



# Division of Local Government Services

## 2016-2017 Municipal Consolidation & Efficiency Competition

### Phase II – Plan Development and Application Instructions

### #16-LGE-34

#### KEY DATES

<b>Release Date:</b>	February 14, 2017, <b>Updated February 27, 2017</b>
<b>Mandatory Applicant Conference:</b>	February 15, 2017
<b>Questions Due Date:</b>	March 8, April 5, May 3 & May 31, 2017
<b>Updates &amp; Responses to Questions Posted Dates:</b>	March 15, April 12, May 10 & June 7, 2017
<b>Plan Due Dates:</b>	June 28, 2017, 4:00 PM
<b>Anticipated Applicant Presentations:</b>	July 18-19, 2017

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**Plan Submission:**

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# I. Municipal Consolidation and Efficiency Competition Program Summary

The Municipal Consolidation and Efficiency Competition (MCEC) will provide up to \$20 million in state funding to a single consortium of local governments to implement a series of projects designed to modernize municipal services and reduce property taxes. The MCEC has two phases. Under Phase I of the MCEC, local government consortiums, led by a county or a local government with a population in excess of 50,000, were eligible to submit an “Intent to Propose” for participation in the MCEC program.

Under Phase II of the MCEC, all consortiums of local governments that have received funding under Phase I (“Intent to Propose”) to assist with the development of a Municipal Consolidation and Efficiency Plan (MCEP or Plan) will be eligible for funding. All submitted MCEPs will be evaluated for the final MCEC award. The MCEP will include an achievable consolidation of a County, City, Town or Village. The most innovative plan in terms of governmental consolidation and property tax reduction will be selected.

This competition will challenge local leaders and residents to implement a consolidation of one or more local governments and to invest MCEC funding in new and creative ways to streamline municipal services and operations, and stimulate their local economy. The recipients of the final MCEC award will be standard bearers of government efficiency for municipalities across the state, and will help shape policy at the state level through their experiences, as well as influence the actions of other local governments with their successes.

## II. MCEC Phase II, Timeline

- Release of the Phase II Guidance Document – February 14, 2017
- Mandatory Applicants Conference, Albany, NY – February 15, 2017
- MCEPs Due to the Department of State – June 28, 2017
- Anticipated Presentations to the Department of State – July 18 – 19, 2017
- Winner Announced - September 2017

# III. Municipal Consolidation and Efficiency Plan

Each Municipal Consolidation and Efficiency Plan submitted for final review must clearly describe a series of projects and actions needed to implement substantive change for the involved local governments. Every plan must include an achievable consolidation or dissolution of a county, city, town or village, as well as other permanent changes in governing structures. The MCEP will detail the process for the consolidation of one or more local governments and for each of the other projects along with the savings to be realized by these changes, and contain an implementation plan and timeline for each project required to accomplish the goals of the MCEP.

The MCEC has been designed to support local and regional efforts that will engage groups of local governments focused on efficiency efforts. Municipal partners in an MCEC proposal might be involved in one or all of the proposed projects submitted under a final Plan. The Department of State also recommends that a local government consortium utilize a work group made up of members of the consortium; and civic, business, and academic leaders who should add subject matter expertise to the discourse.

The consortium of local governments that develops the selected MCEP will be eligible for up to \$20 million in MCEC funding for implementation of projects and actions outlined in the selected plan. Each project or action in the MCEP may have a separate contract managed by the Department of State or all projects may be included in a single contract. MCEC contracts will be grant contracts.

## Eligible Applicants

Only consortiums of local governments that received funding under Phase I of the MCEC are eligible to apply for Phase II funding.

## 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, has accommodated smart growth criteria itemized in Article 6 of the Environmental Conservation Law, “The New York State Smart Growth Public Infrastructure Act.” Inconsistency with relevant criteria may result in a project being deemed ineligible for funding.

## MWBE Utilization Plan

Applicants are required to create a plan for compliance with the Certified Minority-And Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women requirements as part of this application. A goal of 30% will be applied to all contracts awarded under this program unless a waiver is found to be warranted. The plan will include a DETAILED statement, with the project description, on how you intend to meet the MWBE goals with your project. Additional information may be found in Appendix E.

If your project is selected for an award, you will be required to comply with all of the contractual requirements, including demonstrating that a good faith effort is made to meet the goals for certified MWBE firms’ participation as stated in your contract and in accordance with Article 15-A.

If an applicant chooses to move forward with a project prior to any award announcement, they are responsible for meeting M/WBE requirements established by the State of New York. The requested plan is intended to help an applicant think about how to comply with the regulations and provide information showing their due diligence to comply with the M/WBE requirements.

# IV. Municipal Consolidation and Efficiency Plan Layout

Municipal Consolidation and Efficiency Plan (MCEP) Description:

The MCEP description will provide a brief overview of each project or proposal illustrating each project or proposal's connection to the overall plan and the implementation schedule for each project or proposal.

The MCEP will:

- be comprised of at least one achievable consolidation of one or more local governments and a collection of projects or proposals, each addressing the criteria listed below.
- illustrate how the individual projects or proposals work together to create a unified vision of government while addressing the criteria below.
- be a collaborative long term vision for the structure of local government services for the partner municipalities.

The Municipal Consolidation and Efficiency Plan shall be formatted as per Appendix A and shall include the following items:

## 1. Executive Summary

The Executive Summary should identify the Lead Local Government and other local governments within the consortium. The Executive Summary should be concise and include:

- The goals of the MCEP.
- The level of collaboration between the MCEP's partners and how they developed the MCEP to assure success in the plan to include every project including the proposed consolidation.
- How each of the project proposals helps to implement the MCEP and how the projects are within to the scope of the MCEP.
- How the MCEP will help the project partners achieve their goals.
- A high-level timeline of the implementation of all of the projects included in the MCEP.

Each project or proposal contained in the MCEP shall be described as part of the narrative of each section below.

## 2. Local Government Design

Discuss the overall transformational impact the MCEP will have on the structure of local governments and local government services and operations in the region. Examine how the MCEP fosters long-term local government and property taxpayer savings. Underscore the importance of measuring the level of innovation and operational change in the MCEP, supporting long-term local government and property taxpayer savings.

*The narrative must identify:*

- *The number of proposed local governments to be consolidated or dissolved and the impact of these changes.*

- Local support for the proposed achievable consolidation or dissolution of a county, city, town or village.
- *Impact of the MCEP or projects on the local government services in the region.*
- *How the proposed local government design fosters long term property tax savings.*
- *How the MCEP is innovative to the involved local governments.*
- *The replicability of the MCEP or projects within the MCEP.*
- *The transformational nature of the projects or proposals.*

### 3. Fiscal Impact

Discuss the overall impact the proposal will have on local government finances for each involved participant. Using the Tax Levy and Fiscal Impact Sheet (Appendix B), provide information for each local government in the consortium. The information from the Tax Levy and Fiscal Impact Sheet should be used to address each of the following fiscal impact categories:

1. The percentage of total combined reduction in the tax levy of each involved local government over a five-year period starting after the full implementation of the MCEP.
2. The ratio of return on investment from the possible \$20 million grant from the total projected savings for tax payers over a five-year period.

