RFA #24-OPDBA-23

New York State
Department of State
Office of Planning, Development & Community Infrastructure
Clean Water, Clean Air and Green Jobs Environmental Bond Act of 2022
Coastal Rehabilitation and Resilience Projects
2025 REQUEST FOR APPLICATIONS

RFA Release Date:

February 26, 2025**.** This Request for Applications (RFA) and additional grant resources have been posted on the Department of State's (Department or DOS) website at DOS Funding & Bid Opportunities. All applicants are strongly encouraged to read the RFA in its entirety.

RFA Updates/Questions:

Any updates and/or modifications to this RFA will be posted on the Department's website: DOS Funding & Bid Opportunities.

Written questions will be accepted until March 28, 2025. Questions should be submitted by e-mail to opd@dos.ny.gov or in writing to the address below. When corresponding by e-mail, clearly indicate the subject as: "**24-OPDBA-23**". To the degree possible, each inquiry should cite the RFA section and paragraph to which it refers. Responses to questions received by March 28 will be posted by April 17 on the Department's website: DOS Funding & Bid Opportunities. No responses will be provided to inquiries made by telephone, social media, or by contacting DOS staff directly via email or telephone.

**Responses to questions will be posted by April 17

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

Webinars:

DOS and NYS Department of Environmental Conservation will host a live webinar on March 12 at 10am. Registration information for the webinar can be found on the DOS Funding & Bid Opportunities website. A recording of the webinar will be posted on the DOS Funding & Bid Opportunities website.

Applications Due:

Applications are due by 4:00 PM, June 6, 2025, and must be submitted through the web-based Consolidated Funding Application, as noted below.

Application Submission:

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

Contact:

NYS DOS Office of Planning, Development & Community Infrastructure
Attn: Bond Act - Coastal Rehabilitation RFA Questions
99 Washington Avenue, Suite 1010
Albany, NY 12231
opd@dos.ny.gov

Table of Contents

I. INTRODUCTION: 3
II. FUNDING OPPORTUNITY: 3
III. ELIGIBLE APPLICANTS: 3
IV. ELIGIBLE ACTIVITIES: 4
V. PROJECT REQUIREMENTS 5
VI. FUNDING AND BUDGET GUIDANCE 6
VII. AWARD METHOD 8
VIII. APPLICATION EVALUATION CRITERIA 9
IX. NEW YORK STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT 12
X. CONTRACT REQUIREMENTS 12
XI. SATISFACTORY PROGRESS 14
XII. GENERAL SPECIFICATIONS 14

Coastal Rehabilitation and Resilience Projects
2024 – 2025 REQUEST FOR APPLICATIONS

I. INTRODUCTION:

The NYS Department of State (Department or DOS) is soliciting applications through the New York State Consolidated Funding Application (CFA) through the Clean Water, Clean Air and Green Jobs Environmental Bond Act of 2022 (Bond Act) from eligible municipalities (counties, cities, towns, villages, Indian Nations or Tribes recognized by the state or United States), Not-for-Profits, Soil and Water Conservation Districts, and New York State Agencies and Authorities to implement coastal rehabilitation and resilience projects located within the New York State Coastal areas, areas draining into the New York State Coastal area, and/or areas within the Coastal Nonpoint Source boundary.

The Coastal Zone Management Act of 1972 is a federal law that encourages states to develop and implement land and water-use plans. New York State adopted a Coastal Management Program (NYS CMP) in 1982 that is committed to balancing competing land and water uses in the coastal zone. The Department of State (DOS) is the designated state agency administrator of the NYS CMP. Federal Consistency Review is the regulatory tool that enables the management of coastal uses and resources while facilitating cooperation and coordination with involved State, federal and local agencies.

In this solicitation, the Department is prioritizing applications that support or are inspired by nature or natural processes and also offer environmental, economic, and social benefits while increasing resilience; applications submitted by cooperating applicants addressing regional issues and projects demonstrating a direct benefit to Disadvantaged Communities identified by the NYS Climate Leadership and Community Protection Act; and to projects that demonstrate the incorporation of the NYSDOS Resiliency Principles in the development of projects.

II. FUNDING OPPORTUNITY:

The Department is making at least $20 million available to fund applications for the Coastal Rehabilitation and Resilience project grants. Applicants may apply for a minimum grant amount of $300,000.

