

**NYS Department of State
Office of Planning, Development and Community Infrastructure
Brownfield Opportunity Area Program (BOA)
2019 – 2020 Request for Applications
RFA #19-BOA-16**

The responses to questions included herein are official responses by the Department of State (DOS) to questions submitted by potential applicants and are hereby incorporated into the Request for Applications RFA #19-BOA-16 issued on May 1, 2019. In the event of any conflict between the Request for Applications and these responses, the requirements or information contained in these responses will prevail.

Questions & Answers

Posted 6/14/19:

- Q1. Can funds be used by a County with a designated State BOA to do a more comprehensive housing market analysis and cost estimate for a property for which it has recently secured site control to package it for a potential developer, beyond the work that has been done under a previous grant?**
- A1. A County is an eligible applicant. A County that applies and receives a BOA grant award for pre-development activities can use such grant funds to conduct comprehensive housing markets analysis and other necessary activities to better market an identified site within the Designated BOA. See Section IV. (2) of the RFA for additional information.
- Q2. If a community has submitted a request for Designation to the Secretary of State, would they qualify to apply for Pre-development Activities funding?**
- A2. Communities which have submitted a request for Designation by the Secretary of State may submit an application for pre-development activities with the understanding that the application will be considered for funding only if the Secretary of State designates the area prior to the CFA deadline for applications, which is July 26th, 2019. A list of Designated BOAs is available on the Department website:
<http://www.dos.ny.gov/opd/programs/brownFieldOpp/index.html>.
- Q3. In the past, to be eligible for funding for a Nomination, a community needed to complete a Pre-Nomination Study. With this CFA, the requirement of a Pre-Nomination Study is not mentioned. To be eligible for funding for a Nomination, is the submission of a Pre-Nomination required?**
- A3. No. A community does not have to submit a Pre-Nomination Study, or equivalent, in order to be eligible for funding to complete a Nomination.

- Q4. Can grant activities for Development of a BOA Nomination occur before grant awards are announced?**
- A4. Activities may occur, but, as specified on page 5 of the Request for Applications, costs incurred outside of the contract term are ineligible for reimbursement. As specified in Section X of the RFA (Contract Period) the earliest start date of contracts will be the date of award announcement.
- Q5. We are interested in applying for pre-development activities within this BOA but would like to discuss our potential project with a representative from your agency. Could I get the contact information for the individual who can help us navigate the process?**
- A5. A DOS representative may help answer general questions regarding the CFA process. In keeping with DOS grant procurement policy, while the CFA is open, a DOS representative cannot address or directly answer project-specific questions with a potential CFA applicant. Any such questions should be submitted by e-mail to opd@dos.ny.us with the subject line "19-LWRP-11 RFA Questions". Responses to written questions received by June 28th will be posted by July 12th. No questions will be answered after June 28th. No responses will be provided to inquiries made by telephone or social media.
- Q6. Will the Department of State provide the standard resolution template? It is not, currently, accessible on the DOS site.**
- A6. The standard resolution template has been posted on the DOS website.
- Q7. Could you please confirm that awards are expected to be announced in December?**
- A7. As CFA Grant awards are typically announced in December; it is anticipated that the 2019 BOA grant awards will be announced in December 2019.
- Q8. Are there any pre-application workshops for this RFA scheduled in NYC?**
- A8. There is a CFA pre-application workshop scheduled for Thursday, June 20 in New York City from 1:30pm to 4:00pm at Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, NY 11201.
- Q9. Does the Department of State require a resolution for a BOA Nomination where critical sites are owned by a public agency or authority?**
- A9. An applicant may be a municipality, Community-Based Organization or Community Board. Each such applicant must submit in its application a resolution adopted by the applicant's governing body authorizing submission of the application and identifying the title of the applicant's authorized representative. An application submitted by a Community-Based Organization for funding to develop a BOA Nomination must also include a resolution of support from the city, town or village with planning and land use authority over the proposed BOA as specified in Section VI (Requirements for all Applicants from a Community-Based Organization). A

resolution from a public agency, authority or any other landowner, other than a city, town or village, is not required.

Q10. We are aware of other designated BOA's that are not included on the webpage showing the location of the BOAs in each region. Can you explain why they are not all listed?

A10. As of the date of this writing, 49 BOAs have been designated by the Secretary of State. All 49 Designated BOAs are listed on the agency website. If you have questions about the status of any particular BOA, please e-mail your inquiry to opd@dos.ny.us or contact the BOA staff person assigned to the region.

Q11. Can an eligible organization pursue funds to support pre-development activities within BOA's that are not currently listed on the Department of State's website?

