NEW YORK STATE OF OPPORTUNITY | Division of Local Government Services

2019-2020 Local Government Efficiency Grant Program

Request for Applications
RFA # 19-LGE-18
Grant Application and Instructions

Local Government Efficiency Grant Program

KEY DATES

Release Date:	**Wednesday, May 1, 2019**
Questions Due Date:	**June 19, & July 3, 2019**
Updates & Responses to Questions Posted Date:	**June 28, & July 12, 2019**
Application Due Date:	**4:00pm, Friday, July 26, 2019**
Applications must be submitted through the web-based Consolidated Funding Application.	
Contact:	New York State Department of State Division of Local Government Services Local Government Efficiency Program RFA #19-LGE-18 One Commerce Plaza 99 Washington Avenue, Suite 1015 Albany, New York 12231
Application Submission:	Applications are being solicited through the New York State Consolidated Funding Application (CFA). Applications are available at: http://regionalcouncils.ny.gov/

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I. Local Government Efficiency Grant Program (LGE)

Introduction

The Local Government Efficiency (LGE) Grant program provides funding to local governments to reduce the cost of municipal operations and service delivery, thereby limiting growth in property taxes. Projects must demonstrate the potential for financial savings through new or modernized operations and service delivery.

In the 2019-2020 program year, approximately $4 million in LGE funds are available to local governments through the New York State Consolidated Funding Application (CFA).

Funding for local government consolidation planning and implementation **is available under the New York Department of State (DOS) Local Government Citizens Re-Organization Empowerment Grant (CREG)**. Information on that program can be found at http://www.dos.ny.gov/funding/rfa-15-creg-01/index.html.

II. LGE Application Information

Eligible Applicants

Eligible local government entities are counties, cities, towns, villages, special improvement districts, fire districts, public libraries, association libraries, public library systems (if they advance a joint application on behalf of member libraries), water authorities, sewer authorities, regional planning and development boards, school districts, and Boards of Cooperative Educational Services (BOCES) only to the extent they advance certain joint applications.

Applicants must have demonstrated responsible contracting in any past or current DOS contracts to be eligible for an award from this procurement.

Eligible Projects

Two of more local governments are eligible to apply for funding assistance to plan for and implement shared services, functional consolidations and local government consolidations and dissolutions not eligible under the Citizens Reorganization and Empowerment Grant (CREG). (Information about this program can be found at https://www.dos.ny.gov/funding).

Proposals for projects are evaluated based on the potential municipal tax levy impact, project need, service delivery benefits, operational changes, comprehensiveness and specificity of work plan and budget, and local and regional capacity.

Priority will be given to projects that implement a Local Government Efficiency planning grant, projects that are included in an adopted and submitted County-Wide Shared Services Plan, and proposals which advance the regional strategies developed by the Regional Economic Development Councils.

Project Funding

All LGE awards are reimbursement grants to successful applicants. This year approximately $3.6 million is allocated for implementation projects and approximately $400,000 for planning projects.

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

Project Match

Applicants are required to provide matching funds for all projects.

- Planning projects **require** matching funds equal to at least 50% of the total project cost.
- Implementation projects **require** matching funds equal to at least 10% of the total project cost.

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

Calculation of Match as per Local Government Efficiency Program				
Total Project Cost	Implementation Project		Implementation Planning Project	
	10% Local Share	90% State Share	50% Local Share	50% State Share
$20,000	$2,000	$18,000	$10,000	$10,000
$50,000	$5,000	$45,000	$25,000	$25,000
$100,000	$10,000	$90,000	$50,000	$50,000
$222,222	$22,222	$200,000		
$400,000	$40,000	$360,000		
$444,444	$44,444	$400,000		
$1,111,111	$111,111	$1,000,000		

For grants implementing a project that the applicants developed through a previously funded planning grant under the Local Government Efficiency (LGE) Grant Program, the local matching funds required shall be reduced by the local matching funds required by such successfully completed planning grant up to the amount of local matching funds required for the implementation grant.

Eligible Expenses

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

- Contractual Services;
- Capital costs and equipment integral to project implementation;
- Transitional personnel not to exceed three years where such expenses are integral to project implementation.

Ineligible Expenses

- Recurring expenses such as salaries, utilities, and overhead, except for transitional personnel;
- Indirect expenses;
- Approved operating expense of the school district as defined in Education Law § 3602(1)(t);
- Any expenses not fully justified and deemed ineligible by DOS, which will be eliminated from the budget, thereby reducing the award amount;
- Any expenditures funded through the Local Government Efficiency Program (LGE), Citizens Reorganization Empowerment Grant (CREG), Financial Restructuring Board (FRB), Municipal Restructuring Fund (MRF), or any other New York State grant programs; and
- Additional ineligible expenses including, but are not limited to: 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.

III. Preparing a LGE Application

Getting Started

Applicants should review eligibility requirements and program criteria. Applicants should give careful consideration to the scope and goals of the project to be undertaken, as well as the processes involved with completing the project.

Applications are solicited through the New York State Consolidated Funding Application (CFA), and are available at: http://regionalcouncils.ny.gov/. This program only accepts electronic submission through the CFA process.

Application Workshops

Application workshops for the LGE program and the Consolidated Funding Application will be held throughout the State. The workshop schedule and further information are available at https://regionalcouncils.ny.gov/ .

Questions

Submit all substantive questions in writing to:

New York State Department of State
Division of Local Government Services
Local Government Efficiency Program
RFA #19-LGE-18
One Commerce Plaza
99 Washington Avenue, Suite 1015
Albany, New York 12231
lgeprogram@dos.ny.gov

To the extent possible, inquiries should cite the RFA section and paragraph to which the question refers. Written questions will be accepted until the due date stated on the cover of this guidance.

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

This guidance has been posted on DOS's website at: http://www.dos.ny.gov/funding/.

Grant applications are due by 4:00 PM on July 27, 2019

Grant applications must be submitted at
http://regionalcouncils.ny.gov/

IV. Application Review

Review Process

Applicants must complete all sections of the Consolidated Funding Application (CFA) to enable submission of a proposal through the online application portal. If a project or application is deemed ineligible during the CFA process, applicants may contact the Local Government Efficiency Program for a review of eligibility.

Application Scoring

An application is eligible to receive a total score of 100. The applicable REDC allocates 20 points, with the remaining 80 points allocated to program specific criteria. An LGE application must score a minimum of 60 points, out of a possible 100 points, to be considered for funding. REDC points are based on regional economic priorities and are assigned by the REDCs.

