

2013-2014 Local Government
Efficiency Grant Program
Request for Applications
RFA # 13-LGE-11
Grant Application and Instructions

Local Government Efficiency Grant Program

KEY DATES

Release Date:	June 17, 2013
Questions Due Date:	July 22, 2013
Updates & Responses to Questions Posted Date:	July 29, 2013
Application Due Date:	4:00pm, Monday, August 12, 2013
Applications must be submitted through the web-based Consolidated Funding Application.	

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Application Submission: Applications are being solicited through the New York State Consolidated Funding Application (CFA). Applications are available at: <https://apps.cio.ny.gov/apps/cfa/>

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I. Local Government Efficiency Grant Program (LGE)

Introduction

The Local Government Efficiency (LGE) Grant program can assist local leaders with identifying best practices and implementing actions to reduce municipal expenses and increase efficiencies in local service delivery. For the 2013-2014 program year, up to \$4 million is available for direct assistance to local governments. Projects may include, but are not limited to, planning and implementing structural reorganization, functional or service delivery consolidation, city or county charter revisions that include functional consolidation, cooperative service arrangements, and developing a mechanism to implement regionalized service delivery.

All local government efficiency projects need to demonstrate new opportunities for financial savings and operational efficiencies. For this application, eligible local government efficiency projects shall not include studies and plans for a local government re-organization eligible to receive a New York Department of State (DOS) Local Government Citizens Re-Organization Empowerment Grant.

Pursuant to Article 6 of the Environmental Conservation Law, which is the State Smart Growth Public Infrastructure Policy Act, effective September 29, 2010, the Department of State is an “infrastructure agency.” Under this legislation, no state infrastructure agency shall approve, undertake, support or finance a public infrastructure project, including providing grants, awards, loans or assistance programs, unless, to the extent practicable, it is consistent with the smart growth principles. Smart Growth encourages community planning and development in priority economic growth areas where water and sewer infrastructure is available; encourages redevelopment of existing community centers; and protects important natural and historic resources, including water quality. Applicants are required to describe how any public infrastructure project funded by this grant meets the smart growth criteria listed in Part 4 of the application.

Understanding the Purpose of the Local Government Efficiency Grants Program

Local government entities are able to reduce municipal expenses and property taxes in many ways. Regardless of the specific action, the process may be divided into three steps:

1. evaluating opportunities for cost savings or increasing revenue;
2. planning for implementation; and,
3. implementation.

Evaluating potential actions to reduce expenses must include: assessing the current services provided by a local government entity, understanding the future needs of the community, and developing a cost benefit assessment of how those services are valued by residents versus their ultimate costs. Since 2005, the Department of State has funded studies that examine the question of how to provide services in a more cost effective way. Many of these studies are available on the DOS website: <http://www.dos.ny.gov/lg/lge/index.html>. The staff of the Local Government Efficiency Program is also available to discuss completed projects and potential opportunities for reducing expenses.

Once a local government entity has evaluated an opportunity for savings, the next step would be developing an implementation plan. These plans serve as a step by step guide, specific to the impacted local government(s), and include actions such as: the identification of funding for and reimbursement of providing services, the renegotiation of union contracts, and the specific responsibilities of each impacted government or department. The Local Government Efficiency grants are available to assist local leaders with developing program specific plans and implementing specific strategic projects to help reduce local expenses, property taxes and fees

II. LGE Application Information

Application Workshop

Application workshops will be held at several locations around the State. The workshop schedule and further information is available at <http://nyworks.ny.gov>. Applicants who would like to learn more about the application process are encouraged to attend.

Eligible Applicants

“NYS local government entities” are eligible to apply for this grant. “Local government entities” are defined as counties, cities, towns, villages, special improvement districts, fire districts, public libraries, association libraries, water authorities, sewer authorities, regional planning and development boards, school districts, and Boards of Cooperative Educational Services (BOCES) advancing certain joint applications.

Applicants must be in good standing and demonstrate responsible contracting in any past or current DOS contracts to be eligible for an award from this procurement.

Eligible Projects

Eligible local government entities may apply to develop plans for implementation and/or to implement projects. These projects may range from the creation of a single service cooperative agreement or a complete reorganization of a service on a regional basis. Specific projects may include (this list is not exhaustive):

- school district consolidations;
- functional consolidations of police services between a town and village;
- city or county charter revisions to implement the functional consolidation of public works functions;
- cooperative service agreements to share employees or facilities; or
- the regionalization of water or wastewater infrastructure services.

Individual local governments that have had an operating deficit in each of the last three fiscal years or a deficit of over 10% in the last fiscal year may apply for funding to implement internal reorganizations or service delivery modifications.

Eligible projects are evaluated based on the fiscal impact of the project on the local government budget, potential abatement of property taxes, project need, service delivery benefits, operational changes, comprehensiveness of work plan, appropriateness of the project budget, local linkages and capacity, and local and regional support. Consideration will also be given to proposals which advance the regional strategies developed by the ten Regional Economic Development Councils.

Project Funding

Approximately \$4 million is being made available for awards. Up to \$3.6 million will be awarded for implementation projects and approximately \$400,000 will be awarded for planning projects. Local Government Efficiency Grants may be used for planning or project implementation, or both.

- The maximum funding for implementation planning is \$12,500 for each local government involved in the project, not to exceed \$100,000.
- The total maximum cumulative funding for an implementation project is \$200,000 for each local government involved in the project, not to exceed \$1,000,000.

All grants are reimbursement grants.

For grants implementing a project that the applicants developed through a previously funded planning grant under the Local Government Efficiency (LGE) Grant program or the Shared Municipal Services Incentive (SMSI) program, the grant awarded from this RFA will be increased by the amount of the local matching funds provided for the planning grant.

Project Match

Applicants are required to provide matching funds for all projects.

