

RFA #19-BOA-16

**New York State Department of State
Office of Planning, Development and Community Infrastructure
BROWNFIELD OPPORTUNITY AREA PROGRAM
2019 – 2020 REQUEST FOR APPLICATIONS**

Key Dates:

RFA Release Date: May 1, 2019. This Request for Applications (RFA) has been posted on the Department of State's (Department) website at <http://www.dos.ny.gov/funding>.

RFA Updates/Questions: Any updates and/or modifications to this RFA will be posted on the Department's website at <http://www.dos.ny.gov/funding>.

Written questions will be accepted until June 28, 2019. Questions regarding this grant program should be submitted by e-mail to opd@dos.ny.gov or in writing to the address below. No responses will be provided to inquiries made by telephone or social media. When corresponding by e-mail, clearly indicate the subject as: "19-BOA-16 RFA Questions". To the degree possible, each inquiry should cite the RFA section and paragraph to which it refers. Responses to questions received by May 31st will be posted by June 14th and responses to questions received by June 28th will be posted by July 12th on the Department's website at: <http://www.dos.ny.gov/funding>.

It is recommended all applicants review the final responses. The responses to questions received during this time period will be official responses by the Department of State (DOS) to questions and will be incorporated into this Request for Applications.

Workshop Dates: Pre-application workshops will be held at several locations around the State. The workshop schedule and further information are available at <http://regionalcouncils.ny.gov/>. All those who would like to have the application process explained or have process-related questions are encouraged to attend.

Applications Due: Applications are due by 4:00 PM, July 26th, 2019, and must be submitted through the web-based Consolidated Funding Application, as noted below.

Contact: NYS Department of State
Office of Planning, Development
and Community Infrastructure
Attn: BOA RFA Questions
99 Washington Avenue, Suite 1010
Albany, NY 12231-0001
opd@dos.ny.gov

Application Submission: To apply, or to access related Consolidated Funding Application materials, go to <http://regionalcouncils.ny.gov/>.

Letter of Support: Letters of support should be submitted through the CFA portal. Letters may be addressed to Secretary of State Rossana Rosado, c/o Office of Planning, Development and Community Infrastructure, 99 Washington Avenue, Suite 1010, Albany, NY 12231-0001.

**Brownfield Opportunity Area Program
2019 – 2020 REQUEST FOR APPLICATIONS**

I. INTRODUCTION

The Department of State (Department) is soliciting applications through the New York State Consolidated Funding Application (CFA) from eligible municipalities, community-based not-for-profit organizations, and NYC Community Boards to complete: (1) a Brownfield Opportunity Area (BOA) Nomination for a community affected by known or suspected brownfields, or (2) predevelopment activities within a BOA where a Nomination forms the basis for a designation by the Secretary of State (referred to here as a State-Designated BOA).

Brownfields include real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria, or guidance adopted by New York State Department of Environmental Conservation that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Known or suspected site contamination of real property can impede investment and redevelopment, making such property an economic and environmental drain on localities. Through the New York State Department of State BOA Program, these known and suspected brownfields are transformed from liabilities to community assets that generate businesses, jobs and revenues for local economies and provide new housing and public amenities.

The BOA program applies a neighborhood or area-wide approach, rather than the traditional site-by-site approach, to the assessment and redevelopment of known or suspected brownfields and other vacant or abandoned properties. The neighborhood approach enables communities to comprehensively assess existing economic and environmental conditions associated with brownfield blight and impacted areas; identify and prioritize community supported redevelopment opportunities; and attract public and private investment. The types of neighborhoods and areas where program resources are being applied include industrial/manufacturing, commercial corridors, residential, downtowns and waterfronts.

Through the BOA Program, communities are empowered to:

- Address a range of problems posed by multiple known or suspected brownfield sites;
- Build community consensus on the future uses for the area with an emphasis on strategic sites that are known or suspected brownfields;
- Establish sustainable goals and objectives for area-wide revitalization and for redevelopment of strategic sites;
- Identify and establish the multi-agency and private-sector partnerships necessary to leverage assistance and investments to revitalize downtowns, neighborhoods, and communities;
- Address environmental justice concerns and promote environmental equity in areas that may be burdened by negative environmental consequences.
- Engage in post BOA-designation activities to implement the community's vision.

It is expected that BOA Nominations developed through this program will be submitted to the Secretary of State in support of a request for BOA designation. BOA designation conveys certain benefits to an area that promotes redevelopment consistent with the vision, goals and objectives outlined and reported in the BOA Nomination. Applications for predevelopment activities are expected to implement the vision, goals and objectives of the State-Designated BOA.

The BOA Program is a reimbursement program. State assistance awarded and paid through the BOA Program shall not exceed 90% of the total eligible project costs set forth in the application and approved by the Department of State (Department). Upon execution of a state-assistance contract, BOA Program grantees may request an advance payment of up to 25% of the total grant. Such advance payment requests are subject to the Department's approval and the availability of funds.

The Department is making approximately \$2,000,000 available for BOA Program grants.

This Request for Applications is available at <http://www.dos.ny.gov/funding/>.

II. APPLICANT ELIGIBILITY

Eligible applicants are municipalities, community-based organizations and New York City community boards, as defined below:

Municipality – A municipality is defined as a city, village, town, county, local public authority, public benefit corporation, school district, or special improvement district, or an Indian nation or tribe recognized by New York State or the United States with a reservation wholly or partially within the boundaries of New York State.

Community Based Organization - A community-based organization must be a not-for-profit corporation under Section 501(c)(3) of the Internal Revenue Code at the time of application. In addition, its stated mission must be to promote reuse of brownfield sites or community revitalization within the geographic area in which the community-based organization is located; it must have 25 percent or more of its Board of Directors residing in the community in such area; and it must represent a community with a demonstrated financial need.

Community Board – A Community Board is unique to New York City and is defined and described in Section 2800 of the [New York City Charter](#).

Joint Applications

Two or more eligible applicants are encouraged to work in partnership and jointly apply for funding for a BOA project that would improve an area of mutual interest or concern. Joint applicants should identify the municipality, community-based organization, or community board that the Department should recognize as the primary applicant for all purposes, including contract award.

III. FUNDING

State assistance awarded and paid to a grant recipient shall not exceed 90% of the total eligible cost of a BOA Nomination study or for costs associated with an eligible pre-development project. A grant recipient is required to provide the remaining 10% of total project costs. State assistance payments will be made to a grant recipient based on actual expenditures for eligible project costs up to the amount of the grant awarded, but not to exceed 90% of the eligible expenditures documented.

The maximum grant award under this solicitation is \$300,000. There is no minimum State assistance request. Budgets should be fully justified and directly support all proposed activities.

IV. ELIGIBLE ACTIVITIES

Two types of activities are eligible for funding as BOA projects:

- (1) Development of a BOA Nomination; and
- (2) Undertaking Pre-Development Activities within a State-Designated BOA.

(1) Development of a BOA Nomination

A BOA Nomination is a study that generally consists of a community vision, goals and strategies for revitalization of an area affected by a concentration of known or suspected brownfields. A full Nomination provides an in-depth and thorough description and analysis -- including an economic and market trends analysis -- of existing conditions, opportunities, and re-use potential for properties located in the proposed Brownfield Opportunity Area with an emphasis on the identification and reuse potential of strategic brownfield sites that may be catalysts for revitalization. An integral part of a Nomination is a description of key findings and recommendations to promote area-wide revitalization and redevelopment of strategic sites,

including specific projects, initiatives, regulations, and other actions. Nominations may also include, as appropriate, detailed analyses and recommendations to advance redevelopment of strategic sites such as conceptual site design, cost estimation, artist renderings, development of pro formas, and marketing strategies.

Achieving revitalization goals requires broad community support, strong partnerships, and sufficient local and regional capacity to overcome obstacles. Therefore, the preparation of a BOA Nomination is expected to include robust community and stakeholder engagement as well as specific actions to develop partnerships and build the local capacity necessary to realize implementation of the plan.

Applicants may apply for funding to prepare or complete a BOA Nomination that contains all the elements necessary to support a request for designation of the BOA by the Secretary of State and must commit to making such a request when the BOA Nomination is deemed complete by the Department of State.

Nomination elements required for designation of a BOA can be found in the BOA Designation Guidance, which is available on the Department's website at <https://www.dos.ny.gov/funding>.

(2) Undertaking Pre-Development Activities within a State-Designated BOA

Applicants may apply for funding for pre-development activities within a BOA that has been designated by the Secretary of State to advance the goals and priorities for revitalization and redevelopment of the area as expressed in the BOA Nomination completed for the area. A list of Designated BOAs is available on the Department website: <http://www.dos.ny.gov/opd/programs/brownFieldOpp/index.html>.

Eligible pre-development activities include:

- a) Development and implementation of marketing strategies;
- b) Development of plans and specifications;
- c) Real estate services;
- d) Building conditions studies;
- e) Infrastructure analyses;
- f) Zoning and regulatory updates;
- g) Environmental, housing and economic studies, analyses and reports; and
- h) Public outreach.

V. ELIGIBLE AND INELIGIBLE COSTS

Eligible Costs

Costs must be adequately justified and directly support the project. Proposed costs must be essential to project completion. Eligible costs include the following:

- (a) Personal Services – Personal services include direct salaries, wages, and fringe benefits of grantee employees for activities related to project work, including project management and grant administration. Fringe benefits must be outlined in the application and include the organization's documented rate.
- (b) Non-Personal Services – Non-personal services include consultant/contractual services for direct project related costs, project management, and limited grant administration; project related supplies and materials; necessary travel; and other goods and services required to complete the project.

Notes:

Project management activities may include, but are not limited to, oversight and coordination of tasks needed to produce contractual deliverables, coordination of steering committee activities, consultant procurement and oversight, public outreach, and developing or providing local and/or regional capacity to advance revitalization goals.

Grant administration may include, but is not limited to, activities undertaken to comply with grant budgeting, record keeping and reporting requirements, such as preparation and submission of payment vouchers and other documents required under the grant. Grant administration may not exceed 15% of the award amount.

Sub-contracts for consultant/contractual services should be competitively procured based on the applicable provisions of New York State General Municipal Law and additional requirements as described in this RFA.

Ineligible Costs

Ineligible costs include the following:

- (a) Indirect or overhead costs, such as rent, telephone service, general administrative support, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.
- (b) Salaries and other expenses of elected officials, whether incurred for purposes of project direction, execution, or legislation.
- (c) Costs incurred outside of the contract term.
- (d) Costs that are not adequately justified or that do not directly support the project.

VI. PRE-SUBMISSION REQUIREMENTS

Requirements for all Applications

All applicants must submit a resolution adopted by the applicant's governing authority that authorizes submission of the application and identifies the title of the applicant's authorized representative. A standard resolution template is available on the Department website at the following address:

<https://www.dos.ny.gov/funding/>

Requirements for all Applications for Development of a BOA Nomination

Applicants requesting funding to develop a BOA Nomination must comply with the following minimum community participation activities prior to submitting an application: (1) provide a public comment period of at least thirty (30) days on a draft application; and (2) hold a public meeting on the draft application. Documentation demonstrating compliance must be submitted with the application, including a copy of a public notice for the comment period and meeting, a record of comments received, and the public meeting attendance list and minutes or summary of the meeting.

Requirements for all Applicants from a Community-Based Organization

A Community-Based Organization must register and be pre-qualified through the NYS Grants Gateway before submitting an application under this program. Such applicants will be required to submit documentation of registration and pre-qualification with the NYS Grants Gateway, to include: (1) the Document Vault Identifier (i.e., GDV-XXXXX-XXXX); and (2) the State Pre-Qualification Application Status Report. Information on this process is available at:

<http://www.grantsreform.ny.gov/Grantees>

An application submitted by a Community-Based Organization for funding to develop a BOA Nomination must include a resolution of support from the city, town or village with planning and land use authority over the proposed BOA.

VII. AWARD METHOD

A total score of 100 points is possible for any application of which up to 80 points is derived from program criteria and 20 points from the Regional Economic Development Council (REDC) endorsement.

The Department will fund the highest scoring applications until the allocated funds are exhausted. Approximately \$2,000,000 is anticipated for awards for 2019 BOA Program grants.

The Department may make an award in whole or in part and may offer partial funding if a particular component of a project is not ready to move forward. The Department may offer partial funding to an applicant if its application cannot be fully funded within the funds remaining; if the applicant declines the partial funding, funding may be awarded to the next highest-scoring unfunded application. In the event that an awardee fails to satisfactorily negotiate a proper contract within a reasonable period of time, that funding may be awarded to the next highest-scoring unfunded application.

In the event that another NYS agency fully funds a high scoring project through the CFA process, the awardee will receive funding from only one state agency. The Department will work with other NYS agencies to ensure that duplication of funding does not occur. In the event that an applicant receives full funding from another agency, the Department reserves the right to award full or partial funding to the next highest scoring unfunded application.

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

In the event unsuccessful bidders wish to protest the award resulting from this RFA, bidders should follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the Guide to Financial Operations (GFO), available on-line at: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>.

VIII. APPLICATION EVALUATION CRITERIA

Applications will be reviewed according to the specific criteria presented below.

Threshold Criteria

- (a) The application must be submitted by an eligible applicant as previously defined.
- (b) The application must be for an eligible activity as previously defined.
- (c) Presubmission requirements, as detailed in Section VI of this RFA, have been met.

Applications submitted by ineligible applicants or for ineligible activities will result in immediate disqualification of the application, which will not be evaluated further.

Program Criteria (maximum 100 points)

Applications meeting the threshold criteria will be evaluated to assess the degree to which they meet all program criteria. “BOA project” or “project” used herein means the eligible activity or activities proposed for funding in an application.

(1) Applications to prepare a BOA Nomination: Presence and Impact of Known or Suspected Brownfields *(maximum 12 points)*

- Extent to which the area demonstrates presence of known or suspected brownfields, including vacant, underutilized, deteriorated and abandoned properties.
- Extent to which evidence is presented of economic distress, risk to public health, or other negative impacts of the known or suspected brownfields on the proposed BOA.
- Extent to which area contains known or suspected brownfields that present strategic opportunities to stimulate economic development, community revitalization or the siting of public amenities.

OR

(1) Applications for pre-development projects within a State-Designated BOA: Community Vision and Strategic Opportunities *(maximum 12 points)*

- Extent to which the proposed project will advance the vision and goals of the BOA program as refined by the community in the BOA Nomination for the area.
- Extent to which the project is consistent with the objectives, desired redevelopment and priorities for investment stated in the BOA Nomination.
- Extent to which project relates to strategic opportunities presented by brownfields to stimulate economic development, community revitalization or the siting of public amenities.

(2) Indicators of Economic Distress *(maximum of 6 points)*

The State-Designated BOA or the proposed brownfield opportunity area is characterized by:

- Poverty rate over 15 percent.
- Median family income less than 50 percent of the surrounding area's median income.
- Unemployment rate 125 percent or greater than the statewide unemployment rate.
- 25 percent or more of the area is vacant, abandoned, or otherwise available for industrial or commercial development.
- Located in a federally-designated [Opportunity Zone](#) or an [Environmental Zone](#) (En-Zone) as defined by the New York State Department of Environmental Conservation.
- Demonstrated disparity compared to the surrounding community when comparing income, property values, vacancy rates, or other relevant indicators of distress.

(3) Local Capacity & Partnerships *(maximum of 6 points)*

- An effective organizational and staffing structure exists to advance and complete the project.
- Support of the project by multiple entities, including but not limited to municipalities, community-based organizations, and/or NYC Community Boards is demonstrated.
- Project will be carried out jointly by a municipality and a community-based organization and/or NYC Community Boards in partnership

(4) Public and Stakeholder Support *(maximum of 6 points)*

- Local leadership supports and is committed to the goals of the BOA project.
- Evidence is provided of public support for the project,
- Evidence is provided of support from stakeholder(s) directly impacted by the BOA project.

(5) Economic Value *(maximum of 6 points)*

- The project offers strategic opportunities to stimulate economic development through redevelopment of known or suspected brownfields.
- The project has potential to generate new and expanded economic activity in the proposed or State-Designated BOA and in the surrounding region.
- The project has potential to increase housing choice for new and existing residents.
- The project has potential to expand job opportunities and eliminate barriers to employment, especially in distressed and high-need areas.
- Planned or actual efficient use or protection of public investment in resources and infrastructure is described.
- Leverage or potential leverage of direct or indirect private investment is demonstrated.

(6) Environmental Value *(maximum of 6 points)*

- The project will promote positive public health outcomes and/or avoid or mitigate negative public health outcomes, especially in underserved and distressed communities, through the clean-up of significant brownfield sites and other activities.
- Potential actions have the potential to mitigate the impacts of climate change through reduction of carbon emissions and/or increase in community resiliency
- The project includes the potential to enhance, protect or restore natural resources and promote green infrastructure.

(7) Public Value (*maximum of 6 points*)

- The project supports a mix of land uses and concentration of new development in urban centers where infrastructure and public services are adequate.
- Potential to expand access to public open space, historic and cultural resources, and other public amenities in underserved areas is described.
- Dynamic, diverse neighborhoods may result from creating opportunities for development of transformative housing, transportation and community projects that include integration of all income, ethnic and age groups, including new Americans (immigrants and refugees) and veterans.

(8) Scope of Work (*maximum of 10 points*)

- A list of project deliverables is included, that is consistent with program objectives.
- The scope of work clearly defines what is to be done; where and how it will be done; who will do it; and when it will be completed.
- The application includes a realistic schedule and time line that includes major tasks, milestones, and completion dates.
- An effective approach and process that will be followed to ensure ongoing and inclusive public participation and engagement during project development is described.
- Demonstrates that the public and stakeholders who would be affected by, or who can advance the project, will be engaged in project planning and implementation.

(9) Evaluation of Budget and Cost (*maximum of 22 points*)

- The application describes and documents how the budget and cost were determined and identifies the person(s) responsible for compiling the budget including the relevant experience and background of all parties and the method/approach used to arrive at estimates. (*Maximum of 5 points.*)
- The budget narrative clearly demonstrates amount, type, and source of eligible local match and demonstrates identified eligible match sources have been secured (*Maximum of 5 points.*)
- The budget includes adequate detail for all project components involved, is cost-effective, presents necessary and realistic costs, and does not contain extraneous or ineligible expenses. Budget is accurate and thorough. Budget narrative includes an explanation for the estimate of each budget line and clearly supports the applicant's need for financial resources requested to achieve project outcome. Budget narrative describes how the grant recipient will monitor expenditures during the life of the project to ensure that the project stays on schedule and within budget. (*Maximum of 12 points.*)

(10) Regional Support (*maximum of 20 points*)

The Regional Economic Development Council for the region in which the project is located, and which is comprised of local experts and stakeholders from business, academia, municipal, and non-governmental organizations, will rate the degree to which the project advances the regional strategic plan and aligns with regional priorities. The REDC may award up to 20 points for each project, based upon the project's consistency with regional priorities and the following priority state initiatives.

Downtown Revitalization Initiative and Strategic Community Investment

Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization and strategic place making through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses - creating dynamic neighborhoods where tomorrow's workforce will want to live, work, and raise a family. Projects should reflect the general principles of smart growth and sustainable development.

Improving Access to Child Care

Despite record investments in child care, many New Yorkers still struggle to access high quality child care. This issue forces families to choose between quality child care and employment or places families in the position to use unlicensed child care providers. Applicants should provide any information about their project that works to improve access to child care.

Environmental Justice

Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As we transition to a greener economy, it is imperative that no subset of the population be marginalized or left behind. Applicants should provide any information about how their project actively works to address these issues.

IX. NEW YORK STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

Awards made through this grant program shall be consistent with the State's Smart Growth Public Infrastructure Policy Act (Environmental Conservation Law, Article 6), where applicable.

X. CONTRACT REQUIREMENTS

Standard Cost Reimbursement Contract

Each successful applicant must enter into a standard cost reimbursement contract with the Department, which includes this Request for Applications, the successful applicant's proposal, an agreed upon work program, any other attachments or exhibits, and the standard clauses required by the NYS Attorney General for all state contracts including Attachment A along with Article 15-A of the New York Executive Law. All necessary municipal resolutions and certifications must be received prior to entering into contracts. The contract will be: 1) subject to approval by the Attorney General and State Comptroller; 2) required to submit final products in both hard copy and electronic format; 3) subject to payment only upon proper documentation and compliance with reimbursement procedures; and 4) subject to all other contractual requirements. (A copy of a standard contract along with Attachment A and Article 15-A is available from the Department.)

To ensure that funds are awarded to applicants that are ready to move forward, the Department of State reserves the right to rescind an award if the state contract is not signed and returned within a reasonable period of time. Expenses incurred prior to the start date of the state contract cannot be reimbursed.

Compliance with Procurement Requirements

Municipalities

All contracts by municipalities for service, labor, and construction involving not more than \$35,000 and purchase contracts involving not more than \$20,000 are subject to the requirements of General Municipal Law §104-b, which requires such contracts to comply with the procurement policies and procedures of the municipality involved. All such contracts shall be awarded after and in accordance with such municipal procedures, subject to the Minority or Women-

Owned Business Enterprise (MWBE) requirements as set forth below and any additional requirements imposed by the State as set forth in Attachment C of the Master Contract.

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify to the Department of State that applicable public bidding procedures of General Municipal Law §103 were followed for all service, labor, and construction contracts involving more than \$35,000 and all purchase contracts involving more than \$20,000. In the case of contracts by municipalities for service, labor, and construction contracts involving not more than \$35,000 and purchase contracts involving not more than \$20,000, the municipal attorney, chief legal officer or financial administrator shall certify that the procedures of the municipality established pursuant to General Municipal Law §104-b were fully complied with, in addition to the MWBE requirements.

The municipal attorney, chief legal officer or financial administrator for the municipality shall certify to the Department of State that alternative proposals and/or quotations for professional services were secured by use of written requests for proposals through a publicly advertised process. This certification will verify that the procurement requirements were met and ensure the prudent and economical use of public funds for professional services of maximum quality at reasonable cost.

Not-for-Profit Community-Based Organizations

The chief legal officer or financial administrator of the community-based organization, which is a grant recipient and serves as State Contractor, shall certify to the State that alternative proposals and quotations for professional services were secured by use of written requests for proposals through a publicly advertised process satisfactory to meet the MWBE requirements set forth below and to ensure the prudent and economical use of public funds for professional services of maximum quality at reasonable cost.

Community Boards (in New York City)

Chapter 70 of the New York City Charter provides for the creation of community boards for each community district that has been established in the City. Such community boards do not exist outside of New York City.

Each community board in New York City must comply with all laws, regulations, rules and procedures that govern each such board's procurement of contracts, goods and services, and shall certify compliance with such laws, regulations, rules and procedures to the State. Community boards must also certify to the State that all applicable MWBE requirements, including those that are set forth below, have been met.

Record Retention and Audits

The successful applicant shall establish and maintain, in paper or electronic format, complete and accurate books, records, documents, receipts, accounts, and other evidence directly pertinent to its performance under the Master Contract with the Department of State. Payment requests may be subject to periodic reviews. The successful applicant will be required to agree to produce and retain for the balance of the term of the Master Contract, and for a period of six years from the later of the date of (i) the Master Contract and (ii) the most recent renewal of the Master Contract, any and all records necessary to substantiate upon audit, the proper deposit and expenditure of funds received under the Master Contract. Such records may include, but not be limited to, original books of entry (e.g., cash disbursements and cash receipts journal), and the following specific records (as applicable) to substantiate the types of expenditures noted (i) personal service expenditures: cancelled checks and the related bank statements, time and attendance records, payroll journals, cash and check disbursement records including copies of money orders and the like, vouchers and invoices, records of contract labor, any and all records listing payroll and the money value of non-cash advantages provided to employees, time cards, work schedules and logs, employee personal history folders, detailed and general ledgers, sales records, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (ii) payroll taxes and fringe benefits: cancelled checks, copies of related bank statements, cash and check disbursement records including copies of money orders and the like, invoices for fringe benefit expenses, miscellaneous reports and returns (tax and otherwise), and cost

allocation plans, if applicable, (iii) non-personal services expenditures: original invoices/receipts, cancelled checks and related bank statements, consultant agreements, leases, and cost allocation plans, if applicable, (iv) receipt and deposit of advances and reimbursements: itemized bank stamped deposit slips, and a copy of the related bank statements.

Minority and Women-Owned Business Enterprise Participation

Applicants will be required to comply with and certify that the requirements of Article 15-A of the New York State Executive Law. For purposes of this solicitation, the Department has established an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs).

Contract Period

Subject to the continued availability of funds in the budget, the contract period shall not exceed five years from the start of the project. No extensions are anticipated. The earliest start date of contracts will be the date of award announcement. Upon request by the grant recipient, with a showing of good cause, the contract start date may be set to a date in the future not to exceed 12 months beyond the contract execution date. Special consideration for extensions due to extreme extenuating circumstances will only be granted on a case-by-case basis.

XI. SATISFACTORY PROGRESS

Grant recipients must sign and return to the Department the BOA state assistance contract within a reasonable time after notification of funding award and receipt of the contract. In addition, the grant recipient must complete the project as set forth in the agreed upon work program for the contract. Failure to render proof of satisfactory progress in signing and returning the contract or to complete the project to the satisfaction of the State may be deemed an abandonment of the project and may cause the suspension or termination of any obligation of the State. Satisfactory progress toward implementation includes, but is not limited to, executing contracts and submitting status reports and payment requests in a timely fashion, retaining consultants, written certification of compliance with procurement requirements, completing plans, designs, reports, or other tasks identified in the work program within the time allocated for their completion. The Department may recapture awarded funds if satisfactory progress is not being made on the implementation of a grant project. Applicants should not submit applications if they do not expect to initiate the project within a reasonable time period after receiving an executed contract and will not be able to complete the project within the time period cited in the application.

XII. GENERAL SPECIFICATIONS

1. By signing the “Application Form” each applicant attests to its express authority to sign on behalf of the applicant(s) and to the accuracy of the information contained therein. Applications containing false or inaccurate information may be disqualified upon verification of information by the Department.
2. Contractors will possess, at no cost to the State, all qualifications, licenses 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 will possess the qualifications, training, licenses and permits as may be required within such jurisdiction.
3. Submission of any application indicates the applicant’s acceptance of all conditions and terms contained in this RFA, including the terms and conditions of the contract between the applicant(s) and the Department acting for and on behalf of the State.
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 as to all matters arising in connection with or relating to the contract resulting from this RFA.

- b) In the event that the applicant, through any cause, fails to perform any of the terms, covenants or promises of any contract resulting from this RFA, the Department 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, the applicant acts in such a way which is likely to or does impair or prejudice the interests of the State, the Department acting on behalf of the State, shall thereupon have the right to terminate any contract resulting from this RFA by giving notice of the fact and date of such termination to the contractor. In such case, the contractor shall receive equitable compensation for such services as shall, in the judgment of the Department, have been satisfactorily performed by the contractor up to the date of the termination of this agreement, which such compensation shall not exceed the total cost incurred for the work in which the contractor was engaged at the time of such termination, subject to audit by the State Comptroller.
5. The Department reserves the right, including but not limited, to:
- a) Reject any or all applications received in response to this RFA.
 - b) Withdraw the RFA at any time, at the agency's sole discretion.
 - c) Make an award under the RFA in whole or in part.
 - d) Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA.
 - e) Seek clarifications and revisions of applications.
 - f) Use application 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 Department's request for clarifying information in the course of evaluation and/or selection under the RFA.
 - g) Prior to the application due date, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available.
 - h) Prior to the application due date, direct applicants to submit application modifications addressing subsequent RFA amendments.
 - i) Change any of the scheduled dates.
 - j) Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders.
 - k) Waive any requirements that are not material.
 - l) Negotiate with applicants responding to this RFA within the scope of the RFA to serve the best interests of the State.
 - m) 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.
 - n) Utilize any and all ideas submitted in the applications received.
 - o) 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 application and/or to determine an applicant's compliance with the requirements of the solicitation.
 - p) Waive or modify minor irregularities in applications received.
 - q) Make awards based on geographic distribution.
 - r) Not to fund an application that fails to submit a clear and concise work plan or budget.
 - s) Adjust or correct cost figures with the consent of the applicant if errors exist and can be documented to the satisfaction of the Department.
 - t) Offer partial or no funding to any applicant if its application cannot fulfill its proposed program within the funding restrictions herein;
 - u) Make additional awards if funding becomes available;
 - v) DOS reserves the right to require reporting on forms designed for use solely for this procurement; and,
 - w) Not to make any awards pursuant to this RFA. This RFA does not commit the Department to award any contracts, to pay the costs incurred in the preparation of a response to this RFA, or to procure or contract for services.