*A narrative is required to explain the information contained in the Tax Levy and Fiscal Impact Sheet (Appendix B). The narrative should also indicate if a portion of the award will be used for incentives instead of for project expenses, including how this will be distributed and its fiscal impact on the involved local governments.*

As part of the narrative and in conjunction with Appendix B, applicants are required to provide the information outlined below:

- A current services budget for the next five years;
- A financial projection for the same five years illustrating how the \$20 million award will be utilized for efficiency and reorganization actions.
- Total projected savings for all involved partners' property tax payers over the five year period **after** full implementation of the MCEP.
- Percentage of total combined reduction in the tax levy of each partner over the five year period **after** full implementation of the MCEP.
- Demonstrate, as a ratio of the return on investment, the impact of the \$20 million award. For example, a current services budget might show a cumulative five year deficit of \$25 million. However, MCEC applicants demonstrate that implementation of local actions supported by a \$20 million state investment will help produce a cumulative surplus of \$15 million. This change of \$40 million in the cumulative outcome (from \$25 million in projected deficit to \$15 million in projected surplus) would represent a 2:1 return on investment for the State.

### 4. Need

Discuss the need(s) for the projects or proposals in the MCEP based on existing conditions in the area, including but not limited to: economic, environmental, community and civic conditions. The need(s) shall correspond to the projects or proposals in the MCEP and the extent to which the activities resolve or address the need(s) identified. Severity of need for the projects or proposals in the MCEP should be based on the analysis of existing conditions in the targeted area.

*The narrative must provide information on the following:*

- *The need(s) for each project or proposal included in the MCEP based on the existing conditions in the area, including but not limited to: economic, environmental, community and civic conditions.*
  - *The severity of the need(s) for the MCEP or projects within the MCEP.*
  - *How the MCEP or projects within the MCEP will resolve the need(s).*

## **5. Implementation Capacity/Political Will**

Describe in detail how the applicants have sufficient resources and feasible strategies to complete each of the projects submitted and will achieve the goals and objectives in a manner that is timely, effective, and on-budget. Sufficient resources and feasible strategies should be described in support of each work plan and budget (Appendix F) submitted for each project. Demonstrate experience in shared services, cooperation agreements, or other government efficiency projects. Provide letters of commitment or resolutions for each project or proposal from the involved local governments.

*The narrative must provide information on the following:*

- *Local support for the proposed achievable consolidation or dissolution of a county, city, town or village.*
- *The resources and feasible strategies available to complete the MCEP or for each project within the MCEP.*
- *Previous experience in intergovernmental cooperation.*
- *Letters of support or resolutions for each proposed project included in the MCEP – resolutions carry more weight in the evaluation process.*

## **6. Leveraging Of Other Assets**

Describe how an investment of \$20 million will result in additional investments being committed to the proposal. Demonstrate how the funds will help leverage additional outside resources, and the anticipated amount and impact of any such additional funds and investment leveraged from one or more outside entities.

*The narrative must provide information on the following:*

- *How state funds will leverage additional outside funds.*
- *Describe any funds outside MCEC funding and the likelihood of securing these funds.*
- *Economic impact of leveraged resources in the community/communities involved in each project or proposal included in the MCEP.*

## **7. Community Involvement and Outreach**

Demonstrate the extent to which municipal leaders have utilized or will utilize citizen input and involvement and provided significant outreach in innovative ways to develop the MCEP. The community outreach and involvement should be qualified with the actual input received and quantified with the number of open meetings and attendance. Special attention shall be made to ensure that the applicant's minority and disenfranchised populations are a part of the outreach process.

The narrative must provide information on the following:

- *Citizen input or involvement in developing the MCEP.*
- *How the outreach was and will be significant and innovative.*
- *Outreach to minority and disenfranchised populations that has been or will be conducted. If a population was described as disenfranchised, explain the reason for such description.*
- *How additional outreach has or will be conducted.*

## 8. Budget Summary

In support of the work plan and budget submitted for each project or proposal (Appendix F), provide a narrative illustrating that the budgets were developed taking into consideration: Cost Determination, Budget Detail and Relationship to the Work Plan. Plan submissions may, but are not required to, include projects where resources have already been identified and secured. Demonstration of firm commitments such as award letters should be included. Applicants may apply for up to \$20,000,000. Since the budget for the MCEP may also include performance awards, provide suggested amounts and justification of these incentives for specific projects when certain milestones have been met. Performance awards may account for no more than fifty percent of the total award amount. All performance awards are subject to negotiation and approval of the Department of State.

The narrative must provide information on the following for each project or proposal's budget (Appendix F):

- *Cost Determination - How clearly does the application describe and document the approach used to arrive at budget estimates?*
- *Budget Detail - Does the budget include necessary detail for all project components involved?*
- *Budget Relationship with Work Plan - Does the budget clearly relate to and support activities in the proposed work plan?*

## 9. Appendices

The Appendices include documentation for some of the narratives above and additional required information.

- *Resolutions from all partner local governments in support of the MCEP and in support of each project or proposal from each involved local government*
- *Provide a Work Plan and Budget for each project or proposal included in the MCEP, submitted on the work plan form (Appendix F)*
- *Tax Levy and Fiscal Impact Sheet(s) (Appendix B)*
- *Smart Growth Questionnaire*
- *MWBE Utilization Plan*
- *Other documentation as necessary*

# V. MCEP Evaluation

## Review Process

Each Municipal Consolidation and Efficiency Plan (MCEP) submitted to the Department of State will be evaluated against all other submitted MCEPs. As part of the review process, applicants may be required to present their MCEP at an event hosted in Albany during the review period. Presentations may assist in MCEP scoring.

## Pass/Fail

All MCEPs will be reviewed against the following Pass/Fail criteria:

- Applicants must be a consortium of local governments receiving funding under Phase I of the Municipal Consolidation and Efficiency Competition.
- The MCEP includes responses to all evaluation criteria.
- The MCEP includes at least one proposed county, city, town or village consolidation.

## Plan Evaluation and Scoring

All submitted MCEPs will be evaluated on a scale of 100 points using the following criteria. A MCEP must receive a minimum of 60 points to be considered for funding. The Scoring is divided into two sections, which when added together could equal 100 points.

### 1. Local Government Design, Need, Capacity/Will, Leverage, Involvement and Outreach, and Budget

Each application will be scored by a team of reviewers. Final scores for the sections noted above will be based on an average of reviewer scores. As part of the review of Local Government Design, applicants may be required to present their MCEP at an event hosted in Albany during the review period which may be used to assess scores for this section by designated reviewers. Scores will be averaged to determine a final Local Government Design score.

### 2. Fiscal Impact

Each application will receive a single score based on the available 20 points.

## Evaluation Criteria

### Local Government Design (up to 30 points)

The Local Government Design criterion is intended to evaluate the overall transformational impact the implementation of the MCEP will have on the structure of local governments and local government services in the region. In evaluating the transformative nature of the MCEP, reviewers will assess the degree of innovation and operational change incorporated in the MCEP, including but not limited to, shared technology in support of the consolidated municipal structures to more

effectively and efficiently responds to the needs of residents and business, and the link between such identified actions and long-term local government and property taxpayer savings. DOS reserves the right to request presentations by applicants; these presentations may be used as part of the scoring process.