- For a re-organization **planning** grant, matching funds equal to at least 50% of the total project cost shall be required. Upon implementation of a re-organization **plan**, the original matching funds required will be refunded up to 90% of the total project costs.
- For a re-organization **implementation** project, matching funds equal to at least 10% of the total project cost shall be required.

Example: The following chart shows what the state and local shares would be for different sized projects

Total Project Cost	Implementation Project		Re-organization Planning Project		
	10% Local Share	90% State Share	50% Local Share	50% State Share	Refund upon Implementation
\$20,000	\$2,000	\$18,000	\$10,000	\$10,000	\$8,000
\$50,000	\$5,000	\$45,000	\$25,000	\$25,000	\$20,000
\$100,000	\$10,000	\$90,000	\$50,000	\$50,000	\$40,000
\$222,222	\$22,222	\$200,000			
\$250,000	\$25,000	\$225,000			
\$400,000	\$40,000	\$360,000			
\$444,444	\$44,444	\$400,000			

Eligible Expenses

Local Government Efficiency Grants may be used to cover costs including, but not limited to:

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

Ineligible Expenses

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

- Any expenses not fully justified may be deemed ineligible and removed from the budget thereby reducing the award amount.
- The amount of funds awarded to a school district shall not be included in the approved operating expense of the school district as defined in Education Law § 3606(1)(t).

III. Preparing a LGE Application

Getting Started

Applicants should fully review eligibility and program criteria of the program, and in that context, give careful consideration to the nature, scope, and goals of the project to be undertaken, as well as the process intended to complete the project.

Applications are being solicited through the New York State Consolidated Funding Application (CFA). Applications are available at: <https://apps.cio.ny.gov/apps/cfa/>. Only electronic submission through the CFA process is allowed.

Questions

Submit all substantive questions in writing to:

Kyle Wilber, Program Manager
Local Government Efficiency Grants, RFA #13-LGE-11
New York State Department of State
One Commerce Plaza, 11th Floor, Suite 1015
99 Washington Avenue
Albany, NY 12231
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To the extent possible, each inquiry should cite the RFA section and paragraph to which it refers. Written questions will be accepted until the due date stated on the cover of the guidance.

Questions of a technical nature may be addressed in writing or via telephone by calling the Local Government Efficiency Program at (518) 473-3355 or 1 (800) 367-8488. **Questions are of a technical nature if they are limited to how to prepare the application (e.g., formatting) rather than relating to the substance of the application.**

This guidance has been posted on the Department of State's website at: <http://www.dos.ny.gov/funding/>. Applications are being solicited through the New York State Consolidated Funding Application (CFA). Applications are available at: <https://apps.cio.ny.gov/apps/cfa/>

Questions and answers, as well as any updates and/or modifications, will be posted by the due date stated on the cover of the guidance.

Grant Due Date

**The due date for 2013-2014 Local Government Efficiency Grant is
Monday, August 12, 2013, at 4:00 PM**
<https://apps.cio.ny.gov/apps/cfa/>

IV. Application Review

Review Process

All sections of the Consolidated Funding Application must be completed prior to submission. Failure to complete all sections will prevent applicants from submitting the form through the portal. If a project or application is deemed ineligible through the CFA process, please contact the Local Government Efficiency program for a review of eligibility. Within one week of the receipt of a completed CFA application, the Department of State shall review to ensure the applicant has filed the appropriate application to the Local Government Efficiency grant program. If an applicant has filed an incorrect application they shall be notified. After notification of an incorrect submission an applicant may submit the correct application to the appropriate LGE grant program by the applicable due date. The Department of State recommends that an application be submitted at least 3 weeks prior to the due date to allow applicants sufficient time to resubmit a CFA, if necessary.

Project Selection Criteria

An application is eligible to receive a total score of 100, of which 80 percent is derived from program review criteria and 20 percent is allocated to the applicable Regional Economic Development Council (REDC) endorsement.

Application of LGE program score

- Each application will be judged on an initial scale of 100 points to establish a program base score.
- Each application will receive three individual scores which will be averaged to determine the LGE base program score.
- The program base score may receive a priority multiplier and additional priority points, all of which may total 128 points. The final program score will then be multiplied by a factor of .625 ($128 \times .625 = 80$ points) to determine the final LGE program score.

Application of Regional Economic Development Council score

- Each REDC may award up to 20 points for each project, based upon the project's concurrency with the regional priorities.

LGE Program Funding Priorities

Priority multipliers will be given to the program base score of applications that will:

- result in the dissolution or consolidation of local government entities, multiplied by a factor of 1.2;
- implement the complete functional consolidation of a local government service, multiplied by a factor of 1.1; or
- provide assistance to fiscally stressed local governments that have had an operating deficit in each of the last three fiscal years or a deficit of over 10% in the last fiscal year, multiplied by a factor of 1.1.

After the allocation of any priority multipliers, up to 8 additional points will be given to projects that:

- implement a planning project completed with SMSI or LGE funds. (4 points)

- implement a regional governance project impacting five or more local governments. (4 points)
- received funds through other state community and infrastructure development programs. (4 points)

Second Level Review

DOS reserves the right to re-evaluate the applications in a second level of review to determine whether additional priority points are warranted.

The Secretary of State, or his designee, may award up to a total of ten (10) additional points per application for:

- the geographic distribution of other fundable projects in this application period; in order to provide a distribution of grants throughout the state, points may be awarded by region;
- the uniqueness of the project; or
- the ability of the project to be replicated.

Smart Growth Impact

Prior to making any commitment of state funds to a public infrastructure project, the Department of State must determine that the project, to the extent practicable, meets smart growth criteria defined under Article 6 of the Environmental Conservation Law, “The New York State Smart Growth Public Infrastructure Act.” These criteria are provided in Part 4 of this application. Failure to meet these criteria may result in a project being deemed ineligible for funding.