Application of LGE Program score by DOS

- Each application will receive three independent scores based on a scale of 80, which will be averaged to determine the LGE base program score. The total possible points for the scored planning and implementation grant award criteria are charted below.

Planning Grant	Implementation Grant	Score Scale (Total Possible Points)
LGE Priorities	LGE Priorities	Up to 15 points
Project Need	Project Need	Up to 5 points
Planning Questions	Implementation Questions	Up to 40 points
Work Plan and Budget Evaluation	Work Plan and Budget Evaluation	Up to 20 points

Application of Regional Economic Development Council score

Significant Statewide Programs - Proposed projects that are part of the following initiatives will be looked upon favorably by the REDCs. The REDC may award up to 20 points for each project, based upon the project's consistency with regional priorities and the following 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. Second Level Review

DOS reserves the right to re-evaluate the applications in a second level of review to determine whether additional priority points are warranted. The Secretary of State, or designee, may award up to a total of ten (10) additional points per application after calculation of the initial DOS allocation. Any additional points awarded may not cause any application to exceed the LGE maximum of 80 points.

Consideration of awarding such additional priority points will take into account:

- the distribution of grants throughout the state, such that points may be awarded by region;
- if the project is unique;
- the ability to replicate the project; and/or
- the incorporation of green, sustainable and energy-efficient operational components that reduce greenhouse gas emissions.

Smart Growth Impact

Prior to making any commitment of state funds to a public infrastructure project, DOS must determine that the project, to the extent practicable, has accomodated the smart growth criteria set forth 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

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 contract development~~this application~~.

The plan will include 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 M/WBE-oriented publications in which you plan to solicit certified M/WBEs 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 M/WBE participation plan to be published in any of the above publications
4. A list of all certified M/WBEs appearing in the NYS Directory of Certified Firms that will be solicited for purposes of complying with your certified M/WBE participation goal (The Directory can be viewed at:

https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?XID=7637&TN=ny).

5. Descriptions of the notices, dates of contact, letters, and any other correspondence that will be made to all certified M/WBEs.
6. A description of any contract documents, plans, or specifications to be made available to certified M/WBEs for bid solicitation purposes and the proposed date and manner in which these documents will be made available.

~~The plan for compliance shall be uploaded as part of the application.~~ Additional information may be found in Appendix C.

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

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.

SERVICE-DISABLED VETERAN-OWNED BUSINESSES PARTICIPATION

Article 17-B of the Executive Law, enacted in 2014, authorized the creation of the Division of Service-Disabled Veterans' Business Development to promote participation of Service-Disabled Veteran-Owned Businesses (SDVOBs) in New York State contracting. The Service-Disabled Veteran-Owned Business Act recognizes the veterans' service to and sacrifice for our nation, declares that it is New York State's public policy to promote and encourage the continuing economic development of service-disabled veteran-owned businesses, and allows eligible Veteran business owners to become certified as a New York State Service-Disabled Veteran-Owned Business (SDVOB), in order to increase their participation in New York State's contracting opportunities. To this effect, DOS has implemented a Veteran-Owned Businesses (SDVOB) Program, as mandated by Article 17-B.

To comply with the SDVOB Program goals of 6%, DOS strongly encourages grantees to make every effort, to the maximum extent possible, to engage certified SDVOBs in the purchasing of commodities, services and technology in the performance of their contracts with the Department. If SDVOB utilization is obtained, a quarterly SDVOB utilization report should be submitted to the Department with information of the utilization percentage achieved during that quarter. Contractor Reporting Forms are found at: https://ogs.ny.gov/Veterans/.

The Division of Service-Disabled Veterans' Business Development (DSDVBD) is housed within the New York State Office of General Services (OGS), and maintains a directory of the NYS Certified SDVOBs. For assistance with engaging SDVOB vendors in your contracts, please contact the Division of Service-Disabled Veterans' Business Development at the following email address: VeteransDevelopment@ogs.ny.gov, or the DOS Bureau of Fiscal Management – SDVOB Program atdos.sm.sdvob@dos.ny.gov. The directory of certified SDVOB vendors can be found athttps://ogs.ny.gov/Veterans/Docs/CertifiedNYS_SDVOB.pdf

V. LGE Project Evaluation

The review of a local government efficiency project application is based upon Threshold Questions, Basic Questions, Required and Optional Documents and Program Specific Questions. All questions must be answered clearly to best describe how the project meets the intent of the Local Government Efficiency Program.

Threshold Questions

Threshold Questions determine minimum eligibility qualifications for the programs you have selected. These questions are not scored. Threshold questions for the LGE Program include:

- Are you an eligible NYS local government entity for the Local Government Efficiency Program? (CFA Question 1956)
- Will the project help local governments reduce expenditures, add revenues, streamline government management or operations, or improve service delivery? (CFA Question 10045)
- Is the applicant able to provide the required matching funds for the project? (CFA Question 10048)
- Are you developing a plan for a local government consolidation or dissolution under General Municipal Law, Article 17-A? If so, please contact the DOS directly for other available funding opportunities. (CFA Question 1957)

Basic Questions

The Basic Questions are associated with all state programs within the Consolidated Funding Application (CFA) and describe a project in detail. These questions summarize the local government's need for the project, the project's goals and intent for each program within the CFA. Please remember, if applying for multiple grants using this single application, the Project Description should relate to all grant opportunities.

Project Description (CFA Question 575)

The project description tells the reviewers about the project. This description should be concise and include:

- the project's location,
- detail on what is being planned, designed, or constructed, and
- the expected outcomes and performance measures.

Statement of Need (CFA Question 976)

The Statement of Need provides a clear overview of the local government's reasons for undertaking the project. For a Local Government Efficiency project, include an explanation of the financial, management, or service delivery challenges that the project addresses or will correct/resolve.

Required and Optional Documents

The Required and Optional Documents section of the CFA lets applicants upload information crucial to describing the project benefits and the use of program funds. The format of the CFA stipulates that Required & Optional Document questions:

- be grouped together,
- may refer to multiple types of information required throughout the application, and
- are used to evaluate the applicant's project.

The Required & Optional Documents form the basis for some scoring criteria.

System Issues

Please remember only one attachment is permitted for each of the following CFA questions. If you attach multiple documents, only the last document attached will remain. All others will be deleted. If you need to attach multiple documents, merge them into a single document, and then upload.

