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REQUEST FOR APPLICATIONS (RFA)

Nonprofit Infrastructure Capital Investment Program

RFA Announcement Date:

October 02, 2023

RFA Submission Period:

December 1, 2023 – January 12, 2024

To maintain a fair and open process all questions regarding this RFA must be submitted to NICIP@dasny.org. It is a violation of the New York State Procurement Lobbying Law to directly contact personnel at DASNY regarding this RFA.

Nonprofit Infrastructure Capital Investment Program

Request for Applications (RFA)

Timetable of Key Events:

<u>Event:</u>	<u>Date:</u>
Funding Opportunity Announcement.....	10/02/2023
Applicant Webinar.....	10/18/2023
Deadline to Submit Questions (https://www.surveymonkey.com/r/NICIP2023)	10/31/2023
Answers Posted By.....	11/15/2023
Prequalification or Prequal Submissions Due By.....	11/30/2023
Rolling Application Submission	12/1/2023-1/12/2024*
Rolling Application Scoring	12/02/2023-1/31/2025*

***See explanation of submission and scoring processes in this RFA**

Inquiries:

In accordance with State Finance Law § 139-j and § 139-k, this RFA includes and imposes certain restrictions on communications between DASNY personnel and an Applicant, or any representative, agent, consultant or other third party representing the Applicant during the procurement process. All inquiries should therefore be directed as follows:

General inquiries should be directed to:

Email: NICIP@dasny.org
Subject line: NICIP RFA Inquiry

Technical questions regarding Grants Gateway and Prequalification:

Email: GrantsGateway@its.ny.gov
Phone: (518)474-5595
Other Resources:

- [The NYS Grants Reform Website](#)
- [Prequalify to Apply for New York State Grants](#)

Important Note: *Contacts made to any DASNY or other State personnel regarding this procurement as noted in this RFA between the date of release and application deadline may disqualify the Applicant and affect future procurements with governmental entities in the State of New York. Please refer to DASNY's website (www.dasny.org) for policy and procedures regarding this law, or the OGS website (<http://ogs.ny.gov/acpl/>) for more information about this law.*

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Section One: INTRODUCTION

1.1 Background

Nonprofit organizations provide critical services to millions of New Yorkers each year on behalf of the State and local governments. Utilizing nonprofit organizations to provide these services results in a cost-effective delivery system that helps meet the needs of New Yorkers, including many of the State's most vulnerable populations. Many of the services that nonprofits provide on behalf of the State result in long-term cost avoidance and savings by intervening to help avoid crisis situations.

In order to continue to support the work of the State's nonprofit direct human services partners, the Nonprofit Infrastructure Capital Investment Program (NICIP) was appropriated \$50 million in the 2022-2023 Enacted Budget under Ch. 54, L. 2022.

1.2 Purpose of Funding

The Nonprofit Infrastructure Capital Investment Program will make targeted investments throughout the State in capital construction projects that will improve or maintain the quality, efficiency, accessibility of such nonprofit human services organizations that serve New Yorkers as defined in Section 2.1 of this document.

1.3 Funding Availability and Allocations

Funding Limits and Award Sizes

As per the 2023-24 Enacted State Budget, the \$50 million appropriation will be combined with the withdrawals and forfeitures of the previous NICIP Awards. No less than \$60 million will be made available for this RFA. Awards will range between \$50,000 and \$500,000 to ensure projects and organizations of varying sizes may be funded by NICIP Grants. The applications will be scored in a manner based heavily on project viability, regardless of project or organizational size.

Funding Availability

Per the enabling legislation, the NICIP funding opportunity will be offered through rolling application periods on a first come, first served basis. The initial opportunity will allow for a six-week application window for application submission. Applications will be scored in the order in which they are received and according to the scoring criteria as described in section 4.2. All qualified applications will be advanced to DASNY for formal reviews until the entirety of the funding pool has been utilized.

NICIP Qualifying Applicants will have **six months** to finalize their DASNY reviews and enter into Grant Disbursement Agreements with DASNY. Should Applicants fail to meet that deadline or withdraw their Application for any other reason, the full amount of funding allocated to their Application will be returned to the NICIP pool and awarded to the next successive NICIP Qualifying Applicant on the list of Applications.

All NICIP Grant Disbursement Agreements executed from this funding opportunity will expire on December 31, 2026. No extensions will be authorized. Failure to meet the Project completion deadline and/or submit reimbursement requisitions by that date will be an event of default under the terms of the Grant Disbursement Agreement. The disbursed NICIP Grant funds would then be subject to recapture, if appropriate, and the remaining funds will be made available for future NICIP funding opportunities as authorized in the NICIP legislation.