V. Awards and Grant Administration

Awards

Awards will be made based upon an application's total final score. Funding will be awarded to the highest scoring applications until funds are exhausted.

Applications will be divided into both 'planning' and 'implementation' categories. The Department of the State is focused on awarding projects that implement efficiency efforts. Approximately \$4 million is being made available for awards. Up to \$3.6 million will be awarded for implementation projects and approximately \$400,000 will be awarded for planning projects. DOS reserves the right to award additional planning grants if an insufficient number of acceptable applications are received for implementation projects at the Department's discretion.

Depending upon the availability of funds, the Department of State may provide only partial funding to projects. Applicants will be notified directly of awards. Award decisions are final and are not subject to appeal.

In the event that any awardee fails to satisfactorily negotiate a proper contract, funding may be awarded to the next highest-scoring application.

Opportunity to be debriefed will be provided, upon request, to unsuccessful applicants. Requests must be made in writing within 15 days of notification of status of award.

Contracts

The Department of State requires that all successful applicants enter into a contract with the State of New York. The state contract states the obligations of the applicant/contractor. Contracts will be a multi-year agreement and be dated April 1, 2013 – March 31, 2015. State contracts must be returned to the Department of State from the awardee within ninety (90) days from their receipt to ensure that funds go to applicants that are ready to move forward. The Department of State may cancel an award if the state contract is not returned in a timely manner.

Contract Administration

If an applicant is awarded a grant, the project must be managed in accordance with the terms and conditions of the state contract. Contractors must follow state and local procurement policies. Failure to render satisfactory progress or to complete the project to the satisfaction of the state may be deemed an abandonment of the project and may cause the suspension or termination of any financial obligation of the state. Satisfactory progress includes, but is not limited to, execution of the state contract and submission of all necessary documents for execution by the state, submitting timely payment requests in accordance with the payment schedule in the state contract, completing satisfactory work products, and other tasks negotiated and agreed to in the executed state contract.

Schedule of Payments

The Local Government Efficiency Grant program is a reimbursable program. Expenses incurred after April 1, 2013 are eligible for reimbursement provided that the applicant has executed a contract with the Department of State. Expenses incurred prior to the start date of the state contract cannot be reimbursed. The grant contractor will be required to submit payment requests quarterly.

Required Reports

Each project must achieve results that substantially meet the objectives outlined in the contract's work plan. Recipients of grants must submit project status reports along with every request for payment. Project close-out requires completion of terms and activities outlined in the state contract, and including all deliverables identified in the work plan.

Project Performance

Division of Local Government Services LGe staff monitors each grant-funded project, and will make site visits during the course of project completion to determine the rate and quality of progress. Notification of contract related meeting schedules and submission of photos and other media are required. Some projects may be selected for more extensive review and inclusion in the Local Government Efficiency Annual Report submitted to the Governor and Legislature, and may be used as a resource for providing technical assistance.

General Specifications

1. By signing the "Application Form" each applicant attests to its express authority to sign on behalf of the applicant organization and to the accuracy of the information contained therein.
2. Grantees will possess, at no cost to the State, all qualifications, licenses, insurance and permits to engage in the required business as may be required within the jurisdiction where the work specified is to be performed. Workers to be employed in the performance of this contract, including subcontractors, will possess the qualifications, training, licenses, insurance and permits as may be required within such jurisdiction.
3. Submission of any application indicates the applicant's acceptance of all conditions and terms contained in this RFA, including terms and conditions of the contract.
4. Provisions upon default:
 - a. The services to be performed by the applicant shall be at all times subject to the direction and control of the Department of State as to all matters arising in connection with or relating to the contract resulting from this RFA;
 - b. In the event that the applicant, through any cause, fails to perform any of the terms, covenants or promises of any contract resulting from this RFA, the Department of State acting for an on behalf of the State, shall thereupon have the right to terminate the contract by giving notice of the fact and date of such termination to the applicant;
 - c. If, in the judgement of the Department of State, the applicant acts in such a way which is likely to or does impair or prejudice the interests of the State, the Department of State acting on behalf of the State, shall thereupon have the right to terminate any contract resulting from this RFA by giving notice of the fact and date of such termination to the contractor. In such case, the contractor shall receive equitable compensation for such services as shall, in the judgement of the Department of State, have been satisfactorily performed by the contractor up to the date of the termination of this agreement

Reserved Rights

The Department of State reserves the rights, including but not limited to:

1. Reject any or all applications received in response to this RFA.
2. Withdraw the RFA at any time, at the agency's sole discretion.
3. Make an award under the RFA in whole or in part.
4. Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA.
5. Seek clarifications and revisions of applications.
6. Use proposal information obtained through site visits, management interviews and the state's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or

information submitted by the applicant in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFA.

7. Prior to the application due date, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available.
8. Prior to the application due date, direct applicants to submit proposal modifications addressing subsequent RFA amendments.
9. Change any of the scheduled dates.
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders.
11. Waive any requirements that are not material.
12. Negotiate with applicants responding to this RFA within the scope of the RFA to serve the best interests of the state.
13. If unsuccessful in negotiating a state contract with the selected applicant within an acceptable time frame, the Department may begin state contract negotiations with the next ranked qualified applicant(s) in order to serve and realize the best interests of the state.
14. Utilize any and all ideas submitted in the proposals received.
15. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an applicant's proposal and/or to determine an applicant's compliance with the requirements of the solicitation.
16. Waive or modify minor irregularities in applications received.
17. Not to fund an application that fails to submit a clear and concise work plan or budget.
18. Adjust or correct cost figures with the concurrence of the applicant if errors exist and can be documented to the satisfaction of the Department of State and the State Comptroller.
19. Award grants based on geographic or regional considerations to serve the best interests of the state.
20. Award more than one contract resulting from this RFA.
21. In its sole discretion, determine the total number of awards to be granted pursuant to this RFA.