Required Documents

1. **LGE Fiscal Impact Worksheet** (CFA Question 6457)

   In order to determine the long-term tax levy impact of a local government efficiency project, applicants must upload the Excel worksheet in the application. The worksheet may be accessed from the DOS website at **http://www.dos.ny.gov/funding/.** This link goes directly to the DOS main 'Grant Opportunities' webpage. Please select the correct RFA title and the document can be found there as a fillable form.

   The worksheet is intended to provide an objective analysis of the anticipated financial impact of the project, including reductions in expenditures and/or increased revenues and tax levy impact resulting from the project, exclusive of any grant funding. Complete worksheets for each involved local government applicant. Save all worksheets as a PDF file, combine with other needed files and upload.

   Projected cost savings shall not include unexpended fund balances, other grant funding or State incentives. Cost savings may include capital costs avoided by not having to acquire or replace equipment or infrastructure using straight line method of depreciation over the useful life of the asset class. For a complete listing of equipment or infrastructure that may be depreciated for tax purposes, go to Appendix B of Internal Revenue Service Publication 946 at: **http://www.irs.gov/pub/irs-pdf/p946.pdf**.

   When applying for a study, please use the best estimate of potential future cost savings and additional revenues if the project is implemented. To assist in estimating future cost savings generated by a project, past studies and project information may be found at the DOS's website: **http://www.dos.ny.gov/lg/lge/projects.html.**

2. **Project Budget and Work Plan** (CFA Question 7475)

   Applicants must upload the work plan and budget document clearly listing the project objectives, and the timelines, tasks, costs and performance measures for each project objective.

   For each task, include:

   - a budgeted cost, including personal and non-personal services, and
   - a proposed start date and a schedule for completion

Estimate the costs for each task. Discuss why such costs are considered reasonable in Question 10051. All purchases must comply with Article 5A of the General Municipal Law. The LGE work plan template and budget document are available at: http://www.dos.ny.gov/funding/. Make a PDF copy of the completed worksheet and upload it with the CFA submission.

3. **M/WBE Utilization Plan** (CFA Question 6460)

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 contract development~~this application~~.

The plan will include 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 M/WBE-oriented publications in which you plan to solicit certified M/WBEs 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 M/WBE participation plan to be published in any of the above publications.
4. A list of all certified M/WBEs appearing in the NYS Directory of Certified Firms that will be solicited for purposes of complying with your certified M/WBE participation goal (The Directory can be viewed at:

   https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?XID=7637&TN=ny).
5. Descriptions of the notices, dates of contact, letters, and any other correspondence that will be made to all certified M/WBEs.
6. A description of any contract documents, plans, or specifications to be made available to certified M/WBEs for bid solicitation purposes and the proposed date and manner in which these documents will be made available.

~~The plan for compliance shall be uploaded as part of the application.~~ 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. Additional information may be found in Appendix C.

If your project is selected for an award, you will be required to comply with all 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.

Optional Documents

These attachments may also be submitted with a LGE application, and can help reviewers understand the project and the applicants' commitment to it.

1. **Resolutions and Local Agreements** (CFA Question 1978)

LGE applicants should upload any municipal resolutions or intermunicipal agreements executed to implement the project. These illustrate local support and capacity to implement the project.

2. **Muncipal Planning** (CFA Question 10042)

   Upload any documents that address long-term planning, such as comprehensive plans, operating projections and capital investment plans.

3. **County-Wide Shared Services Plan** (CFA Question 7026 & Question 10049)

   A County-Wide Shared Services Plan is the plan adopted by the County Shared Services Panel under the New York State County-Wide Shared Services Initiative (CWSSI). Established by Governor Cuomo in 2017, panels are chaired by the chief executive officer of each county, and were charged with developing new opportunities to share and coordinate services.

4. **Additional Information** (CFA Question 3652)

   This question provides applicants with an opportunity to upload additional information to support the application, including maps, timelines, price quotes, and reports.

LGE Standard Questions

Standard Questions are specific to individual programs and are designed to help reviewers evaluate the specific benefits of a project and the alignment with the intent of the program.

Project Partners (CFA Question 3369)

Funding amounts and project eligibility are directly related to the number of project partners. Please list and provide contact information for all the partners involved and describe their role in the project.

Points for LGE Priorities (up to 15 points)

Applications will receive 5 points for meeting each of the following criteria.

1. **Local Government Efficiency Plan Implementation** (CFA Question 2961 & Question 2963) – Possible 5 Points

   The LGE Program prioritizes the implementation of previously completed local government efficiency planning projects. If applicable, please describe how the application implements a previously funded plan.

2. **County-Wide Shared Services Plan** (CFA Question 7026 & Question 10049) – Possible 5 Points

   The project is part of the applicant county's adopted County-Wide Shared Services Plan.

3. **Municipal Planning** (CFA Question 10042 & Question 10018) – Possible 5 Points

   The LGE Program recognizes the importance of long-term planning in creating sustainable local governments. Describe any documents that address long-term planning, such as comprehensive plans, operating projections and capital investment plans.

LGE General Criteria

Type of Project (CFA Basic Question 6497)

The Local Government Efficiency Program is able to fund both implementation and planning projects, and utilizes some different questions to better analyze each type of project. This has been done to better evaluate the projects as submitted rather than requiring answers to questions that do not fit the type of project proposed.

Project Need (CFA Basic Question 976) - Up to 5 points

The DOS will review the project need based upon existing conditions, including financial challenges, requirements to modify existing services, changes in the municipal workforce or other local government management need.

Implementation Questions (up to 40 points)

1. **Fiscal Impact on the Taxpayer** (Question 6493) - Up to 10 points

   Measures the impact the project will have on local government finances and the potential to reduce the property tax levy.

2. **Determination of Cost Savings** (CFA Question 6492 and 6457) - Up to 5 points

   Assesses the method used to estimate the savings generated by the project.

3. **Operational Impact** (CFA Question 6494) – Up to 5 Points

   Describes the significance of changes to management structures and/or operational processes.

4. **Service Delivery Impact** (CFA Question 6503) – Up to 5 Points

   Assesses the impact the project will have on the delivery of services and how the project will affect the public.

5. **Measuring Future Performance** (Question 6495) - Up to 5 points

   Evaluates the methods that will be used to monitor operational and service delivery impact after implementation.

6. **Readiness and Sustainability** (CFA Question 6504) – Up to 5 Points

   Assess how prepared applicants are to work together to complete the project and how the new organizational structure and service delivery changes will be institutionalized.