### **Fiscal Impact (up to 20 points)**

Each MCEP will be ranked against all other MCEPs in this category. The MCEP that achieves the highest quantifiable result in each fiscal impact category will receive the maximum amount of points. The two evaluation categories are:

- The percentage of total combined reduction in the tax levy, over a five-year period starting **after** the full implementation of the MCEP, of each of the involved Local Governments. (Up to 15 points) The applicant with the highest percentage of total combined reduction in the tax levy will receive the maximum number of points (15 points). The other applicants will receive a proportional score using the formula of  $z = (x/y) \times 15$  where:

X = percentage of total combined reduction in the tax levy for the application being scored;  
Y = percentage of total combined reduction in the tax levy from all applications;  
Z = normalized score for applicant being scored; and  
15 = maximum points available.

- The Ratio of Return on Investment on \$20 million over a five-year period starting after the full implementation of the MCEP. (Up to 5 points) The applicant with the highest projected Ratio of Return on Investment will receive the maximum number of points (5 points). The other applicants will receive a proportional score using the formula of  $z = (x/y) \times 5$  where:

X = projected Ratio of Return on Investment for the application being scored;  
Y = highest projected Ratio of Return on Investment from all applications;  
Z = normalized score for applicant being scored; and  
5 = maximum points available.

### **Project(s) Need (up to 5 points)**

The project need is aimed at identifying the conditions of the involved local government, including but not limited to: economic, environmental, community and civic conditions, and the positive impact that the implementation of the MCEP would have on those needs. The identified need(s) shall correspond to the proposed activities, and the extent to which the proposed activities will resolve or address those need(s).

### **Implementation Capacity/Political Will (up to 10 points)**

The successful implementation of an MCEP will take focused and sustained local leadership. Under this criterion, reviewers will evaluate whether the consortium of local governments has identified sufficient resources and feasible strategies to complete the MCEP and achieve the goals and objectives in a manner that is timely, effective, and on-budget. This review will also include an assessment of the applicants' past experiences in consolidating general purpose or special district

governments, developing and/or implementing shared services, and other collaborative government efficiency projects.

### **Leverage (up to 5 points)**

The sustainability of the municipal reorganization efforts will be impacted directly by the ability of the involved local governments to leverage the potential investment of \$20 million to mobilize additional resources over both the short and long-term. Under this criterion, applicants must describe to the reviewers how the funds will help leverage additional outside resources, and the amount and the impact of any such additional funds or Investment.

### **Community Involvement and Outreach (up to 10 points)**

Community involvement will measure the extent to which municipal leaders have utilized or will utilize citizen input and involvement and provided significant outreach in innovative ways to develop the MCEP. The community outreach and involvement should be qualified with the actual input received and quantified with the number of open meetings and attendance. Special attention shall be given to ensuring that the applicant's minority and disenfranchised populations are a part of the outreach process.

### **Budget (up to 20 points)**

Each MCEP must include a detailed and realistic budget for implementation, containing allowable, reasonable, and necessary costs. The review will include an analysis of the appropriateness of the expenses and the relationship of the proposed budget to the MCEP implementation plan. Plan submissions may, but are not required to, include projects where resources have already been identified and secured. Demonstration of firm commitments such as award letters should be included. As previously stated, budget scoring is based on realistic appropriation of resources required for implementation.

- Cost Determination - (up to 10 points)
- Budget Detail - (up to 5 points)
- Budget Relationship with Work Plans - (up to 5 points)

## VI. MCEC Plan Submission

This MCEP guidance has been posted on the Department of State's website at: <http://www.dos.ny.gov/funding/>. Please be sure to review all instructions and give careful consideration to eligible activities.

### Questions

Submit all substantive questions by email to: [MCECProgram@dos.ny.gov](mailto:MCECProgram@dos.ny.gov). To the extent possible, each inquiry should cite the guidance document section and paragraph to which it refers. Written questions will be accepted until the due date stated on the cover of this Guidance Document.

Questions of a technical nature may be submitted in writing or via telephone by calling the Municipal Consolidation & Efficiency Competition Program at (518) 473-3355 or (800) 367-8488. **Questions are of a "technical nature" if they relate exclusively to the process of preparing the MCEP (e.g., formatting) rather than to the substance of the MCEP.**

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

### Assembling the Submission

The MCEP must conform to the following:

- **One original and two exact copies of the submission and one compact disc containing one complete copy of the submission in Adobe Acrobat Portable Document Format (PDF).**
  - The Table of Contents, Executive Summary and Municipal Consolidation and Efficiency Plan shall be one PDF file labeled: Lead Applicant Name MCEP.pdf
  - Each Appendix shall be a separate PDF file labeled: Lead Applicant Name MCEP Appendix Resolutions.pdf
  - For each Work Plan and Budget for each project or proposal included in the MCEP, include a separate PDF file labeled: Lead Applicant Name MCEP Appendix Work Plan Project X
- All application materials should be bound in pressboard report covers or standard three-ring (maximum ring size of 2 inches) binders.
- Any maps must be: 8 ½" x 11"; 8 ½" x 14"; or 11" x 17" folded down to an 8 ½" x 11" size. Rolled maps will not be accepted.
- It is the lead applicant's responsibility to submit applications to the address below prior to the due date and time specified on the cover of this guidance document (RFA).

### Submission Due Date

All Municipal Consolidation and Efficiency Plans must be submitted and received by 4:00 PM on June 28, 2017, at the following address:

Chet Fiske  
New York State Department of State  
Bureau of Fiscal Management  
Municipal Consolidation and Efficiency Competition, #16-LGE-34  
One Commerce Plaza  
99 Washington Avenue, Suite 1110  
Albany, New York 12231

# VII. Awards and Contract Administration

## Award

The final MCEC Award will be provided to the Municipal Consolidation and Efficiency Plan that receives the highest total final score, and will be eligible to receive up to \$20 million from the New York State Department of State. Award decisions are final. The opportunity for a debriefing will be provided upon request to unsuccessful applicants. Requests must be made in writing within 30 days of notification of status of award.

The award to the highest scoring Municipal Consolidation and Efficiency Plan will be broken down into one or more contracts, as determined by the Secretary of State. The type and size of each contract will be at the discretion of the Secretary of State, but will not exceed the approved application amount. An award will require the consolidation or dissolution of a County, City, Town or Village to be approved by voter referendum and on course for implementation prior to funding any other project within the Municipal Consolidation and Efficiency Plan unless it is deemed by the Secretary of State to be a critical element necessary to the overall success of the plan. Initial awards for the consolidation or dissolution are anticipated to be approximately \$100,000 for an initial one-year renewable contract period. MCEC contracts will be a “reimbursement” contract. Performance awards may account for no more than fifty percent of the total award amount. After an award is made, the final determination of reimbursement versus performance awards will be negotiated with the Department of State.