VI. LGE Application Evaluation Criteria

The following numerical evaluation assesses the degree to which the application meets the grant criteria.

High compatibility with criteria	5 points
Medium compatibility with criteria	3 points
Low compatibility with criteria	1 points
Does not meet criteria	0 points

The LGE portion of the CFA has been created with questions which are designed to help the reviewers to evaluate a project based on the specific criteria presented below.

LGE Program Base Scoring Criteria

Project Need (Possible 5 points)

- Significance of existing conditions that created the need for the project, including unplanned increases in local expenditures or other financial challenges, recent requirements to modify existing service delivery or changes in the municipal workforce.

Fiscal and Tax Impact (Possible 15 points)

- Significance of reduced expenditures or increased revenues on the local government budget. (5 points, factored by 2)
- Significance of impact on the local property tax rate. (5 points)

Return on Investment (Possible 15 points)

- Provides clear measures to continuously evaluate the effectiveness of service delivery or operational changes. (5 points)
- Evaluates the potential impact on other efficiency efforts. (5 points)
- Significance of the return on investment of public funds. (5 points)

Service Delivery Impacts (Possible 15 points)

- Produces transformative changes to the local government operations. (5 points)
- Significance of impacts to public services. (5 points)
- Significance of operational changes and public service impacts across local governments. (5 points)

Project Implementation (Possible 20 points)

- Project Readiness
 - Clearly describes the actions that have been undertaken to commit the local governments to the project. (5 points)

- Scope of Work
 - Clearly defines the following:
 - Work plan, project schedule and completion date.
 - Location and area covered by the project.
 - Specific deliverables, consistent with program objectives. (5 points)
- Project Funding
 - Defines funding sources needed to complete the project and provides for sufficient project match. (5 points)
- Sustainability
 - Describes an implementation structure and/or process that will enable the local governments to institutionalize the project outcomes. (5 points)

Advancement of Local and Regional Plans (Possible 5 points)

- Describes how the project is part of a regional or local planning process supported in a comprehensive plan, capital investment plan, asset management plan or other municipally recognized plan.

Public Engagement (Possible 5 points)

- Describes an effective approach and process to ensure the appropriate public and stakeholder participation and engagement during project development.

Project Budget (Possible 20 Points)

- Describes and documents the approach used to arrive at budget estimates and identifies the person(s) responsible for compiling the budget, including relevant experience and background of all parties. (5 points)
- Costs meet eligibility requirements of the program. (5 points)
- Costs clearly relate to and support activities in the proposed work plan. (5 points)
- Description includes detail for all project components involved, is cost-effective and does not contain extraneous expenses. The budget narrative includes an explanation for the estimate of each budget line and clearly supports the applicant's need for financial resources requested to achieve project outcomes. The budget narrative also describes how the grant recipient will monitor expenditures during the life of the project to ensure that the project stays on schedule and within budget. (5 points)

Project Certification

The lead applicant shall agree to the Certification of the information in the CFA application. Applications containing false or inaccurate information may be disqualified upon DOS verification. Also resolutions, though not required for application, may be provided to help verify support from the involved local governments. These may be uploaded through the CFA as application attachments.

Budget Information

Indicate the estimated costs for each task and discuss why such costs are considered reasonable. All purchases must comply with Article 5A of the General Municipal Law.

- **Construction/Renovation:** capital expenses related to construction or renovation.
- **Contractual Services:** the cost and description of the purpose of contractual services.
- **Equipment and Machinery:** items with a value of more than \$200.00 and a useful life of more than one year.
- **Planning:** expenses related to planning the project.
- **Salaries and Wages:** each employee's time devoted to the project according to the total annual salary for that employee. For example, an employee who devotes 20% of their time to the project and has an annual salary of \$40,000 would charge \$8,000 to the project. (This section would be used for eligible transitional personnel only. Transitional Personnel means any additional employees required to implement the approved program work plan of the project. The employee(s) must be integral to the coordinated or consolidated service delivery. (The Department of State reserves the right to approve the reasonableness of the need for the staff and the salary amount.))
- **Supplies and Materials:** the cost and description of the supplies and materials to be purchased.
- **Travel:** the description of the purpose, destination, mode of travel and costs. Rates cannot exceed the current Internal Revenue Service rates. <http://www.irs.gov/newsroom/article/0,,id=232017,00.html>
- **Site Preparation:** expenses related to site preparation prior to construction or renovation.
- **Other:** any other services and costs.

Attachments:

Appendix A: Definitions

Appendix B: Instructions – Fiscal Impact Statement

Appendix C: MINORITY-AND WOMEN-OWNED BUSINESS ENTERPRISES (MWBE)

Appendix A

Definitions

As used in these applications, the following words and terms shall mean:

Asset Class means a category of equipment or infrastructure that may be depreciated for tax purposes and may be found in Appendix B of Internal Revenue Service Publication 946 at <http://www.irs.gov/pub/irs-pdf/p946.pdf>.

Capital Cost means the cost of an asset that an applicant would have to acquire or replace in the event that a project is not implemented and that has a Useful Life of ten years or longer.

Consolidation means either (a) the combination of two or more local government entities resulting in the termination of the existence of each of the entities to be consolidated and the creation of a new local government entity which assumes jurisdiction over all of the terminated local government entities, or (b) the combination of two or more local government entities resulting in the termination of the existence of all but one of the local government entities which shall absorb the terminated local government entity or entities.

Cost Savings means reductions in expenses that result directly from the implementation of a project and are expected to continue on an ongoing basis.

Cooperative Agreement means an agreement entered into by two or more local government entities pursuant to Article 5-G of the General Municipal Law or other authorizing statutes for the performance among themselves or one for the other of their respective functions, powers and duties on a contract or cooperative basis.

