

**NYS Department of State
Legislative Member Item Award**

Instructions for Grant Extensions

The following instructions are prepared to assist recipients of Legislative Member Item awards with the preparation of documents required for contract extension execution. It is critical to complete these forms to extend your contract time period.

Contract Forms:

A complete contract extension consists of three copies EACH of:

- Master Grant Contract Face Page 1
- Master Grant Contract Face Page 2
- Signature Page

Detailed instructions for completing these forms are included below. When completing the extension form, all information should be typed. White-out cannot be used on any part of the contract; corrections may be made with single line cross-outs that are initialed by the contract signatory. Incomplete documents, or those with errors, will be returned to the applicant for correction. Contract signatories should use **BLUE INK** when signing documents to assist with verification of original document submission. **Three (3) original, signed and notarized copies of the entire extension package must be returned for processing.**

If you have any questions, contact the Contract Administration Unit at **dos.sm.Fiscal.CAU@dos.ny.gov** or (518) 486-3905 or (518) 474-2754.

A. CONTRACT FACE PAGE

These instructions follow the Master Grant Contract Face Page from *top to bottom*; each section needs to be completed as follows:

Contractor SFS Payee Name – Fill in the State Financial System (SFS) name of the organization **EXACTLY** as it appears on the SFS site. (Information is found on <http://www.sfs.ny.gov/>. If your organization does not have an SFS account/name, please contact CAU for further instructions.

Contractor DOS Incorporated Name – Fill in the legally **incorporated name** of the organization **EXACTLY** as it appears on the DOS site located at <http://www.dos.ny.gov/corps/index.html>.

Contractor Identification Numbers – Fill in the organizations 10 digit vendor ID number. Contact CAU for assistance.

- NYS Vendor ID Number –Access the SFS site to verify or apply for a vendor number <http://www.sfs.ny.gov/>
- Federal Tax ID Number –Access the Federal Internal Revenue Service site to verify or apply for a Federal ID number [http://www.irs.gov/Individuals/International-Taxpayers/Taxpayer-Identification-Numbers-\(TIN\)](http://www.irs.gov/Individuals/International-Taxpayers/Taxpayer-Identification-Numbers-(TIN))
- DUNS Number (if applicable) – LEAVE BLANK

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Contractor Primary Mailing Address – Provide the full mailing address for organization. This will be used for all correspondence.

- Contractor Payment Address and Contract Mailing Address: Check the appropriate response or provide the mailing address. Please note that payments will be directed based on the organizations payment address in the SFS vendor file.

Contract Number – A unique contract number was assigned to this agreement by the NYS Department of State and is listed in the letter you received with the copy your approved contract. This number begins with an M, TM, T or C and should also be referenced on all correspondence and phone inquiries. Insert this number on the bottom left hand corner of the face page.

Contractor Status – Check the response(s) that pertain to your organization.

- Charities Registration Number: This six-digit number is provided to not-for-profit organizations registering with the NYS Attorney General, Charities Registration Bureau. Article 7A of the NYS Executive Law requires that all not-for-profit organizations which intend to solicit and receive contributions of \$25,000 or more from persons in New York State or from any governmental agency by any means whatsoever or utilize the services of a solicitation, file for registration with the Charities Registration Bureau. Questions regarding these statutory requirements or regarding the registration status of the organization should be directed to: NYS Office of the Attorney General, Charities Registration Bureau, 120 Broadway, New York, NY 10271, (212) 416-8401.
- Exemption Status/Code - Contractors that are exempt from the requirements of Article 7A must indicate the reason for exemption. (Refer to pages 4-6 of these instructions for detailed information.) If the organization is exempt from the reporting requirements as identified in Executive Law, Article 8, Section 8-1.4(b), indicate the number of exemption.
- Sectarian Entity – This statement is in regard to the sectarian nature of all contracting institutions and their projects; that is, whether your organization and project has as one of its purposes the advancement of a particular religion.