7. **Public Engagement** (CFA Question 6505) – Up to 5 Points

   Reviews the approach and process followed to ensure transparency, public participation and stakeholder engagement during project development and implementation.

Planning Questions (up to 40 points)

1. **Type of Planning** (CFA Question 6506) - Up to 10 points
   - Implementation Plan – 10 points
   - Functional Consolidation Study - 6 points
   - General Shared Services Study - 3 points

2. **Fiscal Impact on the Taxpayer** (CFA Question 6507) - Up to 10 points

   Measures the impact the project will have on local government finances and the potential to reduce the property tax levy.

3. **Operational Impact** (CFA Question 6508) – Up to 5 Points

   Describes the significance of changes to management structures and/or operational processes.

4. **Service Delivery Impact** (CFA Question 6509) – Up to 5 Points

   Assesses the impact the project will have on the delivery of services and how the project will affect the public.

5. **Project/Partner Readiness** (CFA Question 6510) – Up to 5 Points

   Assesses the commitment of the applicants to work together to complete the project.

6. **Public Engagement** (CFA Question 6511) – Up to 5 Points
   Reviews the approach and process followed to ensure transparency, public participation and stakeholder engagement during project development and implementation.

Work Plan and Budget (up to 20 points)

The project work plan and budget is detailed as part of the Work Plan and Budget template. Each application must include a detailed and realistic budget, containing allowable, reasonable, and necessary costs. Program review will include an assessment of the appropriateness of the expenses and the credibility of the budget estimate.

1. **Work Plan Detail** (CFA Question 7475) – Up to 5 Points
   DOS reviewers will evaluate the clarity and detail of work plan tasks, including timelines, performance measures/deliverables and the narrative.

2. **Cost Determination** (CFA Question 10051) – Up to 10 Points

   Explain how all budget costs were determined. Include the method/approach used to arrive at estimates. The response should include a narrative of how budget items were determined and projected expenses calculated.

3. **Budget Detail** (CFA Question 10050) – Up to 5 Points

   Explain how funding will be used to complete individual tasks for all work plan objectives, and how funds will be sufficient to meet the tasks described in the work plan.

Application Certification (CFA Question 1038)

The lead applicant shall agree to the Certification of the information in the CFA application. Applications containing false or inaccurate information may be disqualified upon DOS verification.

Smart Growth Questions

DOS 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 criteria. 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 LGE grant would be used for any public infrastructure project that supports local government reorganization, applicants must describe how the project would meet the Smart Growth criteria listed in the application.

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 LGE Program, responses will help determine if a project can be funded.

1. **Does the proposed project use, maintain, or improve existing infrastructure?** (CFA Question 1059)
2. **Is the proposed project located in a municipal center?** (CFA Question 1060)
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?** (CFA Question 1061)
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?** (CFA Question 1062)
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?** (CFA Question 1063)
6. **Will the proposed project provide mobility through transportation choices including improved public transportation and reduced automobile dependency?** (CFA Question 1064)
7. **Will the proposed project involve coordination between state and local government and inter-municipal and regional planning?** (CFA Question 1065)
8. **Will the proposed project involve participation in community based planning and collaboration?** (CFA Question 1066)
9. **Will the proposed project ensure predictability in building and land use codes?** (CFA Question 1067)
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?** (CFA Question 1068)
11. **Will the proposed project mitigate future physical climate 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?** (CFA Question 6256)

VI. Awards and Grant Administration

Awards

Approximately $4 million is being made available for awards. Of that amount, $3.6 million will be awarded for implementation projects, and approximately $400,000 will be awarded for planning projects. DOS's focus is on awarding projects that implement efficiency efforts.

Awards will be based upon an application's total final score. Funding will be awarded to the highest scoring applications until funds are exhausted. A contract will be executed with the lead applicant of each funded project.

At the Department's discretion, DOS reserves the right to award additional planning grants if an insufficient number of acceptable applications are received for implementation projects, and to award additional implementation grants if an insufficient number of acceptable applications are received for planning projects.

Depending upon the availability of funds, DOS may provide only partial funding to projects. Applicants will be notified directly of awards. Award decisions are final and are not subject to appeal. If an awardee fails to satisfactorily negotiate a contract, funding may be awarded to the next highest-scoring application.

Unsuccessful applicants may request a debriefing. Requests must be made in writing within 15 days of notification of decision.

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/.

For unfunded large scale projects, please consider the Municipal Restructuring Fund for grant opportunities. https://www.dos.ny.gov/funding/rfa-18-mrf-02/index.html

Contracts

DOS requires that all successful applicants enter into a contract with the State of New York. The state contract details the obligations of the applicant/contractor. Each approved contract will have a five year term, starting on January 1, 2020. Awardees must return state contracts to DOS within ninety (90) days from receipt to ensure that funds go to applicants that are ready to move forward. DOS may cancel an award if the state contract is not returned in a timely manner.

Contract Administration

Awardees/contractors must manage projects in accordance with the terms and conditions of the state contract, including following state and local procurement policies. Failure to render satisfactory progress or to complete the project to the satisfaction of the state may 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, submitting timely payment requests in accordance with the payment schedule in the state contract, completing satisfactory work products, and other tasks negotiated and agreed to in the executed state contract.

Schedule of Payments

The Local Government Efficiency Grant Program is a reimbursement program. Expenses incurred after January 1, 2020, are eligible for reimbursement, provided that the applicant has a contract with DOS that has received all required State and local approvals. Expenses incurred prior to the start date of the state contract cannot be reimbursed. The grant contractor will be required to submit payment requests quarterly. Payments will be made for eligible costs incurred until the cumulative amount of such payments totals 90% of the State Share Funding Amount. Payment of the remaining 10% of the State Share Funding Amount will not be made until the project is completed, as determined by DOS.

Required Reports

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

Project Performance

Division of Local Government Services staff monitors each project, and conducts site visits during the course of project execution to assess the rate and quality of progress. Notification of contract related meeting schedules, and submission of photos and other media are required. Some projects may be selected for more extensive review, and used as a resource for providing technical assistance.