Dissolution means the termination of the existence of a local government entity.

Full Value means the equalized assessed value of real property as reported by the Office of the State Comptroller (OSC). Full value assessments can be found online at www.osc.state.ny.us/localgov/datanstat/ under "Financial Data for Local Governments."

Functional Consolidation means one local government entity completely providing a service or function for another local government entity that no longer engages in that service or function. Functional consolidations may occur at a Department level between multiple municipalities or at a budget line level between municipalities; the applicant is required to describe this in the narrative.

Governing Board means the body in which the general legislative, governmental and/or public powers of a local government entity are vested and by authority of which the official business of such entity is conducted.

Increased Revenues means increases in revenues that result directly from the implementation of a project and are expected to continue on an ongoing basis.

Local Government Entity means a county, city, town, village, special improvement district, fire district, public library, association library, water authority, sewer authority, regional planning and development board, school district, or board of cooperative educational services. A board of cooperative educational services will be considered a municipality only in instances where such board of cooperative educational services advances a joint application on behalf of school districts and other municipalities within the board of cooperative educational services region but any agreement with a board of cooperative educational services:

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).

Operating Deficit means gross municipal revenues (including transfer activity) less gross municipal expenditures (including transfer activity) at fiscal year end divided by gross expenditures in the same fiscal year.

Reasonableness of Cost is an assurance that the state is receiving good value for its investment. All purchases must follow Article 5-A of the General Municipal Law. Travel rates cannot exceed the current Internal Revenue Service rate or the current state rate and salaries must adhere to municipal bargaining rates.

Regional means an area that is not typically defined by municipal boundaries, consisting of a large area that shares specific characteristics, possibly in more than one county.

Regionalized Service Delivery means public service functions undertaken by multiple local government entities in an area that is not typically defined by municipal boundaries, consisting of a large area that shares specific characteristics, possibly in more than one county.

Return on Public Investment means annual cost savings and/or increased revenues expressed as a percentage of all public funding to be utilized in the project, calculated by dividing the anticipated annual cost savings and/or increased revenues by the amount of the expected public funding, including the LGE grant.

Shared Services means the joint provision, performance or delivery of a service, facility, activity, or undertaking by two or more local government entities that each may lawfully undertake separately.

Smart Growth means sensible, planned, efficient growth that integrates economic development and job creation with community quality-of-life by preserving and enhancing the built and natural environments. Smart Growth encourages growth in developed areas with existing infrastructure to sustain it, particularly municipal centers, downtowns (“Main Streets”), urban cores, historic districts and older first-tier suburbs.

State Community and Infrastructure Development Programs means New York State programs provided by agencies defined by Article 6 of the Environmental Conservation Law; “The New York State Smart Growth Public Infrastructure Act.”

State Contract means the agreement between the Department of State and the applicant/contractor that details the obligations of each party, including the approved budget and work plan.

Straight Line Method is a way to figure depreciation for an asset that ratably deducts the same amount for each year based upon the Useful Life of the asset.

Tax Impact means the annual cost savings and/or increased revenues per \$1,000 of full value, calculated by dividing cost savings and/or increased revenues by the result of full value divided by 1,000.

Total Project Cost is the total estimated cost of activities, including those expected to be funded with both grant money and other funds that are eligible for funding under this grant program.

Transitional Personnel means any additional employees required to implement the approved program work plan of the project. The employee(s) must be integral to the coordinated or consolidated service delivery. *(The Department of State reserves the right to approve the reasonableness of the need for the staff and the salary amount.)*

Useful Life means an estimate of how long an asset can be expected to be usable in trade or business or to produce income.

Appendix B

Instructions for Fiscal Impact Worksheet

Instructions for Fiscal Impact Worksheet

1. Complete **ApplicantInfo** worksheet before the **FiscalImpact** worksheet.
2. Open the worksheet provided with this application. Go to the Applicant Information sheet (tab on the bottom left of the page) and enter the names of the Lead Applicant and all Co-Applicants.
3. Go to www.openbooknewyork.com and click on "Search Local Government Spending".
4. Click on "Additional Financial Information about Local Governments". You will be taken to the Office of the State Comptroller's Local Government and School Accountability web page. Select "Level One" for your class of local government, the year for which the most recent information is available, and click "Submit Query". If information is not yet available, "We're sorry - data is not available at this time from the option selected" will appear on your screen. Go to the previous year and try again or enter information from your own records (provide back-up documentation when possible).
5. Find your local government, scroll across and then enter the Fiscal Year and amounts of Total Expenditures, Full Value and Real Property Taxes and Assessments for all Applicants.
6. Enter the total amount of public funding estimated to complete the project. If the only public funding is this grant, enter the amount of the Local Government Efficiency grant requested. If other public funding is contemplated, include these amounts as well.
7. Close the Office of the State Comptroller's Local Government and School Accountability web page to go back to the Open Book New York website. Click on "Comparison" under Type of Report and "Revenues and Proceeds of Debt" and "Expenditures" under Data Categories, then click "Submit".
8. Select all Applicants and the year for which the most recent data are available. "No Data" indicates that data for the year selected are not yet available. Note: Up to four units of local government may be selected at a time. If there are more than four Applicants, clear the selected local governments and select up to four additional Applicants.
9. Under "Revenues and Proceeds of Debt", check any revenue categories in which additional revenues will be realized as a result of the project (usually these will be charges for services or to other governments). Under "Expenditures", check any expenditure categories in which cost savings will be realized as a result of the project.
10. Click "Submit" and you will be taken to a Comparison Report between the municipalities selected. In the upper right hand corner of the Comparison Report click on "Download to Excel Spreadsheet" and open the file.
11. Go to the Fiscal Impact worksheet. Find the budget codes for all relevant revenue and expenditure data and enter with the amounts in the Open Book New York Excel spreadsheet into the "Before Implementation" column for each Applicant.
12. Enter estimated revenues and expenditures upon completion of the project into the "After Implementation" column for each Applicant. All revenues and expenditures should be entered as positive numbers. The project will show savings as negative values and additional costs as positive values.
13. The worksheet will automatically calculate the Fiscal and Full Value Tax Impacts for each Applicant. These appear at the top of the Applicant Information worksheet. The worksheet will also calculate the Return on Public Investment.
14. Save the worksheet as a PDF file using the "Export Worksheets to PDF" button on the Applicant Information worksheet or the "Save as" function in Excel. If using the 1997-2003 version of Excel, click on "Entire Worksheet" under Options. If using a more recent version of Excel, include the Applicant Information and Project Implementation sheets when prompted.
15. Upload the save PDF into the CFA (Question 1977).

