



**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

Climate Smart Communities Grant Program

Funding Available: \$11,738,554

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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

using a refrigerant with a GWP greater than 700. (For reference the most common refrigerants R22, R134a, and R-410a have GWP over 1,400.) Currently, systems that run on ammonia have the lowest GWP. Lists of alternatives and their GWP can be found online on the Environmental Protection Agency website at <https://www.epa.gov/snap/substitutes-centrifugal-chillers>, among others. Applicants should contact potential vendors to determine the available options for low-GWP alternatives in different types of equipment and examine the technical documentation for the associated equipment.

- Installation of refrigerant leakage monitoring equipment and establishment of a monitoring and repair plan.
- Establishment of disposal programs to recover and recycle refrigerants, including those from automobiles, or properly dispose of equipment containing refrigerants.
- Adoption of codes to enable and encourage the use of alternative refrigerants or requirements for proper monitoring, repair, and disposal of refrigerants.
- Establishment of education and outreach programs for businesses within the community that will reduce GHG emissions from refrigerants.

Certification Projects

Certification projects focus on assessments, inventories, and planning activities that are part of becoming a certified Climate Smart Community. Only certain certification actions are eligible for grant funding. These actions create a foundation from which the community may institutionalize adaptation to climate change and mitigation of GHG emissions. They also provide a basis for future grant applications in the implementation category.

Total available - up to \$700,000.

Minimum award - \$10,000, except that up to five grants of between \$2,500 and \$9,999 each may be awarded to municipalities of population sizes less than 40,000.

Maximum award - \$100,000.

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

If funding in the certification 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 implementation category.

Work plans submitted as part of an application for a project funded under the certification category must include completion of the minimum requirements for the selected certification action(s) as described in the Climate Smart Communities Certification Portal (CSC Portal) actions page at <https://climatesmart.ny.gov/actions-certification/actions/> under subheadings "E. How to Obtain Points for this Action" and "F. What to Submit."

Eligible projects include completion of any of the following CSC certification actions:

- PE2 Action: Government Operations Greenhouse Gas Inventory
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/6>

- PE2 Action: Community Greenhouse Gas Inventory
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/7>
- PE2 Action: Government Operations Climate Action Plan
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/10>
- PE2 Action: Community Climate Action Plan
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/11>
- PE3 Action: Fleet Inventory
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/147>
- PE3 Action: Fleet Efficiency Policy
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/21>
- PE5 Action: Construction and Demolition Waste Policy
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/57>
- PE6 Action: Comprehensive Plan with Sustainability Elements
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/66>
- PE6 Action: Complete Streets Policy
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/74>
- PE6 Action: Planning and Infrastructure for Bicycling and Walking (planning only)
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/75>
- PE6 Action: Natural Resources Inventory
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/82>
- PE7 Action: Climate Vulnerability Assessment
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/85>
- PE7 Action: Climate Smart Resiliency Planning
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/87>
- PE7 Action: Climate Adaptation Strategies
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/88>
- PE7 Action: Heat Emergency Plan
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/91>

Eligible Expenses

The following expenses are eligible as match and for reimbursement:

Personnel Services: salaries of staff, including fringe, directly devoted to project implementation. Grantees will be required to document date and hours worked and tasks completed via time records.

Contractual Services: Tasks completed by professional and technical consultants (e.g., engineering, planning, and legal services directly related to the project).

Equipment: Purchased, in-kind or rental use of equipment (e.g., backhoe) directly required to implement the project. Purchased equipment will be valued by its actual cost at the time of purchase, rental equipment will be valued at the rate charged and hours used, and in-kind use of equipment will be valued at either the NYS Department of Transportation or Federal Emergency Management Administration equipment rates or documented local equipment rental rates.

Travel: Project related travel costs. Mileage will be reimbursed at the current federal rate and lodging at current state per diem rates for the area. Note that consultants should include travel into the overall cost proposal and not bill the grantee separately.

Other: This category includes supplies and materials, volunteer time, and donated professional services.

Supplies and materials are defined as consumable products needed to directly implement the project (e.g., printing, copying, paving material, crushed stone). Use value at time item(s) were obtained.

Volunteer time is defined as unskilled labor or work performed by professionals or skilled laborers directly on the project, in an area outside their area of expertise. Values for volunteer time must be computed at the minimum wage at the time the work is performed (currently \$13.50 - \$15.00 in NYC, \$12.00 for Long Island and Westchester, and \$11.10 for the rest of New York State).

Donated professional services is defined as work performed by professionals or skilled laborers in their area of expertise directly on the project. For example, a lawyer donating legal services to the project may compute value based on the standard billing rate, but the same lawyer donating time painting walls must calculate the value using minimum wage.

Fees related to accessing tools for climate change adaptation and GHG mitigation for the duration of the project are permissible if directly related to the proposed project (e.g., ICLEI ClearPath, the Temperate tool, GHG software). Approval of these expenses will be made by the DEC during application review.

Ineligible Expenses

The following expenses are not eligible as match or for reimbursement:

- Costs for purchase of zero-emission vehicles and/or installation of electric vehicle service equipment or other charging or clean vehicle re-fueling infrastructure. If interested in clean vehicles, charging infrastructure, or hydrogen fuel cell filling station grant opportunities please see the Grants Gateway at https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx and search for zero-emission.
- Indirect or overhead costs of the municipality. This category includes but is not limited to rent, telephone service, general administrative support, general-use computers, office equipment, general office supplies, and other general operations costs such as memberships and subscriptions (e.g., newspapers, professional and municipal associations).
- Salaries and other expenses of elected officials, whether incurred for purposes of project direction, execution, or legislation.
- Fund-raising expenses.
- Taxes, insurance, fines, deficit funding, bond interest, and associated fees.
- Contingency costs.
- Federal funds.
- Other NYS funds.

Application Requirements

Grants Gateway Registration

Eligible applicants must be registered in the NYS Grants Gateway. Applicants must have a valid Federal Employee Identification Number (FEIN) and a NYS Vendor Identification Number to complete their Grants Gateway registration. If a municipality passes a resolution authorizing a department under its jurisdiction to apply for funding, that department can apply only if it is registered in the NYS Grants Gateway. Registration in the NYS Grants Gateway is necessary for municipalities to be able to do the following:

- apply for a NYS grant opportunity,
- enter into a grant contract,
- amend an existing contract,
- apply for grant payments (note: DEC does not utilize the Grants Gateway for payments at this time).

Registration is NOT an online process.

Register now to allow time for processing and postal mail delivery.

Grants Gateway registration instructions

1. Visit the Grants Management website at <https://grantsmanagement.ny.gov/register-your-organization> . Scroll down to the “How to Register Section” and click on the “Registration Form for Administrators” link.
2. Complete the form according to the instructions provided. The completed form must be signed and notarized.
3. Mail the original, signed and notarized, hard copy to the address provided in the instructions.
4. After the form is received and reviewed at Grants Management, the person designated “Grantee Delegated Administrator” in the registration form will be provided with a username and password allowing access the Grants Gateway.
5. The Grantee Delegated Administrator may then log in to the Grants Gateway at https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx and change their password at the bottom of the profile page when prompted. Enter a new password and click the SAVE button located on the top, right-hand side of the page.
6. The Grantee Delegated Administrator must now create roles for the “Grantee” and “Grantee Contract Signatory.” The “Grantee” is often the municipal project manager or consultant who will upload all the required documentation and edit the work plan and budget. The “Grantee Contract Signatory” is the municipal CEO who is legally authorized to sign the state assistance contract. Refer to Section 2.2 of the “Grantee User Guide,” located on the Grants Management website at <https://grantsmanagement.ny.gov/grantee-documents> for instructions on creating user roles in the Grants Gateway.

If you have previously registered and do not know your username, please email grantsgateway@its.ny.gov . If you do not know your password, click the Forgot Password link from the main log in page and follow the prompts.

Local Match

Per NYS Environmental Conservation Law §54-1511(3), a local match equal to **50 percent (50%) of total eligible project costs** is required. For example, a project with an eligible total cost of \$100,000 is eligible for a \$50,000 grant and must provide a \$50,000 local match.

Only expenses listed in the Eligible Expenses section above, cash and real property, as detailed below, may be used as match with approval by the DEC, except for expenses covered by other NYS or federal funding sources.

The applicant must identify all sources of match in the budget at the time the application is submitted.

Cash: Includes general municipal funds, other grants from non-state or non-federal funding sources, and donations from community or corporate sponsors.

Real Property: The cost of acquisition of land that is necessary for and directly related to the proposed project may be used as **match only**. The cost of land acquisition cannot be supported with DEC grant funds. At the time of application, the applicant must submit the following acquisition documentation when real property is being used as match:

- map identifying the property;
- current appraisal report; and
- copy of the recorded deed conveying title.

Land acquisition as match must be approved by DEC as part of the application review process. Match for which complete land acquisition documentation is not submitted with the application will be deemed ineligible.

NOTE: Projects for which a complete match is not identified will have the award reduced to the eligible match amount or may be deemed ineligible if available funding is unlikely to ensure successful completion of the project.

Resolution

A municipal resolution authorizing application submittal and documenting the availability of local match must be submitted at the time of application. The resolution must be adopted by the legislative body of the lead municipal applicant. See Attachment A for a template. Only county governments may submit a letter signed by the county executive in place of the resolution, if the resolution cannot be obtained before the application deadline. The letter must conform to the template in Attachment A.

Map

Maps are required as part of the application in three instances.

1. Real property value is requested as match. A map identifying the property and its spatial relationship to the project is required along with the appraisal report and recorded deed conveying title to the applicant.
2. The project is an implementation project. For implementation projects provide one or more maps depicting the location, site features, and specific climate vulnerabilities associated with the project including the location(s) of populations and resources at risk associated with the

proposed project, and if applicable, location on a flood insurance rate map or other applicable risk map.

3. The project site is located in a potential Environmental Justice area as mapped by the Department of Environmental Conservation. Upload a map of the potential Environmental Justice area from <https://www.dec.ny.gov/public/911.html>, indicating the project site on the map.

Work Plan and Budget

Work Plan – Each application must contain a detailed work plan. The work plan must be completed on the template provided, which uses the Grants Gateway format of objectives (goals of the project), tasks (from creation of a Request for Proposals for a contractor to final reporting), and the performance measures (deliverables provided to the state).

The DEC OCC will require certain objectives, tasks, and performance measures for certain project types to be included in the work plan; these may include measuring the benefits and outcomes of the project. Details will be provided upon award.

Budget – Each application must contain a detailed budget with total project costs, including match. The budget submitted in the template upload must match the budget submitted as part of the CFA application questions.

Justification

Adaptation Implementation Projects

Applications for adaptation implementation projects should include the following:

1. Summary of current climatic conditions that have a direct connection to the proposed project's objectives (e.g., flood or flow levels, number of extreme-heat days).
2. A discussion of anticipated changes to conditions discussed above in #1 given scientifically supported projections of future local or regional climate conditions or local data documenting recent changes.
3. An analysis of how changes to the current conditions are affecting or will affect the project location; include specific climate vulnerabilities and populations and resources at risk.
4. A discussion and analysis of how the proposed project will alleviate the anticipated threats or reduce the risk from threats to the populations and resources identified in #3. Provide quantifiable evidence (e.g., model results, calculations, data) that demonstrates the value of the project in improving climate resilience and the methods, assumptions, and tools used to estimate anticipated risk reduction.

Mitigation Implementation Projects

Applications for GHG mitigation implementation projects should include the following:

1. The results of local and/or regional GHG emissions inventories at <https://www.dec.ny.gov/energy/57170.html#Regional>.
2. The GHG emissions to be targeted by this project.
3. Quantifiable evidence (e.g., model results, calculations, data) that demonstrates how the proposed project will achieve a meaningful reduction in GHG emissions.

4. The planning process used to identify, prioritize, and design the proposed project.

Certification Projects

For certification projects the application should include the following:

1. A description of why the project is needed in the community (i.e., any events, problems, and/or missing data that substantiate the need for the project).
2. How funding for this project is expected to meet the local/regional needs, alleviate problems, or provide critical information presented in #1.
3. How the products resulting from this grant award will be used by the community to implement GHG mitigation or climate change adaptation projects in the community.
4. A description of the municipality's approach to build capacity and engage the public, local businesses, and non-governmental organizations in a sustained effort to engage in an evolving process of climate action.
5. The requirements and deliverables for certification as listed at <https://climatemarket.ny.gov>.

Agreements

Partnerships

Two or more municipalities, or one municipality and a quasi-governmental entity or non-profit organization, may collaborate on a project. However, only one eligible municipality, designated as the lead applicant, may submit the application for grant funding. Letters or other written agreements, signed by all parties, substantiating the collaboration are required at the time of application. The lead applicant must assume the responsibility for the project application, contract development and maintenance in the Grants Gateway, performance of work consistent with this RFA, and compliance with the State of New York Master Contract for Grants or Letter of Agreement. Applicants must provide letters of commitment or other written agreements substantiating collaboration from each partner directly participating in the proposed project at the time of application.

Climate Change Mitigation Easement

Pursuant to the requirements of Title 15 of the Environmental Protection Fund (Environmental Conservation Law (ECL) §54-1501 et seq.), 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.

Smart Growth Public 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 ECL §6-0107, or that compliance is considered to be impracticable, before making any commitment to fund such project(s). Applicants are required to provide smart growth assessment information as part of the Consolidated Funding Application process.

Application Review and Scoring

Each application is first assessed for eligibility based on the pass/fail criteria. If an application is deemed ineligible, it is disqualified from further review. DEC will mail a letter to the contact listed in the CFA application informing the applicant of the determination. If the application is deemed eligible the application will move on to technical scoring by an evaluation team convened by DEC.

Using information provided by the applicant, reviewers will score each eligible project according to the selection criteria outlined below. An application must score a minimum of 40 points, out of a possible 100 points, and provide meaningful mitigation of GHG emissions or adaptation to climate change to receive an award. Technical reviewer scores will be averaged, and Regional Economic Development Council priority points will be incorporated to develop a numerical score; the scores will then be ranked highest to lowest.

Funding will be recommended based on the highest to lowest overall score ranking within each funding category, within the expressed funding limits for municipalities with population sizes over 100,000 and/or any single municipality and accommodating grants of less than \$10,000 for municipalities of less than 40,000 population size, as described in this RFA, until available funding has been exhausted.

In the event of a tie score, in which two or more applications for funding are judged based on their written applications to be equal in quality, the applicant with the highest combined score on project criticality and effectiveness of proposal will receive the award. In the event of a tie scores on project

criticality and effectiveness of proposal, the applicant with the highest score on implementation readiness will receive the award. In the event of a tie score on project readiness, the applicant with the highest score on reasonableness of cost will receive the award.

Pass/Fail Criteria

A failure to meet any one criterion below will disqualify the application from further consideration:

- The applicant is a county, city, town, or village of the State of New York, or a borough of New York City.
- A copy of a municipal resolution authorizing application submittal and a description of the required fifty percent (50%) match has been included.
- The application directly addresses one of the eligible project categories.
- The applicant provides a completed expenditure budget in the requested format that itemizes costs and an eligible match.
- The applicant provides a detailed work program and timeline for work, outlining individual work tasks and their sequence, from initiation through completion.
- If applicable, documentation of land ownership and/or the necessary land access and use agreement(s) and or partnership agreements are provided.

Implementation Projects

Eligible projects in the adaptation category will be evaluated for potential to provide a meaningful response, at the municipal level, to anticipated future conditions resulting from climate change. Scores will be based on the anticipated effectiveness of the proposed project to reduce risk to residents, infrastructure, and/or natural resources under projected climate conditions. Applications must include an analysis of how climate change will affect the project location, population, natural resources, etc., as relevant to the project type, and how the project will alleviate those anticipated threats.

Eligible projects in the mitigation category will be evaluated for their potential to provide a meaningful reduction in GHG emissions. Scores will be based on the anticipated effectiveness of the proposed project to reduce GHG emissions. Applications should describe the source of GHG emissions data, current GHG emissions, future GHG emissions due to project implementation, and the methods and assumptions used to estimate GHG reductions.

Implementation Scoring Overview

Category	Max. Points					Min. Points
Financial Hardship	4	2	0	-	-	0
CSC Status	8	6	3	0	-	0
Significant Statewide Initiatives	3	2	1	0	-	0
Project Criticality	15	8	3	0	-	0
Effectiveness of Proposal	14	10	5	0	-	0
Planning Context	6	3	0	-	-	0
Implementation Readiness	5	3	2	0	-	0
Reasonableness of Cost	20	15	7	3	0	0
Quality of Application	5	3	1	0	-	0
Regional Economic Development Council (REDC) Priority	20	<i>To be awarded by the regional economic development council (REDCs)</i>				
Total Available Points	100					

Implementation Scoring Criteria and Values

Category	Criterion	Points
Financial Hardship	Applicant is a community with a Median Household Income (MHI ¹) less than 80% of the 2017 Statewide MHI (<i>i.e.</i> , MHI less than \$50,212).	4
	Applicant is a community with a MHI less than the 2017 Statewide MHI but not less than 80% of the 2017 MHI (<i>i.e.</i> , MHI greater than or equal to \$50,212 but less than \$62,765).	2
	Applicant is not a financial-hardship community, as defined above	0
CSC Status	Applicant is a certified silver Climate Smart Community	8
	Applicant is a certified bronze Climate Smart Community	6
	Applicant is a registered Climate Smart Community	3
	Applicant is not a Climate Smart Community	0
Significant Statewide Initiatives	Project site is located in a DEC potential Environmental Justice (EJ) area. Maps of potential EJ areas can be found on the DEC EJ webpage at http://www.dec.ny.gov/public/911.html .	2
	Project site is not located in a DEC potential environmental justice area. Maps of potential EJ areas can be found on the DEC EJ webpage at http://www.dec.ny.gov/public/911.html .	0
	Project advances downtown revitalization and smart growth as relevant to the goals of the CSC program.	1
	Project does not advance downtown revitalization and smart growth as relevant to the goals of the CSC program.	0

¹ Median Household Income (MHI) may be established using publicly available census data and does not require detailed demographic and economic data from the municipality. Per the U.S. Census American Community Survey (<https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2017/>), the 2017 Statewide MHI for total households in New York State is \$62,765.

Project Criticality	ADAPTATION: Application identifies specific climate vulnerabilities (including populations and resources at risk) and describes, quantitatively, the scientifically supported projections of future local or regional climate conditions ² that will create or exacerbate those vulnerabilities. MITIGATION: Application identifies the results of local and/or regional GHG emissions inventories ³ and the GHG emissions to be targeted by this project.	15
	ADAPTATION: Application generally identifies climate vulnerabilities (including populations and resources at risk) and generally describes the scientifically supported projections of future climate conditions at any scale that will create or exacerbate those vulnerabilities. MITIGATION: Application describes information or data on GHG emissions at any scale and the GHG emissions to be targeted by this project.	8
	ADAPTATION: Application generally describes a relationship between climate change and vulnerable populations or resources. MITIGATION: Application generally describes the value of GHG emission reduction.	3
	ADAPTATION: Application does not provide sufficient information to demonstrate a climate vulnerability expected to be exacerbated by climate change. MITIGATION: Application does not provide sufficient information to demonstrate an expected GHG emission reduction.	0
Effectiveness of Proposal	Application specifically identifies and provides quantifiable evidence (e.g., model results, calculations, data) that demonstrates the climate adaptation value of the project (i.e., how it will improve local climate resilience and/or minimize the effects of climate change) or the GHG mitigation value of the project (i.e., how it will result in a meaningful reduction of GHG emissions).	14
	Application generally and credibly identifies and describes the climate adaptation or GHG mitigation value of the project.	10
	The proposed project may lead to indirect, secondary, or partial benefits associated with climate adaptation or GHG mitigation .	5
	The proposed work will not lead to identifiable benefits associated with either climate adaptation or GHG mitigation .	0
Planning Context	The proposed project is specifically recommended by an adopted local or regional plan or is a documented initiative of a climate, energy, or GHG task force or committee.	6

² See, e.g., New York State “ClimAID” report (<https://www.nyserda.ny.gov/climaid>), National Climate Assessment (<http://nca2014.globalchange.gov/>) and New York State Climate Change Science Clearinghouse (<https://www.nyclimatescience.org>).

³ See NYS regional GHG emissions inventories and other inventory information at <http://www.dec.ny.gov/energy/57170.html> . Email climatesmart@dec.ny.gov for updated GHG inventory information.

	The proposed project identifies and is consistent with the purpose of, or provides indirect benefit related to, a local or regional plan or documented initiative of a climate, energy, or GHG task force or committee.	3
	The application does not describe a local or regional planning context or does not provide sufficient information to evaluate the relationship of the proposed project with local or regional plans, task force, or committee.	0
Implementation Readiness	Application clearly describes all of the following: <ul style="list-style-type: none"> the planning used for identification, prioritization, selection, and design of the project as proposed; a realistic schedule for obtaining all necessary permits or approvals; project participants and their roles; necessary project partnerships and agreements; and ownership of and/or permission to use the property or facilities proposed for work. 	5
	Application clearly describes at least 4 of the above factors, including the following: <ul style="list-style-type: none"> the planning used for identification, prioritization, selection, and design of the project as proposed, and a realistic schedule for obtaining all necessary permits or approvals. 	3
	Application clearly describes at least 3 of the above factors, including the following: <ul style="list-style-type: none"> a realistic schedule for obtaining all necessary permits or approvals. 	2
	Application does not identify an available source of eligible match, has not outlined a realistic schedule for obtaining all necessary permits or approvals, and/or does not clearly describe the factors listed above.	0
Reasonableness of Cost	To determine the reasonableness of cost, the following ten questions will be considered: <ol style="list-style-type: none"> Have costs been thoroughly documented using quotes, pricing sheets, previous final budgets for similar projects, or similar documentation? Is budget complete with proper amounts of grant and local share and does the budget template match the CFA application budget? Has a specific source of local match, such as general fund, highway department budget, or donation been allocated? Are budget lines detailed with information, such as: type of contractor and amount, construction vs design; title of personnel, hours expected, and hourly or annual rate; purpose and location of travel; list of materials, title and hourly rate of donated professional services, or number of volunteers and 	

	<p>hours anticipated? Engineering costs allocated to grant cannot exceed 15% of the total requested in application.</p> <p>5. Are the size and scope of the project suitable to accomplish the desired outcome?</p> <p>6. Does the applicant leverage municipal staff, non-contractual services, or other resources to accomplish the proposed work?</p> <p>7. Will the completed project provide a meaningful GHG mitigation or climate change adaptation benefit relative to anticipated project costs?</p> <p>8. Will the project catalyze additional action related to the project’s purpose that will not require state funding?</p> <p>9. Does the project demonstrate a new technology or innovative approach?</p> <p>10. Will the work or the approach be transferable to other communities or replicable in other sectors?</p>	
	Projects that meet 8 or more of the criteria listed above.	20
	Projects that meet at least 6 of the criteria listed above.	15
	Projects that meet at least 4 of the criteria listed above.	7
	Projects that meet at least 3 of the criteria listed above.	3
	Projects that meet fewer than 3 of the criteria listed above.	0
Quality of Application	The application is complete, including an anticipated schedule, work plan, a detailed budget breakdown, and all necessary questions have been answered. The project is clearly and specifically described and all supporting information and documentation is included.	5
	The application generally describes the project but some questions have not been fully or adequately answered, supporting documentation is missing, and/or the budget or schedule generalizes across broad categories.	3
	The application does not clearly describe the project or there are discrepancies in the proposal or between the work proposed and the included budget.	1
	The application is missing a significant amount of information, does not address the stated purpose of the grant program and its eligible project categories, and/or does not provide sufficient budget information to understand the amount of funding requested.	0
REDC Priority	To be awarded separately by the REDCs.	0, 5, 10, 15, or 20

Statewide Programs

Downtown Revitalization Initiative and Strategic Community Investment

Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization and strategic place making through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses - creating dynamic neighborhoods where tomorrow’s workforce will want to live, work, and raise a family.

Projects that reflect general principles of smart growth and sustainable development will receive 1 point.

Environmental Justice

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Projects located in a potential environmental justice area as defined by DEC, and for which the applicant has submitted a map of the environmental justice area showing the location of the proposed project, will receive two points. To determine if your project is located in a potential environmental justice are, consult the maps on the DEC environmental justice webpage at <http://www.dec.ny.gov/public/911.html>.

Certification Projects

Applications must identify all CSC certification actions to be completed and how the products will be used by the municipality in the future to advance GHG mitigation and climate change adaptation. Projects will be scored based on the effectiveness of the proposed project or plan to address future climate conditions and/or support GHG reduction.

Certification Scoring Overview

Category	Max. Points				Min. Points
Financial Hardship	6	2	0	-	-
CSC Status	8	6	3	0	-
Certification Readiness	3	0	-	-	-
Project Criticality	14	12	8	4	2
Effectiveness of Proposal	10	8	5	0	-
Planning Context	6	3	0	-	-
Implementation Readiness	8	6	4	0	-
Reasonableness of Cost	20	15	7	3	0
Quality of Application	5	3	1	0	-
REDC Priority	20	<i>To be awarded by the REDCs</i>			
Total Available Points	100				

Certification Scoring Criteria and Values

Category	Criterion	Points
Financial Hardship	Applicant is a community with a Median Household Income (MHI) ⁴ less than 80% of the 2017 Statewide MHI (<i>i.e.</i> , MHI less than \$50,212).	6
	Applicant is a community with a MHI less than the 2017 Statewide MHI but not less than 80% of the 2017 MHI (<i>i.e.</i> , MHI greater than or equal to \$50,212 but less than \$62,765).	2
	Applicant is not a financial-hardship community, as defined above	0
CSC Status	Applicant is a certified silver Climate Smart Community	8
	Applicant is a certified bronze Climate Smart Community	6
	Applicant is a registered Climate Smart Community	3
	Applicant is not a Climate Smart Community	0
Certification Readiness	Applicant has provided documentation showing formation of a CSC task force and two meetings in the past year, as per https://climatesmart.ny.gov/actions-certification/actions/#open/action/2	3
	Applicant has NOT provided documentation showing formation of a CSC task force and two meetings in the past year, as per https://climatesmart.ny.gov/actions-certification/actions/#open/action/2	0
Project Criticality	To determine project criticality, the following questions will be considered: <ol style="list-style-type: none"> 1. Why is the project needed in the community? Name any local or regional events and/or problems that substantiate the need for the project. 2. Describe how the project will provide critical information that is currently missing. 3. How will funding for this project help meet the needs or alleviate the problem(s) presented in #1 above? 4. How will actions completed through this project build on previous work? 5. What was the method used to prioritize this project over other climate-related projects (data, immediate needs, etc.)? 6. How will this project support the municipality's efforts to encourage the public, local businesses, and non-governmental entities to act on climate change? 	
	Applications that provide well-reasoned answers to all the criteria above.	14

⁴ Median Household Income (MHI) may be established using publicly available census data and does not require detailed demographic and economic data from the municipality. Per the U.S. Census American Community Survey (<https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2017/>), the 2017 Statewide MHI for New York State is \$62,765.

	Applications that provide well-reasoned answers to at least 4 of the criteria above, including 1, 2, and 3.	12
	Applications that provide well-reasoned answers to at least 3 of the criteria above, including 1 and 3.	8
	Applications that provide well-reasoned answers to at least 2 of the above criteria, including #1.	4
	Applications that do not provide well-reasoned answers at least 2 of the questions above.	2
Effectiveness of Proposal	Application specifically identifies and describes how the proposed project will build local capacity and lead to specific implementation projects and policies that improve local or regional resilience, minimize local or regional impacts of climate change, or achieve a meaningful reduction in GHG emissions.	10
	Application generally describes how the proposed project will lead to additional efforts that improve local or regional resilience in the community, minimize local or regional impacts of climate change, or achieve a meaningful reduction in GHG emissions.	8
	The proposed project may lead to indirect, secondary, or partial benefits for local or regional resilience, or the minimization of climate change impacts, or may indirectly support or facilitate reduction of GHG emissions.	5
	The proposed project will not lead to an identifiable climate change resilience benefit or reduce GHG emissions; or the application does not provide sufficient information to evaluate the effectiveness of the proposed project.	0
Planning Context	The proposed project is specifically recommended by an adopted local or regional plan or is a documented initiative of a climate, energy, or GHG task force or committees.	6
	The proposed project identifies and is consistent with the purpose of, or provides indirect benefit related to, a local or regional plan or documented initiative of a climate, energy, or GHG task force or committee.	3
	The application does not describe a local or regional planning context or does not provide sufficient information to evaluate the relationship of the proposed project with local or regional plans, task forces, or committees.	0
Implementation Readiness	To determine the Implementation readiness, the following questions will be considered: <ol style="list-style-type: none"> 1. Is the work plan clear and concise and does it contain the requirements and deliverables listed at https://climatemart.ny.gov ? 2. Does the budget align with the work plan? (I.e., do they contain the same categories?) 3. Does the applicant have adequate labor (staff, partners, volunteers) and resources to complete the project? 	

	<p>4. Does the application demonstrate an existing or proposed organizational structure that will sustain implementation of the project?</p> <p>5. Does the applicant have, or can obtain, the technical expertise needed to complete the assessment, inventory, or planning project?</p> <p>6. Does the project include adequate public engagement?</p>	
	Application addresses at least 4 of the items above, including #1 and #3.	8
	Application addresses 3 of the items above, including #1.	6
	Application addresses 2 of the items above.	4
	Application addresses 1 of the items above.	0
Reasonableness of Cost	<p>To determine the reasonableness of cost, the following questions will be considered:</p> <ol style="list-style-type: none"> 1. Have costs been thoroughly documented using quotes, pricing sheets, previous final budgets for similar projects, or similar documentation? 2. Is budget complete with proper amounts of grant and local share and does the budget template match the CFA application budget? 3. Has a specific source of local match, such as general fund, highway department budget, or donation been allocated? 4. Are budget lines detailed with information such as type of contractor and amount; title of personnel, hours expected, and hourly or annual rate; purpose and location of travel; list of materials, title and hourly rate of donated professional services, or number of volunteers and hours anticipated? 5. Are the size and scope of the project suitable to accomplish the desired outcome? 6. Does the applicant leverage municipal staff, non-contractual services, or other resources to accomplish the proposed work? 7. Will the completed project provide a meaningful GHG mitigation or climate change adaptation benefit relative to anticipated project costs? 8. Will the project catalyze additional action related to the project's purpose that will not require state funding? 9. Does the project demonstrate a new technology or innovative approach? 10. Will the work or the approach be transferable to other communities or replicable in other sectors? 	
	Projects that meet 8 or more of the criteria listed above.	20
	Projects that meet at least 6 of the criteria listed above.	15
	Projects that meet at least 4 of the criteria listed above.	7
	Projects that meet at least 3 of the criteria listed above.	3

	Projects that meet fewer than 3 of the criteria listed above.	0
Quality of Application	The application is complete, including an anticipated schedule, work plan, a detailed budget breakdown, and all necessary questions have been answered. The project is clearly and specifically described and all supporting information and documentation is included.	5
	The application generally describes the project but some questions have not been fully or adequately answered, supporting documentation is missing, and/or the budget or schedule generalizes across broad categories.	3
	The application does not clearly describe the project or there are discrepancies in the proposal or between the work proposed and the included budget.	1
	The application is missing a significant amount of information, does not address the stated purpose of the grant program and its eligible project categories, and/or does not provide sufficient budget information to understand the amount of funding requested.	0
REDC Priority	To be awarded separately by the Regional Economic Development Councils (REDC)	0, 5, 10, 15, or 20

Awards

Applicants selected to receive grant awards will be notified by an official Department award letter after the announcement of the REDC awards has been made in December 2019. A “next steps” e-mail with follow up details on the execution process will be sent in January 2020, once the Grants Gateway files have been created. Successful applications for awards of less than \$10,000 will be processed via a Letter of Agreement (LOA) and awards of \$10,000 or more will be processed via the Master Contract for Grants (MCG).

IMPORTANT NOTE: By accepting an award, applicant agrees to abide by all MCG or LOA and Attachment A-1 Terms and Conditions. Any changes to the terms and conditions will not be accepted and may affect applicant’s award.

Letter of Agreement (LOA) and Master Contract for Grants (MCG)

Applicants selected to receive an award of less than \$10,000 will first be required to negotiate the budget and work plan with the DEC OCC program manager and supply insurance information as described below under Insurance Requirements. Once the budget and work plan are approved by both parties and the insurance information is provided, the grantee will be mailed a Letter of Agreement (LOA) package consisting of the LOA, Attachment A-1 Program Terms and Conditions (see <http://www.dec.ny.gov/energy/109181.html> for a copy of Attachment A-1), signed purchase order, quarterly report form, and reimbursement forms. The purchase order will have the same five-year term as the MCG. Project related costs must be incurred within the term of the purchase order to be considered eligible for reimbursement or match. Payments will not be approved or processed by the DEC until a LOA is fully approved by the DEC, expenses are incurred, and a payment request is submitted with all required documentation. Advance payments are not authorized as part of the CSC grant

program. Contract extensions will be considered on a case-by-case basis upon written request from the grantee.

Applicants selected to receive an award of \$10,000 or greater will be required to complete the contract development and approval process within the Grants Gateway. Grantees will negotiate the budget and work plan with the DEC program manager and supply insurance information as described below in Insurance Requirements. Once the budget and work plan are approved by both parties and the insurance information is provided, the grantee will be given access to the contract within the Grants Gateway and required to input the approved budget, work plan, and insurance documentation. The contract will then move to the next step of the execution process. Contracts should be executed within 90 days from the time of the award notification. Failure to submit required MCG documents in a timely fashion may cause a grantee to lose its award. Once a contract is executed the DEC project manager will provide the grantee with the grantee guidelines, voucher paperwork, and draft signage if applicable. Payments will not be approved or processed by the Department until a MCG is fully approved by the Department and, as applicable, the Attorney General and the State Comptroller, expenses are incurred, and payment request is submitted with all required documentation. Advance payments are not authorized as part of the CSC grant program. Contract extensions will be considered on a case-by-case basis upon written request from the grantee.

The start date for all MCGs and LOAs awarded through this request for applications will be March 15, 2020. Project costs must be incurred between March 15, 2020 and March 14, 2025 to be considered eligible for reimbursement or match. Applicants should not submit applications in response to this RFA if they do not anticipate they can complete their projects within five years of the contract start date, i.e., by March 14, 2025.

Applicants should review and be prepared to comply with all LOA and MCG Terms and Conditions if grant funding is awarded. The standard MCG and Attachment 1-A Program Terms and Conditions for CSC is available on the OCC grants webpage at <http://www.dec.ny.gov/energy/109181.html> .

Insurance Requirements

Grantees will be required to carry appropriate insurance as specified in Attachment A-1 Program Specific Terms and Conditions and to agree that each project consultant, project contract, and project subcontractor secures and delivers to the Grantee appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies held by the grantee must name the State of New York and the NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1030 as an additional insured and certificate holder, with appropriate limits, covering Grantee's public liability and property damage insurance, Grantee's contingency liability insurance, "all-risk" insurance, workers' compensation, and disability coverage for the project. Additional insurance or insurance riders may be requested by the Department based on the project work plan.

State Environmental Quality Review (SEQR) Documentation

With respect to the project, the Grantee will certify that it has complied, and shall continue to comply, with all requirements of the State Environmental Quality Review Act (SEQRA). The Grantee will further certify that it has notified, and shall continue to notify, the Department of all actions proposed for compliance with the environmental review requirements imposed by SEQRA. By entering into a contract

with the Department, the Grantee agrees to provide all SEQR documentation, and other environmental documents as may be required by the Department, to the Department upon their completion and/or approval

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 Grantee 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 Attachment A-1 Program Specific Terms and Conditions.

Acknowledgement of Financial Support

The following statement acknowledging DEC funding for the project must be included in any press releases or other public announcement, including newspaper articles and web posting, as well as all documents, brochures, reports, signage, maps, and exhibits: “This project has been funded in part by the Climate Smart Communities Grant Program, Title 15 of the Environmental Protection Fund through the New York State Department of Environmental Conservation.”

If a ribbon-cutting or other promotional event is planned for the project, the event must be coordinated with the DEC Press Office.

Certification Standards and Portal

For certification actions funded in the CSC Certification category, the grant recipient shall include in the work plan, all deliverables required for each action as described in the CSC Portal at <https://climatesmart.ny.gov/actions-certification/actions/> under subheadings “E. How to Obtain Points for this Action” and “F. What to Submit” and provide these items as deliverables under the MCG or LOA.

Metrics and Reporting

The grant recipient shall provide estimates of the project’s GHG emissions reductions, risk reduction, or other appropriate metrics, as approved by the program manager, through the end of the contract term, in the quarterly report, and/or final project report as applicable. Progress Reports must be submitted on a quarterly basis, within 30 days following the end of the quarter. Quarterly reports are due to the OCC program manager as follows:

- Q1 - January 1 to March 31, due April 30
- Q2 - April 1 to June 30, due July 31
- Q3 - July 1 to September 30, due October 31
- Q4 - October 1 to December 31, due January 31

Minority/Women Business Enterprises (MWBE) and Equal Employment Opportunities (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 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]