State assistance awarded and paid shall not exceed 90% of the total eligible project costs set forth in the application and as approved by the Department.

Applicants may submit more than one grant application.

III. ELIGIBLE APPLICANTS:

Eligible applicants are: Municipalities (counties, cities, towns, villages, Indian Nations or Tribes recognized by the state or United States with a reservation wholly or partially within the boundaries of New York State), Not-for-Profits, Soil and Water Conservation Districts, and New York State Agencies and New York State Authorities with projects located within the New York State Coastal area; areas draining into the New York State Coastal area; and/or areas located within the Coastal Nonpoint Source boundary. A map delineating these boundaries is available on the DOS website at DOS Funding & Bid Opportunities.

Only applications from eligible applicants will be evaluated for funding.

IV. ELIGIBLE ACTIVITIES:

Implementation projects may include design and construction, or construction. All projects must identify the current legal owner(s) for all properties where improvements will be implemented. If the applicant is not the owner of the property, the owner's written permission would be necessary to implement any improvement(s). Projects must be performed on public property, or where a permanent public interest, such as an easement (e.g., public access, conservation) has been established. Applicants must identify the current legal owner or provide written permission from the land owner, and demonstrate the project will be completed on public property prior to the grant application due date.

Projects must be identified or implement goals outlined in state, regional, or local management plans/programs/studies including, but not limited to:

- NYS Ocean Action Plan
- NYS Coastal Management Plan
- Coastal Lakeshore Economy and Resiliency (CLEAR)
- Local Waterfront Revitalization Program and Component Plans (LWRP)
- Great Lakes Action Agenda
- Mohawk River Basin Action Agenda
- Hudson River Estuary Action Agenda
- Finger Lake Action Agenda
- Long Island Sound Comprehensive Conservation and Management Plan
- South Shore Estuary Reserve Comprehensive Management Plan
- Peconic Estuary Comprehensive Conservation and Management Plan
- Delaware Action Plan
- Susquehanna Action Plan
- Forest management framework for New York City and New York/New Jersey Harbor Estuary Plan
- Resilient NY Studies
- Flood Mitigation Studies
- Local Flood Analysis Reports
- Stream Management Plans
- Watershed Management Plans
- County All Hazard Mitigation Plans
- Army Corps of Engineers Flood Risk Reduction or Coastal Storm Risk Management Studies
- or other comparable studies.

Applicants may apply for implementation funding for activities including but not limited to the following. Note that the proposed projects may fall into more than one project category:

- Habitat/Ecosystem Resiliency and Restoration:
    - Salt Marsh Restoration
    - Sea Grass Restoration
    - Shellfish Restoration
    - Stream Restoration
    - Wetland Restoration and expansion
    - Beach and Dune Restoration and expansion
    - Wildlife barrier projects
    - Fish ladders
    - Dam removal
- Climate Resiliency and Risk Reduction
    - Natural and nature-based elements alone or in combination with minimal structural elements (e.g. living shorelines, horizontal levees, etc.).
    - Culvert right-sizing with natural stream bottoms.

  - Floodplain reconnection.
  - Bluff grading with vegetative stabilization.
  - Vegetative buffers between land use and natural features.
  - Projects to make public facilities, including parks, boardwalks, trails, blueway trails, fishing piers, picnicking sites and benches, elevated viewing platforms, etc. more resilient to potential severe weather and flooding impacts including water quality improvements.
- Stormwater Management
  - Projects to reduce localized flooding and/or provide resiliency to impacts from increased precipitation and increased flooding due to climate change;
  - Green Infrastructure; and
  - Stormwater retrofit projects.

Applications may include multiple eligible activities addressing coastal resiliency and risk reduction, habitat/ecosystem resiliency and restoration, and stormwater management if they are constructed on the same site.

Applications may include projects in multiple locations only if the proposed activities are similar in type and/or scope and clearly address a common critical issue identified in a state, regional, or local management plan or program. For example, replacement of multiple undersized culverts within a watershed.

V. PROJECT REQUIREMENTS

Applicants must identify the current legal owner(s) for all properties where improvements will be implemented. Applicant must provide proof with the application that all final design and construction work will be performed on public property or where a permanent public interest, such as an easement (e.g., public access, conservation) has been established prior to the grant application due date.