2013-2014 Local Government Efficiency Grant Fiscal Impact Worksheet A

Instructions:

1. In the **GREEN** area below, enter the name of the lead and co-applicants, the current total expenses, total tax levy and full value.
2. Once the entire workbook is completed, export the entire workbook as a PDF to attach to the CFA. If Macros are enabled, use the button to the right. Otherwise, export as a PDF using the program's menus.

EXAMPLE	<u>Name</u>	<u>Fiscal Year</u>	<u>Real Property Taxes and</u>			<u>Current Full Value Tax</u>		<u>% Full Value Tax</u>		
			<u>Total Expenditures</u>	<u>Assessments</u>	<u>Full Value</u>	<u>Rate</u>	<u>Net Fiscal Impact</u>	<u>% Fiscal Impact</u>	<u>Impact</u>	
Lead Applicant	County	2012	\$ 500,000,000	\$ 75,000,000	\$ 25,000,000,000	\$ 3.00	\$ -	-	0.00%	
Co-Applicant 1	City A	2012	\$ 25,000,000	\$ 6,500,000	\$ 700,000,000	\$ 9.29	\$ (135,000.00)	-0.54%	-2.08%	
Co-Applicant 2	City B	2012	\$ 17,000,000	\$ 4,000,000	\$ 400,000,000	\$ 10.00	\$ (135,000.00)	-0.79%	-3.38%	
							Total Net Fiscal Impact	\$ (270,000.00)		
Public Funding including LGE Grant			\$ 600,000			Return on Public Investment	45%			

	<u>Name</u>	<u>Fiscal Year</u>	<u>Total Expenditures</u>	<u>Assessments</u>	<u>Full Value</u>	<u>Current Full Value Tax</u>	<u>Rate</u>	<u>Net Fiscal Impact</u>	<u>% Fiscal Impact</u>	<u>% Full Value Tax</u>
Lead Applicant								\$ -	-	-
Co-Applicant 1								\$ -	-	-
Co-Applicant 2								\$ -	-	-
Co-Applicant 3								\$ -	-	-
Co-Applicant 4								\$ -	-	-
Co-Applicant 5								\$ -	-	-
Co-Applicant 6								\$ -	-	-
Co-Applicant 7								\$ -	-	-
Co-Applicant 8								\$ -	-	-
Co-Applicant 9								\$ -	-	-
							TOTALS	\$ -	-	-
Public Funding including LGE Grant						Annual Return on Public Investment		-		

STOP! If your project impacts more than 10 eligible municipalities, please contact the **Local Government Efficiency Grant Program** to ensure that the proper adjustments are made to this form to maintain accuracy.

- ↑
Obtained from OSC's Data for Local Governments. Use Level 1 Data and the Column "Fiscal Year"
- ↑
Obtained from OSC's Data for Local Governments. Use Level 1 Data and the Column "Total Expenditures"
- ↑
Obtained from OpenBook "Total Tax Levy" under the Tax Limit section.
- ↑
Obtained from OSC's Data for Local Governments. Use Level 1 Data and the Column "Full Value"
- ↑
Current Full Value Tax Rate is Calculated by Dividing Total Tax Levy by Full Value, multiplied by \$1,000 for a Equalized Tax Rate

Appendix C

MINORITY-AND WOMEN-OWNED BUSINESS ENTERPRISES (MWBE)

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A, the Department of State (hereinafter "DOS") recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of DOS contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that DOS establishes goals for maximum feasible participation of New York State Certified minority- and women – owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, DOS hereby establishes an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). A contractor ("Contractor") on the subject contract ("Contract") must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that DOS may withhold payment pending receipt of the required MWBE documentation. The directory of New York State Certified MWBEs can be viewed at: <http://www.esd.ny.gov/mwbe.html>.

For guidance on how DOS will determine a Contractor's "good faith efforts," refer to 5 NYCRR §142.8.

I. MWBE Utilization

By submitting a bid or proposal, a bidder on the Contract ("Bidder") agrees to submit the following documents and information as evidence of compliance with 5 NYCRR §142.8:

- A. Bidders are required to submit a MWBE Utilization Plan on Form A with their bid or proposal. Any modifications or changes to the MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to DOS.

- B. DOS will review the submitted MWBE Utilization Plan and advise the Bidder of DOS acceptance or issue a notice of deficiency within 30 days of receipt.
- C. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to the DOS:

Office of Affirmative Action Programs
99 Washington Avenue, Albany, New York 12231
Phone: (518) 473-2507; Fax (518) 473-9211

A written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by DOS to be inadequate, DOS shall notify the Bidder and direct the Bidder to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

- D. DOS may disqualify a Bidder as being non-responsive under the following circumstances:
- a) If a Bidder fails to submit a MWBE Utilization Plan;
 - b) If a Bidder fails to submit a written remedy to a notice of deficiency;
 - c) If a Bidder fails to submit a request for waiver; or
 - d) If DOS determines that the Bidder has failed to document good faith efforts.