MCEC contracts will be developed with the lead local government to implement projects included in the approved MCEP. All prospective contractors will be required to demonstrate responsible and satisfactory contracting in any past or current DOS contract(s) to be eligible for an award. Past or current contractors that have failed to demonstrate adequate performance will not be considered for funding until issues with the current contract are resolved. In the event that an awardee fails to render satisfactory progress with regard to steps needed to be taken prior to execution of the state contract, funding may be withheld.

Projects that have received a State commitment of funding that are not proceeding satisfactorily will be reviewed by the Department of State to determine if the project will continue to receive a funding commitment. Project sponsors will be notified of any decision regarding possible removal of committed funds, to allow redress of the situation. In the event that the consolidation or dissolution of a County, City, Town or Village is not approved by voter referendum, within the initial contract period, the Department of State may award any remaining funds to the next highest scoring MCEP.

Applicants that are not awarded funding for their MCEP will receive technical assistance from the Department of State to identify other funding opportunities from the State that could support the implementation of their Municipal Consolidation and Efficiency Plans.

## Project Match

Applicants are not required to provide a project match for this award. In-kind funding will not play a role in award process decisions. Outside funds leveraged to implement the MCEP are scored in the Leverage section.

## Eligible Expenses

The MCEP may cover costs including, but not limited to:

- Legal and consultant services necessary to implement a project;
- Capital improvements and equipment purchases to support implementation; and,

- Direct expenses of the project, including personal service and non-personal service costs, where deemed integral to project implementation and development.

## Ineligible Expenses

Ineligible expenses will be removed from the award amount.

- Any expenses not fully justified may be deemed ineligible and removed from the budget, thereby reducing the award amount.
- Any expenditures that were previously funded through Shared Municipal Services Incentive (SMSI), Local Government Efficiency (LGE), Citizens Reorganization Empowerment Grant (CREG), Local Government Performance and Efficiency Program (LGPEP), Financial Restructuring Board (FRB) or the Municipal Restructuring Fund (MRF).
- Additional ineligible expenses also include, but are not limited to: indirect costs (i.e., overhead costs), alcohol, out-of-state or out-of-country travel, prizes and awards, honoraria, lobbying expenses, fund-raising events/expenses, grant writing costs, fines and penalties, taxes, deficit funding, religious activities and refreshments for meetings.

## Contracts

The Department of State requires that a successful applicant enter into a contract with the State of New York. The state contract details the obligations of the applicant/contractor. Contract dates will be established during the contract negotiations and shall run concurrent with the state fiscal year. Contracts will have a maximum term of 5 years. Final contract dates will be determined by the project's timeline and in consultation with DOS. To ensure that funds are awarded to an applicant that is ready to move forward, the Department of State reserves the right to rescind an award if the state contract is not returned to the Department of State within sixty (60) days of being sent to the awardee by the Department of State.

## Contract Administration

Awardees shall manage projects in accordance with the terms and conditions of the state contract. Contractors are required to follow state and local procurement policies. Failure to render satisfactory progress or to complete the project to the satisfaction of the state will cause the suspension or termination of the state's financial obligation. Satisfactory progress includes, but is not limited to, execution of the state contract and submission of all necessary documents for execution by the state, submission of timely payment requests in accordance with the payment schedule in the state contract, completion of satisfactory work products, and other tasks negotiated and agreed to in the executed state contract.

The Department of State will aggressively monitor MCEC projects and contracts. Projects will be continuously re-evaluated and when a project is not proceeding in a satisfactory manner, as determined by the Department of State, funds will be withdrawn.

## Schedule of Payments

MCEC contracts will be a "reimbursement" contract. Eligible expenses incurred after the contract start date 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 Grantee will be required to submit payment requests quarterly. Payments will be made for eligible costs incurred until the cumulative amount of such payments totals 90% of the State Funding Amount. Payment of the remaining 10% of the State Funding Amount will not be made until the project is completed, as determined

by the Department of State. The Department of State may allow for an advance if severe financial hardship hinders project development without an advance.

## Required Reports

Projects are expected to achieve results that substantially meet the objectives outlined in the contract's work plan. Grantees are to submit project status reports along with quarterly requests for payment. Project close-out requires completion of terms and activities outlined in the state contract, including all deliverables identified in the work plan. Submission of all required reports in a timely manner may be deemed to be satisfactory progress of the project.

The Department of State will assess the success of the projects included in the MCEP after the completion of the projects. The local government partners will continue to provide information to the Department of State in these efforts.

## Project Performance

Division of Local Government Services MCEC program staff will monitor each project, and will conduct site visits during the course of project execution to assess the rate and 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 used as a resource for providing technical assistance.

## General Specifications

1. By signing the "MCEP", each applicant attests to the express authority to sign on behalf of the local government entity and to the accuracy of the information contained in the MCEP.
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 MCEP indicates the applicant's acceptance of all conditions and terms contained in this Guidance Document, 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 Guidance Document;
  - b. In the event that the applicant fails to perform any of the terms, covenants or promises of any contract resulting from this Guidance Document, the Department of State, acting for and 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 judgment 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 Guidance Document 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 judgment 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 certain rights including the following:

1. Reject any or all MCEPs received in response to this Guidance Document.
2. Withdraw the Guidance Document at any time, at the agency's sole discretion.
3. Make an award under the Guidance Document in whole or in part.
4. Disqualify any applicant whose conduct and/or MCEP fails to conform to the requirements of the Guidance Document.
5. Seek clarifications and revisions of MCEPs.
6. Use MCEP 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 Guidance Document.
7. Prior to the MCEP due date, amend the Guidance Document specifications to correct errors or oversights, or to supply additional information, as it becomes available.
8. Prior to the MCEP due date, direct applicants to submit MCEP modifications addressing subsequent Guidance Document 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 Guidance Document within the scope of the Guidance Document 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 contained in MCEPs 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 MCEP and/or to determine an applicant's compliance with the requirements of the solicitation.
16. Waive or modify minor irregularities in received MCEPs.
17. Not fund a MCEP that fails to submit a clear and concise work plan or budget.
18. Adjust or correct cost figures with the consent 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 Guidance Document.
21. In its sole discretion, determine the total number of awards to be granted pursuant to this Guidance Document.
22. In the event that the consolidation or dissolution of a County, City, town or Village is not approved by voter referendum, within the initial contract period, the Department of State may award any remaining funds to the next highest scoring MCEP.

# Appendix A

## Municipal Consolidation and Efficiency Plan Outline

The Municipal Consolidation and Efficiency Plan submission must conform to the following:

- One original and two exact copies of the submission and one compact disc containing one complete copy of the submission in Adobe Acrobat Portable Document Format (PDF).
  - The Table of Contents, Executive Summary and Municipal Consolidation and Efficiency Plan shall be one PDF file labeled: *Lead Applicant Name MCEP.pdf*
  - Each Appendix shall be a separate PDF file labeled: *Lead Applicant Name MCEP Appendix Resolutions.pdf*
    - For each Work Plan and Budget for each project or proposal included in the MCEP, include a separate PDF file labeled: *Lead Applicant Name MCEP Appendix Work Plan Project X*
- All application materials should be bound in pressboard report covers or standard three-ring (maximum ring size of 2 inches) binders.
- Any maps must be: 8 ½" x 11"; 8 ½" x 14"; or 11" x 17" folded down to an 8 ½" x 11" size. Rolled maps will not be accepted.

