



**Department of
Environmental
Conservation**

REQUEST FOR APPLICATIONS

**New York State
Department of Environmental Conservation**

2019 Climate Smart Communities Grant Program

**Environmental Protection Fund
Climate Smart Communities**

**Apply Through the Consolidated Funding Application
<https://apps.cio.ny.gov/apps/cfa/index.cfm>**

Application Due Date: 4:00 p.m. ET, July 26, 2019

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Program Description

The Climate Smart Communities (CSC) grant program provides funding for municipalities to perform inventories, assessments, and planning projects that advance their ability to address climate change at the local level and become certified Climate Smart Communities. The program also supports municipal mitigation implementation projects that reduce greenhouse gas (GHG) emissions from the non-power sector (transportation, refrigerants, food waste, etc.) and adaptation implementation projects (cooling centers, flood plain restoration, emergency preparedness, etc.) that directly address climate change threats or alleviate hazards in the community exacerbated by climate changes.

For general information and questions on the Climate Smart Communities program, please contact the New York State (NYS) Department of Environmental Conservation (DEC or Department), Office of Climate Change (OCC), 625 Broadway, Albany, NY 12233-1030, 518-402-8448, climatesmart@dec.ny.gov or see <https://climatesmart.ny.gov/> .

For grant specific questions please contact Myra Fedyniak at the DEC OCC, 518-402-8448, email cscgrants@dec.ny.gov or see <https://www.dec.ny.gov/energy/109181.html> .

Eligibility

Eligible Applicants

All municipalities in the State of New York are eligible to apply for funding in response to this request for applications (RFA). For the purpose of this RFA, a municipality is defined as a county, city, town, village, or borough of the City of New York. Political subdivisions such as municipal corporations, school districts, district corporations, boards of cooperative educational services, fire districts, public benefit corporations, industrial development authorities, and similar organizations are not eligible to apply in response to this RFA.

Applicants need not be a certified or registered CSC, nor be working toward CSC certification, to apply for this grant opportunity.

Two or more municipalities, or one municipality and a quasi-governmental entity or non-profit organization, may collaborate on a project. However, one eligible municipality must be designated as the lead applicant and must assume responsibility for the application, contract development and maintenance in the Grants Gateway, performance of work consistent with this RFA, and compliance with the State of NYS Master Contract for Grants or Letter of Agreement. Projects involving a partnership must submit letters, or other written agreements, signed by all parties substantiating the collaboration at the time of application.

Applicants may submit several applications, but no more than one application may be submitted for the same project or project location.

Eligible Project Types and Funding Levels

Implementation Projects

Eligible implementation projects must be climate change adaptation or non-power sector GHG mitigation projects as described below and be located within the State of New York.

Total available - up to \$11,038,554.

Minimum award - \$10,000.

Maximum award - \$2,000,000.

Design and engineering expenses are limited to a maximum of fifteen percent (15%) of the grant request.

No more than fifty percent (50%) of the total available funds for implementation projects will be awarded to municipalities with populations greater than 100,000 or to any single municipality.

If funding in the implementation category remains after all awards in the implementation category are made on the basis of eligibility, program requirements and goals, and passing score, the Department reserves the right to apply the remaining funding to eligible proposals in the certification category.

Adaptation Implementation Projects

Eligible adaptation project types include any project designed to provide a meaningful reduction of risk to residents, infrastructure, and/or natural resources from hazards projected to become more severe or frequent as a result of climate change. Such projects include, but are not limited to the following:

- Increasing or preserving natural resilience, such as construction of living shorelines and other nature-based landscape features to decrease vulnerability to the effects of climate change and to improve or facilitate conservation, management, and/or restoration of natural floodplain areas and/or wetland systems.
- Flood-risk reduction, including, but not limited to, strategic relocation or retrofit of climate-vulnerable critical municipal facilities or infrastructure to reduce future climate-change induced risks to those facilities.
- Replacing or right-sizing flow barriers, including, but not limited to, right-sizing bridges or culverts, or improving flow barriers to facilitate emergency response or protection of population centers, critical facilities, infrastructure, and/or natural resources, based on assessment of projected future conditions.
- Extreme-heat preparation, including, but not limited to, establishment of cooling centers, construction of permanent shade structures, and implementation of other cooling features or programs.
- Emergency preparedness, including, but not limited to, establishment of emergency warning systems or implementation of emergency preparedness and/or response programs (excluding radio communications).
- Enrollment in and completion of activities that are part of the Federal Emergency Management Agency (FEMA) Community Rating System (CRS) program.

Mitigation Implementation Projects

Eligible projects in the mitigation category must provide a meaningful reduction in GHG emissions from the non-power sector. Mitigation projects shall be one of the following project types:

1. **Reduction of Vehicle Miles Traveled (VMT).** Transportation is the largest source of GHG emissions in New York State. Reducing the need for single occupancy vehicle trips for daily needs will reduce GHG emissions. Reduction of VMT projects include, but are not limited to the following:

- Construction of on-road or off-road facilities for non-motorized forms of transportation to facilitate access to daily, non-recreational transportation needs and/or commutes.
 - Implementation of transit improvements that have the potential to substantially increase ridership or access to daily needs, and/or increase commuting by mass transit.
 - Implementation of projects or programs to reduce the distance commuted in individual gas-powered vehicles, such as densification or implementation of smart-growth strategies.
2. **Reduction of Organic Waste.** These projects divert food waste and other organic material from landfills where it produces methane. Projects include, but are not limited to the following:
- Construction or installation of equipment to facilitate acceptance of food waste at existing anaerobic digesters at wastewater treatment facilities or existing composting facilities.
 - Implementation or piloting of a food waste pick-up service for residents and/or commercial establishments, prior to delivery to an organics recycling facility.
 - Implementation of food donation and food-waste collection in municipal buildings.
 - Implementation of onsite composting or anaerobic digestion at municipal facilities.

For food donation programs, infrastructure for the storage and management of edible food, establishment or expansion of residential education and outreach programs concerning food donation, home composting, and other related topics please see the DEC Department of Materials Management Funding Opportunities for Food Pantries and Municipalities at <https://www.dec.ny.gov/chemical/114499.html>.

3. **Enhanced Landfill Gas Capture.** Methane leakage from landfills is a significant source of GHG emissions. Projects include, but are not limited to, the following:
- Installation of a new or more efficient landfill gas capture system that uses blowers, fans, pumps, or vacuums to induce an area of low pressure allowing for more efficient or additional landfill gas capture and directing the gas to a destruction device such as a flare, internal combustion engine, or pipeline injection for offsite use in place of a passive venting system.
 - Installation of methane leak-detection equipment and implementation of programs at landfills to improve monitoring as part of a GHG mitigation plan.
4. **Reduction of Refrigerant Use and Leakage.** Refrigeration and cooling systems contain fluorinated GHGs which are many times more powerful at trapping heat in the atmosphere than carbon dioxide. Leakage of these refrigerants from refrigeration, air-conditioning, and ice rink equipment is a regular occurrence. Municipalities can reduce or eliminate the harm caused by refrigerants by converting to zero or low global warming potential (GWP) alternatives, instituting leak management systems and repair plans, or providing for the proper disposal of appliances in the community. Projects include, but are not limited to the following:
- Replacement or retrofit of refrigeration equipment, chillers, or air-conditioning systems with alternative refrigerants of the lowest GWP option available. NOTE: Implementation of a leak management system will be required for a grant award to install any system

\$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 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 for minority group members and women (“EEO”) and contracting opportunities for certified minority and women-owned business enterprises (“MWBEs”). Contractor’s demonstration of “good faith efforts” 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.

For the purposes of the CSC program, an MWBE requirement of 20% of the grant amount will pertain to awards in excess of \$100,000 for construction projects only. There are no MWBE requirements for contracts with grant awards of \$100,000 or less for construction, or for grant awards for CSC Certification projects. Please refer to the NYS MCG Article IV.(J) and Attachment A-1 Program Specific Terms and Conditions Article X of the contract to review specific MWBE and EEO requirements for each project.

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/VendorSearchPublic.asp?TN=ny&XID=9885> .

Contracts which meet the established MWBE-EEO thresholds require the Contractor to submit Quarterly Reports. Required MWBE and EEO related forms can be found at

<http://www.dec.ny.gov/about/48854.html> .

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.

The following MWBE-EEO “Fair Share” goals are established as follows:

Minority and Women Owned Business Enterprise (MWBE) Overall Participation Goals:

- Construction/Engineering – 20% (for construction projects over \$100,000)
- Commodities – 0%
- Services/Technologies – 0%

Equal Employment Opportunity (EEO) Participation Goals

- EEO Minority Workforce Participation Goals (DEC Regions 1- 9) 0%
- EEO Female Workforce Participation Goals (DEC Regions 1-9) 0%

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

Climate Change Mitigation Easement

Pursuant to the requirements of Title 15 of the Environmental Protection Fund, the grantee must own the property upon which the proposed development, improvement, restoration, and/or rehabilitation project will be implemented, or obtain a climate change mitigation easement (CCME) from the owner of the project site. If the applicant does not own the property upon which the proposed project will be implemented, the applicant is required to submit a landowner agreement at the time of application, as follows:

- If the property owner is another municipality, submit a certified resolution by the municipal property owner in support of the project indicating agreement to enter a CCME with the applicant.
- If the property owner is not a municipality, a notarized written statement from the property owner in support of the project indicating an agreement to enter a CCME with the applicant.

If awarded, during the term of the CSC grant contract for development, improvement, restoration, and/or rehabilitation projects of which the grantee is not the landowner, the grantee must develop, execute, and file with the appropriate county clerk's office a CCME that ensures the following:

- The property shall be accessible to the municipality for any necessary work to achieve the funded purpose throughout the anticipated life of the project.
- The property shall provide the identified public benefit throughout the anticipated life of the project.
- The property shall be used to achieve climate protection and mitigation goals pursuant to ECL Article 54, Title 15 "Climate Smart Communities Projects" throughout the anticipated life of the project.
- The property owner shall provide information and data to the municipality or will provide access to the municipality for collection of data, as specified in the grant contract.
- A ten-year minimum term for the easement is required to adequately reflect the expected useful life of the project.
- The easement is to be enforced as a conservation easement pursuant to ECL Section 49-0305 and 6 NYCRR Part 492.

See Attachment B for a CCME template.

Retainage

Per 6 NYCRR Part 492, Climate Smart Communities Projects, a retainage of five percent (5%) will be withheld from each payment request for adaptation and mitigation projects (implementation). The retainage is held in case a project is not completed or all required match is not provided by the grantee. All accumulated retainage will be added to the final payment request upon project completion, match fulfillment, and submission of all deliverables.

30-Day Notice

Grantee agrees to notify the Department in writing thirty (30) calendar days prior to the start of construction or, if the start of construction began on or after the contract start date, upon approval of the contract. The grantee shall notify the Department in writing within thirty (30) calendar days as to the status of any construction. The grantee agrees that it shall notify the Department in writing thirty (30) days following initial start-up operation of the project.

Permit Requirements

If applicable, grantees 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 grantee agrees that all work performed in relation to the project by the grantee or its agents, representatives, or grantees 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. 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.

Vendor Responsibility Questionnaire

If any one sub-contractor will be receiving over \$100,000 in grant funds, the contractor must complete the Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, the contractor can follow the VendRep instructions available at http://www.osc.state.ny.us/vendrep/vendor_index.htm or go directly to the VendRep System online at <https://portal.osc.state.ny.us> . More information is available in section XVII. Vendor Responsibility of the Attachment A-1 Program Terms and Conditions.

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> .

Procurement of Contractors/Subcontractors

Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Failure to comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.

Historic Preservation Review Requirements

For projects that involve properties listed on the State or National Registers of Historic Places, all work undertaken as part of a grant-assisted project must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. Questions about or proposals for listing on the state or national register should be directed to the Office of Parks, Recreation, and Historic Preservation (OPRHP) National Register Unit at (518) 237-8643. To ensure the public benefit from the

investment of state funding, preservation covenants or conservation easements will be conveyed to the OPRHP for all historic property grants

Ownership

Pursuant to ECL §54-1515, all infrastructure funded through the CSC program must be owned by the grantee and cannot be transferred to another entity for the duration of the infrastructure's useful life. Through a Climate Change Mitigation Easement, the infrastructure may be placed on property not owned by the municipality.

Sexual Harassment Prevention Certification

State Finance Law §139-I 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.

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 made.

Payments and Reporting

Pursuant to State Finance Law, municipalities are not eligible to receive advance payments. Project costs eligible for reimbursement and project match must be incurred between the MCG 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 Department for costs to be eligible for grant reimbursement.

Quarterly reports must be submitted in narrative form, no later than 30 days from the end of each quarter, beginning with the first full quarter after contract execution. Quarterly reports must summarize project progress toward meeting project objectives and deliverables during the quarter. Expenditure reports (section VI Financial Status of the quarterly report form), detailed by object of expense as defined in the MCG Attachment B-1 Expenditure Based Budget, must accompany the quarterly reports.

Quarterly MCG payment reimbursement requests will be accepted prior to submittal of a final closeout reimbursement request. Approved project design, required permits, landowner permissions, and quarterly reports must be in place to submit a reimbursement request. Per 6 NYCRR Part 492, Climate Smart Communities Projects, a retainage of 5% will be withheld from each payment request for adaptation and mitigation projects (implementation). The retainage is held in case a project is not completed or all required match is not provided by the grantee. All accumulated retainage will be added to the final payment request upon project completion, match fulfillment, and submission of all deliverables.

A final report must be submitted and approved by the Department prior to the release of the final contract payment to the Grantee. The Grantee 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, include photographs and copies of media promotion, detail how grant funds were utilized in achieving the goals set forth in the work plan, and summarize the obstacles experienced and how they were overcome. For mitigation projects, an estimate of GHG reduction must be included.

Draft copies of appropriate deliverables (e.g., inventory and/or management plan) must be submitted by the Grantee and approved by the Department before a final draft is produced.

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

Department of Environmental Conservation Oversight

The Department of Environmental Conservation reserves the right to do the following:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- Award an agreement for any or all parts of this RFA in accordance with the method of award or withdraw the RFA at any time at the Department's sole discretion.
- Award only one application for funding in the event there are several application submittals for a single project or for portions 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 90 days of a grant award.
- 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.
- Not fund projects that are determined not to be consistent with the NYS Smart Growth Public Infrastructure Policy Act (Environmental Conservation Law Article 6).

Debriefing

In accordance with section 163 of the NY State Finance Law, the Department must, upon request, provide a debriefing to any unsuccessful offeror that responded to the RFA, 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.

Attachment A: Resolution Template

Sample Municipal Resolution Authorizing Application for a New York State Climate Smart Communities Grant

Resolution

Whereas, [name of municipality] hereby requests financial assistance from the New York State Climate Smart Communities Grant Program pursuant to Environmental Conservation Law Article 54 Title 15.

Whereas, [name of municipality] certifies that it has identified and secured \$[amount of match] of matching funds from [location – general fund, donation, etc.] pursuant to the requirements of Environmental Conservation Law Article 54 Title 15.

Therefore, be it resolved, that [name of municipality] hereby authorizes [name and title of authorized representative], an official or employee, to act on its behalf in submittal of an application through the Consolidated Funding Application for \$[amount requested], to be used for [project title].

Adopted this [date] day of [month], [year].

I hereby certify that the foregoing resolution was duly adopted by [name of municipality] at a legal meeting on the [date] day of [month], [year].

[Name]

[Title]