The applicant must attach proof of site control and/or permanent public interest. If property is owned by:

- the applicant municipality: submit the property deed, and current tax roll or property record card; or
- a municipality or public entity that is not the applicant: submit the property deed, current tax roll or property record card, and a letter of support or resolution from the landowner supporting the project; or
- private property owner or not-for-profit: submit the property deed, current tax roll or property record card, and executed public access easement, conservation easement, or similar legal instrument establishing permanent public interest in the property.

Applications that do not attach the requisite proof of site control and/or permanent public interest will be found ineligible and will not be scored.

The Department shall have the sole discretion of determining if a proposed project meets the DOS program expectations for design and/or construction work.

Property improved with Clean Water, Clean Air and Green Jobs Environmental Bond Act funding that are sold or transferred out of public ownership and control prior to expiration of the intended useful life will require that grant funds be returned to the Department.

It is required that project design and construction be undertaken under the supervision of an architect and/or engineer licensed to practice in the State of New York. In addition, proper certification from a licensed architect or engineer, as appropriate to the task, will be required for the preparation of designs and specifications and for the submission of as-built plans upon completion of the project.

In addition to responsibility for compliance with local regulations, the grant recipient is responsible for complying with applicable State and Federal laws and regulations, and should submit copies of final permits with their application, including, but not limited to:

- State Environmental Quality Review Act, including Article 42 of NYS Executive Law where applicable;
- State Freshwater and Tidal Wetlands Acts;
- US Army Corps of Engineer permits;
- Coastal Erosion Hazards Areas Act;
- Floodplain Management criteria;
- State and Federal laws and regulations for Historic Preservation; and
- Coastal Zone Management Act (federal)

For design/construction projects, the applicant is required to submit either a feasibility study, 30% design, or equivalent for the project with the grant application. For construction only projects, the applicant is required to submit final design and construction documents with the grant application.

Incomplete applications may be found ineligible.

Only applications for projects that can be completed within five years will be considered.

Successful applicants will be expected to operate and maintain projects for the useful life of the project as provided in State Finance Law Article V, §61[18]. Property improved with Clean Water, Clean Air and Green Jobs Environmental Bond Act funding that are sold or transferred out of public ownership and control prior to expiration of the intended useful life will require that grant funds be returned to the Department.

Successful applicants will be required to install a Clean Water, Clean Air and Green Jobs Environmental Bond Act sign recognizing the Department's funding of the project. The project sign will need to remain in place for the useful life of the project.

VI. FUNDING AND BUDGET GUIDANCE

Eligible Costs
Costs must be adequately justified, directly support the scope of work for the proposed project and be essential to project completion. All costs will be paid on a reimbursement basis and must be documented to the satisfaction of the department.

Grant funds may be used for the following costs associated with the scope outlined in the application:

Personal Services – including direct salaries, wages, and fringe benefits for activities related to project work by employees of the applicant, including project management and grant administration. Fringe benefits must be outlined in the application and include the organizations' documented rate. DOS reserves the right to review benefits included in the organization's fringe rate.

Non-Personal Services – including supplies and materials, travel, equipment, consultant/contractual services for direct project related costs, project management, limited grant administration, and other goods and services.

Equipment purchases will only be considered as an eligible cost if the equipment is essential to accomplish tasks included in project scope of work and is demonstrated to be more cost-effective than renting or leasing the equipment. The application should list each piece of equipment to be purchased with an estimated cost and how it will be used to accomplish project tasks. Equipment purchased with grant funding cannot be sold without prior approval from the Department. If equipment purchased with grant funding is sold without DOS approval, the Department may require that grant funds be returned to the Department. Equipment usage may only be used as local match.

Project management activities may include oversight and coordination of tasks needed to produce contract deliverables, and consultant and/or contractor procurement and oversight.

Grant administration activities may include preparation of reports, vouchers, contract related administration and compliance with grant record keeping and reporting requirements. Grant administration may not exceed 15% of the award amount or $50,000, whichever is less.

Ineligible Costs
The following costs will neither be accepted as the required local match nor reimbursed with grant funds:

Indirect or overhead costs of the applicant or municipality such as rent, telephone service, administrative support not directly related to project work, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.