General Specifications

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

Reserved Rights

DOS reserves the right, including but not limited, to:

1. Reject any or all applications received in response to this RFA.
2. Withdraw the RFA at any time, at the agency's sole discretion.
3. Make an award under the RFA in whole or in part.
4. Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA.
5. Seek clarifications and revisions of applications.
6. Use 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 agency's request for clarifying information in the course of evaluation and/or selection under the RFA.
7. Prior to the application due date, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available.
8. Prior to the application due date, direct applicants to submit proposal modifications addressing subsequent RFA amendments.
9. Change any of the scheduled dates.
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders.
11. Waive any requirements that are not material.
12. Negotiate with applicants responding to this RFA within the scope of the RFA to serve the best interests of the state.
13. If unsuccessful in negotiating a state contract with the selected applicant within an acceptable time frame, the Department may begin state contract negotiations with the next ranked qualified applicant(s) in order to serve and realize the best interests of the state.
14. Utilize any and all ideas contained in proposals received.
15. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an applicant's proposal and/or to determine an applicant's compliance with the requirements of the solicitation.
16. Waive or modify minor irregularities in received applications.
17. Not fund an application 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 DOS and the State Comptroller.
19. Award grants based on geographic or regional considerations to serve the best interests of the state.
20. Award more than one contract resulting from this RFA.
21. In its sole discretion, determine the total number of awards to be granted pursuant to this RFA.
22. Offer partial or no funding to any applicant if its application cannot fulfill its proposed program within the funding restrictions herein;

23. Make additional awards if funding becomes available;
24. Require reporting on forms designed for use solely for this procurement; and,
25. 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.

Attachments

Appendix A: Definitions

Appendix B: Instructions – Fiscal Impact Statement

Appendix C: Minority and Women-Owned Business Enterprises (MWBE)

Appendix D: Work Plan & Budget template

Appendix A

Definitions

As used in these applications, the following words and terms are defined as follows:

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

Budget means a document showing the sources and uses of funds for a project. The budget is broken out into personal and non-personal costs, and is included as part of the Work Plan and Budget template.

Capital Cost means the cost of an asset 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.

Contractual Services means a service performed by one party for another that is secured by a contract.

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

County-Wide Shared Services Plan means the shared services plan adopted by the County Shared Services Panel, chaired by the Chief Executive Officer of the County.

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

Enterprise Funds means an account for operations that are financed and operated in a manner similar to private business where the intent of the governing body is that the cost (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed and recovered primarily through user charges; or where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes.

Equipment means an asset that has a Useful Life of less than ten years.

Fiscal Impact means the annual cost savings and/or increased revenues as related to the current tax levy.

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

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

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

Intermunicipal 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.

Local Government Entity 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).

Objective means a component of a work plan resulting in a finished step towards a project's completion.

Operational Impact means the impact on the internal operations or management.

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

Other means an asset, service or other cost that is not a personal or contractual service, travel or equipment.

Performance Measure means a milestone toward completion of a task.

Project means an undertaking by the applicant and its partners that has the goal of reducing local government tax levies.

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

Regional for this grant, means three or more cities, towns or villages, or any combination thereof, working together on a single project. Regional shall also include a project with a single county or two or more counties working together on a single project.

Service Delivery Impact means how the changes to a service will affect the public receiving the service.

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 pursuant to an Intermunicipal Agreement.

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 Contract means the agreement between DOS 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 means a piece of work to be done or undertaken to meet an objective.

Tax Levy means the ad valorem taxes levied on assessed valuation of real property due in the current year to finance services performed for the common benefit.

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

Transitional Personnel means any additional employees required to implement the approved program work plan of the project. The employee(s) must be integral to the shared services or functional consolidation. (*DOS reserves the right to approve the reasonableness of the need for the staff and the salary amount.)*

Travel means costs incurred by the applicant, partners or subcontractors to attend meetings within New York State related to a project.

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

User Fees means a fee charged to external users for goods or services.

Work Plan means a list of tasks needed to complete the project. A Work Plan is part of a State Contract.

Appendix B

Fiscal Impact Worksheet

The Fiscal Impact Workbook is used to measure the effect of a project on a local government's finances. Fiscal Impact is the percentage change in tax levy resulting from increased revenues and cost savings. The Fiscal Impact Workbook is used to measure the competitiveness of an application. If approved for funding, the Fiscal Impact Workbook will be used to measure expectations at the beginning of a project and actual performance upon completion.

Instructions

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 A.

2. Go to www.openbooknewyork.com. Click on "Local Government Spending" to open the Local Government Data page. Click on "Revenues and Expenditures" under Data Categories and "Comparison" under Report Type and then click "Submit".

3. 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.

4. Click "Submit" and you will be taken to a Comparison Report for the local governments selected. Click on the "+" icons in the Comparison Report to find the budget codes for all relevant revenue and expenditure data.

5. For budget items funded by property taxes through the General Fund (A & B funds), select "Real Property Taxes and Assessments". For budget items funded by user fees through an Enterprise Fund (FX,G & S_ funds), select "Charges for Services". If the project affects both property taxes and fees, create two names for that Applicant (e.g. "Applicant-A" and "Applicant-FX"). Enter the year for which the most recent data are available into column B and either property taxes and assessments or user fees into column C of Worksheet A.

6. Go to the Revenues worksheet (Worksheet B). Select an Applicant by using the drop down list that appears on the right hand side of column A (be sure to scroll up if you do not see the name of an Applicant entered in Worksheet A). Enter the budget code for each revenue line item affected by the project into column B, a budget code description into column C, and amount into column D. Enter the corresponding estimated revenues upon completion of the project into column E. You should add any notes on the rationale for revenue changes into Column G.

7. Go to the Expenditures worksheet (Worksheet C). Select an Applicant by using the drop down list that appears on the right hand side of column A (be sure to scroll up if you do not see the name of an Applicant entered in Worksheet A). Enter the budget code for each expenditure line item affected by the project into column B, a description into column C, and amount into column D. Enter the corresponding estimated expenditures upon completion of the project into column E. You should add any notes on the rationale for expenditure changes into Column G.

8. The Fiscal Impact Workbook will automatically calculate the Fiscal Impacts for each Applicant. These appear in column D ($ amounts) and column E (% amounts) of Worksheet A. Higher revenues and lower expenditures after completion of the project will appear as positive Fiscal Impacts. Lower revenues and higher expenditures will appear as negative Fiscal Impacts.

9. Save the all worksheets as a PDF file using the "Save as Adobe PDF" function in Excel.

1. 10. Upload the saved PDF into the CFA (Question 6457).

2019-2020 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	Name	Fiscal Year	Tax Levy or User Fees	Fiscal Impact ($)	Fiscal Impact (%)
Lead Applicant	County	2018	$ 75,000,000	$ (90,000.00)	-0.12%
Co-Applicant 1	City A	2018	$ 6,500,000	$ 135,000.00	2.08%

	Name	Fiscal Year	Tax Levy or User Fees	Fiscal Impact ($)	Fiscal Impact (%)
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				$ -	-
Total			$ -	$ -	#DIV/0!