Contractors shall attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to DOS, but must be made no later than prior to the submission of a request for final payment on the Contract.

II. Non-Compliance

A. In accordance with 5 NYCRR §142.13, Contractor acknowledges that if it is found to have willfully and intentionally failed to make good faith efforts to meet the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and DOS may withhold payment from the Contractor as liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

B. In addition, failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the Bidder/Contractor agrees with all of the terms and conditions of Appendix A including Clause 12 - Equal Employment Opportunities for Minorities and Women. The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor, shall undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of

compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

Bidder further agrees, where applicable, to submit with the bid a staffing plan (Form B) identifying the anticipated work force to be utilized on the Contract and if awarded a Contract, will, upon request, submit to the DOS, a workforce utilization report identifying the workforce actually utilized on the Contract if known.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

For questions on filling out the forms required with this application, please contact:

Office of Affirmative Action Programs
99 Washington Avenue, Albany, New York 12231
Phone: (518) 473-2507; Fax (518) 473-9211

FORM A M/WBE UTILIZATION PLAN

INSTRUCTIONS: This form must be submitted with any bid, proposal, or proposed negotiated contract or within a reasonable time thereafter, but prior to contract award. This Utilization Plan represents the anticipated MWBE usage for the contract and must contain a detailed description of the supplies and/or services to be provided by each certified Minority and Women-owned Business Enterprise (M/WBE) under the contract. Attach additional sheets if necessary.

Offeror's Name:

Federal Identification No.:

Address:

Project/Contract No.:

City, State, Zip Code:

M/WBE Goals in the Contract: MBE 10% WBE 10%

Telephone No.:

Region/Location of Work:

1. Projected Certified M/WBE Subcontractors/Suppliers Name, Address, Email Address, Telephone No.	2. Classification	3. Federal ID No.	4. Detailed Description of Work (Attach additional sheets, if necessary)	5. Dollar Value of Subcontracts/Supplies/Services and intended performance dates of each component of the contract.
A.	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE			
B.	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE			

6. IF UNABLE TO FULLY MEET THE MBE AND WBE GOALS SET FORTH IN THE CONTRACT, OFFEROR MUST SUBMIT A REQUEST FOR WAIVER.

<p>My firm proposes to use the M/WBEs listed above.</p> <p>PREPARED BY (Signature): DATE:</p> <p>NAME AND TITLE OF PREPARER (Print or Type):</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">TELEPHONE NO.:</td> <td>EMAIL ADDRESS:</td> </tr> <tr> <td colspan="2" style="text-align: center;">FOR M/WBE USE ONLY</td> </tr> <tr> <td>REVIEWED BY:</td> <td>DATE:</td> </tr> <tr> <td colspan="2" style="padding: 5px;"> UTILIZATION PLAN APPROVED: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____ Contract No.: _____ Project No. (if applicable): _____ Contract Award Date: Estimated Date of Completion: Amount Obligated Under the Contract: Description of Work: NOTICE OF DEFICIENCY ISSUED: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____ NOTICE OF ACCEPTANCE ISSUED: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____ </td> </tr> </table>	TELEPHONE NO.:	EMAIL ADDRESS:	FOR M/WBE USE ONLY		REVIEWED BY:	DATE:	UTILIZATION PLAN APPROVED: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____ Contract No.: _____ Project No. (if applicable): _____ Contract Award Date: Estimated Date of Completion: Amount Obligated Under the Contract: Description of Work: NOTICE OF DEFICIENCY ISSUED: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____ NOTICE OF ACCEPTANCE ISSUED: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____	
TELEPHONE NO.:	EMAIL ADDRESS:								
FOR M/WBE USE ONLY									
REVIEWED BY:	DATE:								
UTILIZATION PLAN APPROVED: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____ Contract No.: _____ Project No. (if applicable): _____ Contract Award Date: Estimated Date of Completion: Amount Obligated Under the Contract: Description of Work: NOTICE OF DEFICIENCY ISSUED: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____ NOTICE OF ACCEPTANCE ISSUED: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____									
<p>SUBMISSION OF THIS FORM CONSTITUTES THE OFFEROR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, 5 NYCRR PART 143, AND THE ABOVE-REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND POSSIBLE TERMINATION OF YOUR CONTRACT.</p>									

FORM B

STAFFING PLAN

Submit with Bid or Proposal – Instructions on page 2

Complete this form only for the anticipated work force to be utilized on the State contract.

Solicitation No.:	Reporting Entity:	Report includes Contractor's/Subcontractor's: <input type="checkbox"/> Work force to be utilized on this contract <input type="checkbox"/> Total work force
Offeror's Name:		<input type="checkbox"/> Offeror <input type="checkbox"/> Subcontractor Subcontractor's name _____
Offeror's Address:		

Enter the total number of employees for each classification in each of the EEO-Job Categories identified.

EEO-Job Category	Total Work force	Work force by Gender		Work force by Race/Ethnic Identification														
		Total Male (M)	Total Female (F)	White (M) (F)		Black (M) (F)		Hispanic (M) (F)		Asian (M) (F)		Native American (M) (F)		Disabled (M) (F)		Veteran (M) (F)		
Officials/Administrators																		
Professionals																		
Technicians																		
Sales Workers																		
Office/Clerical																		
Craft Workers																		
Laborers																		
Service Workers																		
Temporary /Apprentices																		
Totals																		

PREPARED BY (Signature):	TELEPHONE NO.: EMAIL ADDRESS:	DATE:
NAME AND TITLE OF PREPARER (Print or Type):		Submit completed with bid or proposal

General instructions: All Offerors and each subcontractor identified in the bid or proposal must complete an EEO Staffing Plan (FORM B) and submit it as part of the bid or proposal package. Where the work force to be utilized in the performance of the State contract can be separated out from the contractor's and/or subcontractor's total work force, the Offeror shall complete this form only for the anticipated work force to be utilized on the State contract. Where the work force to be utilized in the performance of the State contract cannot be separated out from the contractor's and/or subcontractor's total work force, the Offeror shall complete this form for the contractor's and/or subcontractor's total work force.

