



Department of
Environmental
Conservation

GUIDELINES AND APPLICATION INSTRUCTIONS

New York State

Department of Environmental Conservation

Organics Reduction & Recycling Program

Municipal Food Scraps Recycling Initiatives – 2021

NYS Grants Gateway Application ID No.:

DEC01-DMMFSR-2021

Amendment 1: June 14, 2023

To provide additional funds; see page 4 for additional details.

Due date amended to October 4, 2023.

Available NYS Grants Gateway Training Webinar Information:

Topic: NYS DEC Municipal Food Scraps Recycling Initiatives 2021 Application Webinar and Grants Gateway Instruction

Date: Wednesday, May 11, 2022

Time: 1:00PM, estimated 2 hours

Meeting Number: 161 506 9479

Join from the meeting link:

<https://meetny.webex.com/meetny/j.php?MTID=m90870d0faf65a516a3c9da1006755c5b>

Join by meeting number:

Meeting number (access code): 161 506 9479

Meeting password: mN66pJ5hpNS

NOTE: The phone conference may be muted when you join, and you may not hear any sounds until the presenter begins at 1:00 PM For assistance: please contact the Grants Gateway help desk at grantsgateway@its.ny.gov or 518-474-5595

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1. Grant Information

The New York State Department of Environmental Conservation (DEC) is pleased to announce funding for projects that will start or expand municipal food scraps recycling programs. **To ensure equitable access and development of food scraps recycling opportunities for all New Yorkers, this year's opportunity will prioritize the first half of available funds for eligible projects serving Environmental Justice communities.**

Timetable of Key Events:

Event:	Date:
Application Period Begins	May 2, 2022 3:00 PM EST
Webinar	May 11, 2022; Time 1:00pm EST
Question & Answer Period	Ongoing – Updated weekly
Application Submittal End Date	May 3, 2024 October 4, 2023; 3:00 PM EST, unless DEC withdraws the RFA or funds are exhausted

The following types of projects are included in this opportunity:

- **Increased residential food scraps recycling programs**
- **New or expanded food scraps recycling programs and/or facilities**

a) Funding

Approximately \$2 million is available for Municipal Food Scraps Recycling Initiatives Grants. Funding for this grant opportunity was outlined in the 2021/22 NYS Budget, making funds available through the Environmental Protection Fund (which provides funds dedicated to environmental projects including those to help municipalities meet environmental goals and mandates). The first \$1,000,000 will prioritize eligible projects that dedicate at least 50% of the total requested funding to serving environmental justice communities.

NEW in 2023: Approximately \$750,000.00 has been allocated to this grant program to fund additional applicants. This funding was included in the 2023/24 New York State Budget, making funds available through the Environmental Protection Fund.

b) Proposed Project Timeframes

All projects must have defined objectives, tasks, and deliverables accounted for in performance measures that can be completed and invoiced within a 3-year contract period/term. Costs outside of the contract period/term are ineligible. The Master Contract for Grants (MCG) must be fully approved by DEC, and if applicable approved by the Attorney General and the State Comptroller. Time extensions beyond the contract term end date will be determined by the Department based upon written justification from the Grantee. Up to two (2) one-year no cost time extensions will be allowed. Applicants should not submit an application if they do not anticipate their project can be completed within the specified contract term.

c) Minimum and Maximum Award Amounts

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

Engineering costs are limited to 15% of the total project cost.

d) Application Limit/Award limit

Applicants may submit only one application. The application can contain multiple items. Any ineligible items requested in the application will be excluded from the final award amount. A project submitted as the subject of an application that is determined ineligible may be re-submitted in a new application only if the disqualifying factors can be ameliorated for re-submission before the application deadline.

Awards will be given to applications receiving a pass score in the order they are submitted in Grants Gateway, until DEC withdraws this request for applications, funds are exhausted, or October 4, 2023, 3:00 PM EST, whichever comes first.

e) Eligible Project Locations

Eligible projects for grant funding must be located in New York State. This opportunity will prioritize the *first half* of available funds for eligible projects serving Environmental Justice communities. (See section 2. *Eligible Applicants*)

2. Eligible Applicants

Under this grant program, a municipality is defined as a:

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

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

Environmental Justice Communities

For the purposes of this grant, Environmental Justice (EJ) communities (as defined by DEC Commissioner Policy 29), Environmental Justice and Permitting can be identified in one of the following ways:

- Refer to DEC's ArcGIS Webmap of the Potential EJ Areas:
https://www.arcgis.com/home/webmap/viewer.html?url=https://services6.arcgis.com/DZHaqZm9cxOD4CWM/ArcGIS/rest/services/Potential_Environmental_Justice_Area__PEJA__Communities/FeatureServer&source=sd

Applicants that wish to be prioritized for funding for this opportunity will need to include documentation showing that the community served under the proposed grant is considered an EJ community.