If your project impacts more than 10 eligible municipalities, please contact the Department of State to ensure that the proper adjustments are made to this form to maintain accuracy.

2019-2020 Fiscal Impact Worksheet B - Revenues

Instructions

Enter all information in the GREEN area below. Click on the Applicant cell and select from the drop down list that appears to the right (be sure to scroll up to top of list). Enter the budget code impacted by the project and a brief description. Enter the revenue associated with the budget code before and after implementation. In the example below, City A consolidates its emergency 911 dispatch operations into the county sheriff's office and closes its dispatch center. This is done by transferring 4 of its 5 dispatch operators (who each earn $45,000) to the county and contracting with the county for 911 services for an annual payment of $90,000.

EXAMPLE

		REVENUES				
Applicant	**Budget Code**	**Description**	**Before**	**After**	**Fiscal Impact**	**Notes**
County	A2260	Pub. Safety Serv., Other Govts.	$ -	$ 90,000.00	$ 90,000.00	County receives contract payments from City A

		REVENUES				
Applicant	**Budget Code**	**Description**	**Before**	**After**	**Fiscal Impact**	**Notes**
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	

2019-2020 Fiscal Impact Worksheet C - Expenditures

Instructions

Enter all information in the GREEN area below. Click on the Applicant cell and select from the drop down list that appears to the right (be sure to scroll up to top of list). Enter the budget code impacted by the project and a brief description. Enter the revenue associated with the budget code before and after implementation. In the example below, City A consolidates its emergency 911 dispatch operations into the county sheriff's office and closes its dispatch center. This is done by transferring 4 of its 5 dispatch operators (who each earn $45,000) to the county and contracting with the county for 911 services for an annual payment of $90,000.

EXAMPLE		EXPENDITURES				
Applicant	**Budget Code**	**Description**	**Before**	**After**	**Fiscal Impact**	**Notes**
County	A3020.1	Pub. Safety Comm. (911) Personal Services	$ 1,000,000.00	$ 1,180,000.00	$ (180,000.00)	County adds 4 positions at $45,000 each.
City A	A3020.1	Pub. Safety Comm. (911) Personal Services	$ 225,000.00	$ -	$ 225,000.00	City eliminates 5 dispatch positions.
City A	A3020.4	Pub. Safety Comm. (911) Contractual Services	$ -	$ 90,000.00	$ (90,000.00)	City A contracts with county for 911 services.

		EXPENDITURES				
Applicant	**Budget Code**	**Description**	**Before**	**After**	**Fiscal Impact**	**Notes**
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	
					$ -	

Appendix C

MINORITY-AND WOMEN-OWNED BUSINESS ENTERPRISES (MWBE)

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK STATE-CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES, EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN, AND SERVICE-DISABLED VETERAN-OWNED BUSINESSES

I. MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES PARTICIPATION

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations DOS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of DOS contracts.

Business Participation Opportunities for MWBEs

The Department's New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") utilization goal is 30%. For purposes of this solicitation, the specific MWBE goal and the breakdown between the Minority-owned Business Enterprise ("MBE") and the Women-owned Business Enterprise ("WBE") utilization goals shall be established post award and set forth in the DOS contract, in the Attachment B "Budget" (based on the current availability of MBEs and WBEs). A contractor ("Contractor") on any contract resulting from this procurement ("Contract") must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFA, the respondent agrees that DOS may withhold payment pursuant to any Contract awarded as a result of this RFA pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: https://ny.newnycontracts.com/frontend/vendorsearchpublic.asp. For guidance on how DOS will evaluate a Contractor's "good faith efforts," refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the broker's contract.

FOR CONSTRUCTION CONTRACTS – The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60 percent of the total value of the supplier's contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE.

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFA, such finding constitutes a breach of contract and DOS may withhold payment 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 proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System ("NYSCS"), which can be viewed at https://ny.newnycontracts.com, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting DOS. As a contractor of New York State, you have a responsibility to utilize certified minority- and/or women-owned businesses in the execution of your contracts, per the MWBE percentage goals stated in your solicitation, proposal or contract documents. Through the NYSCS you will submit utilization plans, request subcontractors, record payments to subcontractors, and communicate with your project manager throughout the life of your awarded contracts.

Additionally, successful applicants will be required to submit the following documents and information within ten (10) business days after the applicant receives notice from DOS that the grant is being awarded as evidence of compliance with the foregoing:

An MWBE Utilization Plan ***(Form D)*** or a Certification Letter ***(Form D-1)*** stating their commitment to show due-diligence to comply with the MWBE goals and requirements. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to DOS for review and approval.

The DOS shall review the submitted MWBE Utilization Plan or Certification Letter and issue a written notice of acceptance or notice of deficiency within 20 days of receipt of utilization plan or certification letter.

If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the DOS, at the address provided 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 DOS to be inadequate, DOS shall notify the respondent and direct the respondent 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 proposal.

Please see details under "**Additional Notices and Explanations Regarding the MWBE Program and this Request for Applications."**

DOS may disqualify a respondent as being non-responsive under the following circumstances:

a) If a respondent fails to submit an MWBE Utilization Plan or certification letter;
b) If a respondent fails to submit a written remedy to a notice of deficiency;
c) If a respondent fails to submit a request for waiver; or
d) If DOS determines that the respondent has failed to document good faith efforts.

Successful applicant(s) 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 DOS, but must be made no later than prior to the submission of a request for final payment on the Contract.

Successful applicant(s) will be required to submit a quarterly M/WBE Contractor Compliance & Payment Report to DOS, by the 10th 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 proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of the New York State Master Grant Contract, Section IV (J) - Equal Employment Opportunities

for Minorities and Women. The respondent is required to ensure that it and any subcontractors awarded a subcontract 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 respondent, 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.

Additionally, successful applicants will be required to submit the following documents and information within ten (10) business days after the applicant receives notice from DOS that the grant is being awarded as evidence of compliance with the foregoing:

A. Submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement (***Form A***) to DOS.

B. Submit a Workforce Utilization Report ***(Form C)*** and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by DOS on a quarterly basis during the term of the Contract, to the Bureau of Fiscal Management at:

   Email:dos.sm.mwbe@dos.ny.gov

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 subcontractors 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.

