eligible project.

**Q43: Would a project encouraging solid waste recycling, such as establishing a fee-based system with incentives for recycling, include on-truck systems for weighing and recording weight of garbage and fixing charges accordingly?**

A43: Eligible projects may range from the creation of a single service cooperative agreement or a complete reorganization of a service on a regional basis. Individual local governments that have had an operating deficit in each of the last three years or that have been unable to limit growth in the property tax levy to under two-percent in each of the last three years, are also eligible to apply for funding to implement internal reorganizations or service delivery modifications. See page 3 in the RFA. Applications must clearly identify the benefits to the operation and management of a service along with cost savings. Capital or equipment expenses are eligible only if vital to the implementation of the project.

**Q44: How about sharing resources between counties?**

A44: Sharing resources between counties is an eligible project. Examples of previously funded projects may be found on the DOS website: <http://www.dos.ny.gov/lg/lge/projects.html#top>.

**Q45: What about funding equipment for a consolidated street sweeping and catch basin cleaning program, for several municipalities?**

A45: Yes this functional consolidation is an eligible project.

**Q46: Are Soil & Water Conservation Districts eligible?**

A46: No.

**Q47: Could an IMA or CSA be an end result of a study done to share resources inter-municipally throughout a county?**

A47: A deliverable of a cooperative project will be an Intermunicipal Agreement (IMA) or Cooperative Service Agreement (CSA).

**Q49: We currently provide fuel to several municipalities; would an equipment upgrade be eligible?**

A49: Eligible projects include functional consolidations, shared services agreements to share employees or facilities between multiple municipalities. Applications should be to plan to implement or implement one of these activities.

**Q50: Could a city and fire district serving the same city consolidate their records management systems and receive funding?**

A50: Both a city and a fire district are eligible local governments. If they partner to provide a joint service, which provides cost savings, the project is eligible.

**Q51: Are two ambulance service providers from two different fire districts, able to combine services?**

A51: Yes, fire districts are eligible applicants and may investigate consolidation of services.

**Q52: If we are applying for a planning study grant that is related to an infrastructure component, but will not actually result in implementation of such, would our study "include a public infrastructure element" (as related to the smart growth impact statement)?**

A52: Planning studies are not subject to Smart Growth review, but studies that receive grant funding should address the Smart Growth impacts of implementation because any future "public infrastructure" funding requests to the State will be subject to Smart Growth review. The Smart Growth Impact Statement in Part 4 of the RFA may provide guidance.

Note: The Smart Growth Impact Statement is used by the Department of State to evaluate whether or not a public infrastructure project, which may be constructed in accordance with planning studies undertaken with money previously granted by the Department, are consistent with the State Smart Growth Public Infrastructure Policy Act and eligible for future grant funding.

**Q53: Is there any additional credit for shovel ready projects?**

A53: No.

**Q54: Can a village study the benefits of becoming a city instead of dissolving?**

A54: This grant program is available to local governments to plan for and implement projects that will reduce expenses and increase service efficiencies. While the program encourages municipalities to look at and understand all options to benefit the taxpayers, it is expected that this analysis focus on options to be undertaken through use of existing authority in state statute. No general law permits the incorporation of a city by local action. City incorporation must be individually approved by the State Legislature.

**Q55: Can two or more municipalities form a coalition to organize environmental programs and/or ordinances to improve water quality in a body of water that borders on each of these municipalities?**

A55: Consolidating the environmental management function between municipalities is an eligible project.

**Q56: Appendix D outlines the minority- and women-owned business bidding requirements. As a public school district, we must adhere to general municipal laws concerning open bidding, and therefore can't give priority to such organizations. Can we receive a waiver from this requirement? Should that waiver be completed as part of the application process?**

A56: There is no conflict between Executive Law Article 15-A and General Municipal Law § 103 and § 104-b. Applicants are required to make good faith efforts to engage MWBE firms in their competitive bidding process as outlined in 5 NYCRR §142.8. A waiver will only be considered after the award of a contract and good faith efforts are documented and submitted to the Office of Affirmative Action Programs using "Form E: Request for Waiver."

**Q57: I am writing to get more clarity for eligibility of a GeesePeace program on Town owned land as well as on properties owned by one village and three school districts. We are looking at running an egg oiling training program for facilities staff at about 10-15 school districts (some of which we have never partnered with on our geese program) and for staff and volunteers for 5-20 municipalities (many of which we have never partnered with before for geese control). Many of the schools and municipalities we are looking to add to our partnership are now receiving the geese we chase away from Town and our partners' properties. The training would allow all of these entities to run their own egg oiling program to collectively reduce the geese nuisance. We are also looking at adding several new partners to our current GeesePeace program.**

A57: Local Government Efficiency Grants may be used to cover:

- legal and consultant services;
- capital improvements and certain equipment purchases, only where such expenses are integral to implementation of the project; and
- transitional personnel costs, not to exceed three years, only where such expenses are integral to project implementation.

No part of the grant shall be used for recurring expenses such as salaries and overhead, except for appropriate transitional personnel costs.

**Q58: Can you provide an example(s) of municipalities that have purchased equipment for consolidating street sweeping, catch basin cleaning, or some similar activity through your grant program? How much were they awarded and much equipment was purchased?**

A58: Examples of previously funded projects may be found on the DOS website:  
<http://www.dos.ny.gov/lg/lge/projects.html#top>