Instructions for completing:

1. Enter the Solicitation number that this report applies to along with the name and address of the Offeror.
2. Check off the appropriate box to indicate if the Offeror completing the report is the contractor or a subcontractor.
3. Check off the appropriate box to indicate work force to be utilized on the contract or the Offerors' total work force.
4. Enter the total work force by EEO job category.
5. Break down the anticipated total work force by gender and enter under the heading 'Work force by Gender'
6. Break down the anticipated total work force by race/ethnic identification and enter under the heading 'Work force by Race/Ethnic Identification'. Contact the DOS Permissible contact(s) for the solicitation if you have any questions.
7. Enter information on disabled or veterans included in the anticipated work force under the appropriate headings.
8. Enter the name, title, phone number and email address for the person completing the form. Sign and date the form in the designated boxes.

RACE/ETHNIC IDENTIFICATION

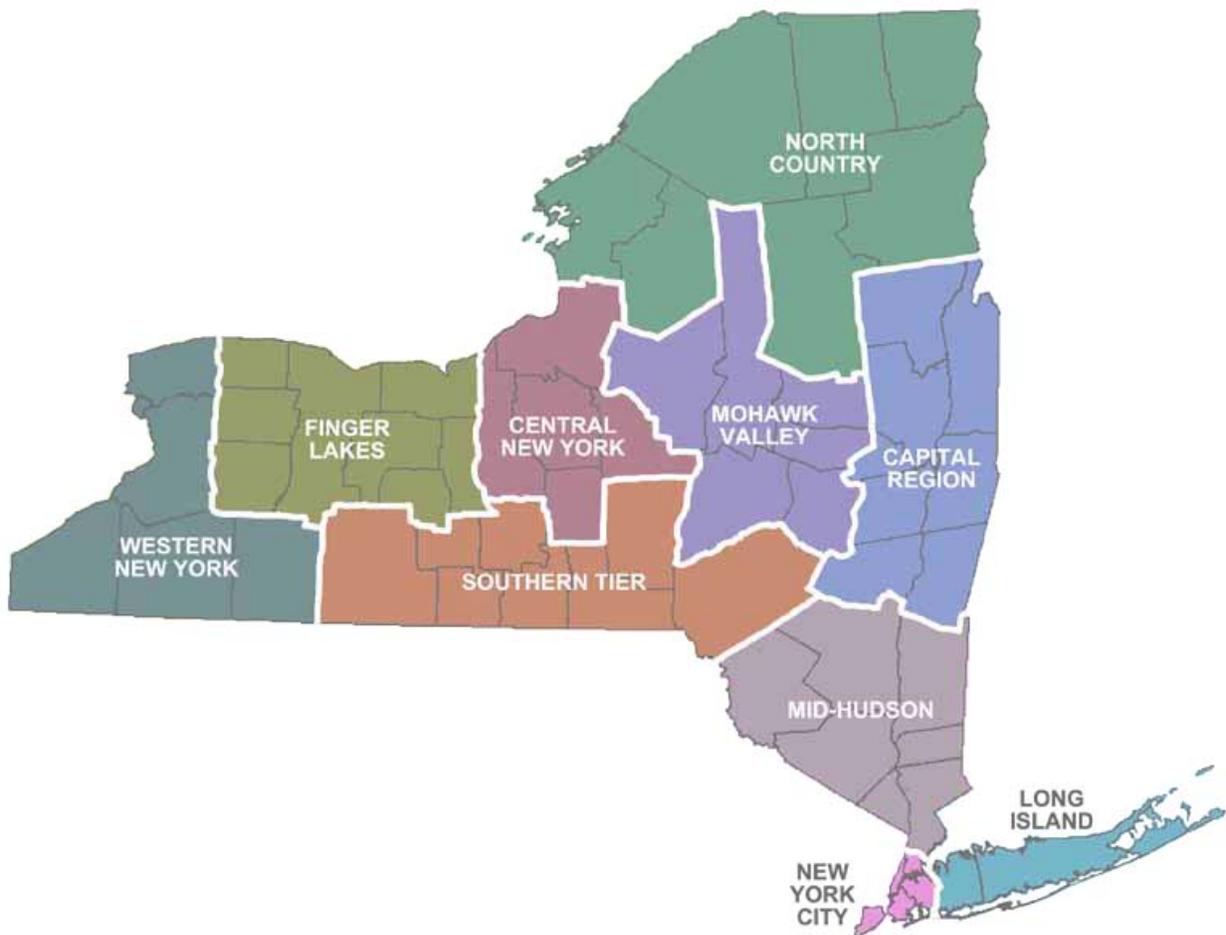
Race/ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. For the purposes of this form, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic group. The race/ethnic categories for this survey are:

- **WHITE** (Not of Hispanic origin) All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- **BLACK** a person, not of Hispanic origin, who has origins in any of the black racial groups of the original peoples of Africa.
- **HISPANIC** a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
- **ASIAN & PACIFIC ISLANDER** a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.
- **NATIVE INDIAN (NATIVE AMERICAN/ ALASKAN NATIVE)** a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

OTHER CATEGORIES

- **DISABLED INDIVIDUAL** any person who:
 - has a physical or mental impairment that substantially limits one or more major life activity(ies)
 - has a record of such an impairment; or
 - is regarded as having such an impairment.
- **VIETNAM ERA VETERAN** a veteran who served at any time between and including January 1, 1963 and May 7, 1975.
- **GENDER** Male or Female

New York State Regional Economic Development Council Regions



ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE