I. COMMUNICATIONS

Minutes of a meeting of the Multi-Services Committee of the Chemung County Legislature held in the Hazlett Building, 5th Floor, 203 Lake Street, Elmira, New York on Monday, August 22, 2022.

Committee members present: Peggy Woodard (Chairman), L. Thomas Sweet, Brian Hyland, Robert Briggs, William McCarthy

Officials present: John Pastrick, David Manchester, Joseph Brennan, Mark Margeson, John Burin, Martin Chalk, Scott Drake, Michael Smith, Rodney Strange, Bryan Maggs

The meeting was called to order by the Chairman of the committee, Peggy Woodard.

II. RESOLUTIONS, MOTIONS, AND NOTICES

1. Resolution authorizing agreement with SRF Consulting Group, Inc. on behalf of the Chemung County Planning Department

   Motion made by Robert Briggs, seconded by L. Thomas Sweet, and Passed with a vote of 5-0, authorizing agreement with SRF Consulting Group, Inc. on behalf of the Chemung County Planning Department.

2. Resolution authorizing application for and acceptance of New York State Department of Environmental Conservation Municipal Waste Reduction and Recycling Program on behalf of the Chemung County Planning Department

   Mr. Sweet inquired as to whether Casella was contacted/included in the New York State Department of Environmental Conservation Municipal Waste Reduction and Recycling Program.

   Motion made by Robert Briggs, seconded by L. Thomas Sweet, and Passed with a vote of 5-0, authorizing application for and acceptance of New York State Department of Environmental Conservation Municipal Waste Reduction and Recycling Program on behalf of the Chemung County Planning Department.

3. Resolution authorizing application for and acceptance of New York State Local Waterfront Revitalization Program Grant on behalf of the Chemung County Planning Department

   Motion made by Robert Briggs, seconded by L. Thomas Sweet, and Passed with a vote of 5-0, authorizing application for and acceptance of New York State Local Waterfront Revitalization Program Grant on behalf of the Chemung County Planning Department.
4. Resolution authorizing application for and acceptance of 2022 Zero-Emission Vehicle Infrastructure Grant Program from the New York State Department of Environmental Conservation on behalf of the Chemung County Planning Department and Elmira-Chemung Transportation Council

Motion made by Robert Briggs, seconded by L. Thomas Sweet, and Passed with a vote of 5-0, authorizing application for and acceptance of 2022 Zero-Emission Vehicle Infrastructure Grant Program from the New York State Department of Environmental Conservation on behalf of the Chemung County Planning Department and Elmira-Chemung Transportation Council.

5. Resolution designating Emmons Metro, LLC as a sole source provider of pump station control panels and authorizing agreement with Emmons Metro, LLC on behalf of the Chemung County Sewer District No. 1

Motion made by Robert Briggs, seconded by L. Thomas Sweet, and Passed with a vote of 5-0, designating Emmons Metro, LLC as a sole source provider of pump station control panels and authorizing agreement with Emmons Metro, LLC on behalf of the Chemung County Sewer District No. 1.

6. Resolution authorizing application for and acceptance of 2022 Safe Streets and Roads for All Grant Program from the New York State Department of Transportation on behalf of the Chemung County Planning Department and Department of Public Works

At the request of Mr. Brennan, Mr. Avery will provide the Legislature with the Local Road Safety Plan which identifies safety improvement projects.

Motion made by Robert Briggs, seconded by L. Thomas Sweet, and Passed with a vote of 5-0, authorizing application for and acceptance of 2022 Safe Streets and Roads for All Grant Program from the New York State Department of Transportation on behalf of the Chemung County Planning Department and Department of Public Works.

7. Resolution extending agreement with Verizon Wireless on behalf of the Chemung County Central Service Department

Motion made by Robert Briggs, seconded by L. Thomas Sweet, and Passed with a vote of 5-0, extending agreement with Verizon Wireless on behalf of the Chemung County Central Service Department.

III. OLD BUSINESS

IV. NEW BUSINESS

Mr. Margeson suggested that the Legislature consider creating an internship program where each legislator would educate young people as to the role of a legislator, and the system and procedures of the Legislature for youth to get involved.

V. ADJOURNMENT

This meeting was adjourned on the motion made by Mr. Sweet, seconded by Mr. Hyland. Motion Carried.
Resolution authorizing agreement with SRF Consulting Group, Inc. on behalf of the Chemung County Planning Department

Resolution #: 
Slip Type: CONTRACT
SEQRA status 
State Mandated False

Explain action needed or Position requested (justification):
This agenda item requests approval of a term agreement with SRF Consulting Group, Inc. to provide on-call support services to the Planning Department for various transit related work.

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<tr>
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<tr>
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CREATION:
Date/Time: 7/28/2022 10:45:51 AM
Department: County Executive

APPROVALS:
Date/Time: 7/28/2022 10:58 AM
Approval: Approved
Department: County Executive

Date/Time: 7/29/2022 8:54 AM
Approval: Approved
Department: Budget and Research

Date/Time: 8/15/2022 1:14 PM
Approval: Approved
Department: Legislature Chairman

ATTACHMENTS:
| Name | Description | Type:
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<tr>
<td>DRAFT_SRF_Chemung_County_Agreement(2).pdf</td>
<td>Draft Agreement with SRF Consulting</td>
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</table>
July 28, 2022

Kevin Meindl  
Transportation Council Director  
Chemung County  
400 E. Church Street  
Elmira, NY 14901  

Subject: Proposal for Professional Services for CTRAN On-Call Transit and Transportation Support, Chemung County, NY

Dear Mr. Meindl:

Based on your request, SRF Consulting Group, Inc. (SRF) is pleased to submit this proposal to provide professional services for on-call transit support services. Our qualifications were submitted to Chemung County in a proposal document dated June 17, 2022 and included in this document as Attachment B.

Scope of Services

SRF will provide professional services on an as-needed basis. Individual tasks shall be assigned by Chemung County staff. At that time the SRF Project Manager shall provide an estimate of the amount of time / fee for the individual task utilizing rates based on our June 2022 proposal submission, and current 2022 rates by classification. The following is a list of potential services offered by SRF, including, but not limited to:

- State and Federal Compliance
- National Transit Database reporting, Developing Performance Measures and Targets, Transit Asset Management Planning, and Coordinated Planning
- Disadvantaged Business Enterprise Program Support
- Title VI Planning, Analysis, and Program Development
- Facility Planning
- Transit Route Analysis and Planning
- Transition Plan to Study the Feasibility Of Low Or Zero Emission Vehicles
- Organizational and Strategic Planning
Assumptions
All task orders issued under this master agreement will be subject to the Standard Terms and Conditions included in Attachment A, and will be reviewed by SRF Consulting Group prior to execution.

Schedule
Each task order will be completed within a mutually agreed-upon time schedule to be determined in each scope of work. The term of this agreement will be through December 31, 2023, with the option to extend for up to three one-year terms.

Basis of Payment/Budget
We propose to be reimbursed for our services on an hourly basis for the actual time expended. Other direct project expenses such as printing, supplies, reproduction, etc., will be billed at cost and mileage will be billed at the current allowable IRS rate for business miles. Invoices are submitted on a monthly basis for work performed during the previous month. Payment is due within 35 days.

Based on our understanding of the project and our scope of services, this initial contract term will have a “not-to-exceed” amount of $95,000 which includes both time and expenses.

Changes in Scope of Services
It is understood that if the scope or extent of work changes, the cost will be adjusted accordingly. Before any out-of-scope work is initiated, however, we will submit a budget request for the new work and will not begin work until we receive authorization from you.

Standard Terms and Conditions
The attached Standard Terms and Conditions (Attachment A), and qualifications (Attachment B), together with this proposal for professional services, constitute the entire agreement between the Client and SRF and supersede all prior written or oral understandings. This agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

Acceptance/Notice to Proceed
A signed copy of this proposal, mailed or emailed to our office, will serve as acceptance of this proposal and our notice to proceed. The email address is jkapper@srfconsulting.com.

We appreciate your consideration of this proposal and look forward to working with you on this project. Please feel free to contact us if you have any questions or need additional information.

Sincerely,

SRF Consulting Group, Inc.
This cost proposal is valid for a period of 90 days. SRF reserves the right to adjust its cost estimate after 90 days from the date of this proposal.
The Standard Terms and Conditions together with the attached Proposal for Professional Services constitute the entire Agreement between the CLIENT and SRF Consulting Group, Inc. ("SRF") and supersede all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

1. STANDARD OF CARE

   a. The standard of care for all professional services performed or furnished by SRF under this Agreement will be the care and skill ordinarily used by members of SRF’s profession practicing under similar circumstances at the same time and in the same locality. SRF makes no warranties, expressed or implied, under the Agreement or otherwise, in connection with SRF’s service.

   b. The CLIENT shall be responsible for, and SRF may rely upon, the accuracy and completeness of all requirements, programs, instructions, reports, data, and other information furnished by CLIENT to SRF pursuant to this Agreement. SRF may use such requirements, reports, data, and information in performing or furnishing services under this Agreement.

2. INDEPENDENT CONTRACTOR

   All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of the CLIENT and SRF and not for the benefit of any other party. Nothing contained in this Agreement shall create a contractual relationship with or in favor of a third party against either the CLIENT or SRF. SRF’s services under this Agreement are being performed solely for the CLIENT’s benefit, and no other entity shall have any claims against SRF because of this Agreement or the performance or nonperformance of services hereunder.

3. PAYMENT TO SRF

   Invoices will be prepared in accordance with SRF’s standard invoicing practices and will be submitted to the CLIENT by SRF monthly, unless otherwise agreed. Invoices are due and payable within thirty-five (35) days of receipt. If the CLIENT fails to make any payment due SRF for services and expenses within forty-five (45) days after receipt of SRF’s invoice thereafter, the amounts due SRF will be increased at the rate of 1-1/2% per month (or the maximum rate of interest permitted by law, if less). In addition, SRF may, after giving seven days written notice to the CLIENT, suspend services under this Agreement until SRF has been paid in full of amounts due for services, expenses, and other related charges.

4. OPINION OF PROBABLE CONSTRUCTION COST

   Any opinions of costs prepared by SRF represent its judgment as a design professional and are furnished for the general guidance of the CLIENT. Since SRF has no control over the cost of labor, materials, market condition, or competitive bidding, SRF does not guarantee the accuracy of such cost opinions as compared to contractor or supplier bids or actual cost to the CLIENT.

5. INSURANCE

   SRF will maintain insurance coverage for Workers’ Compensation, General Liability, Automobile Liability and Professional Liability and will provide certificates of insurance to the CLIENT upon request.

6. INDEMNIFICATION AND ALLOCATION OF RISK

   To the fullest extent permitted by law, SRF agrees to indemnify and hold harmless the CLIENT, their officers, directors and employees against all damages, liabilities or costs (including reasonable attorneys’ fees and defense costs) to the extent caused by SRF’s negligent acts under this Agreement and that of its subconsultants or anyone for whom SRF is legally liable.

7. TERMINATION OF AGREEMENT

   Either party may at any time, upon seven days prior written notice to the other party, terminate this Agreement. Upon such termination, the CLIENT shall pay to SRF all amounts owing to SRF under this Agreement, for all work performed up to the effective date of termination.

8. OWNERSHIP AND REUSE OF DOCUMENTS

   All documents prepared or furnished by SRF pursuant to this Agreement are instruments of service, and SRF shall retain an ownership and property interest therein. Reuse of any such documents by the CLIENT shall be at CLIENT’s sole risk; and the CLIENT agrees to indemnify, and hold SRF harmless from all claims, damages, and expenses including attorney’s fees arising out of such reuse of documents by the CLIENT or by others acting through the CLIENT.

9. USE OF ELECTRONIC MEDIA

   a. Copies of Documents that may be relied upon by the CLIENT are limited to the printed copies (also known as hard copies) that are signed or sealed by SRF. Files in electronic media format of text, data, graphics, or of other types that are furnished by SRF to the CLIENT are only for convenience of the CLIENT. Any conclusion or information obtained or derived from such electronic files will be at the user’s sole risk.

Page 1 of 2
(Standard Terms and Conditions)
Rev: February 25, 2020
b. When transferring documents in electronic media format, SRF makes no representations as to long-term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems, or computer hardware differing from those used by SRF at the beginning of this Assignment.

c. If there is a discrepancy between the electronic files and the hard copies, the hard copies govern.

d. Because data stored in electronic media format can deteriorate or be modified inadvertently or otherwise without authorization of this data's creator, the party receiving electronic files agrees that it will perform acceptance tests or procedures within sixty (60) days, after which the receiving party shall be deemed to have accepted the data thus transferred. Any errors detected within the sixty (60) day acceptance period will be corrected by the party delivering the electronic files. SRF shall not be responsible to maintain documents stored in electronic media format after acceptance by the CLIENT.

10. FORCE MAJEURE

SRF shall not be liable for any loss or damage due to failure or delay in rendering any service called for under this Agreement resulting from any cause beyond SRF's reasonable control.

11. ASSIGNMENT

Neither party shall assign its rights, interests or obligations under this Agreement without the express written consent of the other party.

12. BINDING EFFECT

This Agreement shall bind, and the benefits thereof shall inure to the respective parties hereto, their legal representatives, executors, administrators, successors, and assigns.

13. SEVERABILITY AND WAIVER OF PROVISIONS

Any provisions or part of the Agreement held to be void or unenforceable under any laws or regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the CLIENT and SRF, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision. Non-enforcement of any provision by either party shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of this Agreement.

14. SURVIVAL

All provisions of this Agreement regarding Ownership of Documents and Reuse of Documents, Electronic Media provisions, Indemnification and Allocation of Risk, and Dispute Resolution shall remain in effect.

15. DISPUTE RESOLUTION

CLIENT and SRF agree to use their best efforts to resolve amicably any dispute. In the event that a dispute cannot be resolved, upon the joint concurrence of the parties to the selection of a mediator, the dispute will be submitted to mediation.

16. CONTROLLING LAW

The laws of the state of Minnesota govern this Agreement. Legal proceedings, if any, shall be brought in a court of competent jurisdiction in the county where the Project is located.

17. SITE SAFETY

SRF shall at any time supervise, direct, control or have authority over or charge of, nor be responsible for, the construction means, methods, techniques, sequences or procedures, or for safety and security precautions and programs in connection with the work performed by any Contractor for the Project, nor for any failure of any Contractor to comply with laws and regulations applicable to such Contractor's work, since these are solely the Contractor's rights and responsibilities. SRF shall not be responsible for the acts or omissions of any Contractor or Owner, or any of their agents or employees, or of any other persons (except SRF's own employees and consultants), furnishing or performing any work for the Project, except as specifically outlined in SRF's scope of services.

18. GOVERNMENT DATA PRACTICES AND INTELLECTUAL PROPERTY RIGHTS

SRF shall comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to: (1) all data provided by the Client pursuant to this Agreement; and (2) all data, created, collected, received, stored, used, maintained, or disseminated by SRF pursuant to this Agreement. SRF is subject to all the provisions of the Minnesota Government Data Practices Act, including but not limited to the civil remedies of Minnesota Statutes Section 13.08, as if it were a government entity. In the event SRF receives a request to release data, SRF will immediately notify the Client. The Client will give SRF instructions concerning the release of the data to the requesting party before the data is released.
Resolution authorizing application for and acceptance of New York State Department of Environmental Conservation Municipal Waste Reduction and Recycling Program on behalf of the Chemung County Planning Department

Resolution #:
Slip Type: GRANT
SEQRA status Part-time
State Mandated False

Explain action needed or Position requested (justification):
Request authorization for approval for the application and acceptance of the New York State Dept. of Environmental Conservation Municipal Waste Reduction and Recycling Program. The overall goal of Municipal Waste Reduction and Recycling (MWRR) grants program is to assist municipalities in expanding local waste reduction and recycling programs and to increase participation in those programs. Under this grant opportunity, the MWRR State Assistance Grant program can help fund the costs of Recycling Education, Coordination, Planning and Promotion. Eligible projects are expected to enhance municipal recycling through activities that coordinate recycling activities, as well as encourage participation in local recycling programs.

Chemung County Planning Dept. will work directly with staff from Cornell Cooperative Extension of Chemung County to fulfill the goals of this program. The required local share for this program will utilize the existing funding allocated to CCE rather than an additional expense from the county planning budget.

Vendor/Provider NYS Dept. of Environmental Conservation

Term Local Share $11,500 Total Amount $23,000 State Share $23,000 Funds are in Account #
Project Budgeted? Yes Prior Amount Federal Share 0

CREATION:
Date/Time: 8/4/2022 10:51:00 AM Department: County Executive

APPROVALS:
Date/Time: 8/4/2022 10:54 AM Approval: Approved Department: County Executive
Date/Time: 8/9/2022 9:10 AM Approval: Approved Department: Budget and Research
Date/Time: 8/15/2022 1:07 PM Approval: Approved Department: Legislature Chairman
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<td>MEMORANDUM OF UNDERSTANDING with EMC draft</td>
<td>Memorandum of Understanding</td>
<td>Cover Memo</td>
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MEMORANDUM OF UNDERSTANDING

This memorandum of understanding (MOU) summarizes the agreement between Cornell Cooperative Extension Chemung County and the Chemung County Environmental Management Council as necessitated by the contract between CCE Chemung and Chemung County in which CCE Chemung is to provide staff support to the Environmental Management Council. Both parties are entering into this agreement to clarify roles and responsibilities and to better serve the citizens of Chemung County. The following understandings are based on criteria for CCE Chemung to enter into staffing arrangements for other entities and will guide the relationship, until modified or amended by both parties:

1. Purpose:
The purpose of this MOU is to articulate the roles and responsibilities of CCE Chemung County and the EMC in regards to the contract between Chemung County and CCE Chemung in which it states that CCE Chemung will provide staff support, specifically the EMC Coordinator, to the EMC and provide the following services:
   - Assume daily responsibilities normally conducted by EMC Planning staff.
   - Schedule monthly meeting notices, minutes, correspondence, annual State aid request, staff findings and/or recommendations
   - Coordinate special EMC projects
   - Handle citizens’ questions/concerns
   - Work with local municipalities on State Environmental laws and their impact
   - Develop, implement and coordinate all project activities as required by the EMC.

2. Mission of CCE Chemung:
The CCE Chemung County is a subordinate governmental, unincorporated 501(c) (3) organization of residents of Chemung County in cooperation with Cornell University and the USDA in accordance with subdivision 8(b) of section 224 of the County Law as last amended by the NYS Legislature. CCE Chemung is part of New York State’s Cornell Cooperative Extension system with the objective of extending the educational resources of Cornell University and other land grant institutions to the people of Chemung County to foster economic, social, and environmental improvement of its individuals, families, and communities. CCE Chemung also works to further the mission of CCE, which is to “enable people to improve their lives and communities through partnerships that put experience and research based knowledge to work.”

3. Mission of the Chemung County EMC:
The Chemung County EMC was established by the passage of a resolution of the Chemung County Legislature in 1974 following the adoption of Article 47 of the New York State Environmental Conservation Law in 1970. Members of the Council are appointed by the Chemung County Legislature. The powers and duties of the Council are:
   a. Advise the County Legislature on matters affecting the preservation, development, and use of the environment.
   b. Conduct a public informational program to foster an increased understanding of environmental issues.
c. Develop and recommend a program to improve coordination and effectiveness of public and private projects related to environmental quality.

d. Encourage establishment of commissions for conservation of the environment.

e. Maintain liaison with regional planning entities.

f. Conduct studies, surveys, and inventories of natural resources and make recommendations to the County Legislature for appropriate preservation and use.

g. Recommend to the County Legislature plans and programs for environmental improvement for inclusion in the County master plan.

4. Mission Fit:
   In reviewing the missions of CCE Chemung and the Chemung County EMC, we see that there is significant fit, especially in regard to the EMC’s educational role to both the County Legislature and to the greater community to improve the environment, as well as its role in encouraging and facilitating citizen organization, action, and communication.

5. Clarifying Roles:
   Although there is significant mission fit, we recognize that CCE Chemung and the Chemung County EMC are two different entities. The role of the EMC Coordinator will be to facilitate the EMC group and to implement the educational programs of the EMC. EMC members are not volunteers of CCE Chemung. Recommendations and other non-educational or non-facilitative actions of the EMC will be made by and attributed to the EMC and its members and not the EMC Coordinator or CCE Chemung. To assure that the work of the EMC Coordinator meshes with the CCE Chemung mission and that his/her activities fall with accepted liability guidelines, an annual plan of work will be developed by the EMC Coordinator with input from the EMC and his/her CCE Chemung supervisor and then reviewed and approved by both the EMC and the Board of Directors of CCE Chemung.

6. Conflict of Interest:
   Both parties (EMC and CCE Board of Directors) agree to review this agreement annually for potential conflicts of interest in regards to content, roles, or credibility in the community and to amend the agreement to as necessary.

7. Compensation:
   CCE Chemung will be compensated a total of $15,000 by Chemung County for the salary and expenses of the EMC Coordinator, as well as for associated administrative costs.

8. Hiring and Supervision:
   Although CCE Chemung agrees to consult with the EMC during the hiring process of the EMC Coordinator, the County and the EMC grants CCE Chemung the authority to hire and supervise the employee(s) conducting the EMC program following CCE standard HR policies and procedures. This includes the EMC Coordinator participating in regular CCE Chemung staff meetings, preparing reports, and following financial procedures.
9. Extending Cornell University and Extension Resources:
As mentioned, the educational role of the EMC and the work of the EMC Coordinator, will benefit from a strong connection to Cornell and the greater national Extension system. The program will improve the connection with Cornell campus resources and extend the resources into the community, helping to achieve the mission and objectives of CCE.

10. Duration:
The term of the agreement is from January 1, 2008 to December 31, 2008.

11. Termination:
This agreement can be amended at any time upon approval of both parties. Both parties reserve the right to terminate this agreement for any reason, but agree to give the other at least 60 days advance notice.

CCE Chemung Representative ________________________________
Date:

County/Chemung EMC Representative ________________________________
Date:
Resolution authorizing application for and acceptance of New York State Local Waterfront Revitalization Program Grant on behalf of the Chemung County Planning Department

Resolution #:
Slip Type: GRANT
SEQRA status
State Mandated False

Explain action needed or Position requested (justification):
Requesting a resolution authorizing application for and acceptance of NYS Dept. of State Local Waterfront Revitalization Program Grant on behalf of the Chemung County Planning Dept. The Planning Dept. requests authorization to apply for and accept the Local Waterfront Revitalization Program (LWRP) plan for the Town of Elmira. The local share requirement will be split evenly between the Town of Elmira and Chemung County. An approved LWRP will open up an additional funding stream for future capital projects identified within the LWRP. More information on the LWRP program can be found at the following link: https://dos.ny.gov/local-waterfront-revitalization-program.

Vendor/Provider NYS Dept. of State
Term 5 years Total Amount $80,000 Prior Amount
Local Share $20,000 State Share $60,000 Federal Share
Project Budgeted? Yes Funds are in Account #

CREATION:
Date/Time: 8/5/2022 11:09:42 AM
Department: County Executive

APPROVALS:
Date/Time: 8/5/2022 11:14 AM
Approval: Approved
Department: County Executive

Date/Time: 8/9/2022 9:20 AM
Approval: Approved
Department: Legislature Chairman

ATTACHMENTS:
Name: 2022_lwrp_rfa_final-rev.pdf
Description: 2022 LWRP RFA Final
Type: Cover Memo

Name: A-Map of LWRP Tentative Boundary for Town of Elmira.pdf
Description: A-Map of LWRP
Type: Cover Memo

Name: SupportLetters_Combined.pdf
Description: Support Letters
Type: Cover Memo
RFA #22-LWRP-1

New York State
Department of State
Office of Planning, Development & Community Infrastructure
Environmental Protection Fund
Local Waterfront Revitalization Program
2022 – 2023 REQUEST FOR APPLICATIONS

RFA Release Date: May 2, 2022. This Request for Applications (RFA) has been posted on the Department of State’s (Department) public website at https://dos.ny.gov/funding-bid-opportunities. All applicants are strongly encouraged to read the RFA in its entirety as grant program requirements may change from year to year.

RFA Updates/Questions: Any updates and/or modifications to this RFA will be posted on the Department’s website at https://dos.ny.gov/funding-bid-opportunities.

Written questions will be accepted until June 17, 2022. Questions should be submitted by e-mail to opd@dos.ny.gov or in writing to the address below. When corresponding by e-mail, clearly indicate the subject as: “22-LWRP-1 RFA Questions”. To the degree possible, each inquiry should cite the RFA section and paragraph to which it refers. Responses to questions received by June 17th will be posted by July 8th on the Department’s website at: https://dos.ny.gov/funding-bid-opportunities. No responses will be provided to inquiries made by telephone, social media, or by contacting DOS staff directly via email or telephone.

It is recommended all applicants review the final responses. The responses to questions received during this time period will be official responses by the Department to questions and will be incorporated into this Request for Applications.

Webinars: Webinars which provide an overview of the application process and program requirements are available at http://regionalcouncils.ny.gov/. All potential applicants are encouraged to view these webinars.

Applications Due: Applications are due by 4:00 PM, July 29, 2022, and must be submitted through the web-based Consolidated Funding Application, as noted below.

Application Submission: To apply, or to access related Consolidated Funding Application materials, go to http://regionalcouncils.ny.gov/

Contact: NYS Department of State
Office of Planning, Development & Community Infrastructure
Attn: LWRP RFA Questions
99 Washington Avenue, Suite 1010
Albany, NY 12231
opd@dos.ny.gov

Letter of Support: Letters of support are not required but may be submitted through the CFA portal. Letters may be addressed to Secretary of State Robert J. Rodriguez, c/o Office of Planning, Development and Community Infrastructure, 99 Washington Avenue, Suite 1010, Albany, NY 12231.
I. INTRODUCTION:

The Department is soliciting applications through the New York State Consolidated Funding Application (CFA) under Title 11 of the Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) from eligible villages, towns, cities located along New York’s coasts or designated inland waterways, or counties (with the consent and acting on behalf of one or more eligible villages, towns, cities) to advance the preparation or implementation of strategies for community and waterfront revitalization through the following grant categories:

- Preparing or Updating a Local Waterfront Revitalization Program (LWRP)
- Preparing an LWRP Component, including a Watershed Management Plan
- Updating an LWRP to Mitigate Future Physical Climate Risks
- Implementing a Local Waterfront Revitalization Program or a completed LWRP Component

The Local Waterfront Revitalization Program, at its core, provides for more accessible, sustainable and resilient waterfront communities. The Department encourages applications that create public access to outdoor recreation and consider resiliency in design. Projects that create dynamic public areas, improve community parks and trails, and enhance recreational opportunities can provide a significant stimulus for the local economy and set the stage for community resiliency. Public investment in these types of projects can not only increase public access and enjoyment of the waterfront, but also spur private investment, create jobs, and grow the economy.

- Applications can include one planning project or one implementation project.
  - Planning projects may include preparation of an LWRP or Watershed Management Plan
  - Implementation may include feasibility, marketing, design, design/construction, and construction.

- Only applications for projects that can be completed within five years will be considered.

- One implementation project may include construction of a variety of enhancements such as dockage, fishing access, and other park amenities if they will all be constructed within the same park/location.

- Applications may include multiple implementation projects in multiple locations only if the projects are similar in type/scope and clearly address a common critical issue identified in a relevant LWRP or LWRP Component funded by the Department.

- Applicants may submit more than one grant application.

The EPF LWRP is a reimbursement program. State assistance awarded and paid shall not exceed 75% of the total eligible project costs set forth in the application and as approved by the Department, except where the proposed project is located in an environmental justice community, in which case state assistance awarded and paid shall not exceed 85% of the total eligible project costs set forth in the application and as approved by the Department. For the purposes of determining if a CFA applicant is eligible to receive state assistance at a rate of 85% of the total eligible project cost under this solicitation see criteria listed in VII. Funding and Budget Guidance Environmental Justice (page 13). Applicants must identify the amount, type and source of eligible local match, and demonstrate that it has been secured; failure to do so may result in a reduced award amount for qualifying applications.

Applicants are required to demonstrate that projects are ready to move forward. A contract period will not exceed five years. Special consideration for extensions due to extreme extenuating circumstances will only be granted on a case-by-case basis and only if significant progress has been demonstrated. Applicants will be required to prepare and submit a project work schedule and timeline that includes major tasks and milestones with completion dates for each.
This Request for Applications is available on the Department’s website: [https://dos.ny.gov/funding-bid-opportunities](https://dos.ny.gov/funding-bid-opportunities). All applicants are encouraged to read the RFA in its entirety as grant program requirements may change from year to year. Any updates and/or modifications to this RFA will also be posted on this webpage.

Written questions will be accepted until June 17, 2022. Questions should be submitted by e-mail to opd@dos.ny.gov or in writing to: NYS Department of State Office of Planning, Development & Community Infrastructure, Attn: LWRP RFA Questions, 99 Washington Avenue, Suite 1010, Albany, NY 12231.

When corresponding by e-mail, clearly indicate the subject as: “22-LWRP-1 RFA Questions”. To the degree possible, each inquiry should cite the RFA section and paragraph to which it refers. Responses to questions received by June 17th will be posted by July 8th on the Department’s website at: [https://dos.ny.gov/funding-bid-opportunities](https://dos.ny.gov/funding-bid-opportunities).

No responses will be provided to inquiries made by telephone, social media, or contacting DOS staff directly via email or telephone.

It is recommended all applicants review the final responses. The responses to questions received during this time period will be official responses by the Department to questions and will be incorporated into this Request for Applications.

Documents uploaded to the CFA cannot be larger than 30 MB in size. Every effort should be made to reduce the file size to meet this requirement and submit the attachment through the CFA. However, if this is not possible the document or link to FTP site may be submitted before 4:00 PM on July 29, 2022 via email to opd@dos.ny.gov. The applicant’s name and CFA# should be included in the subject line. If documents submitted separately are not received by 4:00 PM on July 29, 2022, they will not be considered, however the application will still be reviewed.

II. ELIGIBLE APPLICANTS:

Eligible applicants are:
- A village, town, or city located along New York’s coasts or inland waterways as designated pursuant to Executive Law, Article 42.
- A county with the consent and acting on behalf of one or more eligible villages, towns or cities.

An eligible applicant may apply for general planning needed to advance any of the eligible activities listed below in Section V.

Applicants may partner with counties or other organizations; however, only applications from eligible applicants will be evaluated for funding. Only the eligible applicant will be awarded a contract. Applications submitted by not-for-profit organizations and for-profit organizations are ineligible and will not be scored.

For applications submitted by a county, with the consent and acting on behalf of one or more villages, towns, or cities, the county is required to attach a letter or resolution from each eligible municipality participating in the project which demonstrates their consent and support for the application.

III. FUNDING OPPORTUNITY:

The Department is making approximately $16,300,000 available to fund applications for the Local Waterfront Revitalization Program grants, up to $2 million of which is available for updates to existing LWRPs to mitigate future physical climate risks. Approximately $10.5 million of the available funding will be awarded for projects which are in, or primarily serve, areas where demographic and other relevant data demonstrate that the areas are:
- densely-populated and have sustained physical deterioration, decay, neglect, or disinvestment; or
- where a substantial proportion of the residential population is of low income, or is otherwise disadvantaged and is underserved with respect to the existing recreational opportunities
IV. NEW YORK STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

Awards made through this grant program shall be consistent with the State’s Smart Growth Public Infrastructure Policy Act (Environmental Conservation Law, Article 6), where applicable.

V. ELIGIBLE ACTIVITIES:

New York State’s approach to managing waterfront areas recognizes that while State government can promote development and provide protection for critical resources and environments, municipalities are in the best position to determine their own waterfront objectives and to adapt statewide approaches to meet specific local needs. Accordingly, the Department, pursuant to the State Waterfront Revitalization and Coastal Resources Act, has encouraged waterfront communities to prepare Local Waterfront Revitalization Programs (LWRPs).

An LWRP is a comprehensive land and water use plan that expresses a vision for a community’s waterfront area, addresses State Coastal Policy to reflect local or regional needs, and outlines the organizational structure, local laws, and projects necessary to implement the program. The State Coastal Policies, set forth in the State of New York Coastal Management Program are enforceable coastal policies for managing the State’s coastal resources by preserving and using coastal resources in a manner that balances natural resource protection and the need to accommodate economic development.

New York communities are faced with increased risks related to climate change, such as more intense and frequent rain events and greater coastal storm flooding. The development of LWRPs provide the opportunity for communities to address risks from flooding, sea level rise, and storm surge through the incorporation of resilience measures such as the preservation and use of natural protective features and local laws that can guide appropriate land use to better avoid impacts of these natural hazards.

By preparing an LWRP, community stakeholders have the opportunity to evaluate local waterfront resources, develop goals and a comprehensive strategy for the best use of those resources, propose future projects, and adopt a local program that will guide appropriate development. Development of LWRPs can also provide a regional framework to cooperatively address revitalization issues and advance ongoing and emerging state initiatives including, but not limited to, regional economic development, community resilience and sustainability, smart growth, public health outcomes and environmental justice.

The benefits of preparing and implementing an LWRP include development of a consensus-driven, unified vision for the community; technical assistance from the Department; increased chances for obtaining financial assistance from public and private funding sources; and, coordinated review between federal, State, and local agencies as appropriate for proposed projects and government actions within the LWRP boundary.

For project-specific planning, feasibility, design, and/or marketing needed to advance eligible activities, an eligible applicant must be currently preparing an LWRP or LWRP Component or have an approved LWRP or LWRP Component. The proposed project must be located within the LWRP boundary or LWRP Component boundary.

For construction of projects needed to advance eligible activities, an eligible applicant must have an approved or substantially completed LWRP or relevant LWRP Component.

For the purpose of this solicitation, a substantially complete LWRP at a minimum must include complete draft LWRP Sections 1-4 which the public has been given two opportunities to review and comment on. The proposed project must be located within the LWRP boundary or LWRP Component boundary.
A substantially complete Watershed Management Plan (WMP) at minimum must include complete draft Watershed Characterization, Watershed Management Recommendations, and Implementation Strategy which the public has been given two opportunities to review and comment on. The proposed project must be located within the WMP boundary. The list of coastal waterbodies and designated inland waterways is defined in NYS Executive Law, Article 42, Section 911 available at https://www.nysenate.gov/legislation/laws/EXC/911.

Preparing or Updating a Local Waterfront Revitalization Program (LWRP)

An LWRP is a comprehensive land and water use program that expresses a vision for the waterfront and addresses local conditions through State coastal policies to reflect local or regional needs and objectives and allow them to be enforced at the local level. Preparation of an LWRP is a principal means of implementing the State's Coastal Management Program and plays a significant role in addressing relevant issues for a given region or place, bringing to bear the resources and authorities of local governments and engaging the public in the management and use of resources having an ecological, physical, social, visual, or economic relationship to the waterfront. Any municipality or two or more contiguous municipalities acting jointly to address shared resources may prepare a waterfront revitalization program, however, separate LWRP documents may be required for each municipality.

The LWRP must plan for long term land and water uses for the local waterfront area and specify the legal techniques for implementation. Any of the local land use controls used in New York State, such as zoning, subdivision review, site plan review, cluster, historic preservation, planned unit development, and environmental regulation, may be used to implement the program. It is required that local governments adopt a local consistency review law to require that local agencies carry out their actions in a manner consistent with the approved LWRP. When estimating the budget to prepare an LWRP, it is recommended that adequate resources are included to complete all tasks in the generic work plan, potential new or revised zoning/land use regulations necessary to implement the LWRP, and legal review.


Communities with an approved LWRP are encouraged to regularly update their LWRP to reflect changes in local conditions and community goals. An LWRP update can include a revision of all LWRP sections; focus on a specific section or issue; amend the LWRP boundary; reflect changes in land use; or identify new project proposals. An update to the LWRP will ensure the plan is current and well-connected to short and long-range community objectives.

Applicants may apply for funding to prepare, complete, or update an LWRP, using the LWRP Preparation Guidance, which may include:

- developing public consensus on a vision for the future of a region or a community through community visioning, public meetings and workshops, focus groups, charrettes, etc.
- identifying regional and local assets, potential risks, opportunities, and issues within the defined waterfront area with regard to: development and infrastructure; fish and wildlife habitats and resources; flooding and erosion hazards; resiliency; public access and recreation; historic and scenic resources; agricultural lands; energy and ice management; wetlands, water and air resources; and other social, cultural, economic and environmental interests
- developing goals that strike a balance between economic development and preservation to advance State coastal policies
- addressing and incorporating all applicable State coastal policies commensurate with local conditions and circumstances into a new or existing waterfront revitalization strategy or plan
- determining appropriate land and water uses to implement community goals and objectives for the waterfront
Preparing a Local Waterfront Revitalization Program Component

Preparation of an LWRP is a principal means of implementing the State's Coastal Management Program at the local level. While we encourage communities to complete a full LWRP inclusive of the consideration of all enforceable State coastal policies and local waterfront geographical areas, for some communities it may be appropriate to advance toward a complete LWRP in stages to address the most time sensitive and geographically significant priorities and policies.

LWRP Components will provide local governments with increased flexibility to better manage their coastal resources, help to develop local and regional capacity to effectively address revitalization issues through the LWRP process, and will further strengthen the NYS Coastal Management Program's and the Department’s ability to work in partnership with local governments.

An LWRP Component focuses on one or more topic(s) or section(s) of an LWRP or its waterfront, provided that the program constitutes a discrete and cohesive, yet comprehensive, treatment of the subject or subjects addressed, which may be related to environmental, social, regional growth management, or economic conditions. An LWRP Component may focus on one or more State coastal policies that are relevant to the particular conditions and priorities in the municipality, address a significant geographic portion of the municipality’s waterfront, or both.


Applicants may apply for funding for planning activities to prepare a component LWRP using the LWRP Preparation Guidance, which may include:

- addressing select State coastal policies commensurate with local conditions and circumstances,
- determining appropriate land and water uses to implement community goals and objectives for the waterfront in support of furthering select State coastal policies
- developing public consensus on a vision for the future of a region or a community through community visioning, public meetings and workshops, focus groups, charrettes, etc.
- identifying regional and local assets and potential risks, and opportunities and issues within the defined waterfront area with regard to one or more of the following, as appropriate: development and infrastructure; fish and wildlife habitats and resources; flooding and erosion hazards; resiliency; public access and recreation; historic and scenic resources; agricultural lands; energy and ice management; wetlands, water and air resources; and other social, cultural, economic and environmental interests that address one or more of the coastal policies
- developing goals that strike a balance between economic development and preservation to advance State coastal policies
- incorporating applicable State coastal policies into a prior waterfront revitalization strategy or plan
- recommending public and private projects to implement the component LWRP, including public access projects and/or environmental protection projects
- providing the local organizational and legal structure, including the adoption of zoning and local laws to implement the component LWRP and advance the feasibility of future completion of an LWRP

Updating an LWRP to Mitigate Physical Climate Risks
Climate change, sea level rise, drought, increased frequency and intensity of storms, and the resultant effects from these weather-related changes challenge communities and impact services on which residents and tourists depend. The health of communities rests on their ability to reduce or avoid harm and rebound from those impacts when they occur. Communities can move forward successfully only when they are prepared to respond quickly and strategically to changing conditions. An emphasis should be placed on regional strategy development.

Applicants with an adopted and approved, or partially completed, LWRP may apply for grant funding to update their LWRP, which may include updating coastal policies and projects, to mitigate physical climate risks. As part of updating an existing LWRP, an eligible community may consider planning activities including but not limited to the examples below:

- incorporation of an NY Rising Community Reconstruction Plan or NY Rising Countywide Resiliency Plan, Long Term Community Recovery Plan or other resiliency plan
- assessment of risks associated with coastal/riverine flooding and erosion including impacts to wetlands, habitats, and other natural resources
- assessment of risks to critical infrastructure and systems such as water supply, sewage treatment plants, combined sewer overflows, electric utilities, transmission lines, dams, shoreline stabilization infrastructure and other in-water structures, and transportation systems
- assessment of potential impacts to economic sectors including recreation, tourism, and agriculture
- assessment of relevant landscape attributes such as impervious surface area, vegetated stream buffers, water storage capacity, and forested land cover to improve resilience
- identification of strategies related to climate change/drought/sea level rise adaptation that can be implemented through both public and private actions
- identification of severe weather mitigation measures to reduce economic risk associated with or attributable to inaction
- identification of strategies to make health and social services more resilient on a daily basis and responsive during an emergency event
- identification of strategies/projects that will reduce the vulnerability of infrastructure to severe weather events
- identification of opportunities for modifying existing or developing new laws, regulations, policies, and practices to reduce a community's vulnerability to natural hazards and climate change impacts and improve emergency preparedness, pre-weather event management or response protocols
- creation of development tools that optimize land use patterns to meet the needs of vulnerable populations and future growth demands
- identification of public education efforts concerning potential long-term effects from severe weather event damage such as mold, desiccation, contaminated soils, and aquifer impacts
- incorporating New York State sea level rise projections into local plans and projects
- consider issues such as risk assessment, combined benefits, critical facilities, value to the community, public health outcomes, and coordination of timing with other improvements within a regional context

Additional climate change and resilience resources are available at: [http://opdgig.dos.ny.gov/#/focus/resilience](http://opdgig.dos.ny.gov/#/focus/resilience).

### Implementing a Local Waterfront Revitalization Program or Local Waterfront Revitalization Program Component

Applicants may apply for implementation funding for activities on publicly-owned property or where a permanent public interest, such as an easement (e.g. public access, conservation) has been established, including but not limited to:

- construction projects necessary to implement an LWRP or LWRP Component
- site-specific community, waterfront redevelopment, and resiliency projects including design, construction and/or implementation activities related to identified projects in a comprehensive redevelopment program:
  - existing conditions analysis;
preparation of concept plans, site redevelopment strategies and RFP for redevelopment projects;
project-specific design, cost estimating, construction and permitting documentation;
site preparation and construction of public amenities and infrastructure; trails, launch sites and directly related infrastructure and improvements;
creation, expansion, or improvement of accessible parks, public gathering spaces and entertainment amenities;
adaptive reuse of underutilized and abandoned buildings in public ownership;
acquisition due diligence (e.g., title work, appraisals, surveys);
development of design guidelines and standards;
streetscape and gateway improvements, including but not limited to: pedestrian walkways, sidewalks, bike lanes and multi-use trails; crosswalks and other pedestrian safety enhancements, directional, informational signage; lighting, street trees, benches, planters, bicycle racks, trash receptacles, landscaping, and building facades;
installing or ensuring access to secure bike or car parking near transit hubs or shuttle services;

- project-specific planning, feasibility, design, marketing or education (Scope of work for design projects should include completion of final design, permitting and bid documents.)
- developing regional, intermunicipal, or local Geographic Information Systems to improve management of coastal areas and resources, and improve impact prediction and assessment and mitigation and adaptation planning
- marketing, promotion, and economic feasibility and resiliency studies including marketing campaigns, brochures, website design;
- establishment of cultural, historic, arts, and entertainment districts
- implementation of priority actions to improve community resilience and reduce risks associated with sea level rise, erosion, storm surge and flooding
- amendment or adoption of local land and water use controls to improve community resilience to storm events and sea level rise
- incorporate climate resilience vision, goals and strategies into local plans and projects
- development of educational outreach/training materials and programs to improve community resilience to severe weather and sea level rise impacts
- engineering, design, and/or construction of projects to make public facilities more resilient to potential severe weather and sea level rise impacts
- projects for the conservation, restoration, and enhancement of natural protective features and processes such as flood plains, wetlands, vegetated buffers, living shorelines, dunes and sediment transport
- green infrastructure projects that address water quality and stormwater management such as rain gardens, bioretention areas, and porous pavement
- advancement of projects related to building or improving community resilience that advance LWRP policies.
- advancement of projects which celebrate the Bicentennial of the Erie Canal by creating new waterfront public access sites or improving and/or expanding existing sites along the NYS Canal System.

Applications to fund design and construction of wastewater treatment infrastructure or herbicide application are not eligible for funding and will not be scored.

The generic work plan which describes the tasks necessary to implement design and construction projects is available at: https://dos.ny.gov/funding-bid-opportunities. Approved LWRPs are listed at: https://dos.ny.gov/local-waterfront-revitalization-program

**LWRP Component: Watershed Management Plan (Planning or Implementation)**
A watershed management plan is a type of LWRP Component that produces a comprehensive plan to protect and restore specific waterbodies and their watersheds by identifying and prioritizing land uses and capital projects to reduce point and nonpoint source pollution, and protect or restore water quality, tributary corridors and aquatic habitats. As significant contributing areas surrounding and draining into a waterbody generally lie within more than one municipal jurisdiction, the preparation of cooperative, intermunicipal plans for a specific watershed can be an effective way to achieve local, regional and statewide goals. These plans can form the factual basis for the LWRP inventory and supports policy explanations dealing with water quality and water resources.

Local business, recreation, tourism, agriculture, industry, and economic development are dependent on high-quality water resources. Often, for communities surrounding a lake or embayment or those bordering a river or stream, good water quality significantly contributes to their economy. Regions are similarly dependent on their natural assets. Guiding activities to protect and promote natural and economic assets on an intermunicipal, watershed basis can be an effective way to make the most of human and financial resources to address concerns and to achieve shared goals. Networking with experienced local governments, agencies, and organizations leads to efficiencies that minimize the costs of protecting and restoring natural assets. The Department’s guidebooks on waterfront revitalization and watershed planning are available at https://dos.ny.gov/library.

Funds are being made available for the preparation and implementation of intermunicipal plans that identify and assess key assets, problems, threats, and municipal land use development controls and practices, emphasizing water quality improvement, protection, and restoration. Projects funded under this category are expected to have significant regional benefits.

Planning

Applicants may apply for grant funding to prepare or update an LWRP Component focusing on watershed management, that includes:

- identify connections between water quality protection, waterfront revitalization, and climate change mitigation and adaptation
- conducting public participation to develop consensus on issues and actions needed to advance revitalization and water quality goals
- inventorying, analyzing and characterizing the watershed including land cover, land and water uses, and infrastructure
- identifying and assessing key natural, cultural and economic assets
- identifying problems, impairments, and threats including nonpoint and source water impairments, invasive species, chronic flooding, harmful algal bloom, etc. and assessing their causes
- assessing and modeling of nonpoint source pollution to identify impairments including onsite waste water treatment systems and stormwater
- assessing land and water use controls (laws, programs and practices) to protect water quality and guide appropriate development
- quantifying the benefits of high water quality to local areas and the regional economy
- identifying issues and opportunities
- preparing strategies to protect water quality and promote sustainable economic development and community revitalization
- identifying local, state and other technical and financial resources needed for implementation of proposed projects and actions
- planning for the protection and promotion of natural assets on an intermunicipal watershed basis
- prioritizing projects and actions on an intermunicipal basis to improve and protect water quality
- developing systems to track implementation and measure and report on success
- preparing of a Health Impact Assessment to identify and evaluate public health outcomes of a strategy, approach, or project(s) contained in an existing Watershed Management Plan or one under preparation
Implementation

Applicants may apply for implementation funding for activities including but not limited to:

- implementation of priority actions to protect and restore water resources
- amendment or adoption of local land and water use controls to provide coordinated watershed management for protecting water quality
- development of education, outreach/training materials and programs to reduce causes of impairments and threats to water quality including the ecological and financial costs of nonpoint and source water impairments, invasive species, chronic flooding, and harmful algal blooms
- advancement of projects that preserve or restore natural landscapes that protect water quality and catalyze waterfront revitalization including advancing green infrastructure projects that lead to the preservation or restoration of natural landscapes, such as forests, floodplains and wetlands, and/or the reduction of watershed imperviousness and preservation of groundwater infiltration
- feasibility analysis, design or construction water quality projects
- public access projects
- environmental protection projects

Applications to fund design and construction of wastewater treatment infrastructure or herbicide application are not eligible for funding and will not be scored.

VI. REQUIREMENTS FOR IMPLEMENTATION AND CONSTRUCTION PROJECTS

For projects which include any design and/or construction work, the applicant must identify the current legal owner(s) for all properties where improvements will be implemented. Applicant must provide proof with the application that all design and construction work will be performed on public property or where a permanent public interest, such as an easement (e.g. public access, conservation) has been established prior to the grant application due date.

The applicant must attach proof of site control and/or permanent public interest. If property is owned by:

- the applicant municipality, submit the property deed or current tax roll.
- a municipality or public entity that is not the applicant, submit the property deed or tax roll with letter of support or resolution from the landowner supporting the project.
- private property owner or not-for-profit, submit the property deed or current tax roll and executed public access easement, conservation easement, or similar legal instrument establishing permanent public interest in the property.

Applications that do not include this documentation will be found ineligible and will not be scored. Note: Site control does not need to be established at time of application for planning, feasibility studies or similar projects which do not include design and/or construction work. The Department shall have the sole discretion of determining if a proposed project meets the DOS program expectations for design and/or construction work.

Construction projects must be in compliance with zoning and other applicable land use regulations. Property where improvements are made must remain accessible to the public and provide direct public benefit for the intended useful life of the project. Projects intended to be open to the public must be open to the general public and not limited to residents of the municipality receiving a grant. Signage to this effect must be provided at these sites. Where improvements are made to a building, access must remain available to the general public and provide a direct public benefit tied to waterfront revitalization.

Property improved with EPF LWRP grants that are sold or transferred out of public ownership and control prior to expiration of the intended useful life will require that grant funds be returned to the Department.
It is required that project design and construction be undertaken under the supervision of an architect and/or engineer licensed to practice in the State of New York. In addition, proper certification from a licensed architect or engineer, as appropriate to the task, will be required for the preparation of designs and specifications and for the submission of as-built plans upon completion of the project.

In addition to responsibility for compliance with local regulations, the grant recipient is responsible for complying with applicable State and Federal laws and regulations, including, but not limited to:

- State Environmental Quality Review Act;
- State Freshwater and Tidal Wetlands Acts;
- US Army Corps of Engineer permits;
- Coastal Erosion Hazards Areas Act;
- Floodplain Management criteria;
- State and Federal laws and regulations for Historic Preservation; and
- Coastal Zone Management Act (federal)
- Waterfront Revitalization of Coastal Areas and Inland Waterways (NYS Executive Law Article 42)

For construction only projects, the applicant is required to submit draft or final design documents with the grant application. Construction projects located within the New York State Coastal Area boundary must be consistent with State Coastal Policies or LWRP coastal policies if the LWRP has been adopted by the municipality and approved by the New York State Secretary of State.

Prior to the start of construction, the successful applicant will be required to install a sign satisfactory to the Department identifying the Department’s funding of the project. The project sign will need to remain in place for the intended useful life of the improvements undertaken.

VII. FUNDING AND BUDGET GUIDANCE

Determining Total Eligible Project Cost and State Funding Request

When estimating the total eligible project cost, the applicant should calculate the cost to complete each task included in the project scope of work which may include costs associated with project management and grant administration. As a reference, DOS generic work plans which describe tasks necessary to prepare an LWRP and implement design and construction projects are available at: https://dos.ny.gov/funding-bid-opportunities. The budget may only include eligible costs described below which directly support the project scope of work. Applicants are encouraged to obtain initial project quotes from a consultant with relevant professional experience and background to inform the budget.

Total Eligible Project Cost * % State Funding (either 0.75 or 0.85) = State Funds Requested

For example, if the total eligible project cost is $200,000, the State Funds Requested would be $150,000 and the Local Match would be $50,000.

$200,000 * 0.75 = $150,000 State Funds Requested

$200,000 * 0.85 = $170,000 State Funds Requested for projects meeting Environmental Justice criteria (see below)

The minimum State assistance request for EPF LWRP grant funding per grant application is $50,000 and the maximum State assistance request is $3 million. Applications requesting under $50,000 in EPF LWRP grant funding will be disqualified and will not be scored.

Eligible Costs
Costs must be adequately justified and directly support the scope of work for the proposed project. Proposed total project costs, including match components, must be essential to project completion. All costs will be paid on a reimbursement basis and must be documented.

Grant funds may be used for the following costs associated with the scope outlined in the application:

**Personal Services** – including direct salaries, wages, and fringe benefits for activities related to project work by municipal employees, including project management, capacity building, and grant administration. Fringe benefits must be outlined in the application and include the organizations’ documented rate.

**Non-Personal Services** – including supplies and materials, travel, equipment, consultant/contractual services for direct project related costs, project management, capacity building, limited grant administration, and other goods and services.

Equipment – Equipment purchases will only be considered as an eligible cost if the equipment is essential to accomplish tasks included in project scope of work and is demonstrated to be more cost-effective than renting or leasing the equipment. The application should list each piece of equipment to be purchased with an estimated cost and how it will be used to accomplish project tasks. Equipment purchased with EPF LWRP grant funding cannot be sold without prior approval from the Department. If equipment purchased with EPF LWRP funds is sold without DOS approval, the Department may require that grant funds be returned to the Department. Equipment usage may only be used as local match.

Project management activities may include oversight and coordination of tasks needed to produce contract deliverables, coordination of Project Advisory Committee activities, consultant procurement and oversight, public outreach and providing technical assistance.

Capacity building may include: investment in existing staff, such as training, or automating systems that will improve a community’s ability to carry out projects and/or deliver programs funded under this RFA; or developing sustainable organizational capacity, such as through creating and recruiting new positions or enlisting external professional assistance to oversee revitalization efforts. Allowable activities under capacity building shall be within the scope of the RFA and undertaken in direct furtherance of the purpose of the grant application.

Grant administration activities may include preparation of reports, vouchers, contract related administration and compliance with grant record keeping and reporting requirements. Grant administration may not exceed 15% of the award amount or $50,000, whichever is less.

**Land acquisition** – land acquired (e.g., purchase or donation) may only be used as local match for projects that include construction and where the construction occurs on the acquired property. Land must be acquired within three years prior to the grant application due date. Land acquisition is not eligible for match for projects involving only design and engineering. A map identifying the property, and if available, a current appraisal report documenting the property value and a copy of the recorded deed conveying title and ownership must be submitted with the application.

**Ineligible Costs**

The following costs will neither be accepted as the required local match nor reimbursed with grant funds:

**Indirect or overhead costs of the municipality** such as rent, telephone service, administrative support not directly related to project work, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.

**Salaries and other expenses of elected officials**
Fund raising events/expenses

Federal funding (including but not limited to CDBG, FHWA, FEMA, U.S. FWS Boating Infrastructure Grant Program)

Other Environmental Protection Fund awards (including but not limited to WQIP, BOA, Smart Growth, OPRHP EPF)

Land acquisition (except as noted above)

Taxes, insurance, fines, deficit funding

LOAN AND BOND INTEREST AND ASSOCIATED FEES. The interest associated with a Loan, Bond, or Bond Anticipation Note (BAN) cannot be calculated into project cost, whether for reimbursement or local match.

Contingency costs

Lobbying expenses

Cost incurred prior to the contract start date

Costs that are not adequately justified or that do not directly support the scope of work for the proposed project

Failure to adequately justify direct project costs will render costs ineligible. Ineligible costs will be eliminated from the total project costs in the grant application.

Local Match

State assistance awarded and paid shall not exceed 75% of the total eligible cost for the project, except where the proposed project is located in an environmental justice community, in which case state assistance awarded and paid shall not exceed 85% of the total eligible cost for the project. The total eligible cost of the project is the total of costs set forth in the grant application, less any federal assistance and other state assistance from the Environmental Protection Fund. In addition, the Environmental Protection Fund grants provided under this program may not be used as the local match for any federal or State grants without explicit written permission from the Department. Local match must be outlined in the application for consideration. State assistance payments will be made to grant recipients based on actual expenditures for eligible costs up to the amount of the grant awarded.

Volunteer services included in the local match are limited to those that are required to complete project tasks. Volunteer services must be listed in the application. Documented volunteer services (non-professional or administrative) may be valued at up to $15.00 per hour. Credit for project related volunteer services requires submission of detailed accurate records using Department approved forms to account for volunteer services to be included as local match. Failure to do so will result in non-approval of accrued volunteer hours for documented match.

Paid and unpaid donated professional services included in the local match are limited to those that are required to complete project tasks and only when services provided are in direct relation to the profession of the individual providing these services. Donated professional services must be listed in the application. Professional or technical services, such as engineering, legal, design, planning, and project management services will be valued at a rate of $60.00 per hour. Construction and other labor services will be valued at the prevailing wage rate set for the locality where the work is performed. Applicants must provide a description of the work to be undertaken by each individual and the reason for using a donated professional services rate rather than the volunteer services rate in the grant application.
Donated services that are not directly related to a profession will be considered as local match at the volunteer services rate. In all cases, detailed accurate records must be kept using Department approved forms to account for services to be included as local match.

**Land acquisition** – As detailed above, land acquired (e.g., purchase or donation) may only be used as local match for projects that include construction and where the construction occurs on the acquired property.

**Environmental Justice**

NYS Environmental Conservation Law § 54-1101 and NYS Executive Law § 42-918 dictate the local match requirements for the Department’s Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) grants. These laws stipulate that state assistance awarded and paid shall not exceed 75% of the total eligible project costs set forth in the application and as approved by the Department, except where the proposed project is located in an environmental justice community, in which case state assistance awarded and paid shall not exceed 85% of the total eligible project costs set forth in the application and as approved by the Department.

For the purposes of determining if a CFA applicant is eligible to receive state assistance at a rate of 85% of the total eligible project cost under this solicitation, reference Potential Environmental Justice Area mapping created by the Department of Environmental Conservation available at: [https://www.arcgis.com/home/webmap/viewer.html?url=https://services6.arcgis.com/DZHaqZm9cxOD4CWM/ArcGIS/rest/services/Potential_Environmental_Justice_Area__PEJA__Communities/FeatureServer&source=sd](https://www.arcgis.com/home/webmap/viewer.html?url=https://services6.arcgis.com/DZHaqZm9cxOD4CWM/ArcGIS/rest/services/Potential_Environmental_Justice_Area__PEJA__Communities/FeatureServer&source=sd) and the following Department policy:

- The Project Funding and Program Budget section in the CFA should clearly indicate the applicant is seeking State funding from the Local Waterfront Revitalization Program in the amount equal to 85% of the total project cost. This should also be clearly indicated in the LWRP Budget Summary & Detail spreadsheet, submitted as an CFA attachment.
- For applications to prepare or update an LWRP for one municipality, a portion of the LWRP boundary area must be located within an Environmental Justice Area for the grant to receive state assistance of 85% of the total project cost.
- For applications to prepare or update an LWRP or LWRP component for multiple municipalities, each municipality must include an Environmental Justice Area within the planning boundary
- For applications for design and construction projects, a portion of the project must be located within an Environmental Justice Area for the grant to receive state assistance of 85% of the total project cost.
- For applications that include multiple implementation projects in multiple locations, a portion of the project in each location must be located within an Environmental Justice Area for the grant to receive state assistance of 85% of the total project cost.
- Department GIS analysis must confirm the project is located within a Potential Environmental Justice Area as mapped by the DEC. Confirmation will be determined during the application review.

More information on criteria the DEC used to delineate potential environmental justice areas can be found on the DEC website at [https://www.dec.ny.gov/public/911.html](https://www.dec.ny.gov/public/911.html).

**Sub-contracts**

Sub-contracts should be competitively procured based on the applicable provisions of New York State General Municipal Law. Bids should be inclusive of all costs related to the project, or portion thereof. Bids can be structured as deliverable based or line item (reimbursement) costs. Bid formats cannot be a mixed format.

**VIII. AWARD METHODOLOGIES**
Each application will be reviewed for eligibility and, if determined eligible, will be scored according to the application evaluation criteria. Applications deemed ineligible will not be scored.

A total score of 100 points is possible for any application, of which up to 80 points is derived from program criteria and 20 points from the Regional Economic Development Council (REDC) endorsement. An application must score a minimum of 50 program criteria points out of a possible 80 points from the Department of State review to receive an award. REDC points are based on regional economic priorities and are assigned by the REDCs.

Approximately $16,300,000 million is anticipated for award for this procurement, with up to $2 million dedicated for updates to existing LWRPs to mitigate future physical climate risks. Approximately $10.5 million of the available funding will be awarded for projects which are in, or primarily serve, areas where demographic and other relevant data demonstrate that the areas are:

- densely-populated and have sustained physical deterioration, decay, neglect, or disinvestment; or
- where a substantial proportion of the residential population is of low income, or is otherwise disadvantaged and is underserved with respect to the existing recreational opportunities

**Award Methodology for Applications for Updating an LWRP to Mitigate Future Physical Climate Risks**

Applications received for updating existing LWRPs for the purpose of mitigating future physical climate risks, will be scored within this grant category and funds will be awarded in rank order, to applications which receive a minimum of 50 program criteria points from the Department of State review, until available funds are exhausted. Any remaining funds from this grant category will be utilized to fund applications received for other grant categories.

**Award Methodology for Applications for Other Grant Categories**

Applications received under other grant categories - preparing or updating a LWRP; preparing an LWRP Component, including a Watershed Management Plan; or Implementing an LWRP or completed LWRP Component – will be scored and funds will be awarded in rank order, to applications which receive a minimum of 50 program criteria points from the Department of State review, until available funds are exhausted.

The Department may make an award under the RFA in whole or in part and may offer partial funding if a particular phase of a project is not ready to move forward. The Department may offer partial funding to an applicant if its application cannot be fully funded within the funds remaining; if the applicant declines the partial funding, funding may be awarded to the next highest-scoring unfunded application. In the event that an awardee fails to satisfactorily negotiate a proper contract within a reasonable amount of time, that funding may be awarded to the next highest-scoring unfunded application.

In the event that another NYS agency fully funds a high scoring project through the CFA process, the awardee will receive funding from only one state agency. The Department will work with other NYS agencies to ensure that duplication of funding does not occur. In the event that an applicant receives full funding from another agency, the Department reserves the right to award full or partial funding to the next highest scoring unfunded application.

The opportunity to be debriefed will be provided, upon request, to unsuccessful applicants. Requests must be made in writing within 15 business days of notification of status of award.

In the event unsuccessful bidders wish to protest the award resulting from this RFA, bidders should follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the Guide to Financial Operations (GFO), available on-line at: http://www.osc.state.ny.us/agencies/guide/MyWebHelp/.

**IX. APPLICATION EVALUATION CRITERIA**

Applications will be reviewed according to the specific criteria presented below.
Minimum Criteria

Eligible applicants are villages, towns, cities located along New York’s coasts or designated inland waterways, or counties with the consent and acting on behalf of one or more eligible villages, towns, or cities. Applications will also be assessed to determine if the proposed project is an eligible activity and to ensure that the applicant has documented the ability to provide the required local match.

For project-specific planning, feasibility, design, and/or marketing needed to advance eligible activities, an eligible applicant must be currently preparing an LWRP or LWRP Component or have an approved LWRP or LWRP Component. The proposed project must be located within the LWRP or LWRP Component boundary.

For construction of projects needed to advance eligible activities, an eligible applicant must have an approved or substantially completed LWRP or relevant LWRP Component. The proposed project must be located within the LWRP boundary or LWRP Component boundary.

For projects which include any design and/or construction work, the applicant must identify the current legal owner(s) for all properties where improvements will be implemented. Applicant must provide proof with the application that all design and construction work will be performed on public property or where a permanent public interest, such as an easement (e.g. public access, conservation) has been established prior to the grant application due date.

The applicant must attach proof of site control and/or permanent public interest. If property is owned by:

- the applicant municipality, submit the property deed or current tax roll.
- a municipality or public entity that is not the applicant, submit the property deed or tax roll with letter of support or resolution from the landowner supporting the project.
- private property owner or not-for-profit, submit the property deed or current tax roll and executed public access easement, conservation easement, or similar legal instrument establishing permanent public interest in the property.

Applications that do not include this documentation will be found ineligible and will not be scored. Note: Site control does not need to be established at time of application for planning, feasibility studies or similar projects which do not include design and/or construction work. The Department shall have the sole discretion of determining if a proposed project includes design and/or construction work.

Failure to meet these criteria will result in immediate disqualification of the application, which will not be further evaluated.

Program Criteria (maximum of 80 points)

Applications will be evaluated to assess the degree to which they meet the elements of each criterion.

The program criteria (with total available points) and elements are:

Local Waterfront Revitalization Program (0 or 2 points)

- Applicant has a Local Waterfront Revitalization Program which has been locally adopted and approved by the NYS Secretary of State. LWRPs for municipalities within the coastal area must also have received or be in the process of obtaining federal concurrence by the U.S. Office of Coastal Management

Public Engagement and Partnerships (maximum of 4 points)

- Describes an effective approach and process that will be followed to ensure ongoing public participation and engagement during project development, including the involvement of partnering municipalities and the general public
• Demonstrates that the public and stakeholders who would be affected by, or who can advance the project, will be engaged in project planning and implementation
• Demonstrates support from stakeholder(s) directly impacted by project
• Creates or advances regional, intermunicipal, intergovernmental, public, private, or not-for-profit partnerships

Local Capacity and Previous Performance (maximum of 4 points)
• Demonstrates that an effective organizational structure exists to advance and complete the project
• Previously demonstrated capacity and effective organizational structure to manage more than one EPF LWRP project (Only pertains to applicants which have one or more open EPF LWRP contracts)
• Demonstrated high quality performance under previous EPF LWRP contracts, timely submission of contract deliverables, status reports and payment requests (Only pertains to applicants which have had previous EPF LWRP contracts)
• Demonstrated successful completion of EPF LWRP or other State grant awards (Only pertains to applicants which have had previous EPF LWRP or other State grant awards)

Public Benefit (maximum of 20 points)

Regional Significance (maximum of 4 points)
• Improves or protects natural, cultural or economic resources of regional significance
• Consistent with State coastal policies
• Ensures an appropriate balance between development, open space and natural resource protection within the regional context
• Advances efforts to resolve shared issues through creative intermunicipal partnerships
• Redevelops and/or revitalizes a regional center
• Provides a public facility of greater than local importance that will attract visitors within the region
• Advances the completion or implementation of a plan or strategy that addresses critical issues and opportunities of regional significance
• Advances regional strategies addressing carbon reduction/abatement, energy efficiency or renewable energy

Local Significance (maximum of 4 points)
• Advances an approved or substantially completed LWRP, or LWRP Component
• Creates or advances long-term community revitalization goals and capitalizes on assets, or identifies opportunities for addressing problems documented in an existing LWRP, LWRP Components, or Designated Brownfield Opportunity Area Plans where applicable
• Advances completion of a new phase of a project previously funded by EPF LWRP
• Creates or implements a plan for community resiliency
• Protects, preserves, enhances or restores archeological, historic and/or cultural resources
• Implements a public amenity that is an identified priority for a community
• Addresses environmental justice issues
• Advances the completion or implementation of a plan or strategy that addresses critical issues and opportunities of local significance

Waterfront Public Access (maximum of 4 points)
• Improves or expands water dependent or water-enhanced public recreation opportunities or facilities
• Incorporates and advances pedestrian, bicycle and paddling trails that connect people to parks, nature and public spaces; and accessible neighborhood parks
• Improves or expands visual/physical access to public waterfront resources, provides new/enhanced public spaces, or enhances community character/visual environment
• Advances the completion of a plan or strategy that enhances the quality and availability of public waterfront resources, including improving, protecting, and restoring water quality
• Facilitates the siting of water dependent uses and facilities
• Promotes or implements access strategies that include integration of all income, ethnic and age groups
• Promotes positive public health outcomes and/or avoids or mitigates negative public health outcomes

Resiliency & Sustainability (maximum of 4 points)
• Improves community resiliency to a changing climate, including both adaptation and mitigation strategies to proactively address risks and reduce vulnerabilities and seeks solutions that provides multiple benefits and addresses multiple goals
• Incorporates and advances the benefits of nature through preservation and restoration of natural landscapes, and/or the use of green infrastructure and green infrastructure policies that reduce watershed imperviousness, and preserve groundwater infiltration
• Utilizes non-structural or natural-based measures approaches to promote shoreline resiliency. Only utilizes structural measures where non-structural or nature-based alternative measures have been proven to be inadequate to protect the principal use.
• Ensures that governmental decision-making is based on sound science and considers cumulative effects
• Provides a framework that encourages sustainable development or redevelopment of communities in appropriate locations outside of flood prone areas
• Incorporates consideration of sea-level rise, storm surge and flooding in project design to make public facilities more resilient
• Incorporates and advances carbon reduction/abatement, energy efficiency or renewable energy

Natural Resources (maximum of 4 points)
• Promotes conservation and protection of ecosystem integrity
• Protects, enhances or restores habitats including designated significant coastal fish and wildlife habitat, or natural protective features (wetland, floodplain, active river area, beach, dune)
• Protects, enhances or restores a scenic area of local or statewide significance
• Protects agricultural land as a resource that provides for farmland uses and open space
• Implements New York State's Coastal Nonpoint Pollution Control Program, or otherwise protects groundwater or surface water quality and hydrology
• Advances the completion of a plan or strategy that protects, restores, or enhances natural resources

Economic Value (maximum of 6 points)
• Generates economic activity, creates immediate and future jobs, offers realistic economic development potential, or contributes to restoration of municipalities' tax bases
• Advances the completion of a plan or strategy that enhances economic vitality in a community or region
• Provides for downtown/hamlet revitalization
• Supports water-dependent commercial and industrial uses, tourism development or agriculture
• Offsets municipal expenses by protecting ecosystem services
• Supports economic development to offset COVID-19 economic impacts
• Complements related activities and projects, and leverages funding under the Environmental Protection Fund, other New York State grant programs, federal grant programs, or other sources of public, not-for-profit and private funds
• Makes efficient use of/protects public investment in resources and infrastructure

Implementation (maximum of 18 points)

Scope of Work (maximum of 6 points)
• Clearly defines what is to be done, where and how it will be done, who will do it, and when it will be completed
• Identifies a set of clear and discrete tasks that show a logical approach for project completion
• Demonstrates sufficient experience and ability of key project personnel to successfully carry out the project
• Project deliverables are clearly defined and consistent with program objectives

**Time Frame (maximum of 6 points)**
• Demonstrates how the project will be completed within a maximum of five years or less
• Presents a clear and realistic schedule and timeline that includes major tasks, milestones and completion dates

**Project Readiness (maximum of 6 points)**
• Demonstrates the ability to proceed with project upon award
• Demonstrates preliminary work needed to advance the proposed project has been completed (for example, if a construction project, designs have been prepared, permits and/or other approvals obtained, or at least submitted, to facilitate construction)
• Identifies current legal owner(s) of site where improvements will be implemented
• Demonstrates site control has been established, if applicable (i.e. easements, acquisition etc.)

**Disadvantaged and Underserved Communities (maximum of 2 points)**
• Proposed project is located in or primarily serves areas that are densely populated and have sustained physical deterioration, decay, neglect, or disinvestment, or where a substantial proportion of the residential population is of low income or is otherwise disadvantaged and is underserved with respect to the existing recreational opportunities

**Smart Growth (maximum of 4 points)**
• Maintains or improves existing infrastructure
• Proposed project is located in a developed area or an area designated for concentrated infill development in a municipally approved comprehensive land use plan, local waterfront revitalization plan and/or brownfield opportunity area plan
• Protects, preserves and enhances the State’s resources, including agricultural land, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and significant historic and archeological resources
• Fosters mixed land uses and compact development, downtown revitalization, Brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and the integration of all income and age groups
• Provides mobility through transportation choices including improved public transportation and reduced automobile dependency
• Involves participation in community based planning and collaboration
• Ensures predictability in building and land use codes
• Promotes sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations

**Evaluation of Budget and Cost (maximum of 20 points)**
Applications will also be evaluated to assess the degree to which they meet the elements of each criterion below.

• Application describes and documents how the budget and cost were determined. Identifies the person(s) responsible for compiling the budget including relevant experience and background of all parties and the method/approach used to arrive at estimates (maximum of 5 points)
• Budget clearly demonstrates amount, type, and source of eligible local match and demonstrates identified eligible match sources have been secured. (maximum of 5 points)
• Budget includes adequate detail for all project components involved, is cost-effective, presents necessary and realistic costs, and does not contain extraneous or ineligible expenses. Budget is accurate and thorough. Budget narrative includes an explanation for the estimate of each budget line and clearly supports the applicant's need for financial resources requested to achieve project outcome. Budget narrative describes how the grant recipient
will monitor expenditures during the life of the project to ensure that the project stays on schedule and within budget. (maximum of 10 points)

Note: Detailed and clear demonstration of local match is required at the time of application. Awards may be reduced or not made if applicant fails to document sufficient, eligible match.

**Regional Economic Development Council Endorsement (maximum of 20 points)**

Each application will be scored by the Regional Economic Development Council in which the proposed project is located. Regional Councils will review applications to assess the degree to which the project helps implement the Regional Strategic Plan. The Regional Council will score applications based on a set of standards, referred to as “endorsement standards.” and will assign each project a single score of 20, 15, 10, 5 or 0 (no fractions) based on merit. Regional Strategic Plans and endorsement standards can be found at https://regionalcouncils.ny.gov/.

### X. CONTRACT REQUIREMENTS

**New York State Grants Gateway**

Grant applicants are encouraged to register through the New York State Grants Gateway. To register, log on to [http://grantsreform.ny.gov](http://grantsreform.ny.gov).

**Standard Cost Reimbursement Contract**

Each successful applicant must enter into a standard cost reimbursement contract with the Department which includes an agreed upon work plan, any other attachments or exhibits, and the standard clauses required by the NYS Attorney General for all state contracts including Attachment A along with compliance with Article 15-A of the New York Executive Law. The contract will: 1) be subject to approval by the Attorney General and State Comptroller; 2) require submission of final products in both hard copy and electronic format; 3) be subject to payment only upon proper documentation and compliance with reimbursement procedures; and all other contractual requirements. A copy of a standard contract along with Attachment A and Article 15-A is available from the Department.

To ensure that funds are awarded to applicants that are ready to move forward, the Department reserves the right to rescind an award if the state contract is not signed and returned within a reasonable amount of time. There will be no contract advance available to grantees. Expenses incurred prior to the start date of the state contract cannot be reimbursed.

**Compliance with Procurement Requirements**

All contracts by municipalities for service, labor, and construction involving not more than $35,000 and purchase contracts involving not more than $20,000 are subject to the requirements of General Municipal Law §104-b, which requires such contracts to comply with the procurement policies and procedures of the municipality involved. All such contracts shall be awarded after and in accordance with such municipal procedures, subject to the Minority or Women-Owned Business Enterprise (MWBE) requirements as set forth below and any additional requirements imposed by the State as set forth in Attachment C of the Master Contract.

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify to the Department that applicable public bidding procedures of General Municipal Law §103 were followed for all service, labor, and construction contracts involving more than $35,000 and all purchase contracts involving more than $20,000. In the case of contracts by municipalities service, labor, and construction contracts involving not more than $35,000 and purchase contracts involving not more than $20,000, the municipal attorney, chief legal officer or financial administrator shall certify that the procedures of the municipality established pursuant to General Municipal Law §104-b were fully complied with, in addition to the MWBE requirements.

The municipal attorney, chief legal officer or financial administrator for the municipality shall certify to the Department that alternative proposals and/or quotations for professional services were secured by use of written requests for
proposals through a publicly advertised process. This certification will verify that the procurement requirements were met and ensure the prudent and economical use of public funds for professional services of maximum quality at reasonable cost.

Record Retention and Audits
The successful applicant shall establish and maintain, in paper or electronic format, complete and accurate books, records, documents, receipts, accounts, and other evidence directly pertinent to its performance under the Master Contract with the Department. Payment requests may be subject to periodic reviews. The successful applicant will be required to agree to produce and retain for the balance of the term of the Master Contract, and for a period of six years from the later of the date of (i) the Master Contract and (ii) the most recent renewal of the Master Contract, any and all Records necessary to substantiate upon audit, the proper deposit and expenditure of funds received under the Master Contract. Such records may include, but not be limited to, original books of entry (e.g., cash disbursements and cash receipts journal), and the following specific records (as applicable) to substantiate the types of expenditures noted (i) personal service expenditures: cancelled checks and the related bank statements, time and attendance records, payroll journals, cash and check disbursement records including copies of money orders and the like, vouchers and invoices, records of contract labor, any and all records listing payroll and the money value of non-cash advantages provided to employees, time cards, work schedules and logs, employee personal history folders, detailed and general ledgers, sales records, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (ii) payroll taxes and fringe benefits: cancelled checks, copies of related bank statements, cash and check disbursement records including copies of money orders and the like, invoices for fringe benefit expenses, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (iii) non-personal services expenditures: original invoices/receipts, cancelled checks and related bank statements, consultant agreements, leases, and cost allocation plans, if applicable, (iv) receipt and deposit of advances and reimbursements: itemized bank stamped deposit slips, and a copy of the related bank statements.

Minority and Women-Owned Business Enterprise Utilization (MWBE)
Applicants must submit the MWBE Compliance Form with their application confirming their understanding of the MWBE requirement and agreeing to show due-diligence and make good faith efforts to provide meaningful participation by MWBE’s, whenever possible, if awarded the contract.

Contract Period
Subject to the continued availability of funds in the budget, the contract period shall not exceed five years from the start of the project. No extensions are anticipated. The earliest start date of contracts is April 1, 2022. Special consideration for extensions due to extreme extenuating circumstances will only be granted on a case-by-case basis.

Amendments
Amendments will not be made to the original contracted scope of work, for example, applicants that receive funding for general planning or for project-specific planning, feasibility, design, and/or marketing projects may use this funding for these purposes only.

XI. SATISFACTORY PROGRESS
It is imperative that the grant recipient complete the project as set forth in the agreed upon work plan and individual monitoring plan. Failure to render proof of satisfactory progress or to complete the project to the satisfaction of the State may be deemed an abandonment of the project and may cause the suspension or termination of any obligation of the State. Satisfactory progress toward implementation includes, but is not limited to, executing contracts and submitting status reports and payment requests in a timely fashion, retaining consultants, written certification of compliance with procurement requirements, completing plans, designs, permit applications, reports, or other tasks identified in the work plan within the time allocated for their completion. The Department may recapture awarded funds if satisfactory progress is not being made on the implementation of a grant project. Applicants should not submit applications if they do not expect to initiate the project within a reasonable time period after receiving an executed contract and will not be able to complete the project within the time period cited in the application.
XII. GENERAL SPECIFICATIONS

1. By signing the “Application Form” each applicant attests to its express authority to sign on behalf of the applicant and to the accuracy of the information contained therein. Applications containing false or inaccurate information may be disqualified upon verification of information by the Department.

2. Contractors will possess, at no cost to the State, all qualifications, licenses and permits to engage in the required business as may be required within the jurisdiction where the work specified is to be performed. Workers to be employed in the performance of this contract will possess the qualifications, training, licenses and permits as may be required within such jurisdiction.

3. Submission of any application indicates the applicant’s acceptance of all conditions and terms contained in this RFA, including the terms and conditions of the contract.

4. Provisions upon default:
   a. The services to be performed by the applicant shall be at all times subject to the direction and control of the Department as to all matters arising in connection with or relating to the contract resulting from this RFA.
   b. In the event that the applicant, through any cause, fails to perform any of the terms, covenants or promises of any contract resulting from this RFA, the Department acting for and on behalf of the State, shall thereupon have the right to terminate the contract by giving notice of the fact and date of such termination to the applicant.
   c. If, in the judgment of the Department, the applicant acts in such a way which is likely to or does impair or prejudice the interests of the State, the Department acting on behalf of the State, shall thereupon have the right to terminate any contract resulting from this RFA by giving notice of the fact and date of such termination to the contractor. In such case, the contractor shall receive equitable compensation for such services as shall, in the judgment of the Department, have been satisfactorily performed by the contractor up to the date of the termination of this agreement, which such compensation shall not exceed the total cost incurred for the work in which the contractor was engaged at the time of such termination, subject to audit by the State Comptroller.

5. The Department reserves the right, including but not limited to:
   a. Reject any or all applications received in response to this RFA;
   b. Withdraw the RFA at any time, at the agency's sole discretion;
   c. Make an award under the RFA in whole or in part;
   d. Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA;
   e. Seek clarifications and revisions of applications;
   f. Use application information obtained through site visits, management interviews and the State's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or information submitted by the applicant in response to the Department’s request for clarifying information in the course of evaluation and/or selection under the RFA;
   g. Prior to the application due date, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available;
   h. Prior to the application due date, direct applicants to submit application modifications addressing subsequent RFA amendments;
   i. Change any of the scheduled dates;
   j. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective applicants;
   k. Waive any requirements that are not material;
   l. Negotiate with applicants responding to this RFA within the scope of the RFA to serve the best interests of the State;
   m. If unsuccessful in negotiating a state contract with the selected applicant within an acceptable time frame, the Department may begin state contract negotiations with the next ranked qualified applicant(s) in order to serve and realize the best interests of the State;
   n. Utilize any and all ideas submitted in the applications received;
o. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an application and/or to determine an applicant's compliance with the requirements of the solicitation;
p. Waive or modify minor irregularities in applications received after prior notification to the applicant;
q. Make awards based on geographic distribution;
r. Not to fund an application that fails to submit a clear and concise work plan or budget;
s. Adjust or correct cost figures with the concurrence of the applicant if errors exist and can be documented to the satisfaction of the Department and the State Comptroller;
t. Award more than one contract resulting from this RFA;
u. In its sole discretion, determine the total number of awards to be granted pursuant to this RFA
v. Offer partial or no funding to any applicant if its application cannot fulfill its proposed program within the funding restrictions herein;
w. Make additional awards if funding becomes available;
x. Require reporting on forms designed for use solely for this procurement;
y. Not to make any awards pursuant to this RFA. This RFA does not commit the Department to award any contracts, to pay the costs incurred in the preparation of a response to this RFA, or to procure or contract for services; and
z. Make awards based on disadvantaged and underserved community status.
Appendix 1

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK STATE-CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES, EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN, AND SERVICE-DISABLED VETERAN-OWNED BUSINESSES

I. MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES PARTICIPATION

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations the Department is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of Department contracts.

Business Participation Opportunities for MWBEs

The Department’s New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) utilization goal is 30%. For purposes of this solicitation, the specific MWBE goal and the breakdown between the Minority-owned Business Enterprise (“MBE”) and the Women-owned Business Enterprise (“WBE”) utilization goals shall be established post award and set forth in the Department contract, in the Attachment B “Budget” (based on the current availability of MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFA, the respondent agrees that the Department may withhold payment pursuant to any Contract awarded as a result of this RFA pending receipt of the required MWBE documentation.

The directory of MWBEs can be viewed at: https://ny.newnycontracts.com/frontend/vendorsearchpublic.asp. For guidance on how the Department will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCCR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the broker’s contract.

FOR CONSTRUCTION CONTRACTS – The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60 percent of the total value of the supplier’s contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE.

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFA, such finding constitutes a breach of contract and Department may withhold payment as liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can
be viewed at [https://ny.newnycontracts.com](https://ny.newnycontracts.com), provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Department. As a contractor of New York State, you have a responsibility to utilize certified minority- and/or women-owned businesses in the execution of your contracts, per the MWBE percentage goals stated in your solicitation, proposal or contract documents. Through the NYSCS you will submit utilization plans, request subcontractors, record payments to subcontractors, and communicate with your project manager throughout the life of your awarded contracts.

Applicants are required to submit the MWBE Compliance Form with their application.

Additionally, successful applicants will be required to submit the following documents and information within ten (10) business days after the applicant receives notice from the Department that the grant is being awarded as evidence of compliance with the foregoing:

An MWBE Utilization Plan *(Form D)* or a Certification Letter *(Form D-1)* stating their commitment to show due-diligence to comply with the MWBE goals and requirements. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to the Department for review and approval.

The Department shall review the submitted MWBE Utilization Plan or Certification Letter and issue a written notice of acceptance or notice of deficiency within 20 days of receipt of utilization plan or certification letter.

If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the Department, at the address provided below, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by the Department to be inadequate, the Department shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the proposal.

Please see details under “**Additional Notices and Explanations Regarding the MWBE Program and this Request for Applications.**”

Department may disqualify a respondent as being non-responsive under the following circumstances:

a) If a respondent fails to submit an MWBE Utilization Plan or certification letter;

b) If a respondent fails to submit a written remedy to a notice of deficiency;

c) If a respondent fails to submit a request for waiver; or

d) If Department determines that the respondent has failed to document good faith efforts.

Successful applicant(s) will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to the Department, but must be made no later than prior to the submission of a request for final payment on the Contract.

Successful applicant(s) will be required to submit a quarterly M/WBE Contractor Compliance & Payment Report to the Department, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

**Equal Employment Opportunity Requirements**

By submission of a proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of the New York State Master Grant Contract, Section IV (J) - Equal Employment Opportunities for Minorities and Women. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction,
replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

Additionally, successful applicants will be required to submit the following documents and information within ten (10) business days after the applicant receives notice from the Department that the grant is being awarded as evidence of compliance with the foregoing:

A. Submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement (Form A) to the Department.

B. Submit a Workforce Utilization Report (Form C) and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by the Department on a quarterly basis during the term of the Contract, to the Bureau of Fiscal Management at: Email: dos.sm.mwbe@dos.ny.gov

Further, pursuant to Article 15 of the Executive Law (the “Human Rights Law”), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Additional Notices and Explanations Regarding the MWBE Program and Successful Applications to this Request for Applications:

If your project is selected for an award, you will be required to show due diligence to comply with all the MWBE contractual requirements, including meeting the goals for certified MWBE firms participation as stated in your Contract and in accordance with NYS Executive Law Article 15-A.

If an applicant chooses to move forward with a project prior to any award announcement, they are responsible for meeting MWBE requirements established by the State of New York. The requested plan, as described herein, is intended to help an applicant think about how to comply with the regulations and provide information showing their due-diligence to comply with the MWBE requirements.

Successful applicants notified by the NYS Contract System (System) that a record for the submission of the utilization plan has been created, must comply with this requirement by entering the Utilization Plan data in the System through the Statewide Utilization Management Plan (SUMP) module.

If you are unable to comply with the MWBE goals, you must request a waiver of these requirements by submitting to the Department the REQUEST FOR WAIVER FORM E, found on the Department funding page, for processing. Please note that the following information will be required to secure the waiver (all items may not apply to your case, but provide information and documentation for those that apply):

1. A DETAILED statement with the project description (any special characteristics, needs, specifications, etc.), and an explanation setting forth your basis and justification for requesting a partial or total waiver of the MWBE goals.
2. The names of general circulation, trade association, and MWBE-oriented publications in which you solicited certified MWBEs for the purposes of complying with your participation goals related to this Contract.

3. A list identifying the date(s) that all solicitations for certified MWBE participation were published in any of the above publications.

4. A list of all certified MWBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified MWBE participation levels.

5. Documentation of your search in the NYS Directory of Certified Firms (e.g.: Printouts, screenshots).

6. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation, if an identical solicitation was made to all certified MWBEs. Any information and/or documentation to support the efforts to follow up with the MWBEs.

7. Copies of responses to your solicitations received by you from certified MWBEs

8. A description of any contract documents, plans, or specifications made available to certified MWBEs for purposes of soliciting their proposals and the date and manner in which these documents were made available.

9. Documentation of any negotiations between you and the MWBEs undertaken for purposes of complying with the certified MWBE participation goals.

10. Any other information you deem relevant which may help us in evaluating your request for a waiver.

11. The name, title, address, telephone number, and email address of your representative authorized to discuss and negotiate this waiver request.

12. Copy of notice of application receipt issued by Empire State Development (ESD), if subcontractors are not certified MWBE, but an application has been filed with ESD.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

II. SERVICE-DISABLED VETERAN-OWNED BUSINESSES PARTICIPATION

Article 17-B of the Executive Law, enacted in 2014, authorized the creation of the Division of Service-Disabled Veterans' Business Development to promote participation of Service-Disabled Veteran-Owned Businesses (SDVOBs) in New York State contracting. The Service-Disabled Veteran-Owned Business Act recognizes the veterans’ service to and sacrifice for our nation, declares that it is New York State’s public policy to promote and encourage the continuing economic development of service-disabled veteran-owned businesses, and allows eligible Veteran business owners to become certified as a New York State Service-Disabled Veteran-Owned Business (SDVOB), in order to increase their participation in New York State's contracting opportunities. To this effect, the Department has implemented a Veteran-Owned Businesses (SDVOB) Program, as mandated by Article 17-B.

To comply with the SDVOB Program goals of 6%, the Department strongly encourages grantees to make every effort, to the maximum extent possible, to engage certified SDVOBs in the purchasing of commodities, services and technology in the performance of their contracts with the Department. If SDVOB utilization is obtained, a quarterly SDVOB utilization report should be submitted to the Department with information of the utilization percentage achieved during that quarter. Contractor Reporting Forms are found at: https://ogs.ny.gov/Veterans/.

The Division of Service-Disabled Veterans' Business Development (DSDVBD) is housed within the New York State Office of General Services (OGS), and maintains a directory of the NYS Certified SDVOBs. For assistance with engaging SDVOB vendors in your contracts, please contact the Division of Service-Disabled Veterans' Business Development at the following email address: VeteransDevelopment@ogs.ny.gov, or the DOS Bureau of Fiscal Management – SDVOB Program at dos.sm.sdvob@dos.ny.gov. The directory of certified SDVOB vendors can be found at: https://online.ogs.ny.gov/SDVOB/search.
Local Waterfront Revitalization Program Area - Town of Elmira

PROPOSED Town of Elmira LWRP Area
City of Elmira LWRP Area
Chemung River

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community.
July 27, 2022

Secretary of State Robert J. Rodriguez
c/o Office of Planning, Development and Community Infrastructure,
9 Washington Avenue
Suite 1010
Albany, NY 12231

Dear Secretary Rodriguez:

I write to express my strong support for the application to the New York State Department of State from Chemung County and the Town of Elmira to develop a Local Waterfront Revitalization Program (LWRP) for the areas in the Town of Elmira adjacent to the Chemung River.

The LWRP will promote greater coordinated development from a shared vision and will build consensus towards creating a vibrant waterfront community that advances regional economic development. The areas surrounding the Chemung River experience flooding and the LWRP planning work will look into potential mitigation and adaptation approaches that build community and infrastructure resilience. This project will build on the City of Elmira’s LWRP and foster inter-municipal collaboration.

Through an LWRP planning process that includes robust public outreach, engagement, education, and inclusion, we will be able to develop shared strategies and approaches to land use and development and identify opportunities for future investments.

As the New York State Senator for the 58th Senate District, I know this work is vitally important to the well-being of my constituents and to regional economic growth.

Should you have any questions, I invite you to contact my office directly.

Sincerely,

Thomas F. O’Mara
NYS Senator, 58th District
July 12, 2022

Secretary of State Robert J. Rodriguez
c/o Office of Planning, Development and Community Infrastructure
99 Washington Avenue, Suite 1010
Albany, NY 12231

Dear Secretary of State Robert J. Rodriguez,

This letter is in support of an application to the New York State Department of State from Chemung County and the Town of Elmira to develop a Local Waterfront Revitalization Program (LWRP) for the areas in the Town of Elmira adjacent to the Chemung River.