A11. Eligible applicants may submit an application for pre-development activities with the understanding that the application will be considered for funding only if the Secretary of State designates the area covered in the application as a BOA prior to the CFA deadline for applications, which is July 26th, 2019. A list of Designated BOAs is available on the Department website: <http://www.dos.ny.gov/opd/programs/brownFieldOpp/index.html>.

Updates Posted 7/12/19:

Q12. To whom do the letters of support get addressed?

A12. As specified on page 1 of the RFA, letters of support should be submitted through the CFA portal. The letters may be addressed to Secretary of State Rossana Rosado, c/o NYS Department of State, 99 Washington Ave, Suite 10100, Albany, NY 12231-0001.

Q13. What is the deadline for the letters of support?

A13. As specified on page 1 of the RFA, letters of support should be submitted through the CFA portal. All submissions through the portal must be made before the CFA closes, on July 26, 2019 at 4:00 PM.

Q14. What is the deadline for the local government resolution of support?

A14. The application must include the local government resolution as part of the application, the deadline for which is 4:00 PM, July 26, 2019.

Q15. What is expected at the public hearing that is required?

A15. As specified in Section VI of the RFA (page 5), an applicant for a grant for development of a BOA Nomination must hold a public meeting on the draft application. It is expected that the draft application be presented at the meeting in a manner that would fully explain the area being

proposed, and the nature, purpose and intent of the proposed project. A formal public hearing is not required.

Q16. Is the requirement for resolutions different for applications in New York City?

A16. As specified in section VI of the RFA (page 5), all applicants, regardless of location, must submit a resolution by the applicant's governing authority. General Municipal Law Section 970-r(3)(g) states that Community Based Organizations (CBOs) applying for funding to develop a BOA Nomination must submit a resolution of support or lack of support from the city, town or village with planning and land use authority over the proposed BOA. The statute also states that, "in the city of New York, such resolution shall be provided by the community board or boards for the district or districts in which the proposed area is located. The resolution from each city, town, village, or community board shall be considered a part of the application".

Q17. Does an application from a New York City agency require a City Council resolution if it's not in cooperation with a Community Based Organization (CBO)?

A17. Yes, if the applicant is a New York City agency a New York City Council resolution is required.

Q18. Will the City of New York be notified and have a chance to comment on an application from a community-based organization or from a Community Board?

A18. There is no specific requirement in the BOA Program enabling legislation (General Municipal Law Section 970-r) or the RFA that a Community-based Organization (CBO) or a Community Board (CB) notify NYC or the NYC Council of the CBO or the CB's application for funding to develop a BOA Nomination for an area within NYC. New York City, through its units like the NYC Council, may provide comment on an application for development of a BOA Nomination during the thirty-day comment period referenced in Section VI of the RFA (page 5).

Q19. Will every BOA applicant be notified whether or not they are awarded a grant?

A19. Yes, all BOA applicants will be notified of their award status.

Q20. Are project costs eligible from the date of the award announcement or the date of the execution of the State Assistance Contract?

A20. As specified in Section X of the RFA (Contract Period) the earliest start date of contracts will be the date of award announcement. As specified on page 5 of the Request for Applications, costs incurred outside of the contract term are ineligible for reimbursement.

Q21. Q_2362 states: "If funding was awarded in previous rounds, what were the CFA numbers for which funding was awarded". To what number does this refer? Is it the nomination study contract number?

A21. The number referenced in question Q_2362 is the CFA application number. If you have applied for, and received, funding through the CFA, in the past, the CFA application number is what you

would supply in response to this question. This does not refer to the contract number for the development of a Nomination.

- Q22. Q_580 asks for a list of federal, state, city reviews, approvals, or permits needed or completed... We are seeking funds to do environmental testing, create a clean-up plan, and engage a design professional for preliminary design work. None of these activities will require permits. The ultimate development, which this grant will help move us toward, will require permits, etc. Do we have to list these future requirements, or simply what is required to carry out the activities of the grant being requested?**
- A22. Question Q_580 asks for federal, state, city reviews, approvals, or permits needed or completed for the project, as proposed in the CFA. The question does not ask for reviews, approvals, or permits needed for subsequent work not financed with BOA grant funds awarded through this round of the CFA.
- Q23. Will submitting a Form D-1 MWBE Compliance Certification Letter meet the application requirements for MWBE compliance?**
- A23. Applicants should upload either an MWBE Utilization Plan (Form D) or a Certification Letter (Form D-1) with their application in response to CFA Question 6460. Both of these forms can be found on the DOS Funding page at <https://www.dos.ny.gov/funding/mwbe/index.html>.