NICIP Applications will remain on the authorized NICIP list until January 31, 2025. After that date, all Applicants will have to reapply for future NICIP funding opportunities.

As additional funding is made available to the NICIP program, future NICIP opportunities will be posted.

Section Two: ELIGIBILITY

2.1 Definitions

For purposes of NICIP under this RFA:

- “Human services organization” shall mean a nonprofit organization that provides direct programs and services in New York State that protect the health and well-being of individuals and families residing in New York State;
- “Direct services” shall mean prevention, intervention, respite and/or habilitative services that a nonprofit organization provides directly to an individual/family or groups of individuals/families;
- “Applicant” is an organization that has its own unique Employer Identification Number, unique Taxpayer Identification Number, or a unique SFS Vendor Identification Number. The organization must also be registered and prequalified as a separate organization in the Grants Gateway to be eligible to apply for its own NICIP grant.

2.2 Eligible Entities

Organizations are eligible to apply for a NICIP grant ONLY if ALL of the following criteria are satisfied:

- The Organization is registered with Grants Gateway and Prequalified under the applicant’s legal name on file with the Department of State and IRS at the time and date the application is submitted. Applicants are strongly encouraged to review their document vaults prior to the application deadline to verify that it is current;
- The Organization is a Human Services Organization as further defined in Section 2.1 of this RFA;
- The Organization provides direct services in New York State to individuals and families residing in New York State as further defined in Section 2.1 of this RFA;

- If the Organization applied previously for a grant under a prior NICIP round and received an award, they can only apply for an award under this RFA if they have received an executed Grant Disbursement Agreement (GDA) as of April 1, 2023 and:
 - have drawn down 100% of their award or notified DASNY project completed and that no further requisitions will be submitted; **or**
 - the previous NICIP award has been withdrawn by the Organization prior to application deadline under this RFA.
- The Organization has not received and is not receiving any other funding from New York State for the same project it outlines on its NICIP application.
- The Organization has or will have site control over the project location at the time of application under its legal name on file with the Department of State and the IRS as further described in Section 2.3 of this document.

For the purposes of this RFA the following organizations are deemed not to be human services organizations offering direct services and are **not** eligible to apply for a NICIP grant:

- Colleges and universities
- Elementary and secondary schools, whether public or private
- Hospitals, nursing homes, and diagnostic and treatment centers authorized under Article 28 of the New York State Public Health Law
- Fire departments
- Libraries, museums, theatres, parks, or gardens
- Organizations whose primary function is fundraising
- Organizations whose primary function is lobbying or advocacy
- Organizations whose primary function is volunteer recruitment and placement
- Membership or umbrella organizations that provide services to another organization and not directly to an individual/family or groups of individuals/families
- Organizations that provide services to another organization but not directly to an individual/family or groups of individuals/families
- Organizations that are the Performing Provider System lead for a Delivery System Reform Incentive Payment Program (DSRIP) network
- Municipal Corporations

2.3 Eligible Project Locations

General Project Location Requirement

Site control is required to prove that the Applicant has sufficient authorization and control to undertake the project at the project location. To determine that the Applicant owns, leases, or otherwise has control over the site where the project will be located, Applicants will be asked to provide a copy of the deed, lease, or other indicia of **site control under the Applicant's legal name on file with the Department of State and the IRS**. If it owns the property, the Applicant will need to provide the deed.

If the project will be undertaken on leased real property, the Applicant will need to provide the lease. **The lease must extend at least five (5) years from the date the application has been submitted, and lease term will be verified at the time of the execution of the Grant Disbursement Agreement to ensure that a significant period of time remains on the lease term.** Support of the property owner for the capital improvement(s) is also required.

Important Note: Project sites that have been or will be funded by a tax credit structure (i.e., New Market Tax Credits (NMTCs), Low-Income Housing Tax Credits (LIHTCS), Brownfield Tax Credits (BTCs), etc.) are ineligible.

Equipment Inventory Tracking Requirement

If the project includes removable equipment or furnishings, the GDA will require Grantees to develop, implement, and maintain an inventory system for tracking such removable equipment and furnishings. Items will be installed, stored, or secured on property owned by and/or under the control of the Grantee; the Grantee has or will develop, implement, and maintain a usage policy for items in compliance with all State and Federal regulations or privacy laws, including use, retention, storage or deletion of any data, images, or videos stemming from grant funded purchase of such items if applicable.

Primary Benefit to Applicant Requirement

NICIP funding must be used for the primary benefit of the Applicant and the Applicant's eligible programs. Therefore, improvements to leased real property will be evaluated carefully to determine whether the landlord or the Applicant will be the primary beneficiary of the expenditure of grant funds. For example, if a nonprofit organization shares a building with other businesses or organizations, the nonprofit organization cannot apply to replace the roof of the entire building. If at any point in the process, in DASNY's sole discretion, it determines that the Applicant is not the primary beneficiary, the application will no longer be deemed qualified, and the funding opportunity will be forfeited. Organizations that operate more than one program must demonstrate how the Applicant's eligible programs, and not any of its ineligible programs, will receive the primary benefit of funds awarded through this grant.

Single Project Location Requirement

Nonprofit organizations may submit one application for a NICIP grant and that application must be for construction and/or eligible technology. Only one project site per application will be allowed. However, one application can cover a single-purpose or multi-purpose project at a single site but not a single-purpose project at multiple sites. For example, an Applicant could submit one application to fix multiple infrastructure issues at a single site (replace all windows, install a new roof, and create accessible entryways at a single address); Conversely, an Applicant cannot submit one application to address one infrastructure issue at several sites (install energy efficient windows at ten program locations unless all grant funded capital assets are moveable furniture, fixtures, or equipment). Furthermore, an Applicant cannot submit one application to install new windows at Site A and replace bathroom fixtures at Site B. As noted above, nonprofit organizations may submit one application for a NICIP grant. If more than one application is submitted, only the first application submitted will be reviewed and scored.

2.4 Eligible Projects and Project Costs

All projects must meet the following criteria:

- The project must be an eligible Construction or Technology project as per the enabling NICIP statute as noted in the chart in this Section.
- The project cannot have started, nor the costs incurred prior to April 1, 2023*;
- The project must be completed, **and all payment requisitions processed by December 31, 2026;**
- The project cannot have been funded in whole or in part by other funding from New York State;

*The only costs that can have occurred prior to April 1, 2023 are design, engineering, and other preliminary planning activities. Costs incurred prior to this date, including for such aforementioned activities, may not be reimbursed from grant funds.

Eligible Construction Projects

NICIP funds may only be used for reimbursement of capital costs for technology, renovations and expansion of space used for direct program services as well as renovations resulting in energy efficiency and increased accessibility.

Ineligible Project Costs Generally

Even if a Project is otherwise eligible, certain project costs would be ineligible and would therefore have to be funded by another demonstrably available funding source as per Section 2.5 below. This is because Grant funding cannot be used for costs that are not capital in nature or are otherwise ineligible under NICIP. If the Grantee submits a requisition including ineligible costs, such ineligible costs will be excluded from payment. Ineligible costs include, but are not limited to:

- Personnel costs, including internal labor, salary, wages, etc.;
- Supplies and non-capital equipment;
- Computer software (whether cloud-based or otherwise), subscriptions, licensing fees, monitoring fees, internet services & cloud storage, training fees;
- General operating costs, such as payment of rent or utilities;
- Working capital, including pay down of liabilities;
- Loans, including loans into an investment account in connection with a tax credit structure, and other debt obligations, including annual debt service and/or debt retirement;
- Routine training and maintenance costs related to implementation of information technology;
- Lease payments;
- Leased equipment;

- Acquisition of real property;
- Recurring costs associated with the use and maintenance of equipment purchased, including internet, email, phone, voicemail service, web hosting or webcasting;
- Vehicles, unless the vehicle is utilized to provide direct services, such as a mobile clinic or a mobile food pantry (**vehicles used for transportation only are ineligible**);
- Replacement furniture, unless undertaken in connection with a larger renovation project;
- Building or property maintenance, structural maintenance, or building systems maintenance; and
- Other non-capital costs as determined by DASNY and DASNY's bond and tax counsel.

2.5 Eligible Project Budgets and Eligible Other Funding Resources

Project Funding Generally

Please note that there is no match requirement, and that the grant may fund the entire cost of the project so long as all cost are eligible for capital funding reimbursement.

Applicants are advised that grants will be awarded only to Applicants that can demonstrate that the project is fully funded and can be completed with the grant funds and other committed funding as necessary. Therefore, if the estimated cost of a project exceeds the amount of the grant, the Applicant must provide evidence of sufficient committed funding resources necessary to complete the project as described.

If the proposed project includes costs that are ineligible for reimbursement under the NICIP award, the Application must also show that ineligible costs will be funded from other sources of committed funding.

Documentation to verify that there are sufficient funds to complete the project may include, but is not limited to, any or all of the following:

- Recently audited financial statements
- Bank account and investment account statements
- Donor pledges, agreements, and receipts
- Non-New York State grant award letters, agreements, and contracts
- Loan agreements, commitment letters, terms and conditions
- Bond documents
- Personal service contracts
- Bills of sale and paid invoices evidencing payment for an eligible cost

Please note that pledges not memorialized in a binding legal agreement, award letters with unsatisfied contingencies, grant applications, pending loan applications, and other non-final commitments do not constitute secured sources of funding.

No Long-Term Financing Requirement

The portion of the project budget to be reimbursed by the NICIP Grant cannot be financed either through long-term debt, a tax credit structure, bond issues, or other long-term financial

instruments. If project costs are financed in the first instance with a short-term or bridge loan, the loan cannot extend over one (1) year.

No Overlapping Funding Requirement

If the project is receiving additional funding from an external funding source, including but not limited to, State or Federal restructuring loans, Federal grants, or grants, loans, or other funding from any other public or private source (currently or within the last six (6) years), this external funding source cannot overlap with project costs to be reimbursed with grant award.

Cost Justification Requirement

As part of the application, a Capital-Based Budget form must be completed where the Applicant must explain and justify the projected costs included in the budget. The Applicant must provide cost estimates and upload supporting documentation for those estimates (i.e. – an estimate or estimates prepared by a design or construction professional) for the following categories of expenses as well as narratives that explain how the Applicant arrived at the cost estimates:

- Scoping and Pre-Development
- Design
- Construction
- Other

Include additional lines as needed in the “Other” category to describe costs not already specified. Any information provided in the Capital-Based Budget form should match the information provided in the “Required Information” Section of the application.

PROJECT ELIGIBILITY EXAMPLE CHART		
Project Type	Eligible Examples	Ineligible Examples
Renovation or expansion of space used for direct program services	<p>ELIGIBLE: Replacing aging roofs, installing HVAC systems, or addressing structural deficiencies</p>	<p>INELIGIBLE: Renovating a space, or purchasing furniture, fixtures, or equipment for spaces primarily used for administrative, storage, or training purposes*</p> <p>Standalone painting, asbestos abatement, carpeting, or brick repointing that is not part of a larger renovation or expansion project</p> <p>Repairing, leasing, purchasing, or financing (loans or tax credits) the construction or renovation or furnishing of spaces</p>
Modifications to make spaces more sustainable and energy efficient resulting in overall cost and energy savings	<p>ELIGIBLE: Installing energy-efficient windows throughout a residential facility</p> <p>Purchasing energy efficient lighting fixtures for an entire building or space as part of an energy efficiency initiative</p>	<p>INELIGIBLE: Repairing insulation or repairing windows</p> <p>Purchasing LED bulbs for existing fixtures</p> <p>Leasing or financing solar panels</p> <p>Installing solar panels at a location that is used only for administrative purposes and is not used to provide direct services</p>
Technology Upgrades	<p>ELIGIBLE: Purchase and installation of computer hardware to improve organization's electronic records, data analysis or confidentiality.</p> <p>Security Cameras</p>	<p>INELIGIBLE: Software, subscriptions, licensing fees, monitoring fees, internet services, cloud storage, and training fees</p>
Accessibility renovations	<p>ELIGIBLE: Renovating restrooms in a building where direct services are provided in order to make them wheelchair accessible.</p> <p>Installing wheelchair ramps at a building or site operated by a nonprofit where direct services are provided.</p>	<p>INELIGIBLE: Repainting parking lots to include handicap spaces</p> <p>Ongoing or routine maintenance of existing accessibility components of a facility</p>

***Important Note:** For construction projects, the proposed project must involve a space that is exclusively or primarily a location where direct services are provided meaning the individual / family or groups of individuals / families being served come to the location on a regular basis.

Section Three: APPLICATION PROCESS

3.1 View Webinar

Applicant Action Items:

- 1) A Webinar video will be posted on the NYS Grants Gateway and on DASNY's NICIP Website by 4pm Wednesday October 18, 2023. This video will address questions and clarify specific elements of the RFA announcement.
- 2) Prior to the Webinar date, ensure thorough review of RFA for all requirements, including but not limited to Section Four (Evaluation) and Section Five (Advancement and Grant Disbursement Agreements);
- 3) Submit questions as needed as per instructions below.

DASNY will receive all questions for the NICIP RFA via the survey monkey site <https://www.surveymonkey.com/r/NICIP2023> Please send all questions no later than 4:00 pm 10/31/2023.

Questions of a substantive nature **submitted prior to October 16, 2023** will be addressed on the Applicant Webinar Video, where applicable. To maintain a fair and open process, DASNY will only accept questions regarding this RFA received via <https://www.surveymonkey.com/r/NICIP2023>

Questions received after the Webinar Video has been posted on 10/18/2023, and prior to 5:00 pm on 10/31/2023, will be made available on the NICIP section of the DASNY Website (www.dasny.org) and as part of the NICIP funding opportunity posted on the Grant Opportunity Profile for this Grant Opportunity on the NYS Grants Gateway on 11/15/2023.

All potential applicants are strongly encouraged to view this Webinar as the Nonprofit Infrastructure Capital Investment Program (NICIP) grant application process will be explained in the Webinar Video.

3.2 Prequalify in Grants Gateway

Applicant Action Items:

- 1) Review all resources provided to you on the cover page of this RFA for technical specifications on submitting Document Vault for prequalification in Grants Gateway;
- 2) Submit all required documentation for Prequalification to Grants Gateway;
- 3) Maintain Prequalification Status throughout Application, Grants Administration and Payment processes.

The Prequalification process is separate from, and in addition to, the Application submission process.

Important Note: All Applicants must have the Grants Gateway status of Prequalified prior to submitting a NICIP Application. Please note that uploading documentation to the Document Vault and obtaining the appropriate status may take multiple weeks. It is recommended that all potential NICIP Applicants start the Gateway process, (or update their existing Document Vault), as soon as possible to ensure they are eligible to apply by the Application deadline.

3.3 Submit Application

Applicant Action Items:

- 1) Review Evaluation section below and Appendix 1 – NICIP Application to ensure Application responses directly addresses the program Pass/Fail requirements for eligibility and scoring criteria as laid out in Section Four below;
- 2) Review all the Important Notes in this section below on technical aspects of submitting Applications through Grants Gateway;
- 3) Submit Applications as soon as requirements are met. **Remember, all NICIP Applications will be scored on a first come, first serve basis until the Qualifying Applicants utilize all available funds.**

Applications must be submitted to NYS for review in the Grants Gateway by the established due date and time. The Grants Gateway will not allow Applications to be completed and/or submitted after the submission period has ended. Incomplete and/or unsubmitted Applications will not be considered.

Prospective Applicants are strongly encouraged to submit their Applications **as soon as their Application is complete**. Grants Reform staff are available to answer Applicants' technical questions and provide technical assistance prior to the Application due date and time. Contact information for the Grants Reform Team is available on the cover page of this RFA.

Although the Grants Reform staff will do their best to address concerns, there is no guarantee of the amount of time it will take to resolve any specific issue. The Grants Gateway will always notify Applicants of successful submission. **If a prospective Applicant does not receive a successful submission message assigning their Application a unique ID number, it has not successfully submitted an Application.**

Important Notes: During the Application process, please pay particular attention to the following:

- Not-for-profit Applicants must be prequalified for this Application submission and throughout the scoring and review process.
- Three of a not-for-profit's essential financial documents - the IRS990, Financial Statement, and Charities Bureau filing - expire on an annual basis. If these documents are allowed to expire, the not-for-profit's prequalification status expires as well, and the Applicant will not be eligible for State grant funding until documentation is updated and approved, and prequalified status is reinstated.

- Only individuals with the appropriate roles in Grants Gateway will be able to submit an Application.
- Prior to submission, the Grants Gateway will automatically initiate a global error checking process to protect against incomplete Applications. An Applicant may need to attend to certain parts of the Application prior to being able to submit the Application successfully. Be sure to allow time after pressing the submit button to clean up any global errors that may arise. You can also run the global error check at any time in the Application process.
- Applicants should use numbers, letters and underscores when naming their uploaded files. There cannot be any special characters in the uploaded file name. Also be aware of the restriction on file size (10 MB per upload) when uploading documents.

Applications can be submitted only through the Grants Gateway. Applications submitted via email, postal delivery, or facsimile will not be accepted.

Section Four: EVALUATION

4.1 Pass/Fail Eligibility

Before the Applications are scored, all Applications will be evaluated on a pass/fail basis to ensure the minimum requirements for eligibility have been met. The pass/fail requirements are:

- 1) Prequalification at the time the Application is submitted under the legal name of Applicant on file with the Department of State and IRS;
- 2) Eligibility of Applicant as defined by section 2.1 and 2.2 of the RFA;
- 3) Project Location Eligibility as defined by section 2.3 of the RFA;
- 4) Project/Project Cost Eligibility as defined by section 2.4 of the RFA;
- 5) Project Funding Eligibility as defined by section 2.5 of the RFA;

Supporting Documentation required for the Pass/Fail section:

- Pre-Qualification History and Prequalification Status Report Printouts
- Department of State Corporations Bureau print out
- W-9

4.2 Scoring Criteria

If an Application passes eligibility, the Application will be scored based on Project Viability as evidenced by:

- 1) Project Description & Support for Project Costs

- 2) Anticipated Project Time-Frame
- 3) Other Project Funding Sources
- 4) Project Location Viability

Supporting Documentation that should be submitted for the criteria listed above include:

- Recent estimates, invoices, and quotes to support project costs from vendors authorized to do business in NY State and under the Applicant's legal name. **All cost estimates should be no earlier than April 1, 2023;**
- Recent bank statements under Applicant's legal name to evidence funds committed to support project is fully funded if project total cost is in excess of grant award. **All statements should be no earlier than September 30, 2023;**
- SEQR/SHPO documentation, permit or other documentation of regulatory approvals if applicable to project.

4.3 Scoring Process

Initially, Projects will be screened with pass/fail criteria. After meeting those mandatory criteria, Projects must achieve a minimum average score of 95 out of 100 points for Project Viability in order to be considered a Qualified Application.

Applications will be scored on a first come, first served basis. Applications will be scored in the order they are received, and if the average score meets the minimum threshold, the Application will be deemed Qualified for DASNY processing. The date and time of submission of the NICIP Application in the Grants Gateway will be the determining factor of the order of scoring.

Important Note: Due to the competitive nature of the award process, changes to the project scope and/or project location will not be permitted at any point in the grant administration process. If the Grantee cannot complete the project as described at the location set forth in the application, the NICIP grant will be forfeited.

Section Five: ADVANCEMENT AND GRANT DISBURSEMENT AGREEMENTS

5.1 Qualifying Applications

Applications will be scored on a first come first served basis. Scoring will commence within two weeks of the commencement of the application window. Applications meeting scoring requirements will be deemed Qualifying Applicants as funds permit. DASNY will notify organizations that have been deemed Qualifying as the determinations are made.

5.2 Prerequisites to Grant Disbursement Agreement (GDA)

Once a Qualifying Applicant has been notified, DASNY will undertake a financial, environmental, bond and tax counsel review. DASNY will also determine whether required regulatory approvals have been obtained. DASNY will also verify that sufficient site control is in place.

Financial Review

DASNY will conduct a financial review in connection with each Qualifying Application in order to verify that sufficient funds have been secured in the amount necessary to complete the NICIP project, and that such funds meet all applicable criteria set forth in this RFA. As set forth in Section 2.5 of this RFA, the full project amount must be secured.

State Environmental Quality Review

For those projects requiring an environmental review pursuant to the State Environmental Quality Review Act (SEQRA), the Applicant must provide either the Findings Statement or the Negative Declaration prepared by the SEQRA Lead Agency in connection with the project. If no SEQRA review has been undertaken in connection with a construction project that is currently underway or has not started, DASNY will undertake the necessary review if a NICIP Application is deemed Qualified.

Please provide evidence of completion if a ULURP review or Section 14.09 of the Historic Preservation Act review was completed in connection with the NICIP project.

Certification

All Qualifying Applicants must be able to certify that funds will not be used to finance a program or project that will in any way promote or facilitate religious worship, instruction, or proselytizing. Qualifying Applicants will be asked to certify, at a minimum, the following in connection with the project to be financed by the Grant:

- 1) No religious purpose shall be advanced or promoted by the project or program funded by the proposed NICIP funding;
- 2) The project or program will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of services, or the use of facilities or furnishings assisted in any way by public funds;
- 3) The project or program shall be open to all without regard to religion; and
- 4) The Applicant shall take affirmative steps to ensure that information is widely disseminated with respect to the following aspects of the project or program:
 - a. The project or program is publicly funded;
 - b. The project or program is open to all, regardless of religious affiliation; and
 - c. The project or program beneficiaries are not limited to any particular sect or group.

- 5) All contractors and vendors retained to perform services in connection with the Project shall be authorized to do business in the State of New York and shall possess and maintain all professional licenses and/or certifications required to perform the tasks undertaken in connection with the Project.

Important Note: Due to the anticipated high demand of NICIP funding and in keeping with the intent to invest in time sensitive projects, all NICIP Qualifying Applicants are expected to fully comply with, and complete, all required reviews within six (6) months from when they are notified their Application was deemed Qualified for DASNY processing.

Failure to meet this deadline will constitute forfeiture of the NICIP funding opportunity and the funds will be returned to the NICIP pool to be made available to the next successive Qualifying NICIP Applicant. A NICIP Applicant that is subject to such forfeiture would be eligible to submit a new NICIP Application in future NICIP funding opportunities.

5.3 GDA Process

DASNY will forward a GDA to a Qualifying Applicant once the aforementioned reviews, as applicable, have been completed. The GDA is the contract between the Qualifying Applicant and DASNY. The Qualifying Applicant will review and sign the GDA which will then be forwarded to the Applicant's Attorney for review.

Upon the Qualified Applicant's return of the GDA to DASNY, DASNY will review the GDA for completeness and accuracy, which will include verification that the budget has not changed (or that a valid rationale is given for the change and the change does not materially affect the approved project, timeline or budget), the exhibits are properly completed, an appropriate Opinion of Counsel has been provided as required by Exhibit B of the GDA, and no other issues have arisen that would affect the status of the grant. Once this review is complete, DASNY will arrange for the execution of the GDA.

The GDA will become effective upon execution of the GDA by both the Applicant and DASNY. The GDA will be dated the date of the execution of the GDA by DASNY.

5.4 Requisition of Funds

Once the GDA is fully executed, the Grantee may begin to requisition funds using the forms included as exhibits to the GDA. The Grantee must forward requisitions directly to DASNY's Accounts Payable Unit at APGrants@DASNY.org.

DASNY will perform an audit with respect to each requisition received from the nonprofit organization, which will include, but shall not be limited to, verification that proper documentation has been received.

DASNY will provide reimbursement with NICIP funds only up to the amount of funding set forth in the GDA. If a project goes over budget, it will be the responsibility of the Grantee to cover

additional expenses. **If allowable costs for the project are less than the amount awarded (i.e. “under budget”), any unused funding will revert to the State; it cannot be used for additional purchases, renovations, or any other expense related to the nonprofit organization.** Please also see ALL of the ‘Important Notes’ under Sections 2.3 and 2.4 for additional information regarding project costs that may not be submitted for reimbursement.

Important Note: In order to be reimbursed for eligible project costs – the following documentation must be available for submission at the time of reimbursement:

- **Paid invoice from a vendor authorized to do business in NYS**
- **Cancelled check or bank statement evidencing payment on corporate credit card**
- **The invoice and cancelled check, and or bank statement and corporate credit card must also be under the legal name of the Applicant (i.e. not under parent or child organization, or private individual)**

5.5 GDA Terms and Conditions

Terms of the NICIP GDA

The NICIP GDA between the Grantee and DASNY will terminate December 31, 2026.

Important Note: It is expected that the project will be fully completed, and all payment requisitions will be processed and paid by this deadline. No extensions will be permitted. Any NICIP funds not disbursed by this date will be forfeited by the Grantee and made available for future NICIP funding opportunities.

Reporting Requirements

Any Grantee that receives funding through NICIP may be required to submit periodic reports on project activities.

Non-Discrimination and Affirmative Action Policy for the Project

It is the policy of the State of New York and DASNY, to comply with all federal, State and local law, policy, orders, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action to ensure that Minority and Women-owned Business Enterprises (M/WBEs), Minorities Group Members and women share in the economic opportunities generated by DASNY’s participation in projects or initiatives, and/or the use of DASNY funds.

- 1) The recipient of State funds represents that its equal employment opportunity policy statement incorporates, at a minimum, the policies and practices set forth below:
 - a) The Grantee shall (i) not unlawfully discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, (ii) undertake or continue existing programs of affirmative action to ensure that Minority Group Members and women are afforded equal employment

opportunities, and (iii) make and document its conscientious and active efforts to employ and utilize M/WBEs, Minority Group Members and women in its workforce on contracts. Such action shall be taken with reference to, but not limited to, solicitations or advertisements for employment, recruitment, job assignment, promotion, upgrading, demotion, transfer, layoff or termination, rates of pay or other forms of compensation, and selection for training or retraining, including apprenticeship and on-the-job training.

- b) At the request of the Affirmative Action Office, (AAO), the Grantee shall request each employment agency, labor union, or authorized representative of workers with whom it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union, or representative does not unlawfully discriminate, and that such union or representative will affirmatively cooperate in the implementation of the Grantee's obligations herein.
- 2) The Grantee is encouraged to include minorities and women in any job opportunities created by the Project; and to solicit and utilize M/WBE firms for any contractual opportunities generated in connection with the Project.
- 3) The Grantee represents and warrants that, for the duration of the Agreement, it shall furnish all information and reports required by the AAO and shall permit access to its books and records by DASNY, or its designee, for the purpose of ascertaining compliance with provisions hereof.
- 4) The Grantee shall include or cause to be included, paragraphs (1) through (3) herein, in every contract, subcontract or purchase order with a Contracting Party executed in connection with the Project, in such a manner that said provisions shall be binding upon each Contracting Party as to its obligations incurred in connection with the Project.

Non-Discrimination and Affirmative Action Definitions

Affirmative Action

Shall mean the actions to be undertaken by the Borrower, Grantee and any Contracting Party in connection with any project or initiative to ensure non-discrimination and Minority/Women-owned Business Enterprise and minority/female workforce participation, as set forth in paragraph 2) herein, and developed by DASNY.

Affirmative Action Officer ("AAO")

Shall mean DASNY's Affirmative Action Officer or his/her designee, managing the affirmative action program for DASNY.

Contracting Party

Shall mean (i) any contractor, subcontractor, consultant, subconsultant or vendor supplying goods or services, pursuant to a contract or purchase order in excess of \$1,500, in connection with any projects or initiatives funded in whole or in part by DASNY and (ii) **any borrower or Grantee** receiving funds from DASNY pursuant to a loan or Grant document.

Minority Business Enterprise ("MBE")

Shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is (i) a lease fifty-one percent (51%) owned by one or more Minority Group Members; (ii) an enterprise in which such minority ownership is real, substantial and continuing, (iii) an enterprise in which such minority ownership has and exercises the Authority to control and operate,

independently, the day-to-day business decisions of the enterprise; (iv) an enterprise authorized to do business in the State of New York and is independently owned and operated; and (v) an enterprise certified by New York State as a minority business.

Minority Group Member

Shall mean a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups: (i) Black persons having origins in any of the Black African racial groups; (ii) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin, regardless of race; (iii) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands; and (iv) Native American or Alaskan native persons having origins in any of the original peoples of North America.

Minority and Women-Owned Business Enterprise Participation

Minority and Women-owned Business Enterprise participation efforts are not limited to the efforts suggested herein, and the role of M/WBE firms should not be restricted to that of a subcontractor/subconsultant. Where applicable, M/WBE firms should be considered for roles as prime contractors. Such efforts may include but not be limited to:

- 1) Dividing the contract work into smaller portions in such a manner as to permit subcontracting to the extent that it is economically and technically feasible to do so;
- 2) Actively and affirmatively soliciting bids from qualified M/WBEs, including circulation of solicitations to Minority and Women's trade associations;
- 3) Making plans and specifications for prospective work available to M/WBEs in sufficient time for review;
- 4) Utilizing the services and cooperating with those organizations providing technical assistance to the Contracting Party in connection with potential M/WBE participation on DASNY contract;
- 5) Utilizing the resources of DASNY Affirmative Action Unit to identify New York State certified M/WBE firms for the purpose of soliciting bids and subcontracts;
- 6) Encouraging the formation of joint ventures, associations, partnerships, or other similar entities with M/WBE firms, where appropriate, and
- 7) The Contracting Party shall remit payment in a timely fashion.

Women-owned Business Enterprise ("WBE")

Shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is: (i) at least fifty-one percent (51%) owned by one or more citizens or permanent resident aliens who are women; (ii) an enterprise in which the ownership interest of such women is real, substantial and continuing, (iii) an enterprise in which such women ownership has and exercises the Authority to control and operate, independently, the day-to-day business decisions of the enterprise; (iv) an enterprise authorized to do business in the State of New York and is independently owned and operated; and (v) an enterprise certified by New York State as woman-owned.

Section Six: RIGHTS RESERVED

DASNY reserves the right to:

- Reject any or all Applications received in response to this RFA;
- Reject any Application submitted by an Applicant which is not in compliance with all State requirements;
- Exclude ineligible expenses from the grant amount requested;
- Withdraw the Opportunity in the event that the Grant Administration process is delayed in excess of six (6) months from date the Application was deemed Qualified due to non-responsiveness; or an inability of the Qualifying Applicant to provide the documentation required for the successful administration of the Funding Opportunity (e.g. site control documentation, financial documentation, etc.) towards contract execution.

In the event of NICIP award forfeiture(s), DASNY reserves the right to consider Qualified Applications submitted in response to this RFA that were not initially funded. Updated information will be requested as deemed necessary by DASNY. DASNY also reserves the right to solicit and accept new Applications if additional NICIP funding becomes available.