**The following is the outline format that the final MCEP shall be submitted to the Department of State.** For informational purposes, the Bullets reiterate the items listed in Section IV of the guidance document, review Section IV for specifics.

### Table of Contents

#### Executive Summary

- *The goals of the MCEP*
- *The level of collaboration between the MCEP's partners and how they developed the MCEP*
- *How each of the project proposals helps to implement the MCEP and how the projects are within to the scope of the MCEP.*
- *How the MCEP will help the project partners achieve their goals*
- *A timeline of the implementation of all of the projects included in the MCEP.*

#### Municipal Consolidation and Efficiency Plan

##### Local Government Design

- *The number of proposed local governments to be consolidated or dissolved and their impact*
- *Local support for the proposed achievable consolidation or dissolution of a county, city, town or village*
- *Impact on local government services in the region*
- *How the local government design fosters long-term property taxpayer savings*
- *Innovation of the MCEP*
- *Replicability of the MCEP or projects within the MCEP*
- *Transformational nature of the MCEP or projects within the MCEP*

## Fiscal Impact

- *Current services budget for the next five years*
- *Financial projection for the same five years illustrating how the \$20 million award will be utilized for efficiency and reorganization actions*
- *Total projected savings for all involved partner's property tax payers over a five-year period after the full implementation of the MCEP.*
- *Percentage of total combined reduction in the tax levy of each involved local government over a five-year period starting after the full implementation of the MCEP.*
- *Return on investment from the possible \$20 million grant from the total projected savings for tax payers over a five-year period*

## Need

- *Need(s) for each project or proposal within the MCEP based on the existing conditions in the area, including but not limited to: economic, environmental, community and civic conditions.*
- *Severity of need(s) for the projects or proposals in the MCEP*
- *Extent the MCEP or projects within the MCEP resolve or address the need(s)*

## Implementation Capacity/Political Will

- *Resources to complete the proposal and achieve the goals and objectives in a manner that is timely, effective, and on-budget*
- *Previous experience in intergovernmental cooperation*
- *Support/commitment for the MCEP and the projects within the MCEP*
- *Feasibility of each project or proposal included in the MCEP*

## Leveraging of Other Assets

- *How the funds would help to leverage additional outside funds*
- *Economic impact of leveraged resources in the community/communities involved in each project or proposal included in the MCEP*

## Community Involvement and Outreach

- *How citizen input and involvement has been or will be utilized to develop the MCEP*
- *How the outreach was and will be significant and innovative.*
- *Outreach to minority and disenfranchised populations*
- *How additional outreach will be conducted to implement the MCEP or projects in the MCEP*

## Budget Summary

- *Cost Determination*
- *Budget Detail*
- *Budget Relationship with Work Plan*

## Appendices

- *Resolutions from all partner local governments in support of the MCEP and in support of each project or proposal from each involved local government*
- *Provide a Work Plan and Budget for each project or proposal included in the MCEP. Submitted on the work plan form (Appendix F)*
- *Tax Levy and Fiscal Impact Sheet(s) (Appendix B)*
- *Smart Growth Questionnaire*
- *MWBE Utilization Plan*
- *Other documentation as necessary*

# Appendix B

## Fiscal Impact Worksheet

### Instructions for Fiscal Impact Worksheet

- 1 Open the Applicant Information tab on the bottom left of the page (Worksheet A) and enter the names of the Lead Applicant and all Co-Applicants into Column B.
- 2 Open the Projects tab on the bottom left of the page (Worksheet B) and enter the project name for each project or proposal into Column B.
- 3 Go to [www.openbooknewyork.com](http://www.openbooknewyork.com) and click on "Search Local Government Spending".
- 4 Click on "Revenues and Expenditures" under Report and "Comparison" under Type of Report, then click "Submit".
- 5 Select the class of local government for 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.*
- 6 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.
- 7 Find the "Real Property Taxes and Assessments" for each Applicant and enter under "Tax Levy or User Fees" in the Applicant Information worksheet (Worksheet A).
- 8 Go to the Revenue tab (Worksheet C). Find the budget codes for all relevant revenues and enter with the amounts in the Open Book New York Excel spreadsheet into the "Before" column for each Applicant and Project, there should be a dropdown when you click in the "Applicant" or "Project" columns (scroll up in dropdown for list). Repeat for the "Expenditures" tab (Worksheet D) using all relevant expenditures.
- 9 Using your best estimates of the changes to revenues and expenditures upon completion of the projects or proposals, enter into the "After" column for each line in the "Revenues" and "Expenditures" tabs. Note that some projects or applicants may not have changes.
- 10 The worksheet will automatically calculate the Fiscal and Tax Levy Impacts for each Applicant and for each Project. These appear in the gray boxes in the Applicant Information worksheet and the Projects worksheet.
- 11 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 Fiscal Impact sheets when prompted.
- 12 Please provide the PDF and the Excel file in an electronic format with the submission.

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## 2016-2017 Fiscal Impact Worksheet A - Applicant Information

**Instructions:**

1. In the **GREEN** area below, enter the name of the lead and co-applicants. Then enter the fiscal year for the data used and the total real property taxes and assessments (tax levy) for budget items funded by property taxes through the General Fund (A & B funds) or user fees for budget items funded by fees through Enterprise Funds (FX, G & S\_ funds).

2. Once the entire workbook is completed, export the entire workbook as a PDF to attach to the CFA. Export as a PDF using your program's menus.

EXAMPLE						
	<u>Name</u>	<u>Fiscal Year</u>	<u>Tax Levy or User Fees</u>	<u>Savings (\$)</u>	<u>Fiscal Impact (%)</u>	
Lead Applicant	County	2015	\$ 75,000,000	\$ (90,000)	0.12%	
Co-Applicant 1	City A	2015	\$ 6,500,000	\$ 135,000	-2.08%	
	<u>Name</u>	<u>Fiscal Year</u>	<u>Tax Levy or User Fees</u>	<u>Savings (\$)</u>	<u>Fiscal Impact (%)</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				\$ -	-	
Co-Applicant 10				\$ -	-	
Co-Applicant 11				\$ -	-	
Co-Applicant 12				\$ -	-	
Co-Applicant 13				\$ -	-	

## 2016-2017 Fiscal Impact Worksheet B - Project Information

**Instructions:**

1. In the **GREEN** area below, enter the name of individual projects.
  
2. Once the entire workbook is completed, export the entire workbook as a PDF to attach to the CFA. Export as a PDF using your program's menus.

EXAMPLE						
Project	<u>Name</u>	<u>Before</u>	<u>After</u>	<u>Savings (\$)</u>	<u>Savings (%)</u>	
	911 Consolidation	\$ 1,225,000	\$ 1,360,000	\$ 45,000		3.67%
	<u>Name</u>	<u>Before</u>	<u>After</u>	<u>Savings (\$)</u>	<u>Savings (%)</u>	
Project 1		\$ -	\$ -	\$ -		
Project 2		\$ -	\$ -	\$ -		
Project 3		\$ -	\$ -	\$ -		
Project 4		\$ -	\$ -	\$ -		
Project 5		\$ -	\$ -	\$ -		
Project 6		\$ -	\$ -	\$ -		
Project 7		\$ -	\$ -	\$ -		
Project 8		\$ -	\$ -	\$ -		
Project 9		\$ -	\$ -	\$ -		
Project 10		\$ -	\$ -	\$ -		
Project 11		\$ -	\$ -	\$ -		
Project 12		\$ -	\$ -	\$ -		
Project 13		\$ -	\$ -	\$ -		
Project 14		\$ -	\$ -	\$ -		
Project 15		\$ -	\$ -	\$ -		
Project 16		\$ -	\$ -	\$ -		
Project 17		\$ -	\$ -	\$ -		
Project 18		\$ -	\$ -	\$ -		
Project 19		\$ -	\$ -	\$ -		
Project 20		\$ -	\$ -	\$ -		

*If your plan has more than 20 projects, please contact the Department of State to ensure that the proper adjustments are made to this form to maintain accuracy.*





# Appendix C

## Smart Growth Questionnaire

### Smart Growth Questions

The Department of State is considered an “infrastructure agency” for the purposes of Article 6 of the Environmental Conservation Law, the State Smart Growth Public Infrastructure Policy Act. 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, the project is consistent with statutory smart growth principles. Smart Growth encourages community planning and development in priority economic growth areas where water and sewer infrastructure are available; encourages redevelopment of existing community centers; and protects important natural and historic resources, including water quality. If any funds received from a MCEC grant would be used for any public infrastructure project that supports local government reorganization, applicants are required to describe how the project would meet the Smart Growth criteria listed in the plan.

Smart Growth Questions are a series of questions that are required to be answered by all applicants. Each question requires a Yes, No or Not Relevant response and an explanation of that response. While not individually scored by the MCEC program, responses will help determine if a project can be funded.

A fillable Questionnaire can be found on the DOS funding page.

1. Does the proposed project use, maintain, or improve existing infrastructure?
2. Is the proposed project located in a municipal center?
3. Is the proposed project located in a developed area or an area designated for concentrated infill development in a municipally approved comprehensive land use plan, local waterfront revitalization plan and/or brownfield opportunity area plan?
4. Will the proposed project protect, preserve and enhance the State’s resources, including agricultural land, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and significant historic and archeological resources?
5. Will the proposed project foster mixed land uses and compact development, downtown revitalization, Brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and the integration of all income and age groups?
6. Will the proposed project provide mobility through transportation choices including improved public transportation and reduced automobile dependency?
7. Will the proposed project involve coordination between state and local government and inter-municipal and regional planning?
8. Will the proposed project involve participation in community based planning and collaboration?
9. Will the proposed project ensure predictability in building and land use codes?
10. Will the proposed project promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations, by among other means encouraging broad based public involvement in developing and implementing a community plan and ensuring the governance structure is adequate to sustain its implementation?
11. Will the proposed project mitigate future physical climate change risk due to sea level rise, and/or storm surges and/or flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable?

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# Appendix D

## Definitions

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

**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.

**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.

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

**Deliverable(s)** means a product or service satisfying one or more objectives of the project.

**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/](http://www.osc.state.ny.us/localgov/datanstat/) under "Financial Data for Local Governments", or you can contact your local assessor.

**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.

**In-Kind** means goods or services provided at no cost which still have a value. In the context of this RFA, in-kind shall be those goods or services provided at no cost to the Local Government Entity and shall not be included as a reimbursable expense.

**Lead Applicant** means a city, town or village with a population of over 50,000 (2010 US Census Data) or a County.

**Local Government** means a county, city, town, village, special improvement district, fire district, public library, association library, public library systems if they advance a joint application on behalf of its member libraries, 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).

**Performance Measures** are deliverables, or items, that will be provided to the Department of State to show that a contract's work plan task has been completed and evaluated by the Department of State.

**Public Benefit** means the favorable outcomes that will positively affect the citizens of a local government

**Reasonableness of Cost** is an assurance that the state is receiving good value for its investment. All purchases are required to 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 are to 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.

**Resource** means what is needed to carry out the project tasks. Resources can be people, equipment, facilities, funding, or anything else required for the completion of a project activity. The lack of a resource will therefore be a constraint on the completion of the project.

**Service** means basic services that residents of a local government expect the government to provide in exchange for the taxes or fees which citizens pay. Services may include sanitation (both sewer and refuse), water, streets, schools, food inspection, fire department, police, ambulance, and other health department issues and transportation.

**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 deducts the same amount for each year based upon the Useful Life of the asset.

**Task** is a single piece of work itemized in the Project Schedule to which effort and resources are to be applied.

**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.

**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 E

## 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 and 5 NYCRR 140-145 Department of State 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 Department of State 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 Department of State 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, Department of State hereby establishes an overall goal of 30% for MWBE participation, 15% for New York State certified minority-owned business enterprises ("MBE") participation and 15% for New York State certified 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 its good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and the Contractor agrees that Department of State may withhold payment pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at:

<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?XID=8241&TN=ny>. For guidance on how Department of State will determine a Contractor's "good faith efforts," refer to 5 NYCRR §142.8.

In accordance with 5 NYCRR §142.13, the Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding

constitutes a breach of Contract and Department of State 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.

By submitting a bid or proposal, a bidder on the Contract (“Bidder”) agrees to demonstrate its good faith efforts to achieve its goals for the utilization of MWBEs by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com/?TN=ny>, provided, however, that a Bidder may arrange to provide such evidence via a non-electronic method by contacting Department of State. Please note that the NYSCS is a one stop solution for all of your MWBE and Article 15-A contract requirements. For additional information on the use of the NYSCS to meet Bidder’s MWBE requirements please see the attached MWBE guidance, “Your MWBE Utilization and Reporting Responsibilities Under Article 15-A.”

Additionally, a Bidder will be required to submit the following documents and information as evidence of compliance with the foregoing:

- A. An MWBE Utilization Plan 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 Department of State. Department of State will review the submitted MWBE Utilization Plan and advise the Bidder of Department of State acceptance or issue a notice of deficiency within 30 days of receipt.
- B. If a notice of deficiency is issued, the Bidder will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the Department of State (see below), a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by Department of State to be inadequate, Department of State 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.

Division of Affirmative Action Programs  
99 Washington Avenue (Suite 1150), Albany, New York 12231  
Phone: (518) 473-2298; Fax (518) 402-3656

Department of State 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 Department of State determines that the Bidder has failed to document good faith efforts.

The Contractor will be required to 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 Department of State, but must be made no later than prior to the submission of a request for final payment on the Contract.

The Contractor will be required to submit a Contractor’s Quarterly M/WBE Contractor Compliance & Payment Report to the Department of State, by the 10<sup>th</sup> day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of 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 – Standard Clauses for All New York State Contracts 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, 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.

The Bidder will be required to submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement, Form # A, to Department of State with their bid or proposal.

To ensure compliance with this Section, the Bidder will be required to submit with the bid or proposal an Equal Employment Opportunity Staffing Plan (Form # B) identifying the anticipated work force to be utilized on the Contract and if awarded a Contract, will, upon request, submit an Equal Employment Opportunity Workforce Employment Utilization Compliance Report identifying the workforce actually utilized on the Contract, if known, through the New York State Contract System; provided, however, that a Bidder may arrange to provide such report via a non-electronic method by contacting:

Division of Affirmative Action Programs  
99 Washington Avenue (Suite 1150), Albany, New York 12231  
Phone: (518) 473-2298; Fax (518) 402-3656

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.

**Please Note: 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.**

### **Additional Notices and Explanations Regarding the MWBE Program and this Request for Applications:**

If your project is selected for an award, you will be required to comply with all the MWBE contractual requirements, including meeting the goals for certified MWBE firms participation as stated in your contract and in accordance with Article 15-A.

If an applicant chooses to move forward with a project prior to any award announcement, they are responsible for meeting MWBE requirements established by the State of New York. The requested plan, as described below, is intended to help an applicant think about how to comply with the

regulations and provide information showing their due-diligence to comply with the MWBE requirements.

## **MWBE REQUIREMENTS**

Create a plan for compliance with the MWBE requirements. The plan should be submitted with bids and proposals, in addition to FORM D - MWBE UTILIZATION PLAN attached. If notified by the NYS Contract System (System) that a record for the submission of the utilization plan has been created, please comply with this requirement by entering the Utilization Plan data in the System through the Statewide Utilization Management Plan (SUMP) module.

Provide a DETAILED statement, with the project description, on how you intend to meet the MWBE goals with your project. The following should be included in the statement:

1. Your project's MWBE goal amount, determined by using the attached MWBE GOALS CALCULATION Template.
2. The names of general circulation, trade association, and MWBE-oriented publications in which you plan to solicit certified MWBEs for the purposes of complying with the participation goals related to your project.
3. A list identifying the date(s) that all solicitations for certified MWBE participation plan to be published in any of the above publications
4. A list of all certified MWBEs appearing in the NYS Directory of Certified Firms that will be solicited for purposes of complying with your certified MWBE participation goal (The Directory can be viewed at <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>).
5. Descriptions of the notices, dates of contact, letters, and any other correspondence that will be made to all certified MWBEs.
6. A description of any contract documents, plans, or specifications to be made available to certified MWBEs for bid solicitation purposes and the proposed date and manner in which these documents will be made available.

If you are unable to comply with the MWBE requirements, you must request a waiver of these requirements by submitting to the Department of State the attached REQUEST FOR WAIVER FORM E for processing. Please note that the following information will be required to secure the waiver (all items may not apply to your case, but provide information and documentation for those that apply):

1. A DETAILED statement with the project description (any special characteristics, needs, specifications, etc.), and an explanation setting forth your basis and justification for requesting a partial or total waiver of the MWBE goals.
2. A copy of the completed MWBE GOALS CALCULATION Template.
3. The names of general circulation, trade association, and MWBE-oriented publications in which you solicited certified MWBEs for the purposes of complying with your participation goals related to this contract.
4. A list identifying the date(s) that all solicitations for certified MWBE participation were published in any of the above publications.
5. A list of all certified MWBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified MWBE participation levels.
6. Documentation of your search in the NYS Directory of Certified Firms (e.g.: Printouts, screenshots).

7. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation, if an identical solicitation was made to all certified MWBEs.
8. Copies of responses to your solicitations received by you from certified MWBEs.
9. A description of any contract documents, plans, or specifications made available to certified MWBEs for purposes of soliciting their bids and the date and manner in which these documents were made available.
10. Documentation of any negotiations between you and the MWBEs undertaken for purposes of complying with the certified MWBE participation goals.
11. Any other information you deem relevant which may help us in evaluating your request for a waiver.
12. The name, title, address, telephone number, and email address of your representative authorized to discuss and negotiate this waiver request.
13. Copy of notice of application receipt issued by Empire State Development (ESD), if subcontractors are not certified MWBE, but an application has been filed with ESD.

**FORM A**  
**MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES – EQUAL**  
**EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

**M/WBE AND EEO POLICY STATEMENT**

I, \_\_\_\_\_, the (awardee/contractor) \_\_\_\_\_ agree to adopt the following policies with respect to the project being developed or services rendered at \_\_\_\_\_

**M/WBE** This organization will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participations goals set by the State for that area in which the State-funded project is located, by taking the following steps:

- (1) Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
- (2) Request a list of State-certified M/WBEs from AGENCY and solicit bids from them directly.
- (3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.
- (4) Where feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.
- (5) Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.
- (6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

**EEO** (a) This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on state contracts.

(b) This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.

(c) At the request of the contracting agency, this organization shall request each employment agency, labor union, or authorized representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization's obligations herein.

(d) Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. Contractor and subcontractors shall 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.

(e) This organization will include the provisions of sections (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract.

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_

By \_\_\_\_\_

Print: \_\_\_\_\_ Title: \_\_\_\_\_

\_\_\_\_\_ is designated as the Minority Business Enterprise Liaison  
(Name of Designated Liaison)

responsible for administering the Minority and Women-Owned Business Enterprises- Equal Employment Opportunity (M/WBE-EEO) program.

**M/WBE Contract Goals**

\_\_\_\_\_ 30% Minority and Women's Business Enterprise Participation

\_\_\_\_\_ % Minority Business Enterprise Participation

\_\_\_\_\_ % Women's Business Enterprise Participation

PLEASE NOTE THAT THIS REQUIREMENT "EEO CONTRACT GOALS" IS ONLY APPLICABLE WHERE A STATE AGENCY REQUIRES SUCH A PROVISION. NOTE: THIS LANGUAGE SHOULD BE DELETED FROM THE FINAL CONTRACT]

**EEO Contract Goals**

\_\_\_\_\_ % Minority Labor Force Participation

\_\_\_\_\_ % Female Labor Force Participation

\_\_\_\_\_  
(Authorized Representative)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## FORM B

### STAFFING PLAN

Submit with Bid or Proposal – Instructions on page 2

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

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								Disabled		Veteran		
		Total Male (M)	Total Female (F)	White (M) (F)		Black (M) (F)		Hispanic (M) (F)		Asian (M) (F)		(M)	(F)	(M)	(F)	
Officials/Administrators																
Professionals																
Technicians																
Sales Workers																
Office/Clerical																
Craft Workers																
Laborers																
Service Workers																
Temporary /Apprentices																
Totals																

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

**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

## FORM D 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 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 15% WBE 15%

Telephone No.:

Region/Location of Work:

1. 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.	<b>NYS ESD CERTIFIED</b> <input type="checkbox"/> MBE <input type="checkbox"/> WBE			
B.	<b>NYS ESD CERTIFIED</b> <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 FORM E.**

<p><b>PREPARED BY (Signature):</b> <b>DATE:</b></p> <p><b>NAME AND TITLE OF PREPARER (Print or Type):</b>          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>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; border-bottom: 1px solid black;"><b>TELEPHONE NO.:</b></td> <td style="width: 80%; border-bottom: 1px solid black;"><b>EMAIL ADDRESS:</b></td> </tr> <tr> <td colspan="2" style="text-align: center; border-bottom: 1px solid black;"><b>FOR M/WBE USE ONLY</b></td> </tr> <tr> <td style="border-bottom: 1px solid black;"><b>REVIEWED BY:</b></td> <td style="border-bottom: 1px solid black;"><b>DATE:</b></td> </tr> </table> <p><b>UTILIZATION PLAN APPROVED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <b>Date:</b> _____  <b>Contract No.:</b> _____ <b>Project No. (if applicable):</b> _____</p> <p><b>Contract Award Date:</b> _____  <b>Estimated Date of Completion:</b> _____  <b>Amount Obligated Under the Contract:</b> _____  <b>Description of Work:</b> _____</p> <p><b>NOTICE OF DEFICIENCY ISSUED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <b>Date:</b> _____</p> <p><b>NOTICE OF ACCEPTANCE ISSUED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <b>Date:</b> _____</p>	<b>TELEPHONE NO.:</b>	<b>EMAIL ADDRESS:</b>	<b>FOR M/WBE USE ONLY</b>		<b>REVIEWED BY:</b>	<b>DATE:</b>
<b>TELEPHONE NO.:</b>	<b>EMAIL ADDRESS:</b>						
<b>FOR M/WBE USE ONLY</b>							
<b>REVIEWED BY:</b>	<b>DATE:</b>						

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**REQUEST FOR WAIVER FORM E**

**INSTRUCTIONS: THE REQUEST FOR WAIVER MUST INCLUDE DETAILED “GOOD FAITH EFFORT” JUSTIFICATION/DOCUMENTATION, AS DEFINED IN THE REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS (NEXT PAGE). *INCOMPLETE REQUESTS WILL BE RETURNED UNPROCESSED***

Offeror/Contractor Name:	Federal Identification No.:
Address:	Solicitation/Contract No.:
	Contact Name & Phone No.:
City, State, Zip Code:	M/WBE Goals: MBE      %      WBE      %

By submitting this form and the required information, the offeror/contractor certifies that every Good Faith Effort has been taken to promote M/WBE participation pursuant to the M/WBE requirements set forth under the contract.

Contractor is requesting a:

- MBE Waiver – A waiver of the MBE Goal for this procurement is requested.  Total  Partial
- WBE Waiver – A waiver of the WBE Goal for this procurement is requested.  Total  Partial
- Waiver Pending ESD Certification – (Check here if subcontractors or suppliers of Contractor are not certified M/WBE, but an application for certification has been filed with Empire State Development.)      Date of such filing with Empire State Development: \_\_\_\_\_

PREPARED BY (Signature): \_\_\_\_\_ Date: \_\_\_\_\_

SUBMISSION OF THIS FORM CONSTITUTES THE OFFEROR/CONTRACTOR’S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A AND 5 NYCRR PART 143. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND/OR TERMINATION OF THE CONTRACT.

Name and Title of Preparer (Printed or Typed):	Telephone Number:	Email Address:
------------------------------------------------	-------------------	----------------

<p><b><u>Please submit the Request for Waiver to the Program administering the Grant.</u></b></p> <p>(DOS PROGRAM ENTER NAME/CONTACT/ADDRESS)</p>	***** FOR DMWBD USE ONLY *****		
	REVIEWED BY:	DATE:	
	Waiver Granted: <input type="checkbox"/> YES <input type="checkbox"/> NO MBE: <input type="checkbox"/> WBE: <input type="checkbox"/>	<input type="checkbox"/> Total Waiver <input type="checkbox"/> Partial Waiver <input type="checkbox"/> ESD Certification Waiver <input type="checkbox"/> *Conditional <input type="checkbox"/> Notice of Deficiency Issued	
	*Comments: _____		

## MWBE REQUEST FOR WAIVER: REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS

**When completing the Request for Waiver Form please check all boxes that apply. To be considered, the Request for Waiver must be accompanied by the applicable documentation for items 1 – 11, as listed below. If box # 3 has been checked above, please submit item 11. Copies of the following information and all relevant supporting documentation must be submitted along with the request:**

1. A DETAILED statement with the project description (any special characteristics, needs, specifications, etc.), and an explanation setting forth your basis and justification for requesting a partial or total waiver of the MWBE goals.
2. The names of general circulation, trade association, and M/WBE-oriented publications in which you solicited certified M/WBEs for the purposes of complying with your participation goals related to this contract.
3. A list identifying the date(s) that all solicitations for certified M/WBE participation were published in any of the above publications.
4. A list of all certified M/WBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified M/WBE participation levels.
5. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation, if an identical solicitation was made to all certified M/WBEs.
6. Provide copies of responses to your solicitations received by you from certified M/WBEs.
7. Provide a description of any contract documents, plans, or specifications made available to certified M/WBEs for purposes of soliciting their bids and the date and manner in which these documents were made available.
8. Provide documentation of any negotiations between you, the Offeror/Contractor, and the M/WBEs undertaken for purposes of complying with the certified M/WBE participation goals.
9. Provide any other information you deem relevant which may help us in evaluating your request for a waiver.
10. Provide the name, title, address, telephone number, and email address of offeror/contractor's representative authorized to discuss and negotiate this waiver request.
11. Copy of notice of application receipt issued by Empire State Development (ESD).

**Note:**

**Unless a Total Waiver has been granted, the Offeror/Contractor will be required to submit all reports and documents pursuant to the provisions set forth in the Contract, as deemed appropriate by NYS Department of State, to determine M/WBE compliance.**

**M/WBE 104 Instructions (1/15)**

Revised: January 2015

# Appendix F

## Work Plan and Budget

The following is the outline format that the work plan and budget shall be submitted to the Department of State for each project or proposal in the Municipal Consolidation and Efficiency Plan. For each Work Plan and Budget for each project or proposal included in the Plan, include a separate PDF file labeled: Lead Applicant Name MCEP Appendix Work Plan Project X

Form available on the DOS funding page

## MCEC Project WORK PLAN

<b>Project Title</b>		
<b>Task 1</b>	Task Name:	
	Anticipated Start Date:	
	Anticipated Completion Date:	
	Deliverable:	
Task Narrative: See Instructions		
<b>BUDGET CATEGORIES:</b>	<b>BUDGET AMOUNT:</b>	<b>DESCRIPTION</b> (include information on what grant funds are requested)
Personal Services, Salary & Fringe		
Non Personal Services,		
Contractual Services		
Travel		
Equipment		
Other		
<b>TOTAL</b>	<b>\$</b>	

<b>Task 2</b>	Task Name:	
	Anticipated Start Date:	
	Anticipated Completion Date:	
	Deliverable:	
Task Narrative: See Instructions		
<b>BUDGET CATEGORIES:</b>	<b>BUDGET AMOUNT:</b>	<b>DESCRIPTION</b> (include information on what grant funds are requested)
Personal Services, Salary & Fringe		
Non Personal Services,		
Contractual Services		
Travel		
Equipment		
Other		
<b>TOTAL</b>	<b>\$</b>	