Current Contract Term and Current Contract Period – Copy the **EXACT** dates that are on the most up-to-date approved extension that your organization received from the Department of State. This is the time period during which project activities are to be conducted and project costs incurred. Activities and related costs occurring outside of this time period will not be eligible for reimbursement. The start date is the date identified in your award letter, and the end date is completed for you already.

Amended Term and Amended Period – The beginning date will remain the same as your current contract term and period begin date (i.e., 04/01/08). (Email or call if you have questions on the dates: dos.sm.fiscal.cau@dos.ny.gov or 518.486.3905/518.474.2754.)

For Multi-Year Agreement Only - LEAVE BLANK

Contract Funding Amount:

Current \$: The amount must be listed exactly as it appears on the contract face page of the current contract.

Amended: Leave blank.

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Signature Page:

- Contractor Signature: Use only **BLUE INK** to assist with verification of original signatures.
- Provide vendor's legal name exactly as shown on Federal W-9. The signatory must be the official that is authorized to sign documents on behalf of the *organization or municipality*.
- The licensed Notary Public must complete the notary section including the expiration date of his/her commission and the county of authorization. **DO NOT USE WHITE OUT.**

Send the completed contract documents to:

***NYS Department of State
Contract Administration Unit – LMI
One Commerce Plaza, 11th Floor
99 Washington Avenue
Albany, NY 12231-0001***

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E1 CHARITIES REGISTRATION AND CHARITABLE TRUSTS

Most not-for-profit organizations (including corporations and charitable trusts) are required to file annual financial reports with the Attorney General. This requirement is found in Article 7-A of the Executive Law and Article 8 of the Estates, Powers and Trusts Law (EPTL). Specifically, Section 8-1.4 of the EPTL states:

(a) For the purposes of this section, “trustee” means (1) any individual, group of individuals, corporation or other legal entity holding and administering property for charitable purposes, whether pursuant to any will, other instrument or agreement, court appointment, or otherwise pursuant to law, over which the attorney general has enforcement or supervisory powers, (2) any non-profit corporation organized under the laws of this state for charitable purposes, and (3) any non-profit foreign corporation organized for charitable purposes, doing business or holding property in this state. Neither a foreign corporation nor a trustee acting under the will of, or any agreement executed by, a non-resident of this state shall become subject to the provisions of this section merely by reason of maintaining a bank, custody, investment or similar account in this state.

(b) A trustee shall not be qualified to make application for funds or grants or to receive such funds from any department or agency of the state without certifying compliance with paragraphs (d), (f), and (g) of this section and all applicable registration and reporting requirements of Article 7-A of the Executive Law.

In addition, please note that the new Charities Registration number is a 6-digit number with a hyphen after the second and fourth digits.

Pages E-2 and E-3 contain the inclusive listing of exemptions to the registration and reporting requirements of each article of law cited above.

If the Contractor qualifies for exemption from either article of law, place the complete number, i.e., 2(b), of the exemption in the respective section of Box 4 on the Contract Face Page.

Any questions regarding the statutory requirements or applicability to your organization should be directed to:

*Office of the Attorney General
Charities Registration Bureau
120 Broadway
New York, NY 10271- (212) 416-8401*

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E2 CHARITIES REGISTRATION EXEMPTIONS EXECUTIVE LAW, ARTICLE 7-A

1. This article shall not apply to corporations organized under the religious corporations law, and other religious agencies and organizations, and charities, agencies, and organizations operated, supervised, or controlled by or in connection with a religious organization.