3. Inquiries & Designated Contact Information

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

Organics Reduction and Recycling Section – Grants Program

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

For technical information regarding the Grants Gateway application, direct questions to:

NYS Grants Management

Contact Information: grantsgateway@its.ny.gov or (518) 474-5595

Include “Municipal Food Scraps Recycling Initiatives Grants” in the subject line of the email. Questions regarding this grant opportunity will be accepted on an ongoing basis and answered weekly until the final application deadline. All questions, and answers, will be uploaded in the Grants Gateway application for all applicants to view.

4. Application Submission

Applications must be submitted through the NYS Grants Gateway

<https://grantsmanagement.ny.gov/apply-grant>

Using Internet Explorer (11 or higher) to access the Grants Gateway is recommended. Using other browsers may cause errors in the Work Plan section of the application.

Paper applications will NOT be accepted. Applicants are strongly encouraged to submit their applications prior to the application deadline. Late applications will not be accepted. Please note: those logged in as Grantees may work on the application, only those logged in as a Grantee Contract Signatory or a Grantee System Administrator can submit the application to the State. When the application is ready for submission, click the Status Changes tab, then click the “Apply Status” button under “Application Submitted”.

All Applicants must be Registered with Grants Gateway to submit an application.

Other resources that may be helpful to applicants:

<https://grantsmanagement.ny.gov/live-webinars#grant-application>

<https://grantsmanagement.ny.gov/grantee-documents#vendor-user-manual>

5. Grant Opportunity General Information and Conditions

a. Grant Application Requirements and Conditions

Once the application period opens, all projects will be evaluated by DEC for eligibility in the order in which they are received (first-in, first-out), on an ongoing basis. Eligibility will be determined based on the list of project costs as well as the applicant's answers to the program specific questions outlined in this section. \$1,000,000 of the available funds are prioritized for eligible projects that dedicate at least 50% of the total requested funding to serving Environmental Justice communities and shall be awarded until \$1,000,000 in funds are expended or no other eligible Environmental Justice community projects exist. (Note: If the eligible EJ project next in line were to push the awarded amount total over the \$1,000,000 prioritized allocation, then that will be the last application prioritized before the remaining EJ projects will be placed in line with the rest of the applicants.) The remaining funds will then be awarded on a first-in, first-out basis for all remaining applicants (including additional EJ projects that were submitted after the first \$1,000,000 prioritized projects). DEC may modify and/or reject costs that are determined to be ineligible for funding but fund remaining items (or partially fund items based on eligibility or use).

Awards will be given to applications receiving a pass score in the order they are submitted in Grants Gateway, until DEC withdraws this request for applications, funds are exhausted, or May 3, 2024, 3:00 PM EST, whichever comes first.

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

b. Expenditure Based Budget

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

c. Match Requirement and Expenditures

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

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

Grant funds are available for up to 75% of the requested budget. Applicants must match at least 25% of the grant funding amount.

$$\text{Match} = 25\% \times \text{Eligible Project COST}$$

Eligible match sources include:

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

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

Ineligible types of match include:

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

d. Work Plan

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

Note: A Work Plan ‘worksheet’ is available for applicants in the Grants Gateway (under Pre-submission Uploads). The ‘worksheet’ can be downloaded and used as a tool to help applicants organize their proposed project objectives, tasks and performance measures. A completed ‘worksheet’ should NOT be uploaded back into the Grants Gateway. The intent of the ‘worksheet’ is to assist applicants in developing their application work plan in the Grants Gateway.

e. Debriefing Request

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

f. Department of Environmental Conservation Oversight

The Department of Environmental Conservation reserves the right to:

- Request additional information of the applicant based on the responses to the application questions and/or to determine eligibility.
- Award additional and available funding for projects consistent with this grant opportunity.
- Award an agreement for any or all parts of the RFA in accordance with the method of award, or withdraw the RFA at any time at the Department’s sole discretion.
- Award only one application for funding in the event there are multiple application submissions for a single project or for pieces of a single project.
- Award to the next application (on a first-in, first-out basis by application submission date/time) in the event a grantee fails to negotiate a grant contract with the Department within 60 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.
- The Department reserves the right not to fund projects that are determined not to be consistent with NYS's Smart Growth Public Infrastructure Policy Act.
- The Department reserves the right not to fund projects that are determined not to be consistent with the Climate Change Leadership and Community Protection Act or its implementing regulations.
- Reject any or all applications in response to the RFA at the agency's sole discretion.
- Modify and/or reject costs that are determined to be ineligible for funding but fund remaining items (or partially fund items based on eligibility and use).
- Smart Growth Assessment Form
New York State's Smart Growth Public Infrastructure Policy Act (Act), Environmental Conservation Law Article 6, requires the Department and all state infrastructure agencies to assess whether each public infrastructure project that receives state funding is consistent with the State Smart Growth Public Infrastructure criteria specified in the Act, or that compliance with such criteria is considered to be impracticable, before making any commitment to fund such project(s).
- **All applicants must download the Smart Growth Assessment form from the Pre-submission Upload section, complete and save the form, and then upload the completed form back into the Pre-submission Upload folder as part of the application.** Important note: Be sure to check the form after uploading to ensure the correct file is uploaded and is completed as required.

g. Sexual Harassment Prevention Certification

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

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

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

Applicants are required to sign and upload the Sexual Harassment Prevention Certification form or upload a signed statement with their application detailing the reasons why the certification cannot be made into the pre-submission uploads folder.

h. Executive Order 14

By submitting an application pursuant to this grant opportunity, the applicant certifies that it is neither a “Russian entity” or “Supporting entity” as defined by the New York State Executive Order 14, issued February 27, 2022.

6. Application Evaluation and Selection

After the final application submittal date, all projects will be evaluated by DEC for eligibility in the order in which they were received. Eligibility will be determined based on the list of project costs as well as the applicant’s answers to the program specific questions outlined in this section. Grants will first be awarded to eligible projects that dedicate at least 50% of the total requested funding to serving environmental justice communities on a first-in, first-out basis (based on application submittal date/time) until \$1,000,000 in funds are expended or no other eligible environmental justice community projects exist. The remaining funds will then be awarded on a first-in, first-out basis for all remaining applicants (including additional EJ projects that were submitted after the first \$1M prioritized projects) until all available funds are expended. DEC may modify and/or reject costs that are determined to be ineligible for funding but fund remaining items (or partially fund items based on eligibility or use).

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

Awards will be given to applications receiving a pass score in the order they are submitted in Grants Gateway, until DEC withdraws this request for applications, funds are exhausted, or May 3, 2024, 3:00 PM EST, whichever comes first.

7. Program Specific Questions:

The following questions must be answered online in the Grants Gateway based on your project type. They are copied here to allow for previewing before completing online. It is recommended that applicants generate, edit and save responses in this format, then cut and paste the finalized responses into the Grants Gateway screens. Please **do not submit this information in paper form**.

Eligibility Questions

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

- a. Environmental Justice (EJ) community consideration: Does your project dedicate at least 50% of the total requested funding to serving an EJ community(ies)? (Y/N) (Note: This does not affect the municipality’s eligibility for funding. The first 50% of funding will be awarded to eligible projects that dedicate at least 50% of the total requested funding to serving EJ communities. The remaining funds will be awarded on a first-in, first-out basis.)
 - i. If answering “yes” to question 2a, please include relevant documentation identifying the EJ community(ies) served under the proposed project. Documentation must include the percentage of the total project that will be dedicated to the EJ community(ies). (Note: Submitting screenshots of the mapping tools and/or geographic descriptions of the relevant communities served are sufficient for identification. Please use MS Word to submit screenshots, maps, photos, etc.)
3. Which project type are you applying for?
 - a. Increased Residential Food Scraps Recycling
 - b. New or Expanded Food Scraps Recycling Programs and Facilities
 - c. Combination of both project types
4. Please briefly summarize the proposed project to be completed under this RFA.
5. Describe *in detail* how the proposed project will increase the community’s food scraps recycling opportunities.
 - a. For projects that include staff costs, please describe the person’s required duties and their relation to the project. (You may upload the staff member(s) job description and/or required duties as a MS Word doc).
 - b. For projects that include construction, please include a site plan or building floor plan sketch. (as a MS Word doc).
6. Does the application include 25% match for the proposed project?
 - a. Please list all sources of eligible match.
7. If applicable to your application, has the Smart Growth Assessment Form been downloaded, completed, and saved as a pdf, and uploaded to the application as required?

8. Grant Program Payment

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

9. Eligible and Ineligible Expenditures

a. Eligible Costs

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

Increased Residential Food Scraps Recycling

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

Items eligible for funding under this category include:

- staff costs (including educators, operators, and drivers);
- travel*;
- equipment and vehicles; and
- supplies and outreach materials (including bins or residential kitchen caddies distributed to residents for free or sold to residents by the municipality for equal or less than the purchase price).

*Travel costs limited to federal per diem and/or mileage rates, found here:

<https://www.gsa.gov/travel/plan-book/per-diem-rates>.

New or Expanded Food Scraps Recycling Programs and Facilities

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

Items eligible for funding under this category include:

- expansion of yard waste composting facilities to accept food scraps;
- equipment and construction costs for new or existing food scraps recycling facilities;
- costs related to equipment demonstrations or pilot projects up to 1 year in duration (this time may include multiple seasons over the duration of the contract term);
- staff costs (including program staff, marketing staff, operators, and drivers);
 - outreach and technical assistance staff for the purposes of increasing recycling at food scraps generators/businesses;
- vehicles [or new hauling contracts up to one year in duration (this time may include multiple seasons over the duration of the contract term)]; and
- costs related to the incorporation of food scraps at an anaerobic digestion facility (Note: the proportion of the resulting digester solids must be recycled).

b. Ineligible Costs

- All costs not directly related to the project. This includes staff supervision, secretarial support, and grant administration.
- Equipment maintenance and repair.
- Vehicle maintenance, repair, and insurance fees (other than federal travel per diem and/or mileage costs).
- Permitting fees.
- Costs incurred in preparing and submitting an application for state assistance.
- Costs directly related to energy recovery at solid waste processing facilities (e.g., engines at digesters).

Throughout the review process, DEC reserves the right to request additional information of the applicant to determine eligibility. Additionally, DEC may modify and/or reject costs that are determined to be ineligible for funding but fund remaining items (or partially fund items based on eligibility and use).

c. Match Requirement and Expenditures

Grant funds are available for up to 75% of the requested budget. Applicants must provide the remaining 25% in match funds.

Formula: Requested Budget x 25% = Required Match

d. Eligible Forms of Match

Eligible match sources include:

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

e. Ineligible Forms of Match

Ineligible types of match include:

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

EXAMPLES:

Match Calculation Example 1

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

Match Calculation Example 2

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

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

10. Grant Program Reporting

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

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

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

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

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

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

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

11. What to Expect If You Receive an Award

a. Notification of Award

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

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

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

Applicants selected to receive a grant award will be required to execute a MCG within 60 days from the time of their award notification. Failure to submit timely required MCG documents could cause a grantee to lose their grant award. Applicants should review and be prepared to comply with all MCG terms and conditions should grant funding be awarded. The MCG and attachments can be reviewed and/or downloaded in the Grants Gateway Food Scraps

application under the screen named 'Contract Document Properties'. The MCG and attachments include:

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

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

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

I. Insurance Requirements

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

II. Permit Requirements (if applicable)

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

III. State Environmental Quality Review (SEQR) Documentation

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

d. Vendor Responsibility Questionnaire

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

e. Iran Divestment Act

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

f. Minority/women Business Enterprises (M/WBE) 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 Master Contract for Grants 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.

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

Please refer to the NYS Master Contract for Grants - Article IV (J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review M/WBE and EEO requirements. Required M/WBE and EEO related forms can be found at <http://www.dec.ny.gov/about/48854.html>

- 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 M/WBE 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 M/WBE-EEO thresholds require the Contractor to submit Quarterly Reports, http://www.dec.ny.gov/docs/administration_pdf/quarterlyversion7.pdf, detailing payments made by the Prime Contractor to NYS Certified M/WBEs.
- The following M/WBE-EEO “Fair Share” goals are established as follows:

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

Construction/Engineering – up to 0%

Commodities – up to 0%

Services/Technologies –up to 0%

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 M/WBE Compliance

NYS Department of Environmental Conservation

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

g. Service-Disabled Veteran-Owned Business Participation Requirements

The contractor must make good faith efforts to subcontract a goal of 0% of the contract amount to New York State Certified Service-Disabled Veteran-Owned Businesses (SDVOBs), for purposes of providing meaningful participation by SDVOBs. Attachment A-1 further defines the SDVOB provisions required by Executive Law, Article 17B.

h. Procurement of Contractors/Subcontractors

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

i. 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>.

j. Signage

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

k. Diesel Emissions Reduction Act 2006

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

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