

**NYS Department of State
Office of Planning, Development and Community Infrastructure
Brownfield Opportunity Area Program (BOA)
2024 – 2025 Request for Applications
RFA #24-BOA-4**

The responses to questions included herein are official responses by the Department of State (DOS) to questions submitted by potential applicants and are hereby incorporated into the Request for Applications RFA #24-BOA-4 issued on May 13, 2024. In the event of any conflict between the Request for Applications and these responses, the requirements or information contained in these responses will prevail.

DATE POSTED. July 8, 2024

Section XI. Contract Requirements, Contract Period is hereby amended to read:

Subject to the continued availability of funds in the budget, the contract period shall not exceed five years from the start of the **contract**. The earliest start date of contracts is April 1, 2024. No extensions are anticipated, however special consideration for extensions due to extreme extenuating circumstances may be granted on a case-by-case basis.

Questions & Answers

Q1. We are a small village with a State designated BOA in the center of the village. A large mill with confirmed soil contamination is now owned by the village and was identified as a strategic site in the BOA plan. Even though the village has sought developers for redevelopment the site has remained vacant since the BOA was completed 5 years ago. We would like to have additional environmental testing completed and seek a NYSDEC Brownfield Cleanup Program (BCP) grant. Is a BCP application eligible to be funded with BOA program grant funds?

A1. Yes. The preparation of a NYS BCP application for municipally owned parcel(s) is eligible for funding as a BOA predevelopment activity. However, any applicable BCP application fee is not eligible to be BOA funded.

Q2. What is the best tool to locate brownfield locations?

A2. The state does not maintain a list of known and suspected brownfields. Some sources to consider are: 1) DEC's database of properties that are enrolled in brownfield remedial programs; 2) private services that can review an area for properties with known or suspected contamination; and, 3) an in-person inventory can uncover known or suspected brownfields as well as underutilized and abandoned sites which would be relevant for a BOA site inventory.

A County or large municipality or eligible applicant may be interested in pursuing a pre-planning grant to collect further information and inventory suspected brownfields within the area of interest. Even though the pre-planning activity will not provide definitive data on location of

confirmed brownfield sites it will provide a solid inventory and preliminary analysis of what is known to be present.

Q3. Please discuss what having a BOA grant looks like. How much flexibility is there with work plans? What documentation is required, and how frequently?

A3. Applicants receiving awarded projects will work with the department to develop a workplan for their project. The project may be tailored to the circumstances of the community or specific BOA area while still meeting the requirements of the program. A DOS project manager will provide technical assistance to the grantee and work with the community on project implementation. The grantee is required to submit deliverables at regular workplan milestones as well as complete bi-annual reporting on the status of the project. Payment requests and MWBE reporting are expected (at least) quarterly. Upon completion, final deliverables, reporting and a final payment request are submitted.

Q4. Is it possible for a community to apply for a BOA, if an LWRP is underway that has identified known or suspected sites within the analysis portion of the LWRP. Is having an LWRP underway a negative for DOS in reviewing the BOA application?

A4. Yes, a community is eligible to apply for a BOA program activity if they have an existing or ongoing LWRP grant. All scoring criteria are outlined in the posted RFA.

Q5. Can a county apply for both a county-wide pre-planning BOA and a county-wide comprehensive plan?

A5. Yes, a county may apply for both a county-wide pre-planning BOA and a county-wide comprehensive plan under the Smart Growth Community Planning (SGCP) program. A separate application must be submitted for each program.

Q6. Can multiple BOA pre-development activities be included in a single application? Together the projects total over \$100K, but separately they do not.

A6. Yes, multiple pre-development activities are eligible to be included in a single application. Each pre-development activity must be clearly outlined with a detailed scope of work and a task-based budget for each predevelopment activity. If an environmental site assessment is intended, a separate application must be submitted for a Phase II ESA. The minimum 2024-2025 BOA State assistance request for funding is \$100,000 per application.

Q7. Will slides be available for download?

A7. Yes, the slides and the recorded webinar will be posted to each of the grant web pages, which you can access from the DOS funding and bid opportunities page on our website at <https://dos.ny.gov/funding-bid-opportunities>.

Q8. Page 11 in the RFA states "Applications from Community-Based Organizations requesting funding to develop or update a BOA Plan must include a resolution of support from the city, town or village with planning and land use authority over the proposed BOA, except that in

New York City, the resolution of support must be from the community board or boards for the district or districts in which the proposed BOA is located."

We are located in NYC but would be submitting an application for activity #3 so does that mean we don't need the Community Board Resolution?

Page 5 "Four types of activities are eligible for BOA funding:

- 1. County-wide Pre-Planning: Brownfield Identification and Preliminary Analysis**
- 2. Planning: Development or Update of a BOA Plan**
- 3. Predevelopment Activities within a State-Designated BOA**
- 4. Phase II Environmental Site Assessments within a State-Designated BOA"**

A8. For predevelopment activities, an application from a Community-Based Organization does not require a resolution from the city, town or village with land use authority or if in NYC, the community board for the district in which the BOA is located. However, applicants must submit a formal resolution adopted by the applicant's governing board that authorizes submission of the application and identifies the title of the applicant's authorized representative. The Applicant must submit, with the application, a formal resolution from each governing body confirming support for the grant application, and a commitment to move forward in a timely manner, if funded.

Q9. Where can I find information about how to develop a BOA Plan?