2. The following persons shall not be required to register with the attorney general:

- (a) An educational institution confining its solicitation of contributions to its student body, alumni, faculty and trustees, and their families.
- (b) Fraternal, patriotic, social, alumni, law enforcement support organizations and historical societies chartered by the New York State board of regents when solicitation of contributions is confined to their membership.
- (c) Persons requesting any contributions for the relief of any individual, specified by name at the time of solicitation, if all of the contributions collected, without any deductions whatsoever, are paid to or for the benefit of the named beneficiary.
- (d) Any charitable organization which does not intend to solicit and receive and does not actually receive contributions in excess of twenty-five thousand dollars during a fiscal year of such organization, provided none of its fund raising functions are carried on by professional fund raisers or commercial co-venturers. However, if the gross contributions received by such charitable organization during any fiscal year of such organization shall be in excess of twenty-five thousand dollars, it shall within thirty days after the date it shall have received total contributions in excess of twenty-five thousand dollars register with the secretary as required by section one hundred seventy-two of this article.
- (e) Any charitable organization receiving an allocation from a federated fund, incorporated community appeal or a united way, provided such fund, appeal or united way is complying with the provisions of this article relating to registration and filing of annual reports with the secretary, and provided such organization does not actually receive, in addition to such allocation, contributions in excess of twenty-five thousand dollars during the fiscal year, and provided further that all the fund-raising functions of such organizations are carried on by persons who are unpaid for such services. However, if the gross contributions other than such allocation received by such charitable organization during any fiscal year of such organization shall be in excess of twenty-five thousand dollars, it shall within thirty days after the date it shall have received such contributions in excess of twenty-five thousand dollars register with the secretary as required by section one hundred seventy-two of this article.
- (f) A local post, camp, chapter or similarly designated element, or a county unit of such elements, of a bona fide veterans' organization which issues charters to such local elements throughout this state, a bona fide organization of volunteer firemen, an organization providing volunteer ambulance service (as defined in section three thousand one of the public health law) or a bona fide auxiliary or affiliate of such organizations, provided all its fund-raising activities are carried on by members of such an organization or an affiliate thereof and such members receive no compensation, directly or indirectly, thereof.
- (g) An educational institution which files annual financial reports with the regents of the university of the State of New York as required by the education law or with an agency having similar jurisdiction in another state or library which files annual financial reports as required by the state education department.
- (h) A charitable organization which receives all or substantially all of its funds from a single governmental agency and reports annually to that agency provided such reports contain financial information substantially similar in content to that required by subdivision one of section one hundred seventy-two-b of this article; provided, however, that such organization may receive no more than twenty-five thousand dollars from sources other than the government agency to which it reports.
- (i) Any police department, sheriff's department or other governmental law enforcement agency.
- (j) The state parent teachers association and any parent teachers association affiliated with an educational institution that is subject to the jurisdiction of the state education department.

3. In addition to the statutory exemptions, the following are also exempt:

- (a) Any Municipality.
- (b) Fire Districts, School Districts, and Water Districts.

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**E3 CHARITABLE TRUSTS REPORTING EXEMPTIONS ESTATES, POWERS AND TRUSTS
LAWS EXECUTIVE LAW, ARTICLE 8, SECTION 8-1.4(b)**

The registration and reporting provisions of this section do not apply to:

1. Contractor is not a Trustee as define in Section 8-1.4(a) set forth in Appendix E.
2. Government entity.
3. Entity required by law to complete an annual report to either the United States Congress or the New York State Legislature;
4. Religious organizations;
5. Educational institution incorporated under the Education Law or by special act;
6. Hospital;
7. Fraternal, patriotic, social, student, alumni, veterans, volunteer firefighters, volunteer ambulance workers' organization or historical society chartered by the New York State Board of Regents;
8. Trust or estate for which there is a corporate trustee acting as sole trustee or co-trustee under the will of a decedent who died domiciled outside New York or a trust instrument executed by a nonresident of New York State;
9. Trust or estate in which the charitable interest is delayed or contingent;
10. Officer, director or trustee of an organization exempt from registration who holds property for the religious, educational or charitable purposes of the organization;
11. Cemetery corporation subject to the provisions of Article 15 of the Not-for-Profit Corporation Law;
12. The state parent teachers association ("PTA") and any parent teachers association affiliated with an educational institutional that is subject to the jurisdiction of the State Education Department; and
13. Any corporation organized under Article 43 of the Insurance Law.