



Department of  
Environmental  
Conservation



# GUIDELINES AND APPLICATION INSTRUCTIONS

**New York State**  
**Department of Environmental Conservation**  
Office of Environmental Justice

Disadvantaged Community Air Quality Monitoring Opportunity

NYS Grants Gateway Application ID No.:  
**(DEC01-DCAM-2023)**

**Application Due Date:** 3:00pm ET, Wednesday, July 26<sup>th</sup>, 2023

**Timetable of Key Events:**

Application Period Begins	April 24, 2023
Question & Answer Period Ends	July 12, 2023
Applications Due	Wednesday, July 26, 2023; 3:00PM ET
Award(s) Announced By (anticipated)	On or around September 17 <sup>th</sup>

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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 support the implementation of the air quality monitoring portion of the Climate Leadership and Community Protection Act (Climate Act) CLCPA.

## a) Funding

Approximately **\$2,101,634** is available for the Disadvantaged Community Air Quality Monitoring Opportunity. Funding for this grant is provided from the state Environmental Protection Fund. Applicants may be awarded up to \$500,000 each until funding has been exhausted. Funding will be utilized to fund as many eligible projects as possible which may include partial funding of projects. DEC will not fund projects that involve indoor air monitoring.

## 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 **36- month contract period/term** and will have a contract term of **November 1, 2023 to October 31, 2026**. Costs outside of the contract period/term are ineligible. The Master Contract for Grants (MCG) must be fully approved by DEC, and if applicable approved by the Attorney General and the State Comptroller. Time extensions beyond the contract term end date will be determined by the Department based upon written justification from the Grantee. Applicants should not submit an application if they do not anticipate their project can be completed within the specified contract term.

## c) Minimum and Maximum Award Amounts

Minimum grant amount is \$100,000; Maximum grant amount is \$500,000

## d) Application Limit/Award limit

Applicants may submit up to three applications, however, only one application per applicant may be funded. Multiple applications may not be for the same project or project location.

## e) Eligible Project Locations

Projects must serve Disadvantaged Communities (DACs) as defined by the Climate Justice Working Group.

Applicants can identify DAC communities by referring to the DAC maps on New York's Climate Act website showing these areas: <https://climate.ny.gov/resources/disadvantaged-communities-criteria/> or by clicking the Disadvantaged Communities box in the Public Involvement section on the DECinfo Locator <https://gisservices.dec.ny.gov/gis/dil/index.html?cat=pi>

## f) Match Requirement and Expenditures

Matching funds are not required for this grant opportunity.

## 2. Eligible Applicants

For the purposes of this grant program, the following entities are considered eligible applicants:

1. An eligible applicant must be a not-for-profit corporation (NFP), or a NFP may partner with a NFP or other organization that will serve as their fiscal sponsor. For this grant opportunity, a NFP is subject to New York State's Not-For-Profit Corporation Law, is qualified for tax-exempt status under Section 501(c)(3) of the Federal Internal Revenue Code, has an IRS 501(c)(3) determination letter to be incorporated in New York State and is current in their charities reporting requirements with the Office of the Attorney General.

**All NFP applicants must be registered and prequalified in the NYS Grants Gateway by the due date of this application to be considered eligible for this grant opportunity.**

A NFP serving as a fiscal sponsor to an eligible NFP organization must provide, at the time of application, an agreement between the fiscal sponsor and the community-based organization, otherwise the application will be disqualified in the application pass/fail review. The NFP fiscal sponsor must assume the responsibility for submission of the on-line grant application and must sign a contractual agreement with DEC on behalf of the NFP organization should grant funding be awarded. The NFP fiscal sponsor is not required to have members in the affected community.

### **Fiscal Sponsor Agreement (as applicable)**

A fiscal sponsor letter of agreement must be uploaded with the application by the application due date (if applicable). The letter of agreement must be between the qualifying, eligible NFP organization and the NFP that will serve as the group's fiscal sponsor. The agreement must state the NFP will serve as the fiscal sponsor and will assume the responsibility for the project application, the performance of work consistent with this RFA and execution of a State of New York Master Contract for Grants or Letter of Agreement. Any application that does not include a required fiscal sponsor agreement will be disqualified in the eligibility pass/fail review. The letter of agreement should be addressed to the NFP applicant serving as the fiscal sponsor.

Fiscal sponsors do not have to meet eligibility requirements. However, the organization the fiscal sponsor is applying on behalf of must meet all eligibility requirements.

2. For purposes of this grant application, an eligible not-for-profit is defined as an organization that satisfies and meets **all** of the following criteria:
  - a. Must serve the residents of at least one Disadvantaged Community.
  - b. May serve one or more DEC regions:
    - Region 1- Nassau and Suffolk Counties
    - Region 2- Brooklyn, Bronx, Manhattan, Queens and Staten Island
    - Region 3 Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester counties
    - Region 4 - Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie counties
    - Region 5- Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington counties

- Region 6- Herkimer, Jefferson, Lewis, Oneida and St. Lawrence counties
  - Region 7 Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga and Tompkins counties
  - Region 8 Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne and Yates counties
  - Region 9 Allegany, Cattaraugus, Chautauqua, Erie, Niagara and Wyoming counties
- c. Has a total annual revenue that does not exceed \$5,000,000, based on the applicant's IRS Form 990 filing from the previous year (line 12); and
- d. Cannot have its charter revoked or otherwise be dissolved through the action of another organization; and
- e. Can enter into legal agreements independent of any affiliated not-for-profit organization, government body, university or other entity that would be ineligible to apply for this grant; and
- f. The applicant should have demonstrated knowledge of environmental justice, a history of prioritizing environmental justice issues, and experience building a diverse and inclusive environmental movement. The applicant organization focuses on addressing the environmental and/or public health problems of the residents of the community that is impacted by the multiple environmental harms and risks that are the focus of the project (the "affected community"); and
- g. Must have its primary office location New York State; and
- h. The applicant (and partner NFP fiscal sponsor, if applicable) must declare that it has not caused or contributed to the environmental harms or risks that are to be the subject of the proposed project. (Note: A declaration can be viewed on the last page of this RFA. The declaration must be signed and uploaded in the Grants Gateway.); and
- i. Be in good standing and will have submitted all required progress reports for current open grants and final narrative and financial reports for previously awarded Office of Environmental Justice grants where the term has expired.

### **Ineligible Applicants**

Entities that are **not eligible** to apply and receive funding under this grant program are: individuals; universities; municipalities; government bodies; water districts or similar entities; large non-governmental organizations such as statewide or national environmental groups and organizations.

An ineligible organization may be involved in a proposed EJ project by partnering as a subcontractor for an eligible organization.

Organizations serving areas larger than indicated above, such as regional or national organizations, are not eligible for this grant. However, ineligible not-for-profits may serve as fiscal sponsors for eligible community-based organizations or partner with eligible organizations.

### **Collaborative Projects (as applicable)**

Collaborative projects are encouraged, however, if a proposed project involves a cooperative agreement or partners, only one eligible, designated lead applicant can submit the application for grant funding. The lead applicant must assume the responsibility for the project application, performance of work consistent with this RFA, and execution of a State of New York Master Contract for Grants or Letter of Agreement. Letters substantiating the collaboration from each partner are required, including information on the roles and responsibilities of each partner. These letters are to be uploaded to the Grants Gateway in a single PDF under the appropriate Program Question for the application.

## **3. Inquiries & Designated Contact Information**

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

Contact Information: [Dana.McClure@dec.ny.gov](mailto:Dana.McClure@dec.ny.gov) and 518-402-8556

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

NYS Grants Management

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

Include **Disadvantaged Community Air Quality Monitoring Opportunity** in the subject line of the email. Questions regarding this grant opportunity will be accepted by the Department until **C.O.B. July 12, 2023**. 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://grantsgateway.ny.gov>. **Using Microsoft Edge** to access the Grants Gateway is recommended. Using other browsers may cause errors in the Work Plan section of the application.

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

PLEASE DO NOT DELAY IN BEGINNING AND COMPLETING THE PREQUALIFICATION PROCESS.

THE STATE RESERVES 5 DAYS TO REVIEW SUBMITTED PREQUALIFICATION APPLICATIONS. PREQUALIFICATION APPLICATIONS SUBMITTED TO THE STATE FOR REVIEW LESS THAN 5 DAYS PRIOR TO **Disadvantaged Community Air Quality Monitoring Opportunity** APPLICATION MAY NOT BE CONSIDERED.

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

a) Applicant Prequalification

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

All Applicants must be Prequalified in the Grants Gateway at the time and date that the application is due. Applications received from nonprofit Applicants that have not registered and are not Prequalified in the Grants Gateway by the application due date and time listed at the beginning of this document cannot be evaluated. If you are not Prequalified at that time and date, your application will not be considered. Such applications will be disqualified from further consideration.

Below is a summary of the steps that must be completed to meet registration and Prequalification requirements. The Vendor Prequalification Manual on the Grants Management Website details the requirements and an online tutorial is available to further explain the process.

PLEASE NOTE: The information included here regarding Prequalification is not intended to be exhaustive, and Applicants should visit the Grants Management website <https://grantsmanagement.ny.gov/get-prequalified> or contact the Grants Reform Team [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov) for more information about Grants Gateway and Prequalification. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

4.1.1 Register for the Grants Gateway

- On the Grants Management Website, download a copy of the Registration Form for Administrator. A signed, notarized original form must be sent to the NYS Grants Reform Team at the address provided in the instructions. You will be provided with a Username and Password allowing you to access the Grants Gateway.
- If you have previously registered and do not know your Username please email [grantsreform@its.ny.gov](mailto:grantsreform@its.ny.gov). If you do not know your Password please click the Forgot Password link from the main log in page and follow the prompts.

#### 4.1.2 Complete your Prequalification Application

- Log in to the Grants Gateway. If this is your first time logging in, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.
- Click the Organization(s) link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A Document Vault link will become available near the top of the page. Click this link to access the main Document Vault page.
- Answer the questions in the Required Forms and upload Required Documents. This constitutes your Prequalification application. Optional Documents are not required unless specified in this document.
- Specific questions about the Prequalification process should be referred to your agency representative or to the Grants Management Team at [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov). The Grants Reform help desk/hotline can be reached at (518) 474-5595.

#### 4.1.3 Submit Your Prequalification Application

- After completing your Prequalification application, click the Submit Document Vault link located below the Required Documents Section to submit your Prequalification application for State agency review. Once submitted the status of the Document Vault will change to In Review.
- If your Prequalification reviewer has questions or requests changes you will receive email notification from the Gateway system.
- Once your Prequalification application has been approved, you will receive a Gateway notification that you are now Prequalified to do business with New York State.

Once you are Prequalified, please check the status of your document vault on a regular basis to ensure that none of your documents expire prior to the application due date. Refer to Grants Reform Guide entitled Monitoring and Updating Your Organization's Prequalification Status. Expired documents will lead to the loss of Prequalification status.

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

- Video tutorials on Grants Gateway Registration or Applications
- Vendor User Manual includes walkthroughs for the Application process
- Biweekly Document Vault webinars

## 5. Grant Opportunity General Information and Conditions

### a. Grant Application Requirements and Conditions



The purpose of this grant opportunity is to allow groups in disadvantaged communities to obtain air quality data that is tailored to the issues important to residents in their communities. Monitoring efforts can be undertaken by the applicant or work can be contracted to vendors or other organizations. The Disadvantaged Community Air Quality Monitoring Opportunity projects are intended to further the goals of the Climate Act in Disadvantaged Communities throughout New York.

The objectives of the monitoring projects should include as much information as possible about suspected sources of the pollutants of concern. The projects are required to include a final report and these reports should include suggested strategies that government, individuals or private entities could use to reduce these pollutants in the targeted communities. Please see the section below on Grant Program Reporting for full reporting requirements.

The DEC's Division of Air Resources and the Office of Environmental Justice understand that community-based air monitoring plays an important role in supporting effective action to identify and characterize air pollution within impacted communities.

Applicants selected for funding should plan for at least one to two meetings with NYSDEC staff early in the project to review monitoring methodology, project status, timelines, budget and potential collaboration with other monitoring efforts. Additionally, the final report must include a full description of the project, detailed quality assurance information and all of the project's validated data in a publicly accessible format.

**Applications must meet the following minimum requirements to be eligible:**

- Proposed project must be located within the defined DAC(s) geographic boundaries.
- Applicant must provide a map defining the DACs where monitoring will take place.
- The applicant must describe:
  - Why air quality monitoring is necessary. Specifically, why the pollutants selected and the locations monitored will help address specific community concern.
  - How results collected compare to existing air quality information (such as DEC's Air Quality Monitoring Network or EPA's Air Toxics Screen Assessment) and how the pollutants and locations selected will help identify emission reduction strategies.
- Applicants must show that instrumentation proposed for the data collection are well characterized and suited for the intended purpose.
- Applicants must demonstrate that they possess or they are contracting with individuals or organizations who have the technical expertise to implement the proposed project effectively.
- Applicants must provide a reasonable monitoring plan outline (which will later be expanded in the project's QAPP), including possible sensors to be used, how the performance of the instrumentation will be verified, which pollutants will be measured, and initial monitoring considerations (such as powering the sensors, data collection frequency, site access, etc.).

**Air Monitoring Technology**

To provide timely air quality information in communities, applicants should use commercially available technology and/or proven methods to monitor these air pollutants. For example, projects must utilize commercially available air quality monitoring equipment (e.g., a continuous PM2.5 monitor), EPA procedures (e.g., EPA's Compendium of Methods for the Determination of Toxic Organic Compounds in Ambient Air), and/or other air quality methods that have been previously researched and documented in literature.

**b. Expenditure Based Budget**

Applicants **must** complete an itemized budget in the NYS Grants Gateway that provides details of the proposed project-related expenses. The itemized budget should 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. A project's reasonableness of costs is at least 20% of the evaluation factor in the scoring of the application; therefore, attention to budget accuracy will increase your project score.

Project cost-effectiveness will account for at least 20% of an application score as identified in the evaluation criteria section of this RFA

**c. Match Requirement and Expenditures**

Matching funds or in-kind support are not a requirement under this grant opportunity.

**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. Time frames must be consistent with the timeline applicants are required to upload in the Grants Gateway. **Applicants must upload an anticipated timeline to support completion of the proposed project work plan.**

***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. Letters of Permission/Municipal Endorsement**

If the applicant's proposal involves work on private property, the applicant must own the property, or obtain an applicable access agreement, for the project site and activities. The applicant must provide proof of land ownership and/or applicable landowner permission and/or municipal endorsement. Applicable proofs of land ownership are required to be in place and uploaded (in a single PDF file) in the Grants Gateway at the time of application. Acceptable proofs of land ownership information or permissions include:

- **If the property is owned by the applicant** – a copy of the current deed.

- **If the property owner is a municipality** – A resolution by the municipality supporting the project.
- **If the property is not owned by the applicant** – a formal written agreement between the applicant and landowner which allows the applicant access to the property, and represent the landowner, to accomplish the proposed project.
- **If the applicant is a not-for-profit proposing a project on municipal property** - a signed Municipal Endorsement. A municipal endorsement provides authorization for the not-for-profit to conduct the proposed project on municipal property. **A sample municipal endorsement can be downloaded and viewed in the Pre-submission Upload section in the Grants Gateway.**

If the applicant’s proposal includes the use of data or collocation with other monitoring programs. The applicant must describe how the data or the results from a collocation will be utilized and include a letter of endorsement from the data provider and or collaborator.

**f. Local/Community Letters of Support**

Letters of support are optional but encouraged. Applications with a letter of support from an elected official, government body, educational institution or other organization with knowledge or expertise related to the proposed project will receive additional points in the evaluation and score process.

Support letters from the government body offering the grant (DEC), or institutions or organizations who are fiscal sponsors and/or will provide services under the grant, will not be considered and no points will be awarded.

Support letters **must** be uploaded as a single pdf file in the Grants Gateway by the application due date. Letters received by hard copy in the mail will not be considered. *(Each letter will receive one point for a maximum of 5 points).*

**g. Project Area Map and Photos**

Applicants **MUST** upload a map showing the proposed project area and photographs if applicable to support the project application.

**h. Quality Assurance Project Plan**

Grant Recipients must submit and have approval for a Quality Assurance Project Plan (QAPP) prior to the commencement of data collection. This applies to all programs/projects that involve the collection, generation or use of environmental data associated with the mapping, modeling, monitoring, and assessment of air quality. **This plan may be discussed in meetings with DEC referenced in 5a and 5n, and staff at DEC’s Division of Air Resources may be available for guidance upon awardees request.** Activities associated with these types of programs/projects, shall be:

- a. Performed in accordance with an effective quality system for planning and assessing environmental measurements and tests, and for conducting required quality assurance and quality control procedures to promote and maintain the accuracy and reliability of environmental measurements and test results. An effective Quality System includes a Quality Assurance Project Plan (QAPP)

based on guidance provided by the USEPA Guidance for Quality Assurance Project Plans (QA/G-5 May 2006), or American National Standard ASQ/ANSI E4:2014: Quality management systems for environmental information and technology programs—Requirements with guidance for use, approved February 4, 2014.

- b. If a project provides data for use in comparison to regulatory or health-based guidance levels, analyses must be performed by a laboratory certified by the New York State Department of Health (NYSDOH) under the Environmental Laboratory Approval Program (ELAP) pursuant to Section 502 of the Public Health Law. This requirement shall not apply to specific parameters where NYS DOH ELAP has not issued a certificate for the specific parameter.
- c. Performed in a manner that ensures all requisite quality control and calibration requirements are met, including field testing, sample collection, preservation, and record-keeping. Basic quality assurance and quality control requirements defined in 40 CFR Part 136.7 shall be followed as well as any specific method requirements.
- d. Demonstrate that the selected instrumentation is suitable for the proposed work. The detection limit, integration period, environmental conditions, battery life, etc. will be adequate for the study design and location.
- e. Data collected with non-FRM/FEM instrumentation must be compared to EPA or NYSDEC FRM/FEM data or directly to NIST or equivalent standards. The comparison must include (at a minimum) precision and bias values for integration periods as similar as possible to the project's data collection intervals.
- f. Reporting requirements must be specified and at a minimum the applicants must show how the information (data) and conclusions will be disseminated to the public, to the DEC and to other stakeholders. A final report is required as is a full publicly available dataset.
- g. Covered under the Publicity clause (article IV.G.) of the Master Contract for Grants – Standard Terms and Conditions. Specifically, the Contractor agrees that any work products, including but not limited to, air quality data or environmental information; measured, generated, or developed under this contract shall not be released, published, cited, or shared in draft or final form without prior written authorization from the Department.

**i. Debriefing Request**

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.

**j. Department of Environmental Conservation Oversight**

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent

with this grant opportunity.

- Make an award, in whole or in part, in accordance with the method of award, or withdraw the RFA at any time at the DEC's sole discretion.
- Not award funding to applications that have a final score below 70 points.
- Award a portion of a grant request based on the proposed work plan included in the application and ineligible project-related costs.
- 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.
- Reject any or all applications in response to the RFA at the agency's sole discretion.
- Award the next highest scoring application in the event a grantee fails to negotiate a grant contract with the Department within 60 - 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.
- Decline to fund projects that are determined to be inconsistent with NYS's Smart Growth Public Infrastructure Policy Act.
- Decline to fund projects that are determined to be inconsistent with the Climate Leadership and Community Protection Act or its implementing regulations

#### **k. 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. 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.

#### **I. Executive Order 16**

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

All applicants must download the Executive Order Certification Form from the Pre-submission Uploads section in Grants Gateway, complete and save the form, and upload the completed form back into the Pre-submission Uploads folder as part of the application.

#### **m. SEQRA and Permits (if applicable to your project)**

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.

#### **n. Professional Guidance (if applicable to your project)**

Project timelines should include consultation with DEC staff for project management purposes and would take place prior to going to contract. **Groups awarded funding will be required to meet with DEC staff at least one to two times.** Additionally, applicants are encouraged but are not required to invite staff to attend applicable stakeholder meetings and to provide technical assistance in the planning process. Staff may choose to participate or not in response to the invitation, as time allows.

#### **o. Professional Service (if applicable to your project)**

Proposed projects that include intent to use appropriate professional services to install and or operate air monitoring devices, evaluate existing datasets or implement a pollution reduction program will receive points in the evaluation of their application. Please see scoring rubric below for the Knowledge and Skills section on page 15.

**p. Long-Term Air Quality Benefits (if applicable to your project)**

Projects are expected to lead to an air quality benefit for the community. Projects that include the ability to determine the impact of identified local air pollution sources and that describe how specific air pollution reduction strategies will reduce air pollution burdens within targeted communities will receive points in the evaluation of their application. **Please see the Environmental Benefits and Risks/Public Health Benefits and Risks question below on page 19 for scoring rubric.**

Optionally, the applicant may also propose how the proposed pollutant reduction strategies can be implemented or adopted within the targeted community.

**q. Alignment with Regional Economic Development Council Priorities**

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

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

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

## **6. Application Evaluation, Scoring and Selection**

All applications will be reviewed and scored by a review team in accordance with the evaluation and scoring criteria contained in this RFA.

If the application receives a single 'fail' response in the eligibility review, the application will be disqualified from further review. If the application meets all eligibility pass/fail criteria, it will receive further evaluation and scoring by at least three members of a review team.

Project evaluation criteria is in accordance with the general evaluation criteria described in this RFA. The total maximum score any application may receive is 125 points. The DEC reserves the right to not award funding to applications scoring less than 70 points.

Applicants are strongly encouraged to read and address the Application Review and Scoring Standards in the process of developing an application. Knowledge of the scoring criteria is valuable for designing and proposing a relevant and quality project.

### **Step 1: PASS/FAIL EVALUATION CRITERIA:**

An eligible application for the Disadvantaged Community Air Quality Monitoring Opportunity must satisfy all of the following Pass/Fail criteria:

**A “Fail” any of the following criteria will disqualify the application.**

- **Application Completeness:** The applicant must answer all mandatory Grants Gateway program questions and upload all mandatory and applicable documents. All document uploads must be complete and viewable. Did the applicant upload all necessary documents and complete all required information? (pass/fail)
- **Applicant Prequalification:** Not-For-Profit 501(c)(3) (NFP) organizations must be prequalified in the Grants Gateway by the EJ grant opportunity due date to be considered eligible, including a NFP who will serve as the eligible organization’s fiscal sponsor. Was the NFP applicant prequalified in the Grants Gateway by the application due date? (pass/fail)
- **Fiscal Sponsor Agreement (if applicable):** A NFP fiscal sponsor is responsible for submitting the EJ application on behalf of the eligible community-based organization. The NFP sponsor must have their own Grants Gateway registration and document vault prequalification and must have uploaded a signed fiscal sponsor agreement with the eligible community-based organization. Did the applicant provide, if applicable, a fiscal sponsor agreement? (pass/fail)
- **Brief project description.** Please provide a brief project description in 250 characters or less. Did the applicant provide a brief project description? (pass/fail)
- **Mission Statement.** Please provide your organization’s mission statement.
- **Proofs of Land Ownership and/or Access Agreements:**

If applicable to your proposed project, proofs of land ownership are required to be in place and uploaded (in a single PDF file). **If proof of landownership is not required or necessary to implement the proposed project, please explain why it is not applicable to your project.**

The applicant must either own the property, have obtained a formal written agreement from the property owner to access the project site, or have obtained a municipal endorsement to conduct the project on municipal property. Did the applicant provide the necessary land ownership permissions/endorsement? (pass/fail)

The applicant must provide proof of land ownership and/or applicable landowner permission and/or municipal endorsement. Applicable proofs of land ownership are required to be in place and uploaded (in a single PDF file) in the Grants Gateway at the time of application. Acceptable proofs of land ownership information or permissions include (pass/fail):

- **If the property is owned by the applicant** – a copy of the current deed.
- **If the property owner is a municipality** – a resolution by the municipality



- o supporting the project.
  - o **If the property is not owned by the applicant** – a formal written agreement between the applicant and landowner which allows the applicant access to the property, and represent the landowner, to accomplish the proposed project.
  - o **If the applicant is a not-for-profit proposing a project on municipal property** - a signed Municipal Endorsement. A municipal endorsement provides authorization for the not-for-profit to conduct the proposed project on municipal property. A sample municipal endorsement can be downloaded and viewed in the Pre-submission Upload section in the Grants Gateway.
- **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.

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 into the pre-submission uploads folder.

Did the applicant upload the Sexual Harassment Prevention Certification form or a signed statement detailing the reasons why the certification cannot be made? (pass/fail)

- **Executive Order 16 Certification**  
Executive Order No. 16 provides that “all Affected State Entities are directed to refrain from entering into any new contract or renewing any existing contract with an entity conducting business operations in Russia.” The complete text of Executive Order No. 16 can be found at <https://www.governor.ny.gov/executive-order/no-16-prohibiting-state-agencies-and-authorities-contracting-businesses-conducting>.

All applicants must download the Executive Order Certification Form from the Pre-submission Uploads section in Grants Gateway, complete and save the form, and upload the completed form back into the Pre-submission Uploads folder as part of the application.

Applications that do not contain the certification will not be considered for award.

Did the applicant upload the Executive Order Certification form? (pass/fail)

- a. **Does the community-based organization meet all of the following eligibility criteria?** (pass/fail)

- a. Must serve the residents of at least one Disadvantaged Community.
- b. May serve one or more DEC regions:
  - Region 1- Nassau and Suffolk Counties
  - Region 2- Brooklyn, Bronx, Manhattan, Queens and Staten Island
  - Region 3 Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester counties
  - Region 4 - Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie counties
  - Region 5- Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington counties
  - Region 6- Herkimer, Jefferson, Lewis, Oneida and St. Lawrence counties
  - Region 7 Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga and Tompkins counties
  - Region 8 Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne and Yates counties
  - Region 9 Allegany, Cattaraugus, Chautauqua, Erie, Niagara and Wyoming counties
- c. Has a total annual revenue that does not exceed \$5,000,000, based on the applicant's IRS Form 990 filing from the previous year (line 12); and
- d. Cannot have its charter revoked or otherwise be dissolved through the action of another organization; and
- e. Can enter into legal agreements independent of any affiliated not-for-profit organization, government body, university or other entity that would be ineligible to apply for this grant; and
- f. The applicant should have demonstrated knowledge of environmental justice, a history of prioritizing environmental justice issues, and experience building a diverse and inclusive environmental movement. The applicant organization focuses on addressing the environmental and/or public health problems of the residents of the community that is impacted by the multiple environmental harms and risks that are the focus of the project (the "affected community"); and
- g. **Primary office location:** Must have its primary office location in New York State; and
- h. **Declaration.** The applicant (and partner NFP fiscal sponsor, if applicable) must declare that it has not caused or contributed to the environmental harms or risks that are to be the subject of the proposed project. (Note: A declaration can be viewed on the last page of this RFA. The declaration must be signed and uploaded in the Grants Gateway.); and
- i. **Community Served:** Does the project serve a Disadvantaged Community?
- j. **Project Area Map and Photos**  
Applicants MUST upload a map showing the proposed project area as well as photos to support the project application.
- k. **Timeline.** Applicants must upload an anticipated timeline to support completion of the

proposed project work plan.

- I. **Good standing.** Be in good standing and will have submitted all required progress reports for current open grants and final narrative and financial reports for previously awarded Office of Environmental Justice grants where the term has expired.

## **Step 2: Project Evaluation, Scoring and Selection**

If your application meets all eligibility pass/fail criteria it will be further evaluated and scored by a review team in accordance with the Evaluation and Scoring Standards contained in this RFA.

### **a. Letters of Support (0-5 points):**

Applications with a letter of support from an elected official, government body, educational institution or other organization with knowledge or expertise related to the proposed project will receive additional points in the evaluation and score process.

**Support letters from the government body offering the grant (DEC), or institutions or organizations who are fiscal sponsors and/or will provide services under the grant, will not be considered and no points will be awarded.**

Support letters must be uploaded as a single pdf file in the Grants Gateway by the application due date. Letters received hard copy in the mail will not be considered. *(Each letter will receive one point for a maximum of 5 points).*

The application includes a letter of support from another organization, municipality, official or institution.....0-5 Points (Each letter will receive one point for a maximum of 5 points).

### **b. Environmental Justice (0 to 15 points)**

The applicant should have demonstrated knowledge of environmental justice, a history of prioritizing environmental justice issues, and experience building a diverse and inclusive environmental movement.

For this question, please describe in detail:

- a. The nature, purpose, or mission of the organization.
- b. Relevant programs the organization offers;
- c. How does the organization prioritize environmental justice and further a diverse and inclusive environmental movement?
  1. The organization has a mission and strong focus on environmental justice....8 to 15 points.
  2. The organization appears to be somewhat focused on environmental justice...1 to 7 points.
  3. The organization does not appear to be focused on environmental justice....0 points.

### **c. Environmental Benefits and Risks/Public Health Benefits and Risks (0 to 15 points):**

Provide a community description and narrative on potential air burdens, environmental issues, and other vulnerabilities the community is faced with. Applicants are encouraged to use the

DAC criteria outlined on <https://climate.ny.gov/Our-Climate-Act/Disadvantaged-Communities-Criteria> and describe how this project will help resolve the issues.

- Describe the potential air burdens and other environmental harms and/or public health problems the community residents are exposed to.
  - Describe how the proposed monitoring project leads toward identifying, raising awareness about, evaluating, and/or reducing exposure to, or facilitating the emission reductions of air toxics and/or criteria air pollutants from stationary and/or, mobile, or area sources in the proposed project's community as well as in environmental justice communities across New York State.
  - Describe how these issues can be captured and quantified with the proposed air monitoring program.
  - Provide a reasonable monitoring plan outline (which will later be expanded in the project's QAPP), including possible sensors to be used, how the performance of the instrumentation will be verified, which pollutants will be measured, and initial monitoring considerations (such as powering the sensors, data collection frequency, site access, etc.);
  - Projects are expected to lead to an air quality benefit for the community. Projects that include the ability to determine the impact of identified local air pollution sources and that describe how specific air pollution reduction strategies will reduce air pollution burdens within targeted communities will receive higher points in the evaluation of their application
1. The project narrative provides strong details of the affected community, its air burdens based on DAC Criteria, and a comprehensive monitoring plan that will lead to a reduction in air pollution .....8 to 15 points;
  2. The project narrative provides some details of the affected community and its air burdens based on DAC Criteria and a satisfactory monitoring plan that may lead to a reduction in air pollution .....1 to 7 points;
  3. The project narrative provides little to no details of the affected community and its air burdens based on DAC Criteria and insufficient monitoring plan that would not lead to an a reduction in air pollution..... 0 points

**d. Community Outreach and Engagement (0 to 15 points)**

Describe the type of community engagement your organization will participate in related to this project. What kind of public events, outreach and education activities will your organization have to discuss air monitoring or air pollution with your community members? How will they be made aware? (e.g. social media, website, in-person, direct mail) How will any barriers be overcome?

1. The applicant has explained with full detail how their organization will engage their community .....8 to 15 points;
2. The applicant provided some information and details how their organization will engage their community....1 to 7 points;
3. The applicant did not provide sufficient information or details about community outreach and engagement...0 points

**e. Data and Monitoring (0 to 15 points)**

Please describe for this question:

- The applicant must describe:
  - Why monitoring data collected is necessary. Specifically, why the pollutants selected and the locations monitored will help address specific community concern.,
  - How results collected compare to existing air quality information (such as DEC’s Air Quality Monitoring Network or EPA’s Air Toxics Screen Assessment) and how the pollutants and locations selected will help identify emission reduction strategies.
- How will data be collected? Stationary, mobile, targeted, on-person and with what specific instrumentation,
- How the results will relate to regulatory monitoring, as well as how results can be tied to specific emission reductions.
- Applicants must show how proposed monitoring data will be referenced to regulatory methods and data or traceable EPA, NIST or equivalent standards.
- Applicants must show that instrumentation and or analytical methods proposed for the data collection are well characterized and suited for the intended purpose.
- The project’s validated dataset must be made available to the public at the conclusion of the project.

1. The applicant described in full detail existing data gaps, explained how the proposed monitoring will be referenced to regulatory methods, and showed that the instrumentation proposed are well suited for the project.....8 to 15 points.
2. The applicant provided some details about existing data gaps, monitoring data and how the instrumentation proposed for the project.....1 to 7 points.
3. The applicant did not provide sufficient information or details about existing data gaps, monitoring data or the instrumentation proposed for the project...0 points

**f. Goals and Objectives (0 to 15 points)**

**Complete both the work plan and work plan properties sections of the Grants Gateway.**

Does the project have clear goals and objectives that can be achieved within the proposed project timeframe?

1. The project’s goals and objectives are clearly defined and the applicant appears prepared to achieve all goals and objectives within the proposed time frame.....8 to 15 points;
2. The project’s goals and objectives are not clearly defined but seem reasonable, or the applicant appears to be able to achieve most but not all of the goals and objectives from this grant .....1 to 7 points;
3. The project does not have reasonably achievable goals and objectives, or the applicant does not appear to have the capability or expertise to accomplish at least half of the project’s goals.....0 points.

**g. Knowledge and /or Skills (0 to 15 points)**

Describe the knowledge, skills and/or experience that both the organization and key staff members possess to successfully implement the proposed project. **If contractors will be working on the project, please describe their skills and experience.**

Please tell us how long your organization has been doing this type of work and describe key accomplishments of which you are proud.

Please include the following:

- The staff member(s) titles, qualifications, education level, professional certifications, experience etc.
- Applicants must demonstrate that they possess or they are contracting with individuals or organizations who have the technical expertise to implement the proposed project effectively.
- Include details on the applicant's track record for implementing the proposed type of project.
- Describe the history and connection of applicant in/to the community (have you worked in this area before and, if so, what did you do). Provide examples of representing or advocating in and for your proposed community.

Does the applicant and their contractor(s) demonstrate the knowledge and skills and/or track record of working in the community to successfully undertake a project of this nature?

1. Very well qualified and/or proven track record for this type of project.....8 to 15 points;
2. Qualified and /or satisfactory track record ..... 1 to 7 points;
3. Knowledge and skills are not described in detail to determine their potential effectiveness, not well qualified and/or poor track record .....0 points.

**a. Cost Effectiveness (0 to 30 points):**

Describe the cost-effectiveness of the proposed project. Include cost estimates, tangible quotes, etc., for the project. The Grants Gateway Expenditure Budget summary and detail sheets must reflect the total amount of requested grant funds as well as any additional funding (no match is required) secured and available for the project.

DEC will review and assess proposed projects based upon the cost-effective nature of the proposal. Proposed projects with clearly written budgets that are deemed cost effective will receive higher points. How well does the budget demonstrate value for cost? Cost effectiveness will be evaluated from the standpoint of both cost and value.

Applicants may compare the project costs to other similar work and explain the balance of expenses across proposed expenditure budget categories.

To sufficiently respond to this question, applicants are encouraged to upload documentation to support specific budget items, such as standard government wage rates, current market prices for equipment and cost-estimates from potential contractors. Budgets that are not cost-effective, or confusing, extraneous, excessive or not well aligned with the project purpose will not receive points.

- a. Budget is well-balanced, does not contain any extraneous expenses, and supports objectives, tasks and performance measures identified in the project work plan.....0 to 10 points;
- b. Applicant provided supplemental evidence of cost effectiveness such as providing more than one quote from vendors/contractors, standard government wage rates, current market prices for equipment, comparison to similar work, etc., and the applicant demonstrated that the lowest cost estimates were used for the application .....0 to 10 points;
- c. The cost to benefit ratio is appropriate for the complexity and size of the project.....0 to 5 points;
- d. The anticipated benefits are at a scale and cost equivalent to the fair market value of the proposed budget.....0 to 5 points.

## 7. Method of Award:

The total maximum score any application may receive is 125 points. The DEC reserves the right to not award funding to applications scoring less than 70 points.

In an effort to distribute available funding across the state, and in the best interest of the state, DEC reserves the right to determine the best selection of applications for project funding in the following way:

Individual reviewer scores will be averaged for each application to determine an average score. Cost effectiveness points will be added to the average score to determine the final score of the application. Final scores will be ranked from highest to lowest and applicants having the highest final scores will be selected to receive grant funding.

DEC reserves the right to ensure that no single part of the state receives a disproportionate share of the total amount of available EJ grant funding. If any single DEC region receives at least 60 percent of the total amount of available funding during the scoring and funding decision process, DEC may decide not to fund the remaining applications ranked within the region. Remaining awards will be determined based on the highest to lowest ranked applications from other DEC regions. (See list of regions here: <http://www.dec.ny.gov/about/50230.html>)

**Tie Breaker:** If there is a numerical tie in the ranking of multiple applications and there are insufficient funds to award grants to all of the tied applications, DEC will select the application having the earliest application electronic submission date and time.

## 8. Grant Program Payment

Advance payments of up to 30% of the awarded grant amount may be available to not-for-profit grantees once a Master Contract for Grants (MCG) has been fully approved by the Department

and if applicable the Attorney General and Office of the State Comptroller (OSC). Only not-for-profits are eligible to receive advance payments under State Finance Law.

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.**

**In accordance with state contracting requirements, DEC will make all payments of grant contract funding by electronic transfer.** Grant recipients (Grantee) will be required to set-up an electronic payment authorization with the Office of the State Comptroller at: <http://www.osc.state.ny.us/epay/index.htm>

This is a scheduled payment grant program. Upon DEC's full approval of a Master Contract for Grants (MCG) (awards above \$10,000 and below \$50,000) and OSC's approval (awards above \$50,000) or Letter of Agreement (LOA) (awards \$10,000 and below) funding may be advanced to the Grantee in the following increments:

**1. Advance Payments:** An initial advance payment, followed by subsequent advance payment requests, shall not at any time exceed a total of 30 percent of the grant award amount. After the first advance payment, subsequent advances shall not be made until of the previous advance is shown as fully expended and is documented to the DEC. Future payment requests will be reduced until all advance amounts are fully recovered within the contract term.

**2. Final Payment:** The final payment of 10 percent of the grant award amount will be provided on a reimbursement basis.

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

## 9. Eligible and Ineligible Expenditures

### a. Eligible Project Expenditures

Applicants must complete an expenditure budget in the Grants Gateway and provide cost detail that includes only eligible project costs as defined below:

- 1. Contractual:** Costs for the value of services provided by responsible, professional and technical personnel and consultants directly related to the implementation of the project. Contractual staff time, including fringe benefits, paid to any individual person cannot exceed 30 percent of the total grant amount.
- 2. Personal Service and Fringe:** Cost of staff salaries, including fringe, directly devoted to the project. Itemize salaries according to job title and roles/responsibilities on the project. Grantees will be required to document time worked, tasks, pay ratio and payment. Fringe benefits are limited to 15 percent of the staff salary. Paid staff, including fringe benefits, to any individual person cannot exceed 30 percent of the total grant award.



**3. Equipment:** Costs for equipment (purchase or rental). Monitoring equipment must be well suited to the tasks specified in the workplan. Instruments that do not have a low enough detection limit, are not accurate enough or do not respond quickly enough to successfully implement the workplan as written are not eligible. Demonstrate adequacy through comparisons between similar data and equipment specifications prior to purchase. Note that any equipment purchased with funding provided by this grant program cannot be sold, transferred or used for other purposes without prior written approval from DEC.

**4. Communication Costs:** Costs associated with communication directly related to informing the community about the project such as telephone services, postage, messenger, Internet service, printing, etc. Communication costs should be categorized under Other.

**5. Travel:** Expenses for any necessary travel required to carry out the project. Note that the EJ grant will not pay for travel to conferences or other professional meetings or any travel outside New York State.

**6. Other:** Other reasonable costs must be directly devoted to implementation of the project such as costs for the purchase, upgrade and maintenance of computer hardware and software required to implement the project, rental of meeting space, printing, postal, supplies and materials, and training costs related to training staff or volunteers that are required for the project.

**7. Grant Administration Costs:** Administrative costs incurred by a fiscal sponsor for administering the grant or assisting in the project. Costs claimed by the fiscal sponsor to administer the grant that are paid from EJ grant funds are limited to management and recordkeeping of grant funds, preparation of grant contract documents and preparation and submittal of mandatory reports on funded projects as specified in the grant contract. Administrative costs cannot exceed 10 percent of the total grant award and should be clearly identified as 'Administrative' costs in the personal service budget category.

#### **b. Ineligible Project Expenditures**

The following costs are not eligible for grant funding or reimbursement under this program:

1. Monitoring, equipment and or samplers with subsequent analysis are ineligible if they are not suitable for the proposed project. The equipment or analysis from samples collected during the project must have a demonstrated detection limit lower than the typical pollutant concentrations in the proposed study area.
2. DEC will not fund projects that involve indoor air monitoring.
3. Costs that are paid from other state or federal funding sources are not eligible for reimbursement.
4. Indirect costs: indirect (overhead) costs such as: utilities, office rent, insurance.
5. Costs of preparing the EJ grant application.
6. Costs relating to the project that were incurred prior to the start date of the grant contract or after the termination date of the grant contract.
7. Legal costs related to the commencement of, or participation in, any action before a municipal, state or federal court or other agency.
8. State and/or federal funding: project costs funded from other state and/or federal funding sources are not eligible for grant reimbursement.

#### **c. Match Requirement and Expenditures**

Matching funds are not required for this grant opportunity.

## 10. Grant Program Reporting

Quarterly Narrative Reports must be submitted in narrative form, no later than 30 days from the end of the fiscal quarter. The reports will summarize how the project progressed toward meeting project objectives and deliverables during the respective quarter. ***The summaries should include data recoveries in comparison to the timeline in the workplan and Quality Assurance results for the period.*** Quarterly reports shall be submitted to the Program Manager.

Final Payment and Report: ***The final payment will be provided on a reimbursement basis. The Grantee shall submit a final report including all validated data which shall be approved by the DEC prior to the release of the final ten percent reimbursement payment.*** The Grantee shall submit a final report no later than 60 days after the end of the contract term or upon completion of the project. The final report shall report on all aspects of the program and detail how the use of grant funds were utilized in achieving the goals set forth in the contract project work plan. If applicable to the project, copies of appropriate documents - i.e. inventory and/or management plan shall be approved by the DEC.

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

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

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

## 11. What to Expect If You Receive an Award

### a. Notification of Award

Applicants selected to receive a grant award will be notified by email and in an official Department award letter. The 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.

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

Applicants selected to receive a grant award will be required to execute a MCG within 60 - 90 days from the time of their award notification. Failure to submit timely required MCG documents could cause a grantee to lose their grant award. Applicants should review and be prepared to comply with all MCG terms and conditions should grant funding be awarded. The MCG and attachments can be reviewed and/or downloaded in the Grants Gateway HRE 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 A-2 Federally Funded Grant Terms and Conditions (optional)
  - Attachment B-1 Expenditure Based Budget (project expense categories and detail)
  - Attachment C Work Plan (project objectives, tasks and performance measures)
  - Attachment D Payment and Reporting Schedule (claims for reimbursement and grant reporting provisions)

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

**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 MCG 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>.

#### **e. Charities Bureau**

Organizations awarded funding must be up to date with their charity filings. Most organizations that hold property of any kind for charitable purposes or engage in charitable activities in New York State and/or solicit charitable contributions (including grants from foundations and government grants) in New York are required to register with the Attorney General's Charities Bureau. If you are unsure as to whether or not your organization is required to register, please contact the Charities Bureau directly at (212) 416-8401 or [charities.bureau.ag.ny.gov](http://charities.bureau.ag.ny.gov) and staff will help you determine whether New York Law requires registration of your organization.

#### **f. 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/reg/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.

#### **g. Minority and Women Business Enterprise (MWBE) and Equal Employment Opportunity (EEO) Requirements**

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

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

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

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

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

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

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

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

All contractors shall complete an Equal Employment Opportunity (EEO) Policy Statement and Staffing Plan form and submit it prior to the execution of the contract. These EEO forms are to be uploaded to the Grants Gateway in the grantee document folder.

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

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

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

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

#### **h. Service-Disabled Veteran-Owned Business (SDVOB) Participation Requirements**

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

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

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

#### **i. Procurement of Contractors/Subcontractors**

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.

#### **j. 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>.

#### **k. 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.

### **I. Acknowledgement/Credits/Photo Rights:**

The grantee must agree to give DEC appropriate credit for its support and shall note the following in all printed documents, video materials and /or program advertisements resulting from this work: "Funding for this project was provided from the NYS Environmental Protection Fund as administered by a grant from the New York State DEC Office of Environmental Justice." In addition, the grantee must agree to give DEC permission to use any photos, maps and other materials sent to us as a part of the application or report for the purposes we deem necessary.

#### **m. 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.

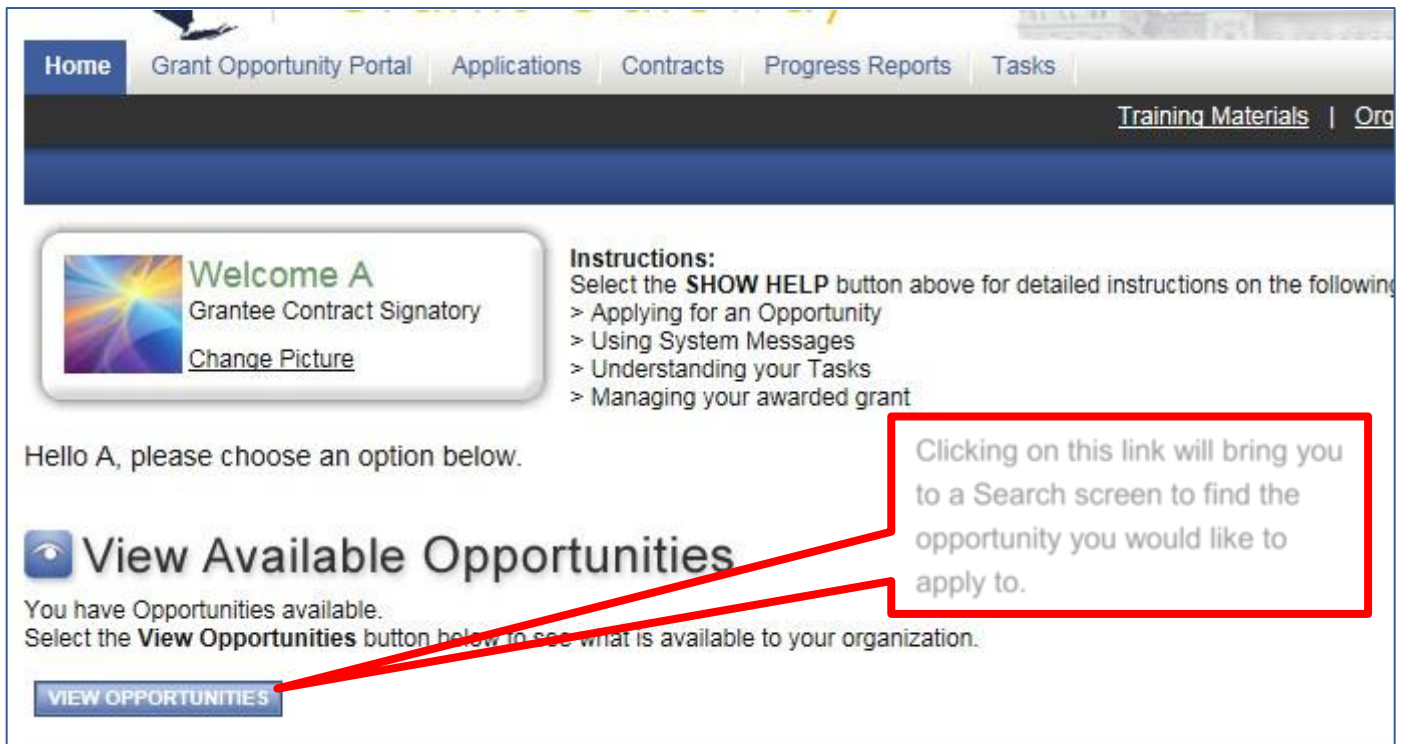
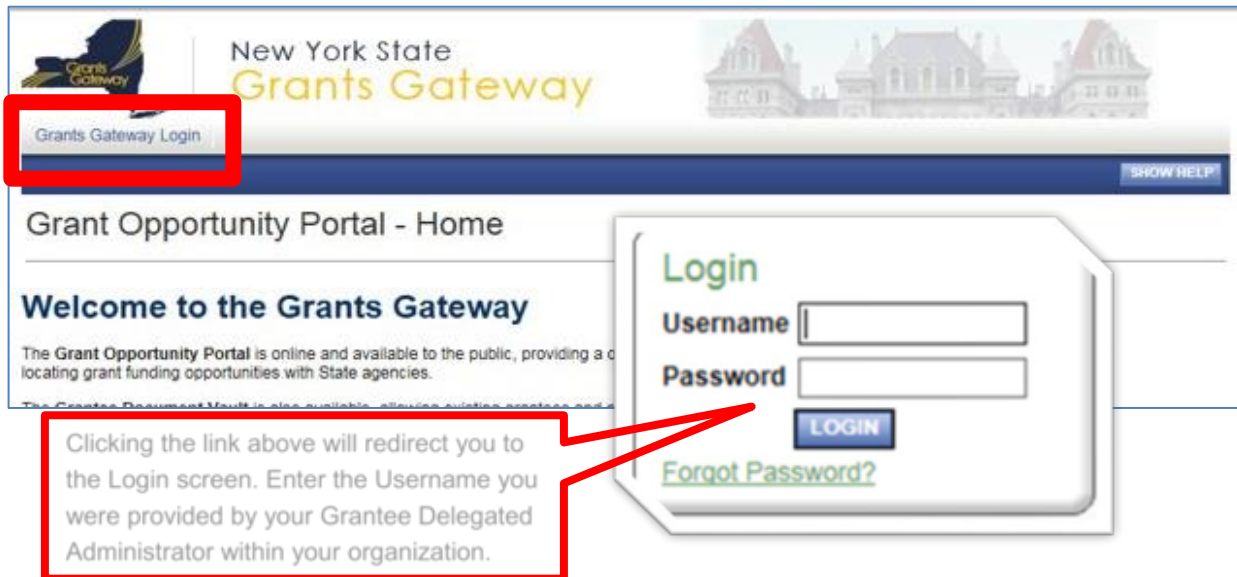
# Appendix A: Completing the Application in the Grants Gateway

## Getting Started

To get started in the [Grants Gateway](#), click on Grants Gateway Login in the upper left hand corner of the page.

## Locating and Initiating an Application

Once you're logged in, you are brought to the Home screen where you begin your search for an opportunity to apply to by clicking on the View Opportunities button.





## Appendix B: Declaration (Mandatory Upload)

The undersigned, as an authorized official of the not-for-profit corporation, does hereby certify that:

- \* The not-for-profit applicant organization (and partner not-for-profit corporation, if applicable) has not caused or contributed to the harms or risks relating to the project proposed in this application.

The individual whose signature appears hereon is an authorized official of the applicant community group or partner not-for-profit corporation, if applicable and has been authorized to submit this application for the applicant community group or partner not-for-profit corporation by such organization's executive board or board of directors.

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Signature of Authorized Official of Not-for-Profit Corporation

Date

---

Title of Signer within Not-for-Profit Corporation

## **Appendix C: Expenditure Based Budget**

For an introduction on how to fill out an expenditure-based budget including how to complete salary calculations please go to:

<https://www.youtube.com/watch?v=0b1btPFdHMU>

## Appendix D: Resources

**DEC's Air Monitoring Initiative** <https://www.dec.ny.gov/chemical/125320.html>

**EPA The Enhanced Air Sensor Guidebook (2022)** <https://www.epa.gov/air-sensor-toolbox/how-use-air-sensors-air-sensor-guidebook>

**Homepage for the NYC Community Air Survey information:**  
<https://www.nyc.gov/site/doh/data/data-sets/air-quality-nyc-community-air-survey.page>

**Results of the NYC Air Survey:**  
<https://nyccas.cityofnewyork.us/nyccas2022/report/3>

**South Coast AQMD sensor technology** <http://www.aqmd.gov/aq-spec/sensors>

## Appendix E: Application Checklist

Use this checklist as a tool to ensure applicant eligibility, project eligibility, and proper application completion.

The Checklist should **NOT** be uploaded back into the Grants Gateway.

Incomplete or ineligible applications will not be evaluated for funding.

- PASS/FAIL CRITERIA

**(Check the following boxes (☒) to indicate the item is addressed in the application, or is N/A)**

1.  *NOT-FOR-PROFIT ORGANIZATIONS ONLY*: Applicant is prequalified in the Grants Gateway by the application due date, and up-to-date with a charities registration number and required filings (see page 5).
2.  If a fiscal sponsor submitted the application on behalf of an eligible community-based organization, the fiscal sponsor must have their own Grants Gateway registration and document vault prequalification and must have uploaded a signed fiscal sponsor agreement with the eligible community-based organization (see page 5).
3.  Provided a brief project description of 250 characters or less.
4.  Provided Mission Statement.
5.  Applicant is an eligible community-based organization meeting **all** the following criteria (see pages 4-6):
  - a. Must serve the residents of at least one Disadvantaged Community.
  - b. May serve one or more DEC regions:
    - a. Region 1- Nassau and Suffolk Counties
    - b. Region 2- Brooklyn, Bronx, Manhattan, Queens and Staten Island
    - c. Region 3 Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester counties
    - d. Region 4 - Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie counties
    - e. Region 5- Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington counties
    - f. Region 6- Herkimer, Jefferson, Lewis, Oneida and St. Lawrence counties
    - g. Region 7 Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga and Tompkins counties
    - h. Region 8 Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne and Yates counties
    - i. Region 9 Allegany, Cattaraugus, Chautauqua, Erie, Niagara and Wyoming counties
  - c. Has a total annual revenue that does not exceed \$5,000,000, based on the applicant's IRS Form 990 filing from the previous year (line 12); and
  - d. Cannot have its charter revoked or otherwise be dissolved through the action of another organization; and
  - e. Can enter into legal agreements independent of any affiliated not-for-profit organization,

government body, university or other entity that would be ineligible to apply for this grant; and

- f. The applicant should have demonstrated knowledge of environmental justice, a history of prioritizing environmental justice issues, and experience building a diverse and inclusive environmental movement. The applicant organization focuses on addressing the environmental and/or public health problems of the residents of the community that is impacted by the multiple environmental harms and risks that are the focus of the project (the “affected community”); and
- g. Must have its primary office location in New York State; and
- h. The applicant (and partner NFP fiscal sponsor, if applicable) must declare that it has not caused or contributed to the environmental harms or risks that are to be the subject of the proposed project. (Note: A declaration can be viewed on the last page of this RFA. The declaration must be signed and uploaded in the Grants Gateway.); and
- i. Be in good standing and will have submitted all required progress reports for current open grants and final narrative and financial reports for previously awarded Office of Environmental Justice grants where the term has expired.

- 6.  Provided a photograph(s) of the proposed project site to supplement your project application.
- 7.  Application is complete and uploads are in the Grants Gateway (make sure to check errors).

- **GRANTS GATEWAY FORMS (Program Information, Expenditure-Based budget, and Work Plan)**  
**(Check the following boxes (☒) to indicate the item is addressed in the application, or is N/A)**

- 1.  **Program Information:** Project site information is provided, ALL program-specific questions are answered, and applicable/required documents are uploaded for each question. (Mandatory)

**Mandatory uploads:**

- a.  Program Question 3: Applicants must upload a map or other authoritative documentation (report or documentation issued by a local, state, or federal government agency) to supplement this answer. The map must clearly identify the location where residents will be served (see page 12-13).
- b.  Program Question 5: Applicants must provide a photograph(s) of the proposed project site to supplement their project application.
- c.  Program Question 13: Applicants must upload a signed declaration that the community-based organization has not contributed to the harms or risks relating to the proposed project. (found in Pre-submission Uploads section in the Grants Gateway)
- d.  Program Question 18: Applicants must upload an anticipated timeline to support completion of the proposed project work plan. (see page 12).
- e.  Program Question 22: Applicants must upload Sexual Harassment Prevention Certification:

Did you sign and upload the Sexual Harassment Prevention Certification form or upload a signed statement with your application detailing the reasons why the certification cannot be made into the pre-submission uploads folder. (see pages 14-15).

- f.  Program Question 23: All applicants must download the Executive Order Certification Form from the Pre-submission Uploads section in Grants Gateway, complete and save the form, and upload the completed form back into the Pre-submission Uploads folder as part of the application. (see page 15)

**Optional uploads, as applicable:**

- a.  Program Question 2: Fiscal sponsor agreement if applicable (see page 5).
- b.  Program Question 6: Proofs of land ownership, if applicable. (see pages 13).
- c.  Program Question 17: Letters of support are optional but **highly encouraged** (see page 13).
- d.  Program Question 12: Support for applicant skills and experience (see page 23).
- e.  Program Question 13: Support for project cost effectiveness (see page 23-24).

**Complete the following if applicable to your project:**

- f.  Smart Growth Assessment Form has been completed and uploaded into the Grants Gateway, if applicable to your project. Form can be found in Pre-submission Uploads section in the Grants Gateway. (see page 16)
- g.  Historic Preservation Review Requirements complete, if applicable to your project. (see page 16)
- h.  Coastal Consistency Requirements complete, if applicable to your project. (see page 17)

**Mandatory Expenditure-Based Budget and Work Plan**

- 2.  The expenditure-based budget is completed, including justifications for all budget items (see page 12 and pages 23-24).
- 3.  The **Work Plan Overview Form** and **Work Plan Properties** have been completed and you have provided clear and concise:
  - a. objectives,
  - b. tasks, and
  - c. performance measures

**Work Plan Overview Form:** this form includes three sections:

- 1. Work Plan Period
- 2. Project Summary: Write a detailed summary of your proposed project. It is suggested that you create your work plan in a Word (or similar) document, and copy/paste that into the Project Summary field. The Grants Gateway will retain any bullets or numbering you would have added.
- 3. Organizational Capacity: Write a detailed summary that explains how your organization has the relevant experience and background to accomplish the goals of your proposal.

**IMPORTANT:** Please note that once you have completed the Work Plan Overview Form sections you will be required to fill out **Work Plan Properties**.

This section allows you to enter the **Objectives, Tasks, and Performance Measures** that make up your work plan. Think of the Objectives as the main goals, the Tasks as the individual milestones, and the Performance Measures as the deliverable or the way to measure if the goal was achieved.