A9. The BOA Program is a multi-step process for revitalization of neighborhoods or areas affected by known or suspected brownfields. For communities that have identified a target boundary area or neighborhood for a BOA, a BOA Plan grant is an appropriate first step to revitalization. The process of developing a BOA Plan is a structured framework through the program that embraces a community-centered planning approach. The BOA Planning process is often supported by a consultant team who assists the community to create sustainable goals and objectives, complete an in-depth analysis of existing economic and environmental conditions, and identify strategic brownfields for potential redevelopment opportunities. Information and guidance for developing a BOA Plan is available on the DOS website at: <https://dos.ny.gov/planning-process#development-of-boa-plans>.

Q10. Can I start my BOA project before grant awards are announced?

A10. Project costs incurred prior to April 1, 2024, will not be eligible for reimbursement. Expenses incurred before receipt of an executed contract are incurred at the grantees risk and, to be reimbursed, must be eligible and consistent with the contract workplan.

Q11. Can I apply for BOA Predevelopment activities or Phase II Environmental Site Assessment for an area or project not in a State-Designated BOA?

A11. No, projects submitted for BOA Predevelopment Activity or Phase II Environmental Site Assessment funding must be located within a State-Designated BOA, or within an area submitted for BOA designation to the Department of State prior to June 1, 2024.

Q12. If we submitted our BOA Plan for Designation by June 1, 2024, are we able to apply for BOA Predevelopment activities and Site Assessment funding in this CFA round?

A12. Yes, applicants with a pending application for designation submitted to DOS prior to June 1, 2024 are eligible to apply for BOA Predevelopment activities and Site Assessment funding. However, any such funding may only be awarded if the designation is made by the Secretary of State on or prior to October 1, 2024.

Q13. We are a non-profit organization applying jointly with a local municipality for a BOA Planning grant. Do we need to complete and submit the Certification under Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses or Conducting Business in Russia?

A13. Yes. All non-municipal applicants or co-applicants need to complete and submit the certification under Executive Order No. 16. The applicant's name and CFA# should be included in the subject line. The completed certification forms should be submitted no later than October 1, 2024, via email to opd@dos.ny.gov. The certification may be found at: https://ogs.ny.gov/system/files/documents/2022/04/eo16_certification.pdf

Q14. Can two municipalities apply jointly for BOA funding?

A14. Applicants are encouraged to work in partnership and may apply jointly for funding. Joint applicants should identify the municipality, community-based organization, or community board that the Department should recognize as the primary applicant for all purposes, including the contract award.

Q15. I am a County Municipal Planning applicant. The county is looking to identify potential areas that would be appropriate for the Development of a Brownfield Opportunity Area (BOA) Plan but has very little background information on these known or suspected brownfields and the impact of vacant parcels in the county. Is the County-wide Pre-Planning Grant activity that is funded in the 2024-2025 RFA an appropriate grant for us to apply for to gain more information about brownfields in the county?

A15. Yes. The pre-planning activity will provide the county greater information on the number and extent of potential brownfields, including detailed inventory, relevant mapping and preliminary analysis of identified known or suspected brownfield, underutilized, vacant, and abandoned property, and the identification of smaller areas demonstrating a concentration of suspected brownfields or underutilization, within the study area that are recommended for future BOA planning and predevelopment activities.

Q16. Are we able to apply for multiple projects for different types of BOA activities within one BOA funding application?

A16. Each application must be for only one of the eligible grant activities. Eligible applicants wishing to apply for more than one grant activity should submit a separate application for each as described in Section V. Eligible Activities of the RFA. As an example, an application may include more than one pre-development project, but it may not include different BOA activities such as

Phase II site assessment (SA) and pre-development activities. Eligible applicants wishing to apply for more than one type of activity must submit separate applications, one for each activity type.

Q17. Our grant application for phase II environmental site assessment includes three sites. Are we required to submit a Phase II Environmental Site Assessment Supplements for each of the three sites?

A17. Yes, applicants requesting funding for Phase II Environmental Site Assessments within a State-Designated BOA must submit a separate Site Assessment Supplement form, completed in its entirety including related attachments, for each site for which funding is being requested. Substantially incomplete Site Assessment Forms will not be accepted. Applicants may request Site Assessment funding for more than one site within a single application.

Q18. Must a grant application include a resolution from the applicant's governing authority?

A18. Yes. All applicants must submit a resolution adopted by the applicant's governing authority that authorizes submission of the application and identifies the title of the applicant's authorized representative. A standard resolution template is available on the DOS website at <https://dos.ny.gov/funding-bid-opportunities>.

Q19. Our Community Based Organization (CBO) is submitting a BOA application. Do we need to submit a resolution from the municipality where the proposed BOA is located within?

A19. Community Based Organization (CBO) applications requesting funding to develop or update a BOA Plan require a resolution of support from the city, town or village with planning and land use authority over the proposed BOA. If the CBO and municipality are in NYC, the application must include a resolution from the local NYC community board and a resolution from the CBO.

Q20. Where can I find a list of BOAs that have been designated by the Secretary of State?

A20. Designated BOAs can be found on the DOS webpage at <https://www.dos.ny.gov/brownfield-redevelopment> at the bottom of the page.

Q21. Can a Regional Planning Board apply for BOA?

A21. A regional planning board is not an eligible applicant for BOA funding on its own. Regional Planning Boards are encouraged to work with local municipalities to apply jointly, and if funded, work collaboratively under a cooperative agreement to undertake the project.