Additional Notices and Explanations Regarding the MWBE Program and Successful Applications to this Request for Applications:

If your project is selected for an award, you will be required to show due diligence 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 NYS Executive Law 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 herein, 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.

Successful applicants notified by the NYS Contract System (System) that a record for the submission of the utilization plan has been created, must comply with this requirement by entering the Utilization Plan data in the System through the Statewide Utilization Management Plan (SUMP) module.

If you are unable to comply with the MWBE goals, you must request a waiver of these requirements by submitting to the DOS the REQUEST FOR WAIVER FORM E, found on the DOS funding page, 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, found on the DOS funding page.~~

~~3.~~2. 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.~~3. A list identifying the date(s) that all solicitations for certified MWBE participation were published in any of the above publications.
~~5.~~4. 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.~~5. Documentation of your search in the NYS Directory of Certified Firms (e.g.: Printouts, screenshots).
~~7.~~6. 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. Any information and/or documentation to support the efforts to follow up with the MWBEs.
~~8.~~7. Copies of responses to your solicitations received by you from certified MWBEs
~~9.~~8. A description of any contract documents, plans, or specifications made available to certified MWBEs for purposes of soliciting their proposals and the date and manner in which these documents were made available.
~~10.~~9. Documentation of any negotiations between you and the MWBEs undertaken for purposes of complying with the certified MWBE participation goals.
~~11.~~10. Any other information you deem relevant which may help us in evaluating your request for a waiver.
~~12.~~11. The name, title, address, telephone number, and email address of your representative authorized to discuss and negotiate this waiver request.
~~13.~~12. 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.

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.

II. SERVICE-DISABLED VETERAN-OWNED BUSINESSES PARTICIPATION

Article 17-B of the Executive Law, enacted in 2014, authorized the creation of the Division of Service-Disabled Veterans' Business Development to promote participation of Service-Disabled Veteran-Owned Businesses (SDVOBs) in New York State contracting. The Service-Disabled Veteran-Owned Business Act recognizes the veterans' service to and sacrifice for our nation, declares that it is New York State's public policy to promote and encourage the continuing economic development of service-disabled veteran-owned businesses, and allows eligible Veteran business owners to become certified as a New York State Service-Disabled Veteran-Owned Business (SDVOB), in order to increase their participation in New York State's contracting opportunities. To this effect, DOS has implemented a Veteran-Owned Businesses (SDVOB) Program, as mandated by Article 17-B.

To comply with the SDVOB Program goals of 6%, the DOS strongly encourages grantees to make every effort, to the maximum extent possible, to engage certified SDVOBs in the purchasing of commodities, services and technology in the performance of their contracts with the Department. If SDVOB utilization is obtained, a quarterly SDVOB utilization report should be submitted to the Department with information of the utilization percentage achieved during that quarter. Contractor Reporting Forms are found at: https://ogs.ny.gov/Veterans/.

The Division of Service-Disabled Veterans' Business Development (DSDVBD) is housed within the New York State Office of General Services (OGS), and maintains a directory of the NYS Certified SDVOBs. For assistance with engaging SDVOB vendors in your contracts, please contact the Division of Service-Disabled Veterans' Business Development at the following email address: VeteransDevelopment@ogs.ny.gov, or the Bureau of Fiscal management – SDVOB Program atdos.sm.sdvob@dos.ny.gov. The directory of certified SDVOB vendors can be found at: https://ogs.ny.gov/Veterans/Docs/CertifiedNYS_SDVOB.pdf

Appendix D

Work Plan & Budget Template

BUDGET & WORK PLAN

Objective 1	**Task 1:**	
	Anticipated Start Date:	
	Anticipated Completion Date:	
	Performance Measures:	
Task Narrative: See Instructions		

BUDGET CATEGORIES	COST	DESCRIPTION
Personal Services		
Salary		
Fringe		
Non-Personal Services		
Contractual Services		
Travel		
Equipment		
Other		
TOTAL	$ -	

Objective 1	**Task 2:**	
	Anticipated Start Date:	
	Anticipated Completion Date:	
	Performance Measures:	
Task Narrative: See Instructions		

BUDGET CATEGORIES	BUDGET AMOUNT	DESCRIPTION
Personal Services		
Salary		
Fringe		
Non-Personal Services		
Contractual Services		
Travel		
Equipment		
Other		
TOTAL	$ -	

BUDGET & WORK PLAN

Objective 1	**Task 3:**	
	Anticipated Start Date:	
	Anticipated Completion Date:	
	Performance Measures:	
Task Narrative: See Instructions		

BUDGET CATEGORIES	BUDGET AMOUNT	DESCRIPTION
Personal Services		
Salary		
Fringe		
Non-Personal Services		
Contractual Services		
Travel		
Equipment		
Other		
TOTAL	$ -	

Objective 2	**Task 1:**	
	Anticipated Start Date:	
	Anticipated Completion Date:	
	Performance Measures:	
Task Narrative: See Instructions		

BUDGET CATEGORIES	BUDGET AMOUNT	DESCRIPTION
Personal Services		
Salary		
Fringe		
Non-Personal Services		
Contractual Services		
Travel		
Equipment		
Other		
TOTAL	$ -	

BUDGET & WORK PLAN

Objective 2	**Task 2:**	
	Anticipated Start Date:	
	Anticipated Completion Date:	
	Performance Measures:	
Task Narrative: See Instructions		

BUDGET CATEGORIES	BUDGET AMOUNT	DESCRIPTION
Personal Services		
Salary		
Fringe		
Non-Personal Services		
Contractual Services		
Travel		
Equipment		
Other		
TOTAL	$ -	

Objective 2	**Task 3:**	
	Anticipated Start Date:	
	Anticipated Completion Date:	
	Performance Measures:	
Task Narrative: See Instructions		

BUDGET CATEGORIES	BUDGET AMOUNT	DESCRIPTION
Personal Services		
Salary		
Fringe		
Non-Personal Services		
Contractual Services		
Travel		
Equipment		
Other		
TOTAL	$ -	

BUDGET & WORK PLAN

Objective 3	**Task 1:**	
	Anticipated Start Date:	
	Anticipated Completion Date:	
	Performance Measures:	
Task Narrative: See Instructions		

BUDGET CATEGORIES	BUDGET AMOUNT	DESCRIPTION
Personal Services		
Salary		
Fringe		
Non-Personal Services		
Contractual Services		
Travel		
Equipment		
Other		
TOTAL	$ -	

Objective 3	**Task 2:**	
	Anticipated Start Date:	
	Anticipated Completion Date:	
	Performance Measures:	
Task Narrative: See Instructions		

BUDGET CATEGORIES	BUDGET AMOUNT	DESCRIPTION
Personal Services		
Salary		
Fringe		
Non Personal Services,		
Contractual Services		
Travel		
Equipment		
Other		
TOTAL	$ -	

BUDGET & WORK PLAN

Objective 4	**Task 2:**	
	Anticipated Start Date:	
	Anticipated Completion Date:	
	Performance Measures:	
Task Narrative: See Instructions		

BUDGET CATEGORIES	BUDGET AMOUNT	DESCRIPTION
Personal Services		
Salary		
Fringe		
Non Personal Services,		
Contractual Services		
Travel		
Equipment		
Other		
TOTAL	$ -	

Objective 4	**Task 3:**	
	Anticipated Start Date:	
	Anticipated Completion Date:	
	Performance Measures:	
Task Narrative: See Instructions		

BUDGET CATEGORIES	BUDGET AMOUNT	DESCRIPTION
Personal Services		
Salary		
Fringe		
Non-Personal Services		
Contractual Services		
Travel		
Equipment		
Other		
TOTAL	$ -	

BUDGET & WORK PLAN

Objective 4	**Task 2:**	
	Anticipated Start Date:	
	Anticipated Completion Date:	
	Performance Measures:	
Task Narrative: See Instructions		

BUDGET CATEGORIES	BUDGET AMOUNT	DESCRIPTION
Personal Services		
Salary		
Fringe		
Non Personal Services,		
Contractual Services		
Travel		
Equipment		
Other		
TOTAL	$ -	

Objective 4	**Task 3:**	
	Anticipated Start Date:	
	Anticipated Completion Date:	
	Performance Measures:	
Task Narrative: See Instructions		

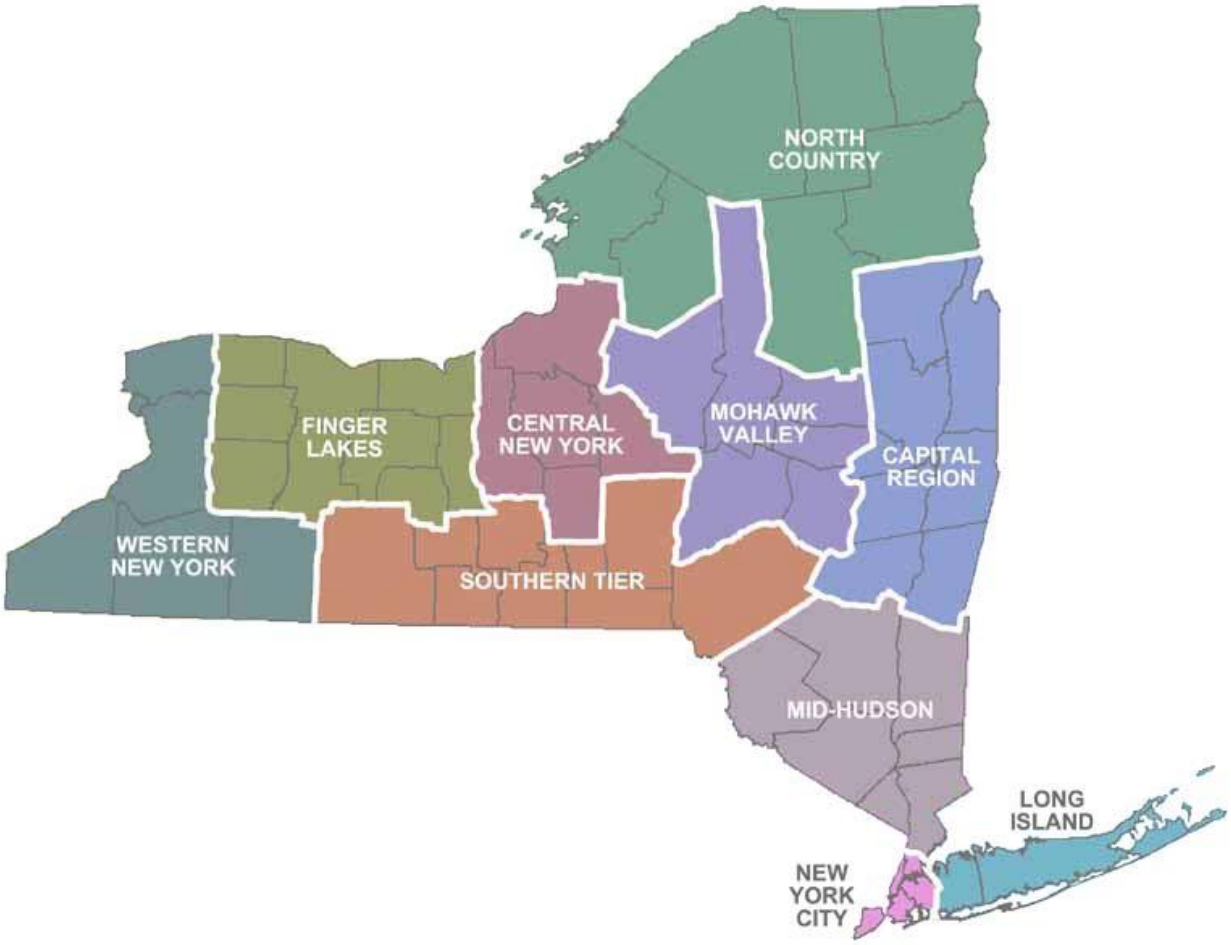
BUDGET CATEGORIES	BUDGET AMOUNT	DESCRIPTION
Personal Services		
Salary		
Fringe		
Non-Personal Services		
Contractual Services		
Travel		
Equipment		
Other		
TOTAL	$ -	

BUDGET & WORK PLAN

BUDGET CATEGORIES	TOTAL BUDGET AMOUNT	LGE Funds Requested	Local Funds	Other Funds
Personal Services				
Salary	$ -			
Fringe	$ -			
Non-Personal Services				
Contractual Services	$ -			
Travel	$ -			
Equipment	$ -			
Other	$ -			
TOTAL	$ -	$ -	$ -	$ -

	Verification	TOTAL PROJECT COST	LGE GRANT FUNDS REQUESTED	LOCAL SHARE	OTHER FUNDS
		$ -	$ -	$ -	$ -

New York State Regional Economic Development Council Regions



ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE