



Department of
Environmental
Conservation



GUIDELINES AND BID INSTRUCTIONS

New York State Department of Environmental Conservation Organics Reduction and Recycling

Municipal Food Scraps Recycling Grants- 2024

NYS SFS Grants Management Bid Event ID No.:

FSR-2024

Amendment 3 – Issued Dec 3, 2024

Apply through the [SFS Vendor Portal](#)

Application Due Date: 3:00 pm ET, January 31, 2025

Timetable of Key Events:

Application Period Begins	October 1, 2024; 1:00pm ET
Webinar	November 13, 2024, 10:00am ET
Question & Answer Period Ends	January 29, 2025
Applications Due	January 31, 2025; 3:00pm ET
Award(s) Announced By (anticipated)	March 2, 2025

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Amendment 1 corrects several dates on the cover page, reduces the MWBE and SDVOB goals to 0%, and clarifies that bid reviews will begin after the application deadline.

Amendment 2 provides assistance for uploads on Question # 5. We are unable to change the question format to permit an upload. If you wish to submit a file for Question #5 please email that file, with the subject FSR 2024 to vanessa.lasher@dec.ny.gov

Amendment 3 clarifies the one-year limit on reimbursement for food scraps collection pilot projects and adds instructions on finding this Request for Applications on the SFS Vendor Portal.

1. Grant Information

The New York State Department of Environmental Conservation (DEC) is pleased to announce funding for projects that will provide funding for municipal food scraps recycling through the Municipal Food Scraps Recycling Grants- 2024 Program.

a) Funding

Approximately \$1.25 million is available for Municipal Food Scraps Recycling Grants. Funding for this grant opportunity is provided from Environmental Protection Fund.

b) Proposed Project Timeframes

All projects must have defined objectives, tasks, and deliverables accounted for in performance measures that can be completed and invoiced within a three-year contract period/term. Costs outside of the contract period/term are ineligible. The Master Contract for Grants (MCG) must be fully approved by DEC, and if applicable approved by the Attorney General and the State Comptroller. Time extensions beyond the contract term end date will be determined by the Department based upon written justification from the Grantee. Applicants should not submit an application if they do not anticipate their project can be completed within the specified contract term.

c) Minimum and Maximum Award Amounts

Minimum grant amount is \$1,000; Maximum grant amount is \$200,000.

d) Application Limit/Award limit

Applicants may submit up to one application. The application can include multiple items.

e) Eligible Project Locations

Eligible projects for grant funding must be located in New York State.

2. Eligible Applicants

For the purposes of this grant program, a municipality is considered an eligible applicant. Under this grant program, a municipality is defined as a:

- County, city, town or village
- Local public authority
- Local public benefit corporation (as established by New York State law)
- School district, supervisory district, and improvement district
- Native American tribe or Nation residing in New York State
- Combination of the above

Private companies, not-for-profit organizations, and State agencies are NOT eligible to receive this funding. However, *eligible municipalities may partner with these types of organizations on an application if the municipality is the lead applicant.*

3. Inquiries & Designated Contact Information

For general information on completing this application and for clarification of application requirements, contractual terms and procedures, contact:

Organics Reduction and Recycling Section – Grants Program

Contact Information: organicsgrants@dec.ny.gov and (518) 402-8706

For technical information regarding the Grants Management Bid Event, direct questions to:

NYS SFS Grants Management

Contact Information: helpdesk@sfs.ny.gov | 877-737-4185 toll-free | 518-457-7737

Include “Municipal Food Scraps Recycling Grants – 2024” in the subject line of the email.

Questions regarding this grant opportunity will be accepted by the Department until C.O.B. January 29, 2025. All questions, and answers, will be uploaded to the [DEC website](#) that lists the funding opportunity for the applicants to view.

4. Application Submission

Applications must be submitted through the NYS [SFS Grants Management System](#) Using **Google Chrome** to access the SFS Grants Management System (GM) is recommended. Using other browsers may cause errors.

If you do not have access to the SFS Vendor Portal and if your organization is already established within the SFS Vendor portal, an SFS Delegated Administrator has been authorized within your organization to provision user login credentials, unlock accounts, or reset passwords. Please reach out to your SFS Delegated Administrator directly.

Also, if you do not have a login and if you are new to the SFS Vendor portal, and would like to establish an account for the purposes of doing business with the State of New York, contact the SFS Help Desk at 518-457-7717, 855-233-8363 or HelpDesk@sfs.ny.gov for more information.

The NYS SFS Grants Management system offers a Vendor User Manual, training videos and webinars for applicants requiring assistance. Please visit <https://grantsmanagement.ny.gov/transition-SFS>.

To view the Grant Opportunity Webpage (read full Request for Application (RFA), Q&A Document and Instructions for Applying):

- Visit the [SFS Vendor Portal](#) and **do not log into your SFS account. The steps below do not work if you are logged in.**
- Click 'Search for Grant Opportunities'
- Search By 'Event ID': FSR2024
- Click 'Search'
- Click ' Municipal Food Scraps Recycling Grants - 2024 '

- To view the RFA, click 'View Grant Opportunity' in the upper left-hand corner.

Paper applications will NOT be accepted. Applicants are strongly encouraged to submit their applications prior to the application deadline. Late applications will not be accepted. Please note staff with a Bid Response Initiator role can begin a bid, but only staff with the Bid Response Submitter role can submit the bid response.

All Applicants must be Registered with SFS Grants Management to apply. Please visit <https://grantsmanagement.ny.gov/transition-SFS> to register.

In addition to registration, not-for-profits must also be Prequalified at the time and date that the application is due. If you are not Prequalified at that time and date, your application will not be considered.

PLEASE DO NOT DELAY IN BEGINNING AND COMPLETING THE PREQUALIFICATION PROCESS. PLEASE VISIT THE GRANTS MANAGEMENT [Prequalification Page](#) TO GET STARTED.

THE STATE RESERVES 5 DAYS TO REVIEW SUBMITTED PREQUALIFICATION APPLICATIONS. PREQUALIFICATION APPLICATIONS SUBMITTED TO THE STATE FOR REVIEW LESS THAN 5 DAYS PRIOR TO Municipal Food Scraps Recycling Grants- 2024 APPLICATION DUE DATE MAY NOT BE CONSIDERED.

APPLICANTS SHOULD NOT ASSUME THAT THEIR PREQUALIFICATION INFORMATION WILL BE REVIEWED IF THEY DO NOT ADHERE TO THIS TIMEFRAME.

a) Applicant Prequalification

Pursuant to the New York State Division of Budget Bulletin H-1032 Revised, effective July 16, 2014, New York State has instituted key reform initiatives to the grant contract. Information on these initiatives can be found on the Grants Management Website.

All Applicants must be Prequalified in the SFS Grants Management System at the time and date that the application is due. Applications from non-prequalified entities will be rejected. The system will not allow you to submit your bid.

The SFS Handbook: SFS Training for Vendors guide is available on SFS Coach and includes guidance for prequalification. Additional training is available on SFS Coach.

If you are not familiar with SFS Grants Management, there are many resources available to help you register and become Prequalified on the NYS Grants Management Website <https://grantsmanagement.ny.gov/transition-sfs> including:

- Video tutorials on Grants Management Registration or Prequalification
- SFS Handbook: SFS Training for Vendors includes walkthroughs for the Bid process

5. Grant Opportunity General Information and Conditions

a. Grant Application Requirements and Conditions

Once the application period opens, all projects will be evaluated by DEC for eligibility in the order in which they are received (first-in, first-out) Eligibility will be determined based on the list of project costs as well as the applicant's answers to the program specific questions.

Awards will be given to applications receiving a pass score in the order they are submitted in GM, until DEC withdraws this request for applications, funds are exhausted, or January 31, 2025 at 3:00 PM EST, whichever comes first.

Applicants will be required to outline all costs and include a work plan in their application.

DEC reserves the right to reallocate funds from this grant opportunity to the Local Emergency Food Relief Organization Grants (2024), which is open concurrently.

b. Expenditure Based Budget

Applicants must complete an itemized budget in the SFS Grants Management that provides details of the proposed project-related expenses. Budget detail must clearly distinguish between expenses to be claimed under the State grant share and expenses comprising the match. The itemized budget should also include appropriate level of information for the breakdown of costs for each budget item (depending on the budget category this information is provided in the budget detail and/or budget narrative) Eligible and ineligible costs are identified in this RFA.

c. Match Requirement and Expenditures

Match is the portion of project expenditures not paid for with grant funds. Match can be from local and/or in-kind contributions. Local sources can include funding from other non-state and/or non-federal grant sources or from project partners. In-Kind contributions are non-cash donations provided by non-state and/or non-federal third parties which can include equipment, supplies, services, and other expendable property. Matching share contributions must support the objectives outlined in the work plan.

Eligible sources of match funds cannot come from other New York State or federal funding sources. Applicants will be required to provide the sources of all matching funds using the Match Worksheet in the GM.

Grant funds are available for up to 75% of the total eligible project cost. Applicants must provide the remaining 25% in match funds.

Total Eligible Project Cost x 25% = Required Match

Eligible match sources include:

- cash;
- funding from other grant sources (cannot include other State or federal grants);
- funding from project partners; and

- in-kind sources that are directly related to the project (e.g., labor, volunteer hours, etc.). Note: In-kind sources of match must be work that is directly related to the project.

Ineligible types of match include:

- other New York State or federal grant funds;
- permitting fees; and
- costs or in-kind funding not directly related to executing the project (staff oversight and supervision, secretarial support, grant administration, etc.).

d. Work Plan

Applicants must complete a work plan in the SFS GM that provides a clear overview of the project. Applications must include proposed project objectives, tasks associated with meeting each objective, and the performance measures associated with each task (performance measures can include desired project outcomes or deliverables). The work plan may include anticipated time frames in meeting project objectives, tasks and deliverables.

e. Debriefing Request

In accordance with section 163 of the NY State Finance Law, DEC must, upon request, provide a debriefing to any unsuccessful offeror that responded to the Program Overview, regarding the reasons that the proposal or bid submitted by the unsuccessful offeror was not selected for an award. An unsuccessful offeror wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that their proposal did not result in an award. Debriefings requested after fifteen calendar days may be denied.

f. Protest Procedure

DEC does not have a formal protest procedure, therefore an applicant may file an initial protest with OSC's Bureau of Contracts (BOC) after the Department has made a contract award. The protest must be in writing and filed with BOC within ten business days of notice of the contract award or if a debriefing has been requested by the interested party, within five business days of the debriefing (whichever is later). If the interested party is not provided with notice of the contract award, the interested party may file a protest with BOC at any time after the contract award and prior to the Comptroller's final action on the contract.

Formal protests concerning a pending contract award must be received within five (5) business days after the protesting party knows or should have known of the facts that constitute the basis of the formal protest.

The protest must be filed with:

Bureau Director
at bidprotests@osc.ny.gov or
Bureau of Contracts
New York State Office of the State Comptroller
110 State Street, 11th Floor
Albany, NY 12236

g. Department of Environmental Conservation Oversight

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- Award an agreement for any or all parts of the RFA in accordance with the method of award or withdraw of the RFA at any time at the Department's sole discretion.
- Award only one application for funding in the event there are multiple application submissions for a single project or for pieces of a single project.
- Award to the next highest scoring application in the event a grantee fails to negotiate a grant contract with the Department within 60 days of a grant award.
- Modify and/or reject costs that are determined to be ineligible for funding but fund remaining items (or partially fund items based on eligibility and use).
- Monitor the progress of all grant awards and withdraw grant funding if the grantee fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.
- The Department reserves the right not to fund projects that are determined not to be consistent with NYS's Smart Growth Public Infrastructure Policy Act.
- The Department reserves the right not to fund projects that are determined not to be consistent with the Climate Change Leadership and Community Protection Act or its' implementing regulations.
- Reject any or all applications in response to the RFA at the agency's sole discretion.

h. Sexual Harassment Prevention Certification

State Finance Law §139-l requires all applicants of grant funding to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees.

Where applying for grant funding is required pursuant to statute, rule or regulation, every application submitted to the state or any public department or agency of the state must contain the following statement: "By submission of this application, each applicant and each person signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one g of the labor law."

Applications that do not contain the certification will not be considered for award; provided however, that if the applicant cannot make the certification, the applicant may provide a signed statement with their application detailing the reasons why the certification cannot be made. After review and consideration of such statement, the Department may reject the application or may decide there are sufficient reasons to accept the application without such certification.

Applicants are required to sign and upload the Sexual Harassment Prevention Certification form or upload a signed statement with their application detailing the reasons why the certification cannot be provided.

i. Executive Order 16

Executive Order No. 16 provides that “all Affected State Entities are directed to refrain from entering into any new contract or renewing any existing contract with an entity conducting business operations in Russia.” The complete text of Executive Order No. 16 can be found at <https://www.governor.ny.gov/executive-order/no-16-prohibiting-state-agencies-and-authorities-contracting-businesses-conducting>. The Executive Order remains in effect while sanctions against Russia imposed by the federal government are in effect. Accordingly, vendors who may be excluded from award because of current business operations in Russia are nevertheless encouraged to respond to solicitations to preserve their contracting opportunities in case the sanctions are lifted during a solicitation or even after award in the case of some solicitations. As defined in Executive Order No. 16, an “entity conducting business operations in Russia” means an institution or company, wherever located, conducting any commercial activity in Russia or transacting business with the Russian Government or with commercial entities headquartered in Russia or with their principal place of business in Russia in the form of contracting, sales, purchasing, investment, or any business partnership. Vendors responding to this solicitation are required to complete and submit the form entitled “Certification Under Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia”.

ALL applicants must download, complete and save the Executive Order No. 16 Certification form, prior to uploading the completed form back into the GM.

j. SEQRA and Permits

The applicant is responsible for assuring that any SEQR determinations, permits, approvals, lands, easements and rights-of way that may be required to carry out the activities of the project are obtained.

k. Alignment with Regional Economic Development Council Priorities

New York State directed the establishment of Regional Economic Development Councils (REDCs) to analyze the most significant business clusters in their respective areas. Any grants awarded by the State of New York shall take into consideration the recommendation of the relevant REDC or the Commissioner’s determination that the proposed project aligns within the regional strategic priorities of the region where the proposed project is located.

The Applicant can provide a brief narrative describing the economic benefits of the proposed project and how the project aligns with the strategies of the REDC plan for the project’s region. The narrative must be included with the Application to receive points in the application review.

Each region has a unique plan. Visit <http://regionalcouncils.ny.gov> for information on your region's Economic Development Council.

I. Smart Growth Infrastructure Policy Act

New York State's Smart Growth Public Infrastructure Policy Act (ACT), Environmental Conservation Law Article 6, requires the Department and all State infrastructure agencies to assess whether each public infrastructure project that receives state funding is consistent with the State Smart Growth Public Infrastructure criteria specified in the Act, or that compliance is impracticable, before making any commitment to fund such project(s).

ALL applicants must complete and save the Smart Growth Assessment form, prior to uploading the completed form back into the GM. Important note: Be sure to check the form after uploading to ensure the correct file is uploaded and is completed as required.

6. Application Evaluation, Scoring and Selection

After the final application submittal date, all projects will be evaluated by DEC for eligibility in the order in which they were received. Eligibility will be determined based on the list of project costs as well as the applicant's answers to the program specific questions outlined in this section.

Applicants will be required to outline all costs and include a work plan in their application within the GM.

Awards will be given to applications receiving a pass score in the order they are submitted in GM until DEC withdraws this request for applications, funds are exhausted, or January 31, 2025 3:00 PM EST, whichever comes first.

Program Specific Questions:

The following questions must be answered online in the GM based on your project type. They are copied here to allow for previewing before completing online. Please **do not submit this information in paper form.**

Eligibility Questions

1. Applicant Contact Details – please list the following:
 - a. Municipality Name (lead municipality on project application)
 - b. Contact Name
 - c. Phone
 - d. Email
 - e. Partner organizations, if applicable
2. Are you an eligible entity as defined in Section 2 of the RFA? (Y/N)
3. Which project type are you applying for?

- a. Increased Residential Food Scraps Recycling
- b. New or Expanded Food Scraps Recycling Programs and Facilities
- c. Combination of both project types

4. Please briefly summarize the proposed project to be completed under this RFA.

5. Describe *in detail* how the proposed project will increase the community's food scraps recycling opportunities.

- a. For projects that include staff costs, please describe the person's required duties and their relation to the project. (You may upload the staff member(s) job description and/or required duties as a MS Word doc).
- b. For projects that include construction, please include a site plan or building floor plan sketch. (as a MS Word doc).

6. Does the application include 25% match for the proposed project?

- a. Please list all sources of eligible match.

7. If applicable to your application, has the Smart Growth Assessment Form been downloaded, completed, and saved as a pdf, and uploaded to the application as required?

7. Method of Award

Awards will be given to applications receiving a pass score in the order they are submitted in GM.

8. Grant Program Payment

Project costs eligible for reimbursement and project match must be incurred between the MCG term start and end dates. Costs incurred prior to the MCG term start date or after the MCG term end date will not be considered eligible for grant reimbursement or match. Copies of supporting cost documentation (paid invoices, receipts, cancelled checks, etc.) must be audited and approved by the DEC for costs to be eligible for grant reimbursement.

9. Eligible and Ineligible Expenditures

- a. Eligible Project Expenditures

Projects *directly related* to the increase of food scraps recycling may be eligible for funding under this grant program. Eligible project types are outlined below. *Only the project types listed in this section will be considered for funding under this opportunity.* Eligibility will be determined based on the list of project costs as well as the applicant's answers to the program specific questions.

Eligible project types (see details below):

- a) Increased Residential Food Scraps Recycling
- b) New or Expanded Food Scraps Recycling Programs and Facilities

Increased Residential Food Scraps Recycling

Projects or programs that increase the recycling of residential food scraps are eligible for funding under this opportunity. These include costs related to residential food scraps drop-off sites (new or improvements to existing sites), home composting education, composting demonstration sites, and/or residential food scraps collection and recycling pilot programs* up to one (1) year in duration (this time may include multiple seasons over the duration of the contract term).

Eligible items include:

- Staff costs related to education and/or program management/establishment;
- Travel** and/or education and training costs for program staff (includes registration and travel to food scraps composting related trainings; does not include conference or trade show costs);
- Equipment and vehicles for food scraps recycling program; and
- Supplies and outreach materials (including bins or residential kitchen caddies distributed to residents for free or sold to residents by the municipality for equal or less than the purchase price).

New or Expanded Food Scraps Recycling Programs and Facilities

Projects or programs that develop new or expand existing food scraps recycling programs and facilities are eligible for funding under this opportunity.

Eligible items include:

- Expansion of yard waste composting facilities to accept food scraps;
- Equipment and construction costs for new or existing food scraps recycling facilities;
- Costs related to equipment demonstrations or food scraps collection pilot projects* up to one (1) year in duration (this time may include multiple seasons over the duration of the contract term);
- Staff costs related to education and/or program management/establishment
- Staff costs related to technical assistance for the purposes of increasing recycling at food scraps generators and businesses (or costs related to contracting such work);
- Vehicles or new hauling contracts* up to one (1) year in duration (this time may include multiple seasons over the duration of the contract term); and
- Costs related to the incorporation of food scraps at an anaerobic digestion facility (note: the proportion of the resulting digestate/solids must be recycled).

**We are unfortunately unable to fund continued or extended pilot programs or hauling contracts for applicants who have received funding for this category from previous grant programs.*

****Travel costs are limited to federal per diem and/or mileage rates, found here:**
<https://www.gsa.gov/travel/plan-book/per-diem-rates>.

b. Ineligible Project Expenditures

- All costs not directly related to the project.
- Operation, maintenance, and support staff salaries (including driver or operator salaries, staff supervision, grant administration, and secretarial support).
- Equipment maintenance and repair, including maintenance contracts and vehicle insurance fees.
- Vehicle fuel and/or mileage costs.
- Costs incurred in preparing and submitting an application for state assistance.
- Permitting fees.
- Costs directly related to energy recovery at solid waste processing facilities (e.g., engines at anaerobic digesters).
- Feasibility studies and/or contracts to determine the efficacy of food scraps composting programs.

c. Match Requirement and Expenditures

Grant funds are available for up to 75% of the total eligible project cost. Applicants must provide the remaining 25% in match funds.

Total Eligible Project Cost x 25% = Required Match

d. Eligible Forms of Match

- Cash;
 - Funding from other grant sources (cannot include other State or Federal grants);
 - Funding from project partners;
 - In-kind sources that are directly related to the project (e.g., labor, volunteer hours, etc.).
- Note: In-kind sources of match must be work that is *directly* related to the project.

e. Ineligible Forms of Match

- Other New York State or Federal funds;
- Permitting fees;
- Vehicle fuel and/or mileage costs;
- Equipment maintenance, repair, and insurance fees; and
- Costs or in-kind funding not directly related to executing the project (e.g., staff oversight and supervision, secretarial support, grant administration, etc.).

Match Calculation Example 1:

A town hires a part-time coordinator to develop and implement a new home composting outreach and education plan. This staff person's time will be 100% dedicated to the project, and their salary is \$20,000 annually. In this example, the total eligible project cost is \$20,000. The total match amount is \$5,000 (eligible item cost x 25%). Therefore, the town is eligible for a total grant award of \$15,000 for this new coordinator's salary. The town must provide \$5,000 in match to receive reimbursement.

Match Calculation Example 2:

A county wishes to purchase a truck for \$40,000 to transport food scraps from their residential food scraps drop-off location to an organics recycling facility. The county also intends to use this truck approximately half of the time for general county maintenance needs.

50% of this truck's usage is eligible under this opportunity, hence the total eligible item cost is \$20,000 (total item cost x 50%). The total match amount for this truck is \$5,000 (eligible item cost x 25%). Therefore, the county is eligible for a total grant award of \$15,000. The county must provide \$5,000 in match to receive reimbursement.

10. Grant Program Reporting

Quarterly Narrative Reports must be submitted in narrative form, no later than 30 days from the end of the calendar quarter. The reports will summarize how the project progressed toward meeting project objectives and deliverables during the respective quarter. Quarterly reports shall be submitted to organicsgrants@dec.ny.gov.

Quarterly Expenditure Reports, detailed by object of expense as defined in the MCG Attachment B-1 Expenditure Based Budget, must accompany the quarterly Narrative Reports, no later than 30 days from the end of the calendar quarter. These reports must correlate to subsequent vouchers submitted for payment.

Quarterly MCG payment reimbursement requests will be accepted prior to submission of a final closeout reimbursement request. Approved project design required permits and landowner permissions must be in place to submit a reimbursement request.

Final Report must be submitted and approved by the DEC prior to the release of the final contract payment to the Contractor. The Contractor must submit the Final Report no later than 60 days after the end of the contract period. The Final Report should report on all aspects of the program and detail how the use of grant funds was utilized in achieving the goals set forth in the approved MCG Attachment C Work Plan. Copies of appropriate documents (i.e., inventory and/or management plan) must be submitted and approved by the DEC.

A DEC on-site inspection may be required to confirm all work was completed in accordance to the approved project work plan.

Any project involving volunteer time will be required to report the number of volunteers and the number of volunteer hours in their project quarterly status reports. The total number of volunteers and volunteer hours for the entire project must be reported in the Final Report.

Projects already receiving funds from another NYS or Federal assistance grant program are not eligible to receive funding for the same project activities identified in this RFA.

11. What to Expect If You Receive an Award

a. Notification of Award

Applicants selected to receive a grant award will be notified by email and in an official Department award letter. The SFS GM will also provide you with an award status.

IMPORTANT NOTE: By accepting an award, applicant agrees to abide by all Master Contract for Grants (MCG) or purchase order terms and conditions. Any changes to the terms and conditions will not be accepted and may affect applicant's award.

b. State of New York Master Contract for Grants (MCG)

Applicants selected to receive a grant award will be required to execute a MCG within 60 - 90 days from the time of their award notification. Failure to submit timely required MCG documents could cause a grantee to lose their grant award. Applicants should review and be prepared to comply with all MCG terms and conditions should grant funding be awarded. The MCG and attachments include:

- MCG Grants Face Page
- MCG Standard Terms and Conditions (NYS standard terms and conditions)
- Appendix A – Statewide Terms and Conditions
- Attachment A-1 Agency Specific Terms and Conditions
- Attachment A-2 Program Specific Terms and Conditions
- Attachment A-3 Federally Funded Grant Terms and Conditions (optional)
- Attachment B-1 Expenditure Based Budget (project expense categories and detail)
- Attachment C Work Plan (project objectives, tasks and performance measures)
- Attachment D Payment and Reporting Schedule (claims for reimbursement and grant reporting provisions)

IMPORTANT NOTE: Project related costs must be incurred within the term of the MCG to be considered eligible for reimbursement or match. Contract payments will not be approved or processed by the DEC until a MCG is fully approved by the DEC, and as applicable the Attorney General and the State Comptroller. All contracts must be approved by the contract start date of which will be determined at the time of an official award.

Applicants (referred to as “Contractor” following award of Grant Contract) Should Be Prepared to Comply with the Following MCG Requirements:

I. Insurance Requirements

Contractor will be required to carry appropriate insurance as specified in the MGC or LOA, Attachment A-1 Agency Specific Terms and Conditions, and agree that each project consultant, project contractor and project subcontractor secures and delivers to the contractor appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies must name the contractor as an additional insured, with appropriate limits, covering contractor's public liability and property damage insurance, contractor's contingency

liability insurance, “all-risk” insurance and workers compensation/disability benefits coverage for the project.

II. Permit Requirements (if applicable)

Contractors agree to obtain all required permits, including but not limited to, local, state and federal permits prior to the commencement of any project related work. The Contractor agrees that all work performed in relation to the project by the Contractor or its agents, representatives, or contractors will comply with all relevant federal, state and local laws, rules, regulations and standards, zoning and building codes, ordinances, operating certificates for facilities, or licenses for an activity.

III. State Environmental Quality Review (SEQR) Documentation

With respect to the project, the Contractor certifies that it has complied, and shall continue to comply with all requirements of the State Environmental Quality Review Act (SEQRA). The Contractor agrees to provide all environmental documents as may be required by the DEC. The Contractor has notified, and shall continue to notify, the DEC of all actions proposed for complying with the environmental review requirements imposed by SEQRA.

c. Vendor Responsibility Questionnaire

Not-For-Profit contractors and/or subcontractors are subject to a vendor responsibility review by the State to ensure public dollars are being spent appropriately with responsible contractors. A vendor responsibility review may include a contractor and/or subcontractor to present evidence of its continuing legal authority to do business in NYS, integrity, experience, ability, prior performance, and organizational and financial capacity. To enroll in and use the NYS VendRep System, see the VendRep System instructions, or log in at <https://onlineservices.osc.state.ny.us>.

d. Iran Divestment Act

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. By entering into a Contract, the Contractor certifies that it is not on the “Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012” list (“Prohibited Entities List”) posted on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additional detail on the Iran Divestment Act can be found in the MCG, Attachment A-1 Program Specific Terms and Conditions.

e. Minority and Women Business Enterprise (MWBE) and Equal Employment Opportunity (EEO) Requirements

The Department is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (MWBE Regulations) for all State contracts with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.

Applicants subject to executing a future NYS Master Contract for Grants (MCG) agree, in addition to any other nondiscrimination provision of the MCG and at no additional cost to the Department, to fully comply and cooperate with the Department in the implementation of New York State Executive Law Article 15-A. These requirements include Equal Employment Opportunities (EEO) for minority group members and women and contracting opportunities for certified Minority and Women Owned Business Enterprises (MWBEs). Contractor's demonstration of Good Faith Efforts (GFEs) pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the "Human Rights Law") or other applicable federal, state or local laws.

Failure to comply with MWBE and EEO requirements may result in a Department finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages, or enforcement proceedings.

Please refer to the NYS MCG - Article IV (J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review MWBE and EEO requirements.

- The local government is responsible for designating someone to serve as their Affirmative Action representative. The governing body should make this designation through official means.

- A list of certified MWBE enterprises can be obtained via the internet from the NYS Department of Economic Development at <https://ny.newnycontracts.com/FrontEnd/searchcertifieddirectory.asp>

MWBE reporting for Department of Environmental Conservation contracts must now be completed using the New York State Contract System (NYSCS). <https://ny.newnycontracts.com/>.

All contracts of \$25,000 or more will be assessed for MWBE goals. Contracts which meet the established MWBE-EEO thresholds require the Contractor to submit the Utilization Plan prior to the execution of the contract and Monthly Compliance Audits in the NYSCS after the contract is executed. To submit the required MWBE Utilization Plan, log-in to NYSCS and access the Utilization Plans section displayed on the user dashboard. Plans requiring action will be displayed in red.

All contractors shall complete an Equal Employment Opportunity (EEO) Policy Statement and Staffing Plan form and submit it prior to the execution of the contract.

For more information regarding MWBE compliance and reporting guidelines, and to download required forms, please visit <https://www.dec.ny.gov/about/61016.html#MWBE>.

- The following MWBE "Fair Share" goals are established as follows:
- **Minority and Women Owned Business Enterprise (MWBE) Overall Participation Goals:**

- Construction/Engineering – up to 0%
- Commodities – up to 0%
- Services/Technologies – up to 0%

DEC MWBE Compliance Unit
NYS Department of Environmental Conservation
Bureau of Contract and Grant Development/MWBE Program
625 Broadway, 10th Floor
Albany, New York 12233-5028
Mwbe@dec.ny.gov
Phone: (518) 402-9240
Fax: (518) 402-9023

f. Service-Disabled Veteran-Owned Business (SDVOB) Participation Requirements

The Department is required to implement the provisions of New York State Veteran's Law Article 3. The contractor must make Good Faith Efforts to subcontract a goal of 0% of the contract amount to New York State Certified Service-Disabled Veteran-Owned Businesses (SDVOBs), for purposes of providing meaningful participation by SDVOBs.

The contractor is required to complete and submit a SDVOB Utilization Plan detailing how the contractor intends to meet the SDVOB goal. In addition, the contractor must complete and submit quarterly compliance reports detailing the amount spent on SDVOBs in the previous quarter. In addition, all forms and guidance can be located at; [Division of Service-Disabled Veterans' Business Development Compliance and Reporting | Office of General Services \(ny.gov\)](#). Please contact the Department's SDVOB compliance staff with any questions at:

DEC SDVOB Compliance Unit
NYS Department of Environmental Conservation
Bureau of Contract and Grant Development/SDVOB Program
625 Broadway, 10th Floor
Albany, New York 12233-5028
SDVOB@dec.ny.gov
Phone: (518) 402-9240

g. Procurement of Contractors/Subcontractors

Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money. Failure to comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.

h. Americans With Disabilities Act

In the event the monies defined herein are to be used for the development of facilities, outdoor recreation areas, transportation or written or spoken communication with the public, the Contractor shall comply with all requirements for providing access for individuals with disabilities as established by Article 4A of the New York State Public Buildings Law, Americans with Disabilities Act, and relevant sections of the New York State Uniform Fire Prevention and

Building Code. Standards for certain Recreation Facilities are found in the 2010 ADA Standards for Accessible Design while others are found in the Architectural Barriers Act Accessibility Guidelines for Outdoor Recreation Areas <https://www.access-board.gov/guidelines-and-standards>.

i. Signage

For infrastructure projects, the contractor shall install signage on-site that identifies the site as a clean vehicle charging/refueling facility; promotes public use of the facility; and acknowledges rebate funding from the Department of Environmental Conservation through Title 15 of the New York State Environmental Protection Fund. Signage developed for use at a rebate-funded facility shall be subject to review and approval by the Department prior to installation.

j. Diesel Emissions Reduction Act 2006

In 2007, New York State passed legislation establishing the Diesel Emissions Reduction Act 2006 (DERA). This Act amended the Environmental Conservation Law (ECL) by adding Section 19-0323 which requires the use of best available retrofit technology (BART) and ultra-low sulfur diesel fuel (ULSD) for heavy duty vehicles owned or operated by, including on behalf of, state agencies and state or regional public authorities. The Department has promulgated regulations (6 NYCRR Part 248) to provide guidance on provisions of the law. The regulations may be found on the Department's website at <http://www.dec.ny.gov/regs/2492.html>.

If applicable, the contractor must comply with the specifications and provisions of ECL Section 19-0323 and 6 NYCRR Part 248, which require the use of BART and ULSD, unless specifically waived by the Department. Qualifications for a waiver under this law are the responsibility of the Contractor.