Salaries and other expenses of elected officials

Fund raising events/expenses

Other State grant funds

Taxes, insurance, fines, deficit funding

Loan and bond interest and associated fees. The interest associated with a Loan, Bond, or Bond Anticipation Note (BAN) cannot be calculated into project cost, whether for reimbursement or local match.

Contingency costs

Lobbying expenses

Cost incurred prior to the contract start date

Costs required to develop feasibility and preliminary design

Costs for any public outreach or engagement events

Costs that are not adequately justified or that do not directly support the scope of work for the proposed project

Failure to adequately justify direct project costs will render costs ineligible. Ineligible costs will be eliminated from the total project costs in the grant application.

Local Match
State assistance awarded and paid shall not exceed 90% of the total eligible cost for the project. Local match must be outlined in the application for consideration. Applicants must identify the amount, type and source of eligible local match, and demonstrate that it has been secured; failure to do so may result in a reduced award amount for qualifying applications. State assistance payments will be made to grant recipients based on actual expenditures for eligible costs up to the amount of the grant awarded.

Local match may include any of the items listed above in Eligible Costs section as well as the following. Local match must be outlined in the application for consideration.

Volunteer services included in the local match are limited to those that are required to complete project tasks. Volunteer services may not include attendance of general public at public meetings. Any work performed by minors must comply with NYS DOL age-related work restrictions. Volunteer services must be listed in the application. Documented volunteer services (non-professional or administrative) may be valued at up to $15.00 per hour. Credit for project related volunteer services requires submission of detailed accurate records using Department approved forms to account for volunteer services to be included as local match. Failure to do so will result in non-approval of accrued volunteer hours for documented match.

Land acquisition – land acquired (e.g., purchase or donation) may only be used as local match for projects where the construction occurs on the acquired property. Land must be acquired within three years prior to the grant application due date. A map identifying the property, a current appraisal report documenting the property value and a copy of the recorded deed conveying title and ownership must be submitted with the application.

In addition, the Bond Act grants provided under this program may not be used as the local match for any State grants without explicit written permission from the Department.

Disadvantaged Communities

For the purposes of determining Disadvantaged Communities, applicants should reference the Disadvantaged Communities mapping created by the New York State Energy, Research and Development Authority (NYSERDA) available at: https://www.nyserda.ny.gov/ny/Disadvantaged-Communities. Applicants should also address the following project components in the project application:

- A portion of the project must be located within a Disadvantaged Community identified by the Disadvantaged Communities maps created by NYSERDA.
- Department GIS analysis must confirm the project is located within a Disadvantaged Community as mapped by NYSERDA. Confirmation will be determined during the application review.

More information on criteria the NYSERDA used to delineate Disadvantaged Communities can be found on the Climate Act website at https://climate.ny.gov/resources/disadvantaged-communities-criteria/.

Determining Total Eligible Project Cost and State Funding Request

When estimating the total eligible project cost, the applicant should calculate the cost to complete each task included in the project scope of work. As a reference, DOS generic work plans which describe tasks necessary for design/construction and construction projects are available at: https://dos.ny.gov/funding-bid-opportunities. Applicants are encouraged to obtain initial project quotes from a consultant with relevant professional experience and background to inform the budget.

Total Eligible Project Cost * % State Funding (90%) = State Funds Requested

Example	Total Eligible Project Cost:	$1,000,000
	10% Local Match:	$100,000 ($1,000,000*.10 = $100,000)
	90% State Funds Requested:	$900,000 ($1,000,000*.90 = $900,000)

The minimum State assistance request for Bond Act grant funding per grant application is $300,000. Applications requesting less than $300,000 in Bond Act grant funding will be found ineligible and will not be scored.

VII. AWARD METHOD

Each application will be reviewed for eligibility and, if determined eligible, will be scored according to the application evaluation criteria. Applications deemed ineligible will not be scored.

A total score of 100 points is possible for any application. An application must score a minimum of 60 program criteria points out of a possible 100 points from the Department of State review to receive an award.

Approximately $20 million is anticipated for award through this procurement.

Applications received through this solicitation will be scored and funds will be awarded in rank order, to applications which receive a minimum of 60 program criteria points from the Department of State review, until available funds are exhausted.

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

The opportunity to be debriefed will be provided, upon request, to unsuccessful applicants. Requests must be made in writing within 15 calendar days of notification of status of award. Debriefings are expected to be conducted within 15 business days of the written request.

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

VIII. APPLICATION EVALUATION CRITERIA

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

Minimum Criteria (*Pass/Fail)*
Eligible applicants include Municipalities (counties, cities, towns, villages, Indian Nations or Tribes recognized by the state or United States with a reservation wholly or partially within the boundaries of New York State), not-for-profits, Soil and Water Conservation Districts, and New York State entities with projects located within the New York State Coastal area; areas draining into the New York State Coastal area; and/or are located within the Coastal Nonpoint Source boundary Applications will also be assessed to determine if the proposed project is an eligible activity (as identified in section IV), if the project is identified in state, regional, or local management plans/programs and to ensure that the applicant has documented the ability to provide the required local match (if required).

The applicant must identify the current legal owner(s) for all properties where improvements will be implemented. Applicant must provide proof with the application that all final design and construction work will be performed on public property or where a permanent public interest, such as an easement (e.g., public access, conservation) has been established prior to the grant application due date.

The applicant must attach proof of site control and/or permanent public interest. If property is owned by:

- the applicant municipality: submit the property deed, and current tax roll or property record card; or
- a municipality or public entity that is not the applicant: submit the property deed, current tax roll or property record card, and letter of support or resolution from the landowner supporting the project; or
- private property owner or not-for-profit: submit the property deed, current tax roll or property record card, and executed public access easement, conservation easement, or similar legal instrument establishing permanent public interest in the property.

Failure to meet these criteria will result in immediate disqualification of the application, which will not be further evaluated.

Evaluation Criteria (maximum of 100 points)
Applications will be evaluated to assess the degree to which they meet the elements of each criterion. **Applications may receive points for any or all elements of each of the evaluation criterion below**.

The evaluation criteria (with total available points) and elements are:

Program Priorities for 2024 (*maximum of 10 points*)

- Addresses Resiliency Principles:
  - Project addresses all 7 NYSDOS Resilience Principles (10 pts) or;
  - Project addresses 4-6 NYSDOS Resilience Principles (7 pts) or;
  - Project addresses 1-3 NYSDOS Resilience Principles (4 pts) or;
  - Project does not address NYSDOS Resilience Principles (0 pts)

Local Capacity and Previous Performance (*maximum of 5 points*)

- Demonstrates the ability and capacity to complete other State or Federal grants AND demonstrates the ability and capacity to complete this proposed Bond Act implementation project. (5 points) or;
- Demonstrates the ability and capacity to complete this proposed Bond Act implementation project (3 points) or;
- Demonstrates poor ability and capacity to manage previous State and Federal grants or Applicant does not demonstrate the ability to complete the proposed Bond Act implementation project. (0 points)

Regional Significance (*maximum of 5 points*)

Implements a project which:

- Improves or protects natural, cultural or economic resources of regional significance or addresses critical issues and opportunities of regional significance (maximum of 3 points) and/or;
- Advances efforts to resolve shared issues through intermunicipal partnerships (1 point) and/or;
- Ensures an appropriate balance between development, open space and natural resource protection within the regional context (1 point)

Local Significance (*maximum of 5 points*)

Implements a project which:

- Increases community resiliency (maximum of 3 points) and/or;
- Protects, preserves, enhances or restores archeological, historic and/or cultural resources (1 point) and/or;
- Protects a public amenity that is an identified priority for a community (1 point)

Natural Resources (*maximum of 5 points*)

Implements a project which:

- Incorporates ecological processes into design (such as ecological landscaping, use of native plants and pollinator species, wetland restoration, naturalizing waterways, living shorelines, green infrastructure, and rain gardens) and promotes conservation and protection of ecosystem integrity (maximum of 2 points) and/or;
- Protects, enhances or restores habitats including designated significant coastal fish and wildlife habitat, natural protective features (wetland, floodplain, active river area, beach, dune), scenic area of local or statewide significance, or natural resources (maximum of 2 points) and/or;

- Implements New York State's Coastal Nonpoint Pollution Control Program, or otherwise protects groundwater or surface water quality and hydrology (1 point)

Demonstrated Need for Flood Risk Reduction (*maximum of 10 points*)

Implements a project which is:

- Located within EXTREME NYSDOS Coastal Risk Area (10 points)
- Located within HIGH NYSDOS Coastal Risk Area (6 points)
- Located within MODERATE NYSDOS Coastal Risk Area (3 points)

OR

Where Coastal Risk Area Mapping is not available, implements a project:

- Located within FEMA 100-year floodplain (10 points)
- Located within FEMA 500-year floodplain (6 points)
- Located within frequently flooded area (3 points)
- Project will increase local capacity to store or retain stormwater (1 point)

Resiliency & Sustainability (*maximum of 10 points*)

Implements a project which:

- Improves local, regional or watershed resiliency to a changing climate, including both adaptation and mitigation strategies to proactively address risks and reduce vulnerabilities and seeks solutions that provides multiple benefits and addresses multiple goals (maximum of 2 points) and/or;
- Incorporates and advances the benefits of nature through preservation and restoration of natural landscapes, and/or the use of green infrastructure and green infrastructure policies that reduce watershed imperviousness, and preserve groundwater infiltration (maximum of 2 points) and/or;
- Utilizes climate-adaptive design approach which prioritizes non-structural or natural-based measure approaches to promote resiliency. Only utilizes structural measures where non-structural or nature-based alternative measures have been proven to be inadequate to protect the principal use. (maximum of 2 points) and/or;
- Ensures that governmental decision-making is based on sound science and considers cumulative impacts including but not limited to incorporating consideration of sea-level rise, storm surge, erosion and/or flooding in project design to make projects on public property and/or public facilities more resilient (maximum of 3 points) and/or;
- Utilizes DOS risk assessment tool or similar protocol to assess risk and prioritize risk reduction measures (1 point)

Disadvantaged Communities (*maximum of 15 points*) – Please refer to the list of municipalities with Disadvantaged Community populations at: DOS Funding & Bid Opportunities.

- A portion of the project is within a municipality with a DAC population of 81-100% (15 pts)
- A portion of the project is within a municipality with a DAC population of 61-80% (12 pts)
- A portion of the project is within a municipality with a DAC population of 41-60% (9 pts)
- A portion of the project is within a municipality with a DAC population of 20-40% (6 pts)
- A portion of the project is within a municipality with a DAC population of 1-19% (3 pts)
- Project is not within a municipality with a DAC population. (0 pts)

Scope of Work *(maximum of 8 points)*

- Clearly defines what is to be done, where and how it will be done, who will do it, and when it will be completed (maximum of 2 points) and/or;
- Identifies a set of clear and discrete tasks that show a logical approach for project completion (maximum of 2 points) and/or;

- Demonstrates sufficient experience and ability of key project personnel to successfully carry out the project (maximum of 2 points) and/or;
- Project deliverables are clearly defined and consistent with program objectives (maximum of 2 points)

Project Readiness & Time Frame *(maximum of 7 points)*

- Demonstrates how the project will be completed within a maximum of five years or less and presents timeline for completion of major tasks and milestones (maximum of 3 points) and/or;
- Demonstrates the ability to proceed with project upon award (maximum of 2 points) and/or;
- Demonstrates preliminary work needed to advance the proposed project has been completed (for example, designs have been prepared, permits and/or other approvals obtained, or at least submitted, to facilitate construction) (maximum of 2 points)

Budget and Cost (*maximum of 20 points*)

Applications will be evaluated based on the following criteria:

- Application describes and documents how the budget and cost were determined. Identifies the person(s) responsible for compiling the budget including relevant experience and background of all parties and the method/approach used to arrive at estimates ***(maximum of 5 points)***
- Budget clearly demonstrates amount, type, and source of eligible local match and demonstrates identified eligible match sources have been secured. ***(maximum of 5 points)***
- Budget includes adequate detail for all project components involved, is cost-effective, presents necessary and realistic costs, and does not contain extraneous or ineligible expenses. Budget is accurate and thorough. Budget narrative includes an explanation for the estimate of each budget line and clearly supports the applicant's need for financial resources requested to achieve project outcome. Budget narrative describes how the grant recipient will monitor expenditures during the life of the project to ensure that the project stays on schedule and within budget. ***(maximum of 10 points)***

Note: All eligible projects will be required to clearly demonstrate the source of local match at the time of application. Awards may be reduced or deemed ineligible if the applicant fails to document sufficient, eligible match.

IX. NEW YORK STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

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

X. CONTRACT REQUIREMENTS

New York Statewide Financial System

Not for profit applicants must be prequalified in the Statewide Financial System (SFS) as of the application due date. All other grant applicants are encouraged to register through SFS. To register, log on to https://www.sfs.ny.gov/index.php/vendors.

Standard Cost Reimbursement Contract

Each successful applicant must enter into a State of New York Contract for Grants with the Department which will include standard clauses required by the NYS Attorney General, Appendix A (including compliance with Article 15-A of the New York Executive Law), the agreed upon work plan and budget, and other applicable attachments as required. The contract will: 1) be subject to approval by the Attorney General and State Comptroller; 2) require submission of final products in both hard copy and electronic format; 3) be subject to payment only upon proper documentation and compliance with reimbursement procedures; and (4) be subject to all other contractual requirements. The State of New York Contract for Grants including the attachments outlined above is available on the Department of State website.

To ensure that funds are awarded to applicants that are ready to move forward, the Department reserves the right to rescind an award if the state contract is not signed and returned within a reasonable amount of time. There will be no contract advance available to grantees. Expenses incurred prior to the start date of the state contract cannot be reimbursed.

Compliance with Procurement Requirements

Municipalities

All contracts by municipalities for service, labor, and construction involving not more than $35,000 and purchase contracts involving not more than $20,000 are subject to the requirements of General Municipal Law §104-b, which requires such contracts to comply with the procurement policies and procedures of the municipality involved. All such contracts shall be awarded after and in accordance with such municipal procedures, subject to the Minority or Women-Owned Business Enterprise (MWBE) requirements as set forth below and any additional requirements imposed by the State as set forth in Attachment C of the State of New York Contract for Grants.

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

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

Not-for-Profit Community-Based Organizations

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

Record Retention and Audits

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

miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (ii) payroll taxes and fringe benefits: cancelled checks, copies of related bank statements, cash and check disbursement records including copies of money orders and the like, invoices for fringe benefit expenses, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (iii) non-personal services expenditures: original invoices/receipts, cancelled checks and related bank statements, consultant agreements, leases, and cost allocation plans, if applicable, (iv) receipt and deposit of advances and reimbursements: itemized bank stamped deposit slips, and a copy of the related bank statements.

Minority and Women-Owned Business Enterprise Utilization (MWBE)
Applicants must submit the MWBE Compliance Form with their application confirming their understanding of the MWBE requirement and agreeing to show due-diligence and make good faith efforts to provide meaningful participation by MWBE's, whenever possible, if awarded the contract.

Contract Period
Subject to the continued availability of funds in the budget, the contract period shall not exceed five years from the start of the contract. The earliest start date for contracts is ~~September 1,~~ January 1, 2025. No extensions are anticipated, however special consideration for extensions due to extreme extenuating circumstances may be granted on a case-by-case basis.

Amendments
Amendments will not be made to the original contracted scope of work.

XI. SATISFACTORY PROGRESS

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

XII. GENERAL SPECIFICATIONS

1. By signing the "Application Form" each applicant attests to its express authority to sign on behalf of the applicant and to the accuracy of the information contained therein. Applications containing false or inaccurate information may be disqualified upon verification of information by the Department.
2. Contractors will possess, at no cost to the State, all qualifications, licenses and permits to engage in the required business as may be required within the jurisdiction where the work specified is to be performed. Workers to be employed in the performance of this contract will possess the qualifications, training, licenses and permits as may be required within such jurisdiction.
3. Submission of any application indicates the applicant's acceptance of all conditions and terms contained in this RFA, including the terms and conditions of the contract.
4. Provisions upon default:
    a. The services to be performed by the applicant shall be at all times subject to the direction and control of the Department as to all matters arising in connection with or relating to the contract resulting from this RFA.
    b. In the event that the applicant, through any cause, fails to perform any of the terms, covenants or promises of any contract resulting from this RFA, the Department acting for and on behalf of the State,

shall thereupon have the right to terminate the contract by giving notice of the fact and date of such termination to the applicant.

c. If, in the judgment of the Department, the applicant acts in such a way which is likely to or does impair or prejudice the interests of the State, the Department acting on behalf of the State, shall thereupon have the right to terminate any contract resulting from this RFA by giving notice of the fact and date of such termination to the contractor. In such case, the contractor shall receive equitable compensation for such services as shall, in the judgment of the Department, have been satisfactorily performed by the contractor up to the date of the termination of this agreement, which such compensation shall not exceed the total cost incurred for the work in which the contractor was engaged at the time of such termination, subject to audit by the State Comptroller.

5. The Department reserves the right, including but not limited, to:
   a. Reject any or all applications received in response to this RFA;
   b. Withdraw the RFA at any time, at the agency's sole discretion;
   c. Make an award under the RFA in whole or in part;
   d. Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA;
   e. Seek clarifications and revisions of applications;
   f. Use application information obtained through site visits, management interviews and the State's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or information submitted by the applicant in response to the Department's request for clarifying information in the course of evaluation and/or selection under the RFA.
   g. Prior to the application due date, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available;
   h. Prior to the application due date, direct applicants to submit application modifications addressing subsequent RFA amendments;
   i. Change any of the scheduled dates;
   j. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective applicants.
   k. Waive any requirements that are not material;
   l. Negotiate with applicants responding to this RFA within the scope of the RFA to serve the best interests of the State;
   m. If unsuccessful in negotiating a state contract with the selected applicant within an acceptable time frame, the Department may begin state contract negotiations with the next ranked qualified applicant(s) in order to serve and realize the best interests of the State.
   n. Utilize any and all ideas submitted in the applications received.
   o. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an application and/or to determine an applicant's compliance with the requirements of the solicitation;
   p. Waive or modify minor irregularities in applications received after prior notification to the applicant;
   q. Make awards based on geographic distribution;
   r. Not to fund an application that fails to submit a clear and concise work plan or budget;
   s. Adjust or correct cost figures with the concurrence of the applicant if errors exist and can be documented to the satisfaction of the Department and the State Comptroller;
   t. Award more than one contract resulting from this RFA;
   u. In its sole discretion, determine the total number of awards to be granted pursuant to this RFA;
   v. Offer partial or no funding to any applicant if its application cannot fulfill its proposed program within the funding restrictions herein;
   w. Make additional awards if funding becomes available;
   x. Require reporting on forms designed for use solely for this procurement;
   y. 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; and

z. Make awards based on disadvantaged community status.

Appendix 1

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 the Department 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 Department 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 Department 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 the Department 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. For guidance on how the Department 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 Department 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 the Department . 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.

Applicants are required to submit the MWBE Compliance Form with their application.

Additionally, successful applicants will be required to submit the following documents and information within ten (10) business days after the applicant receives notice from the Department 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 the Department for review and approval.

The Department 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 Department, 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 the Department to be inadequate, the Department 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.**"

Department 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 Department 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 the Department 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 the Department, 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 State of New York Contract for Grants, including Appendix A Section 12 – 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 the Department 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 the Department.

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 sub-contractors will not discriminate against any employee or applicant for employment because of age, race, creed (religion), color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, predisposing genetic characteristic, familial status, marital status or status as a victim of domestic violence or because the individual has opposed any practices forbidden under the Human Rights Law or has filed a complaint, testified or assisted in any proceeding under the Human Rights Law, 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 Department the REQUEST FOR WAIVER FORM E, found on the Department 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. 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.

3. A list identifying the date(s) that all solicitations for certified MWBE participation were published in any of the above publications.
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.
5. Documentation of your search in the NYS Directory of Certified Firms (e.g.: Printouts, screenshots).
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.
7. Copies of responses to your solicitations received by you from certified MWBEs
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.
9. Documentation of any negotiations between you and the MWBEs undertaken for purposes of complying with the certified MWBE participation goals.
10. Any other information you deem relevant which may help us in evaluating your request for a waiver.
11. The name, title, address, telephone number, and email address of your representative authorized to discuss and negotiate this waiver request.
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 3 of Veterans' Law, as amended, 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, the Department has implemented a Veteran-Owned Businesses (SDVOB) Program, as mandated by Article 3.

To comply with the SDVOB Program goals of 6%, the Department 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://dos.ny.gov/supplier-diversity.

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 at dos.sm.sdvob@dos.ny.gov. The directory of certified SDVOB vendors can be found at: https://online.ogs.ny.gov/SDVOB/search.