The Town of Elmira recognizes the Chemung River as an asset and resource in the community and seeks to plan a future for the waterfront to guide future development, conservation, recreation, and economic activity. The proposed LWRP will build on and expand the current City of Elmira LWRP to create a multi-jurisdiction and collaborative project within Chemung County while preserving local control for areas within Town boundaries.

As Town Supervisor, I am excited to collaborate with the Chemung County Planning Department and the New York State Department of State to develop a vision and framework for the future of our beloved waterfront.

The LWRP will build consensus and work towards creating a vibrant waterfront community that advances sustainable development and regional economic development. The areas surrounding the Chemung River experience flooding and the LWRP planning work will look into potential mitigation and adaptation approaches that build community and infrastructure resilience. Through an LWRP planning process that includes robust public outreach, engagement, education, and inclusion, we will be able to develop shared strategies and approaches to land use and identify opportunities for future investments.

The Town of Elmira gives its full support to developing a LWRP and is excited to begin work.

Sincerely,

[Signature]
David Sullivan
Supervisor
July 29, 2022

Secretary of State Robert J. Rodriguez  
c/o Office of Planning, Development and Community Infrastructure  
99 Washington Avenue  
Suite 1010  
Albany, NY 12231

Dear Secretary of State Robert J. Rodriguez,

This letter is in support of an application to the New York State Department of State from Chemung County and the Town of Elmira to develop a Local Waterfront Revitalization Program (LWRP) for the areas in the Town of Elmira adjacent to the Chemung River.

The LWRP will promote greater coordinated development from a shared vision and will build consensus towards creating a vibrant waterfront community that advances regional economic development, with conservation in mind. The areas surrounding the Chemung River experience flooding and the LWRP planning work will look into potential mitigation and adaptation approaches that build community and infrastructure resilience. This project will build on the City of Elmira’s LWRP and foster inter-municipal collaboration.

Through an LWRP planning process that includes robust public outreach, engagement, education, and inclusion, we will be able to develop shared strategies and approaches to land use and development and identify opportunities for future investments.

As the Executive Director of the Friends of the Chemung River Watershed, I know this work is vitally important to the health of the Chemung River and the Watershed community, and we are supportive of an environmentally responsible development plan for this project.

Respectfully,

Emily J. Marino - Executive Director
Resolution authorizing application for and acceptance of 2022 Zero-Emission Vehicle Infrastructure Grant Program from the New York State Department of Environmental Conservation on behalf of the Chemung County Planning Department and Elmira-Chemung Transportation Council

Resolution #:
Slip Type: GRANT
SEQRA status
State Mandated False

Explain action needed or Position requested (justification):
Requesting a resolution authorizing the application for and acceptance of 2022 Zero-Emission Vehicle Infrastructure Grant Program from the NYS Dept. of Environmental Conservation on behalf of the Chemung County Planning Dept. and Elmira-Chemung Transportation Council. This grant opportunity provides 100% state funding for installation of public use electric vehicle charging stations within disadvantaged communities. There is no local cost share.

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**CREATION:**
Date/Time: 8/5/2022 12:27:29 PM
Department: County Executive

**APPROVALS:**
Date/Time: 8/5/2022 12:29 PM
Approval: Approved
Department: County Executive

Date/Time: 8/9/2022 9:09 AM
Approval: Approved
Department: Budget and Research

Date/Time: 8/15/2022 1:05 PM
Approval: Approved
Department: Legislature Chairman

**ATTACHMENTS:**
Name: _22zevinfs.pdf
Description: 22zevinfs
Type: Cover Memo
2022 ZERO-EMISSION VEHICLE INFRASTRUCTURE GRANTS FOR MUNICIPALITIES

Up to $5,000,000 is available in this round to municipalities (counties, cities, towns, and villages of the State of New York) for the purchase and installation of electric vehicle supply equipment (EVSE) or hydrogen fuel cell filling stations primarily for public use. For full program details, see the 2022 Zero-emission Vehicle (ZEV) Infrastructure Grant Program Request for Applications (RFA): http://www.dec.ny.gov/energy/109181.html#ZEV

Infrastructure. Hydrogen filling station components and Level 2 and Direct Current Fast Charge (DCFC) EVSE that appear in the New York State Energy Research and Development Authority (NYSERDA) list of qualified units for the Charge Ready NY Program at https://www.nyserda.ny.gov/All-Programs/ChargeNY/Charge-Electric/Charging-Station-Programs/Charge-Ready-NY/Qualified-Charging-Equipment-and-Networks or appear on the Office of General Services EVSE and Network Services state contract at https://online.ogs.ny.gov/purchase/spg/awards/4040423035CAN.HTM are eligible.

Eligible Expenses. Equipment, supplies, materials, installation costs, electricity, and site preparation costs are eligible.

Award. A municipality may apply for multiple stations in multiple locations; however, the maximum award amount for any one facility (location) is $250,000 and to any one municipality (for multiple locations) is $500,000. There is no minimum award amount.

Requirements. All facilities MUST be available primarily for public use.

Each facility (location) requires a separate application.

If a facility has received funding from the NYSERDA ChargeReady Program, the same facility may NOT receive funding from this program for the same equipment installed under ChargeReady. However, additional units may be placed in the same facility using this program funding.

Match. A match of 0 to 20 percent of the total project cost must be provided as local match based, in part, on the median household income of the municipality. See the RFA for details.

Application. Applications are only available through the New York State Grants Gateway at https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx under the opportunity name “2022 Zero-emission Vehicle (ZEV) Infrastructure Grant Program.” Applications will be accepted through 4:00 pm on September 30, 2022, or until funding is exhausted, whichever occurs first.

CONTACT INFORMATION

Myra Fedyniak
Climate Policy Analyst, Office of Climate Change
New York State Department of Environmental Conservation
625 Broadway, 9th floor, Albany, NY 12233-1030 P: (518) 402-8448 ZEV rebate@dec.ny.gov | www.dec.ny.gov
Resolution designating Emmons Metro, LLC as a sole source provider of pump station control panels and authorizing agreement with Emmons Metro, LLC on behalf of the Chemung County Sewer District No. 1

Resolution #:
Slip Type: OTHER
SEQRA status
State Mandated False

Explain action needed or Position requested (justification):
Requesting resolution authorizing purchase agreement with Emmons Metro LLC on behalf of the Chemung County Sewer District No. 1 for pump station control panels.

CCSD Requests approval to purchase control panels for four pump stations throughout Chemung County Sewer District No. 1. The pump panels that are currently in these pump stations are obsolete and parts are hard to find and expensive. The pump control panels CCSD would like to purchase integrate better with our system, can provide more information on the pump operation than the existing panels which will help with pump maintenance and troubleshooting issues, and it will be easier to get replacement parts when needed. It is requested that the legislature give formal approval for the purchase of these pump station control panels from Emmons Metro LLC, who is the sole manufacturer of this product line. The cost for these replacement control panels will be $59,023, which was budgeted for in the sewer district capital projects.

CREATION:
Date/Time: Department:
8/9/2022 1:17:14 PM County Executive

APPROVALS:
Date/Time: Approval: Department:
8/9/2022 1:21 PM Approved County Executive
8/10/2022 3:21 PM Approved Budget and Research
8/15/2022 1:54 PM Approved Legislature Chairman

ATTACHMENTS:
Name: Description: Type:
105442D_QUOTE_CHEMUNG_COUNTY_4_PANEL_UPGRADES.pdf Quote Cover Memo
Exclusive_Representation_Letter_-_Emmons.pdf Exclusive Representation Letter Cover Memo
Company: CHEMUNG COUNTY  
Address:  
Condition  
Point: GPM TDH  
Phone:  
FAX:  
Person Quoted: CHRIS FAULKNER  
Project Name: PANEL UPGRADES  

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Total Net $59,023.00

NOTES: PANEL DESCRIPTIONS ON FOLLOWING PAGE
START UP AND FREIGHT IS INCLUDED IN PRICE

Please provide a copy of this quote with purchase order.

* Not responsible for typographical errors. Please review and call with questions.

Signed: DREW FOX  
Date: 6/13/2022
105442D Chemung County Panel Upgrades

**Scope**

**Engineered Control Panels - Chemung County Panel Upgrades**

*Brief Summary (Typical operation for all control panels):*
Intrinsically safe, primary transducer operation utilizing the Primex Level View controller. Includes a 4-float backup control system.

PS 1 – Latta Brook  
230v/3ph, Duplex, 9.4 HP, 24 FLA

PS 2 – Willow  
230v/3ph, Duplex, 5hp, 16 FLA

PS 3 – Hancock  
230v/3ph, Duplex, 3hp, 10 FLA

PS 4 – Fuel Farm  
230v/3ph, Duplex, 5hp 16 FLA

Duplex Municipal Wastewater Pumping Control Panel for operation on 230V 3Ø 3W incoming power. To control 2 - Submersible Pumps. To Include:

- NEMA Type 4 - Steel Enclosure, with back panel
- Aluminum Dead-front Inner Door
- Enclosure Heater with thermostat
- Manual Transfer Switch with door mount operator
- Hubbell 5100B9W Generator Receptacle
- 2 kVA Control Power Transformer with Primary Circuit Breaker
- 5 - 1 Pole Multi9 Circuit Breaker (Branch Circuits)
- 2 - Manual Starter / IEC Contactor
- LevelView Primary Controller
- DPC-4F Secondary Controller
- 1 - 2 Channel Turck Intrinsically Safe Relay
- 2 - 1 Channel Turck isolator Intrinsically Safe Barrier
- 2 - 22mm Hand Off Auto Switches
- 1 - 22mm On Off Switch
- 2 - 22mm Run Pilot Light
- 1 - 22mm High Alarm Pilot Light, Alarm Activation, and Aux Contact
- 1 - 22mm Low Alarm Pilot Light
- 1 - 22mm Backup Active Pilot Light, Manual Reset Pushbutton, and Aux Contact
- 1 - 22mm In Backup Alarm Disable/Enable Switch
- 1 - Macromatic Dual Seal Fail Relay
- 2 - 22mm Seal Failure Pilot Lights
- LED Alarm Light
- Piezo Audible Alarm
- 22mm Silence Pushbutton
- 22mm Test Pushbutton
- 15 Amp GFI Receptacle - Inner door/door mount
- Engraved Nameplates
- UL Label 698
- Self Laminating Wire Numbers
- Control Relays as required
- Terminal Blocks and Ground Lugs as Required
July 12, 2022

To Whom it May Concern

Subject: Exclusive Authorized Sales and Service Representative

This letter will serve to confirm that Emmons Metro, LLC is an exclusive, authorized factory sales and an authorized service representative of PRIMEX equipment and factory services. This authorization includes Evoqua formerly US Filter/Siemens Control Systems products as covered by a National Distributor agreement between Evoqua and PRIMEX. The following describes the products and geographic territory of this authorization:

Territory covered:

1. State of New York (excluding the greater NYC Metro area).

Products Covered:

1. All PRIMEX branded products, standard and custom control panels.
2. All Evoqua Control Products, Formerly US Filter/Siemens Control System Products.
   a. CB1000
   b. LC150 Pump Controller
   c. IntraLink
   d. A1000i – Pressure/Level Sensors
   e. 9G-EF Float Switches
3. All ICS Healy-Ruff branded products and control panels
4. All SJE-Rhombus Standard Control Panels and products

If you have any questions regarding this letter or require further information, please contact me.

We look forward to working with you to meet your automation needs.

Sincerely,

Michael A Schmidt
Business Development Manager
Resolution authorizing application for and acceptance of 2022 Safe Streets and Roads for All Grant Program from the New York State Department of Transportation on behalf of the Chemung County Planning Department and Department of Public Works

Resolution #:
Slip Type: GRANT
SEQRA status Part-time
State Mandated False

Explain action needed or Position requested (justification):
This grant provides up to 80% of federal funding to support planning, infrastructure, behavioral and operational initiatives to prevent death and serious injury on roads and streets involving all roadway users. Chemung County is seeking funding to complete the next phase of the Local Road Safety Plan, a comprehensive plan that uses targeted countermeasures to reduce fatalities and serious injuries resulting from crashes that occur in the county. The document identified $5,000,000 in safety improvements in various county and local roads, and has previously received $3.75 million in Phase I funding in 2021 (100% State share). If awarded, the county anticipates work to begin in 2024.

Vendor/Provider United States Dept. of Transportation

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Project Budgeted? No
Funds are in Account #
DPW
Anticipating 2024 Start Date

CREATION:
Date/Time: 8/9/2022 1:39:11 PM
Department: County Executive

APPROVALS:
Date/Time: 8/9/2022 2:28 PM
Approval: Approved
Department: County Executive

Date/Time: 8/10/2022 3:20 PM
Approval: Approved
Department: Budget and Research

Date/Time: 8/15/2022 12:21 PM
Approval: Approved
Department: Legislature Chairman

ATTACHMENTS:
Name: NOFO and Phase I Resolution.pdf
Description: NOFO and Phase I Resolution
Type: Cover Memo
Office of the Secretary of Transportation
Notice of Funding Opportunity for the Safe Streets and Roads for All (SS4A) Discretionary Grant Opportunity
Amendment 1

AGENCY: Office of the Secretary of Transportation, U.S. Department of Transportation (DOT or the Department)

ACTION: Notice of Funding Opportunity (NOFO), Assistance Listing # 20.939

SUMMARY: The purpose of this notice is to solicit applications for Safe Streets and Roads for All (SS4A) grants. Funds for the fiscal year (FY) 2022 SS4A grant program are to be awarded on a competitive basis to support planning, infrastructure, behavioral, and operational initiatives to prevent death and serious injury on roads and streets involving all roadway users, including pedestrians; bicyclists; public transportation, personal conveyance, and micromobility users; motorists; and commercial vehicle operators.¹

DATES: Applications must be submitted by 5:00 PM EDT on Thursday, September 15, 2022. Late applications will not be accepted.

ADDRESSES: Applications must be submitted through https://www.grants.gov/.

FOR FURTHER CONTACT INFORMATION: Please contact the SS4A grant program staff via email at SS4A@dot.gov, or call Paul Teicher at 202-366-4114. A telecommunications device for the deaf (TDD) is available at 202-366-3993. In addition, DOT will regularly post answers to questions and requests for clarifications, as well as schedule information regarding webinars providing additional guidance, on DOT’s website at https://www.transportation.gov/SS4A. The deadline to submit technical questions is August 15, 2022.

¹The term “pedestrians” is inclusive of all users of the pedestrian infrastructure, including persons with disabilities.
SUPPLEMENTARY INFORMATION: Each section of this notice contains information and instructions relevant to the application process for SS4A grants, and all applicants should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

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Section A (Program Description) describes the Department’s goals and purpose in making awards, and Section E (Application Review Information) describes how the Department will select from eligible applications. To support applicants through the process, the Department will provide technical assistance and resources at https://www.transportation.gov/SS4A.

DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
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</thead>
<tbody>
<tr>
<td>Applicant’s Jurisdiction(s)</td>
<td>The U.S. Census tracts where the applicant operates or performs their safety responsibilities. If an applicant is seeking funding for multiple jurisdictions, all of the relevant Census tracts for the jurisdictions covered by the application should be included.</td>
</tr>
<tr>
<td>Complete Streets</td>
<td>Standards or policies that ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, personal conveyance and micromobility users, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles.⁴</td>
</tr>
</tbody>
</table>

⁴ The definition is based on the “Moving to a Complete Streets Design Model: A Report to Congress on Opportunities and Challenges,” https://highways.dot.gov/newsroom/federal-highway-administration-details-efforts-advance-complete-streets-design-model
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Comprehensive Safety Action Plan</td>
<td>A comprehensive safety action plan (referred to as Action Plan) is aimed at preventing roadway fatalities and serious injuries in a locality, Tribe, or region. This can either be a plan developed with an Action Plan Grant, or a previously developed plan that is substantially similar and meets the eligibility requirements (e.g., a Vision Zero plan or similar plan).</td>
</tr>
<tr>
<td>Equity</td>
<td>The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, Indigenous and Native Americans, Asian Americans and Pacific Islanders, and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.</td>
</tr>
<tr>
<td>High Injury Network</td>
<td>Identifies the highest concentrations of traffic crashes resulting in serious injuries and fatalities within a given roadway network or jurisdiction.</td>
</tr>
<tr>
<td>Micromobility</td>
<td>Any small, low-speed, human- or electric-powered transportation device, including bicycles, scooters, electric-assist bicycles, electric scooters (e-scooters), and other small, lightweight, wheeled conveyances.³</td>
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<tr>
<td>Personal Conveyance</td>
<td>A personal conveyance is a device, other than a transport device, used by a pedestrian for personal mobility assistance or recreation. These devices can be motorized or human powered, but not propelled by pedaling.⁴</td>
</tr>
<tr>
<td>Political Subdivision of a State</td>
<td>A unit of government created under the authority of State law. This includes cities, towns, counties, special districts, certain transit agencies, and similar units of local government. A transit district, authority, or public benefit corporation is eligible if it was created under State law, including transit authorities operated by political subdivisions of a State.</td>
</tr>
<tr>
<td>Rural</td>
<td>For the purposes of this NOFO, jurisdictions outside an Urbanized Area (UA) or located within Urbanized Areas with populations fewer than 200,000 will be considered rural. Lists of UAs are available on the U.S. Census Bureau website at <a href="http://www2.census.gov/geo/maps/dc10map/UAU_C_RefMap/ua/">http://www2.census.gov/geo/maps/dc10map/UAU_C_RefMap/ua/</a>.</td>
</tr>
<tr>
<td>Safe System Approach</td>
<td>A guiding principle to address the safety of all road users. It involves a paradigm shift to improve safety culture, increase collaboration across all safety stakeholders, and refocus transportation system design and operation on anticipating human mistakes and lessening impact forces to reduce crash severity and save lives.⁵,⁶</td>
</tr>
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⁴ [https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813251](https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813251), see page 127 for the full definition as defined in the 2020 FARS/CRSS Coding and Validation Manual.
⁵ See: [https://www.transportation.gov/NRSS/SafeSystem](https://www.transportation.gov/NRSS/SafeSystem)
⁶ Safety culture can be defined as the shared values, actions, and behaviors that demonstrate a commitment to safety over competing goals and demands.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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</table>
| Underserved Community | An underserved community as defined for this NOFO is consistent with the Office of Management and Budget’s Interim Guidance for the Justice40 Initiative and the Historically Disadvantaged Community designation, which includes: U.S. Census tracts identified in this table and corresponding map tool that visualizes the table:  
  - [https://datahub.transportation.gov/stories/tsyd-k6ij](https://datahub.transportation.gov/stories/tsyd-k6ij) and [https://usdot.maps.arcgis.com/apps/dashboards/99f9268777ff4218867ceedfabe58a3a](https://usdot.maps.arcgis.com/apps/dashboards/99f9268777ff4218867ceedfabe58a3a)  
  - Any Tribal land; or  
  - Any territory or possession of the United States. |

A. Program Description

1. Overview

Section 24112 of the Infrastructure Investment and Jobs Act (Pub. L. 117–58, November 15, 2021; also referred to as the “Bipartisan Infrastructure Law” or “BIL”) authorized and appropriated $1 billion to be awarded by the Department of Transportation for FY 2022 for the SS4A grant program. This NOFO solicits applications for activities to be funded under the SS4A grant program. The FY22 funding will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64355). The priorities of Executive Order 14052, Implementation of the Infrastructure Investments and Jobs Act are: to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards and equal employment opportunity, strengthen infrastructure resilience to hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners.

The purpose of SS4A grants is to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and implementation focused on all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micromobility users, and commercial vehicle operators. The program provides funding to develop the tools to help strengthen a community’s approach to roadway safety and save lives and is designed to meet the needs of diverse local, Tribal, and regional communities that differ dramatically in size, location, and experience administering Federal funding.

2. Grant Types and Deliverables

The SS4A program provides funding for two types of grants: Action Plan Grants (for comprehensive safety action plans) and Implementation Grants. Action Plan Grants are used to develop, complete, or supplement a comprehensive safety action plan. To apply for an Implementation Grant, an eligible
applicant must have a qualifying Action Plan. Implementation Grants are available to implement strategies or projects that are consistent with an existing Action Plan. Applicants for Implementation Grants can self-certify that they have in place one or more plans that together are substantially similar to and meet the eligibility requirements for an Action Plan.

i. Action Plan Grants

An Action Plan is the foundation of the SS4A grant program. Action Plan Grants provide Federal funds to eligible applicants to develop or complete an Action Plan. Action Plan Grants may also fund supplemental Action Plan activities. The goal of an Action Plan is to develop a holistic, well-defined strategy to prevent roadway fatalities and serious injuries in a locality, Tribe, or region. Further information on eligibility requirements is in Section C.

The primary deliverable for an Action Plan Grant is a publicly available Action Plan. For the purposes of the SS4A grant program, an Action Plan includes the components in Table 1. DOT considers the process of developing an Action Plan to be critical for success, and the components reflect a process-oriented set of activities.

Table 1: Action Plan Components

<table>
<thead>
<tr>
<th>Component</th>
<th>Description</th>
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<tbody>
<tr>
<td>Leadership Commitment and Goal Setting</td>
<td>An official public commitment (e.g., resolution, policy, ordinance, etc.) by a high-ranking official and/or governing body (e.g., Mayor, City Council, Tribal Council, MPO Policy Board, etc.) to an eventual goal of zero roadway fatalities and serious injuries. The commitment must include a goal and timeline for eliminating roadway fatalities and serious injuries achieved through one, or both, of the following: (1) the target date for achieving zero roadway fatalities and serious injuries, OR (2) an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date with an eventual goal of eliminating roadway fatalities and serious injuries.</td>
</tr>
<tr>
<td>Planning Structure</td>
<td>A committee, task force, implementation group, or similar body charged with oversight of the Action Plan development, implementation, and monitoring.</td>
</tr>
<tr>
<td>Component</td>
<td>Description</td>
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<tr>
<td>Safety Analysis</td>
<td>Analysis of existing conditions and historical trends that provides a baseline level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region. Includes an analysis of locations where there are crashes and the severity of the crashes, as well as contributing factors and crash types by relevant road users (motorists, people walking, transit users, etc.). Analysis of systemic and specific safety needs is also performed, as needed (e.g., high-risk road features, specific safety needs of relevant road users, public health approaches, analysis of the built environment, demographic, and structural issues, etc.). To the extent practical, the analysis should include all roadways within the jurisdiction, without regard for ownership. Based on the analysis performed, a geospatial identification of higher-risk locations is developed (a High-Injury Network or equivalent).</td>
</tr>
<tr>
<td>Engagement and Collaboration</td>
<td>Robust engagement with the public and relevant stakeholders, including the private sector and community groups, that allows for both community representation and feedback. Information received from engagement and collaboration is analyzed and incorporated into the Action Plan. Overlapping jurisdictions are included in the process. Plans and processes are coordinated and aligned with other governmental plans and planning processes to the extent practical.</td>
</tr>
<tr>
<td>Equity Considerations</td>
<td>Plan development using inclusive and representative processes. Underserved communities are identified through data and other analyses in collaboration with appropriate partners. Analysis includes both population characteristics and initial equity impact assessments of the proposed projects and strategies.</td>
</tr>
</tbody>
</table>

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8 An underserved community as defined for this NOFO is consistent with the Office of Management and Budget’s Interim Guidance for the Justice40 Initiative ([https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf](https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf)) and the Historically Disadvantaged Community designation, which includes U.S. Census tracts identified in this table [and mapping tool](https://datahub.transportation.gov/stories/s/tsyd-k6ij) and [https://us.dot.maps.arcgis.com/apps/dashboards/99f9268777ff4218867ceefabe58a3a](https://us.dot.maps.arcgis.com/apps/dashboards/99f9268777ff4218867ceefabe58a3a); any Tribal land; or any territory or possession of the United States.
<table>
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<tr>
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<tbody>
<tr>
<td>Policy and Process Changes</td>
<td>Assessment of current policies, plans, guidelines, and/or standards (e.g., manuals) to identify opportunities to improve how processes prioritize transportation safety. The Action Plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards, as appropriate.</td>
</tr>
<tr>
<td>Strategy and Project Selections</td>
<td>Identification of a comprehensive set of projects and strategies, shaped by data, the best available evidence and noteworthy practices, as well as stakeholder input and equity considerations, that will address the safety problems described in the Action Plan. These strategies and countermeasures focus on a Safe System Approach, effective interventions, and consider multidisciplinary activities. To the extent practical, data limitations are identified and mitigated. Once identified, the list of projects and strategies is prioritized in a list that provides time ranges for when the strategies and countermeasures will be deployed (e.g., short-, mid-, and long-term timeframes). The list should include specific projects and strategies, or descriptions of programs of projects and strategies, and explains prioritization criteria used. The list should contain interventions focused on infrastructure, behavioral, and/or operational safety.</td>
</tr>
<tr>
<td>Progress and Transparency</td>
<td>Method to measure progress over time after an Action Plan is developed or updated, including outcome data. Means to ensure ongoing transparency is established with residents and other relevant stakeholders. Must include, at a minimum, annual public and accessible reporting on progress toward reducing roadway fatalities and serious injuries, and public posting of the Action Plan online.</td>
</tr>
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</table>

a) **Supplemental Action Plan Activities:**

Supplemental action plan activities support or enhance an existing Action Plan. To fund supplemental Action Plan activities through the SS4A program, an applicant must have an existing Action Plan, or a plan that is substantially similar and meets the eligibility requirements for having an existing plan. The
Plan components may be contained within several documents. Table 2 in Section C is a Self-Certification Eligibility Worksheet with instructions to determine whether an existing plan meets the eligibility requirements. Supplemental action plan activities could include, but are not limited to: a second round of analysis; expanded data collection and evaluation using integrated data; testing action plan concepts before project and strategy implementation; feasibility studies using quick-build strategies that inform permanent projects in the future (e.g., paint, plastic bollards, etc.); follow-up stakeholder engagement and collaboration; targeted equity assessments; progress report development; and complementary planning efforts such as speed management plans, accessibility and transition plans, racial and health equity plans, and lighting management plans. Additional information on supplemental action plan activities is located at https://www.transportation.gov/SS4A.

Applicants that have an existing plan that is substantially similar to and meets the eligibility requirements of an Action Plan may alternatively choose to fund supplemental Action Plan activities through an application for an Implementation Grant rather than an Action Plan Grant. See Section A.2.ii below.

ii. Implementation Grants

Implementation Grants fund projects and strategies identified in an Action Plan that address roadway safety problems. Implementation Grants may also fund associated planning and design and supplemental Action Plan activities in support of an existing Action Plan. DOT encourages Implementation Grant applicants to include supplemental Action Plan activities in their application to further improve and update existing plans. Applicants must have an existing Action Plan to apply for Implementation Grants or have an existing plan that is substantially similar and meets the eligibility requirements of an Action Plan. If applicants do not have an existing Action Plan, they should apply for Action Plan Grants and NOT Implementation Grants. The plan components may be contained within several documents. Table 2 in Section C is a Self-Certification Eligibility Worksheet with instructions to determine eligibility to apply for an Implementation Grant. Additional information on eligibility requirements and eligible activities is in Section C below.

3. SS4A Grant Priorities

This section discusses priorities specific to SS4A and those related to the Department’s overall mission, which are reflected in the selection criteria and NOFO requirements. Successful grant applications will demonstrate engagement with a variety of public and private stakeholders and seek to adopt innovative technologies and strategies to:

• Promote safety;
• Employ low-cost, high-impact strategies that can improve safety over a wider geographic area;
• Ensure equitable investment in the safety needs of underserved communities, which includes both underserved urban and rural communities;
• Incorporate evidence-based projects and strategies; and
• Align with the Department’s mission and with priorities such as equity, climate and sustainability, quality job creation, and economic strength and global competitiveness.

The Department seeks to award Action Plan Grants based on safety impact, equity, and other safety considerations. For Implementation Grants, DOT seeks to make awards to projects and strategies that
save lives and reduce roadway fatalities and serious injuries; incorporate equity, engagement, and collaboration into how projects and strategies are executed; use effective practices and strategies; consider climate change, sustainability, and economic competitiveness in project and strategy implementation; and will be able to complete the full scope of funded projects and strategies within five years after the establishment of a grant agreement. Section D provides more information on the specific measures an application should demonstrate to support these goals.

The SS4A grant program aligns with both Departmental and Biden-Harris Administration activities and priorities. The National Roadway Safety Strategy (NRSS, issued January 27, 2022) commits the Department to respond to the current crisis in roadway fatalities by “taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation’s roadways,” in pursuit of the goal of achieving zero roadway deaths. DOT recognizes that zero is the only acceptable number of deaths on our roads, and achieving that is our long-term safety goal. The outcomes that are anticipated from the SS4A program also support the FY 2022-2026 DOT Strategic Plan and the accompanying safety performance goals such as a medium-term goal of a two-thirds reduction in roadway fatalities by 2040.

As part of the NRSS, the Department adopted the Safe System Approach as a guiding principle to advance roadway safety. The Safe System Approach addresses the safety of all road users. It involves a paradigm shift to improve safety culture, increase collaboration across all safety stakeholders, and refocus transportation system design and operation on anticipating human mistakes and lessening impact forces to reduce crash severity and save lives. For more information on the Safe System Approach, see the NRSS.

DOT encourages communities to adopt and implement Complete Streets policies that prioritize the safety of all users in transportation network planning, design, construction, and operations. A full transition to a Complete Streets design model requires leadership, identification and elimination of barriers, and development of new policies, rules, and procedures to prioritize safety. A Complete Street includes, but is not limited to: sidewalks, curb ramps, bike lanes (or wide paved shoulders), special bus lanes, accessible public transportation stops, safe and accommodating crossing options, median islands, pedestrian signals, curb extensions, narrower travel lanes, and roundabouts. Recipients of Federal financial assistance are required to ensure the accessibility of pedestrian facilities in the public right-of-way. See Section F.2 of this NOFO for program requirements.

The NOFO aligns with and considers Departmental policy priorities that have a nexus to roadway safety and grant funding. As part of the Department’s implementation of Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619), the Department seeks to fund applications that, to the extent possible, target at least 40 percent of benefits towards low-income and underserved communities. DOT also seeks to award funds under the SS4A grant program that proactively address equity and barriers to opportunity, or redress prior inequities and barriers to opportunity. DOT supports the policies in Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009), to pursue a comprehensive approach to advancing equity for all, including people of color, rural communities, and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. An important area for DOT’s focus is the disproportionate, adverse safety impacts that affect certain groups

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9 https://www.transportation.gov/NRSS
10 https://www.transportation.gov/dot-strategic-plan
11 Complete Streets are defined in the Definitions table at the beginning of the document.
12 More information on Complete Streets can be found at https://highways.dot.gov/complete-streets
on our roadways, particularly people walking and biking in underserved communities. See Section F.2.i of this NOFO for equity-related program requirements.

As part of the United States’ commitment to a whole-of-government approach to reaching net-zero emissions economy-wide by 2050 and a 50–52 percent reduction in emissions from 2005 levels by 2030, BIL and its associated transportation funding programs permit historic investments to improve the resilience of transportation infrastructure, helping States and communities prepare for hazards such as wildfires, floods, storms, and droughts exacerbated by climate change. DOT’s goal is to encourage the advancement of projects and strategies that address climate change and sustainability. To enable this, the Department encourages applicants to consider climate change and sustainability throughout the planning and project development process, including the extent to which projects and strategies under the SS4A grant program align with the President’s greenhouse gas reduction, climate resilience, and environmental justice commitments.

The Department intends to use the SS4A grant program to support the creation of good-paying jobs with the free and fair choice to join a union, and the incorporation of strong labor standards and workforce programs, in particular registered apprenticeships, joint labor-management programs, or other high-quality workforce training programs, including high-quality pre-apprenticeships tied to registered apprenticeships, in project planning stages and program delivery. Grant applications that incorporate such considerations support a strong economy and labor market.

Consistent with the Department’s Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative, the Department seeks to award funding to rural applications that address disproportionately high fatality rates in rural communities. For applicants seeking to use innovative technologies and strategies, the Department’s Innovation Principles serve as a guide to ensure innovations reduce deaths and serious injuries while committing to the highest standards of safety across technologies.¹³

B. Federal Award Information

1. Total Funding Available

The BIL established the SS4A program with $5,000,000,000 in advanced appropriations in Division J, including $1,000,000,000 for FY 2022. Therefore, this Notice makes available up to $1 billion for FY 2022 grants under the SS4A program. Refer to Section D for greater detail on additional funding considerations and Section D.5 for funding restrictions.

2. Availability of Funds

Grant funding obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements. Unless authorized by DOT in writing after DOT’s announcement of FY 2022 SS4A grant awards, any costs incurred prior to DOT’s obligation of funds for activities (“pre-award costs”) are ineligible for reimbursement. All FY 2022 SS4A funds must be expended within five years after the grant agreement is executed and DOT obligates the funds.

3. Award Size and Anticipated Quantity

In FY 2022, DOT expects to award hundreds of Action Plan Grants, and up to one hundred Implementation Grants. The Department reserves the right to make more, or fewer, awards. DOT reserves the discretion to alter minimum and maximum award sizes upon receiving the full pool of applications and assessing the needs of the program in relation to the SS4A grant priorities in Section A.3.

i. Action Plan Grants

For Action Plan Grants, award amounts will be based on estimated costs, with an expected minimum of $200,000 for all applicants, an expected maximum of $1,000,000 for a political subdivision of a State or a federally recognized Tribal government, and an expected maximum of $5,000,000 for a metropolitan planning organization (MPO) or a joint application comprised of a multijurisdictional group of entities that is regional in scope (e.g., a multijurisdictional group of counties, a council of governments and cities within the same region, etc.). The Department will consider applications with funding requests under the expected minimum award amount. DOT reserves the right to make Action Grant awards less than the total amount requested by the applicant.

Joint applications that engage multiple jurisdictions in the same region are encouraged, in order to ensure collaboration across multiple jurisdictions and leverage the expertise of agencies with established financial relationships with DOT and knowledge of Federal grant administration requirements. Applicants may propose development of a single Action Plan covering all jurisdictions, or several plans for individual jurisdictions, administered by the leading agency.

ii. Implementation Plan Grants

For Implementation Grants, DOT expects the minimum award will be $5,000,000 and the maximum award will be $30,000,000 for political subdivisions of a State. For applicants who are federally recognized Tribal governments or applicants in rural areas, DOT expects the minimum award will be $3,000,000 and the maximum award will be $30,000,000. For an MPO or a joint application comprised of a multijurisdictional group of entities that is regional in scope, the expected maximum award will be $50,000,000. For the purposes of the SS4A grant program award size minimum, rural is defined as an area outside an Urbanized Area (UA) or located within a UA with a population of fewer than 200,000. DOT reserves the right to make Implementation Grant awards less than the total amount requested by the applicant.

4. Start Dates and Period of Performance

DOT expects to obligate SS4A award funding via a signed grant agreement between the Department and the recipient, as flexibly and expeditiously as possible, within 12 months after awards have been announced. Applicants who have never received Federal funding from DOT before are encouraged to partner with eligible applicants within the same region, such as an MPO, that have established financial relationships with DOT and knowledge of Federal grant administration requirements. While States are not eligible applicants and cannot be a co-applicant, eligible applicants are encouraged to separately partner with States and other entities experienced with administering Federal grants, outside of the SS4A grant award process, to ensure effective administration of a grant award. The expected period of

14 Current lists of Urbanized Areas are available on the U.S. Census Bureau website at http://www2.census.gov/geo/maps/dcl0map/uautc_refmap/ua/. For the purposes of the SS4A program, Urbanized Areas with populations fewer than 200,000 will be considered rural.
performance for Action Plan Grant agreements is between 12 and 24 months. The period of performance for Implementation Grant agreements may not exceed five years.

Because award recipients under this program may be first-time recipients of Federal funding, DOT is committed to implementing the program as flexibly as permitted by statute and to providing assistance to help award recipients through the process of securing a grant agreement and delivering both Action Plan activities and Implementation Grant projects and strategies.

5. Data Collection Requirements

Under the BIL, the Department shall post on a publicly available website best practices and lessons learned for preventing roadway fatalities and serious injuries pursuant to strategies or interventions implemented under SS4A. Additionally, DOT shall evaluate and incorporate, as appropriate, the effectiveness of strategies and interventions implemented under the SS4A grant program.\(^\text{15}\) The Department intends to measure safety outcomes through a combination of grant agreement activities and data collections, DOT data collections already underway, and program evaluations separate from the individual grant agreements in accordance with Section F.3.iii. The grant data-collection requirements reflect the need to build evidence of noteworthy strategies and what works. The Department expects to use the data and outcome information collected as part of the SS4A in evaluations focused on before and after studies.

All award recipients shall submit a report that describes:

• The costs of each eligible project and strategy carried out using the grant;
• The roadway safety outcomes and any additional benefits (e.g., increased walking, biking, or transit use without a commensurate increase in crashes, etc.) that each such project and strategy has generated, as—
  o Identified in the grant application; and
  o Measured by data, to the maximum extent practicable; and
• The lessons learned and any recommendations relating to future projects or strategies to prevent death and serious injury on roads and streets.

All recipients must provide aggregated annual crash data on serious injuries and fatalities for the duration of the period of performance for the jurisdiction or jurisdictions for which funds were awarded. These data will provide the information for metrics on changes in serious injuries and fatalities over time. Implementation Grant recipients must also provide crash data on serious injury and fatalities in the locations where projects and strategies are implemented, which are expected to include crash characteristics and contributing factor information associated with the safety problems being addressed. Data that measure outcomes for the specific safety problems addressed are required and could include, but are not limited to, aggregated information by road user, safety issue, and demographic characteristics such as race and gender. For Implementation Grants that undertake projects and strategies to foster applied research and experimentation to inform project and strategy effectiveness, additional data collection requirements will be negotiated with the applicant before a grant agreement is established. Federally recognized Tribal governments receiving grants may request alternative data collection

\(^{15}\) BIL specifically cites *Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices, Ninth Edition* or any successor document, but DOT also is to consider applied research focused on infrastructure and operational projects and strategies.
requirements during grant agreement formulation, as appropriate. This information will be gathered on a quarterly basis in a Performance Progress Report (SF-PPR).\textsuperscript{16}

To fulfill the data collection requirements and in accordance with the U.S. DOT Public Access Plan, award recipients must consider, budget for, and implement appropriate data management, for data and information outputs acquired or generated during the course of the grant.\textsuperscript{17}, \textsuperscript{18} Applicants are expected to account for data and performance reporting in their budget submission.

C. Eligibility Information

1. Eligible Applicants

Eligible applicants for SS4A grants are (1) a metropolitan planning organization (MPO); (2) a political subdivision of a State or territory; (3) a federally recognized Tribal government; and (4) a multi-jurisdictional group of entities described in any of the aforementioned three types of entities. A multi-jurisdictional group of entities described in (4) should identify a lead applicant as the primary point of contact. For the purposes of this NOFO, a political subdivision of a State under (2), above, is defined as a unit of government under the authority of State law. This includes cities, towns, counties, special districts, and similar units of local government. A transit district, authority, or public benefit corporation is eligible if it was created under State law, including transit authorities operated by political subdivisions of a State. States are not eligible applicants, but DOT encourages applicants to coordinate with State entities, as appropriate.

Eligible MPOs, transit agencies, and multi-jurisdictional groups of entities with a regional scope are encouraged to support subdivisions of a State such as cities, towns, and counties with smaller populations within their region. The Department strongly encourages such joint applications for Action Plan Grants, and for applicants who have never received Federal funding and can jointly apply with entities experienced executing DOT grants.

An eligible applicant for Implementation Grants must also meet at least one of these conditions: (1) have ownership and/or maintenance responsibilities over a roadway network; (2) have safety responsibilities that affect roadways; or (3) have agreement from the agency that has ownership and/or maintenance responsibilities for the roadway within the applicant’s jurisdiction. For the purposes of this NOFO, an applicant’s jurisdiction is defined as the U.S. Census tracts where the applicant operates or performs their safety responsibilities.

2. Cost Sharing or Matching

The Federal share of a SS4A grant may not exceed 80 percent of total eligible activity costs. Recipients are required to contribute a local matching share of no less than 20 percent of eligible activity costs. All matching funds must be from non-Federal sources. In accordance with 2 CFR § 200.306, grant recipients may use in-kind or cash contributions toward local match requirements so long as those contributions meet the requirements under 2 CFR § 200.306(b). Matching funds may include funding from the applicant, or other SS4A-eligible non-Federal sources partnering with the applicant, which could include, but is not limited to, funds from the State. Any in-kind contributions used to fulfill the cost-share requirement for Action Plan and Implementation Grants must: be in accordance with the cost

\textsuperscript{16} https://www.sbir.gov/sites/default/files/SF%20PPR.pdf
\textsuperscript{17} https://doi.org/10.21949/1520559
\textsuperscript{18} United States. Department of Transportation. (2022) \textit{DOT Public Access [Home page]}. https://doi.org/10.21949/1503647
principles in 2 CFR § 200 Subpart E; include documented evidence of completion within the period of performance; and support the execution of the eligible activities in Section C.4.

SS4A funds will reimburse recipients only after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted. Grant agreements are expected to be administered on a reimbursement basis, and at the Department’s discretion alternative funding arrangements may be established on a case-by-case basis.

3. Grant Eligibility Requirements

If an applicant is eligible for both an Action Plan Grant and an Implementation Grant, the applicant may only apply for an Action Plan Grant or an Implementation Grant, not both. An eligible applicant may only submit one application to the funding opportunity. Action Plan Grant funding recipients are not precluded from applying for Implementation Grants in future funding rounds.

i. Action Plan Grant Eligibility Requirements

The Action Plan Grant eligibility requirements are contingent on whether an applicant is requesting funds to develop or complete an Action Plan, or if the applicant is requesting funds for supplemental action plan activities. Applicants may not apply to develop or complete an Action Plan and fund supplemental action plan activities in the current round of funding.

a) Eligibility Requirements to Develop or Complete an Action Plan

Any applicant that meets the eligibility requirements may apply for an Action Plan Grant to develop or complete an Action Plan. Applicants with an existing Action Plan may also apply to develop a new Action Plan.

b) Eligibility Requirements for Supplemental Action Plan Activities

Applicants for Action Plan Grants to fund supplemental action plan activities must either have an established Action Plan with all components described in Table 1 in Section A, or an existing plan that is substantially similar and meets the eligibility requirements. Table 2 below provides instructions to determine eligibility for applicants that have a substantially similar plan. The components required for an established plan to be substantially similar to an Action Plan may be found in multiple plans. State-level action plans (e.g., a Strategic Highway Safety Plan required in 23 U.S. Code (U.S.C.) § 148, State Highway Safety Plans required in 23 U.S.C. § 402, etc.) or Public Transportation Agency Safety Plans in 49 U.S.C. § 5329 cannot be used as an established plan. It is recommended that applicants include this eligibility worksheet as part of their narrative submission. If this Self-Certification Eligibility Worksheet is not used, applicants must describe how their established plan is substantially similar to an Action Plan as part of the Narrative, based on the criteria in Table 2 below.
Table 2: Self-Certification Eligibility Worksheet

Worksheet instructions: The purpose of the worksheet is to determine whether an applicant’s existing plan is substantially similar to an Action Plan, or not. For each question below, answer yes or no. For each yes, cite the specific page in your existing Action Plan or other plan/plans that corroborate your response, provide supporting documentation, or provide other evidence. Refer to Table 1 for further details on each component. Note: The term Action Plan is used in this worksheet; it covers either a stand-alone Action Plan or components of other plans that combined comprise an Action Plan.

Instructions to affirm eligibility: Based on the questions in this eligibility worksheet, an applicant is eligible to apply for an Action Plan Grant that funds supplemental action plan activities, or an Implementation Grant, if the following two conditions are met:

- Questions 3, 7, and 9 are answered “yes.” If Question 3, 7, or 9 is answered “no,” the plan is not substantially similar and ineligible to apply for Action Plan funds specifically for a supplemental action plan activity, nor an Implementation Grant.
- At least four of the six remaining Questions are answered “yes” (Questions 1, 2, 4, 5, 6, or 8).

If both conditions are met, an applicant has a substantially similar plan.

<table>
<thead>
<tr>
<th>Question</th>
<th>Response, Document and Page Number</th>
</tr>
</thead>
</table>
| 1. Are both of the following true:  
  - Did a high-ranking official and/or governing body in the jurisdiction publicly commit to an eventual goal of zero roadway fatalities and serious injuries?  
  - Did the commitment include either setting a target date to reach zero, OR setting one or more targets to achieve significant declines in roadway fatalities and serious injuries by a specific date? | |
<p>| 2. To develop the Action Plan, was a committee, task force, implementation group, or similar body established and charged with the plan’s development, implementation, and monitoring? | |</p>
<table>
<thead>
<tr>
<th>Question</th>
<th>Response, Document and Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Does the Action Plan include all of the following?</td>
<td></td>
</tr>
<tr>
<td>• Analysis of existing conditions and historical trends to baseline the level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region;</td>
<td></td>
</tr>
<tr>
<td>• Analysis of the location(s) where there are crashes, the severity, as well as contributing factors and crash types;</td>
<td></td>
</tr>
<tr>
<td>• Analysis of systemic and specific safety needs is also performed, as needed (e.g., high risk road features, specific safety needs of relevant road users; and</td>
<td></td>
</tr>
<tr>
<td>• A geospatial identification (geographic or locational data using maps) of higher risk locations.</td>
<td></td>
</tr>
<tr>
<td>4. Did the Action Plan development include all of the following activities?</td>
<td></td>
</tr>
<tr>
<td>• Engagement with the public and relevant stakeholders, including the private sector and community groups;</td>
<td></td>
</tr>
<tr>
<td>• Incorporation of information received from the engagement and collaboration into the plan; and</td>
<td></td>
</tr>
<tr>
<td>• Coordination that included inter- and intra- governmental cooperation and collaboration, as appropriate.</td>
<td></td>
</tr>
<tr>
<td>5. Did the Action Plan development include all of the following?</td>
<td></td>
</tr>
<tr>
<td>• Considerations of equity using inclusive and representative processes;</td>
<td></td>
</tr>
<tr>
<td>• The identification of underserved communities through data; and</td>
<td></td>
</tr>
<tr>
<td>• Equity analysis, in collaboration with appropriate partners, focused on initial equity impact assessments of the proposed projects and strategies, and population characteristics.</td>
<td></td>
</tr>
<tr>
<td>Question</td>
<td>Response, Document and Page Number</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>6. Are both of the following true?</td>
<td></td>
</tr>
<tr>
<td>• The plan development included an assessment of current policies, plans, guidelines, and/or standards to identify opportunities to improve how processes prioritize safety; and</td>
<td></td>
</tr>
<tr>
<td>• The plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards.</td>
<td></td>
</tr>
<tr>
<td>7. Does the plan identify a comprehensive set of projects and strategies to address the safety problems identified in the Action Plan, time ranges when the strategies and projects will be deployed, and explain project prioritization criteria?</td>
<td></td>
</tr>
<tr>
<td>8. Does the plan include all of the following?</td>
<td></td>
</tr>
<tr>
<td>• A description of how progress will be measured over time that includes, at a minimum, outcome data</td>
<td></td>
</tr>
<tr>
<td>• The plan is posted publicly online.</td>
<td></td>
</tr>
<tr>
<td>9. Was the plan finalized and/or last updated between 2017 and 2022?</td>
<td></td>
</tr>
</tbody>
</table>

ii. Implementation Grant Eligibility Requirements

To apply for an Implementation Grant, the applicant must certify that they have an existing plan which is substantially similar to an Action Plan. The plan or plans should be uploaded as an attachment to your application. Use Table 2, Self-Certification Eligibility Worksheet, from the previous section to determine eligibility. The existing plan must be focused, at least in part, on the roadway network within the applicant’s jurisdiction. The components required for an existing plan to be substantially similar to an Action Plan may be found in multiple plans. State-level action plans (e.g., a Strategic Highway Safety Plan required in 23 U.S.C. § 148, State Highway Safety Plans required in 23 U.S.C. § 402, Commercial Vehicle Safety Plans required in 49 U.S.C. § 31102, etc.) as well as Public Transportation Agency Safety Plans in 49 U.S.C. § 5329 cannot be used as an established plan to apply for an Implementation Grant.
4. Eligible Activities and Costs

i. Eligible Activities

Broadly, eligible activity costs must comply with the cost principles set forth in 2 CFR, Subpart E (i.e., 2 CFR § 200.403 and § 200.405). DOT reserves the right to make cost eligibility determinations on a case-by-case basis. Eligible activities for grant funding include the following three elements:

- (A) developing a comprehensive safety action plan or Action Plan (i.e., the activities outlined in Section A.2.i in Table 1 and the list of supplemental Action Plan activities);
- (B) conducting planning, design, and development activities for projects and strategies identified in an Action Plan; and
- (C) carrying out projects and strategies identified in an Action Plan.

For Action Plan Grants, eligible activities and costs only include those that directly assist in the development of the Action Plan, element (A), and/or supplemental action plan activities in support of an existing Action Plan or plans.

For Implementation Grants, activities must include element (C) “carrying out projects and strategies identified in an Action Plan,” and may include element (B) “conducting planning, design, and development activities for projects and strategies identified in an Action Plan” and/or element (A) “supplemental action plan activities in support of an existing Action Plan.” Projects and strategies identified in element (C) must be either infrastructure, behavioral, or operational activities identified in the Action Plan, and must be directly related to addressing the safety problem(s) identified in the application and Action Plan. Examples of eligible Implementation Grant activities are listed on the SS4A website located at www.transportation.gov/SS4A. The following activities are not eligible for element (C) “projects and strategies” funding:

- Projects and strategies whose primary purpose is not roadway safety.
- Projects and strategies exclusively focused on non-roadway modes of transportation, including air, rail, marine, and pipeline. Roadway intersections with other modes of transportation (e.g., at-grade highway rail crossings, etc.) are eligible activities.
- Capital projects to construct new roadways used for motor vehicles. New roadways exclusively for non-motorists is an eligible activity if the primary purpose is safety-related.
- Infrastructure projects primarily intended to expand capacity to improve Levels of Service for motorists on an existing roadway, such as the creation of additional lanes.
- Maintenance activities for an existing roadway primarily to maintain a state of good repair. However, roadway modifications on an existing roadway in support of specific safety-related projects identified in an Action Plan are eligible activities.
- Development or implementation of a public transportation agency safety plan (PTASP) required by 49 U.S.C. § 5329. However, a PTASP that identifies and addresses risks to pedestrians, bicyclists, personal conveyance and micromobility users, transit riders, and others may inform Action Plan development.
All projects and strategies must have equity—the consistent, fair, just, and impartial treatment of all people—at their foundation. This includes traffic enforcement strategies. As part of the Safe System Approach adopted in the USDOT’s National Roadway Safety Strategy, any activities related to compliance or enforcement efforts to make our roads safer should affirmatively improve equity outcomes as part of a comprehensive approach to achieve zero roadway fatalities and serious injuries. The SS4A program can be used to support safety projects and strategies that address serious safety violations of drivers (e.g., speeding, alcohol and drug-impaired driving, etc.), so long as the proposed strategies are data-driven and demonstrate a process in alignment with goals around community policing and in accordance with Federal civil rights laws and regulations.19

Funds may not be used, either directly or indirectly, to support or oppose union organizing.

ii. Project and Strategy Location

For Implementation Grants, applications must identify the problems to be addressed, the relevant geographic locations, and the projects and strategies they plan to implement, based on their Action Plan or established plan. This should include specific intervention types to the extent practicable. To provide flexibility in the implementation of projects and strategies that involve systemic safety strategies or bundling of similar countermeasures, an applicant may wait to specify specific site locations and designs for the projects and strategies as part of executing the grant agreement, if necessary, upon approval of the Department and so long as the identified site locations and designs remain consistent with the intent of the award.

D. Application and Submission Information

1. Address to Request Application Package

All grant application materials can be accessed at grants.gov. Applicants must submit their applications via grants.gov under the Notice of Funding Opportunity Number cited herein. Potential applicants may also request paper copies of materials at:

Telephone: (202)-366-4114
Mail: U.S. Department of Transportation
      1200 New Jersey Avenue SE
      W84-322
      Washington, DC 20590

2. Content and Form of Application Submission

The Action Plan Grant and Implementation Grant have different application submission and supporting document requirements.

i. Action Plan Grant Application Submissions

All Action Plan Grant applications must submit the following Standard Forms (SFs):

- Application for Federal Assistance (SF-424)
- Budget Information for Non-Construction Programs (SF-424A)

19 For one such example see https://cops.usdoj.gov/RC/Publications/cops-p157-pub.pdf.
• Assurances for Non-Construction Programs (SF-424B)
• Disclosure of Lobbying Activities (SF-LLL)

In addition to the SFs above, the applicant must provide: a) Key Information; b) Narrative; c) Self-Certification Eligibility Worksheet, if applying for action plan supplemental activities; d) Map; and e) Budget. While it is not required to conform to the recommended templates below, it is strongly encouraged to provide the information using the specific structure provided in this NOFO.

a) Key Information Table

<table>
<thead>
<tr>
<th>Lead Applicant</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>If Multijurisdictional, additional eligible entities jointly applying</td>
<td></td>
</tr>
<tr>
<td>Total jurisdiction population</td>
<td></td>
</tr>
<tr>
<td>Count of motor-vehicle-involved roadway fatalities from 2016 to 2020</td>
<td></td>
</tr>
<tr>
<td>Fatality rate per 100,000 persons</td>
<td></td>
</tr>
<tr>
<td>Action Plan Type</td>
<td>New Action Plan</td>
</tr>
<tr>
<td></td>
<td>Complete Action Plan</td>
</tr>
<tr>
<td></td>
<td>Supplemental Planning Activities</td>
</tr>
<tr>
<td>Population in Underserved Communities</td>
<td></td>
</tr>
<tr>
<td>States(s) in which projects and strategies are located</td>
<td></td>
</tr>
<tr>
<td>Costs by State (if project spans more than one State)</td>
<td></td>
</tr>
</tbody>
</table>

Instructions for a):

• The lead applicant is the primary jurisdiction, and the lead eligible entity applying for the grant.
• If the application is multijurisdictional, list additional eligible entities within the multijurisdictional group of entities. If a single applicant, mark as not applicable.
• Total jurisdiction population is based on 2020 2019 U.S. Census American Community Survey (ACS) data and includes the total population of all Census tracts where the applicant operates or performs their safety responsibilities. 20

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The count of roadway fatalities from 2016 to 2020 in the jurisdiction based on DOT’s Fatality Analysis Reporting System (FARS) data, an alternative traffic fatality dataset, or a comparable data set with roadway fatality information. This should be a number. Cite the source, if using a dataset different from FARS, with a link to the data if publicly available.

The fatality rate, calculated using the **5-year annual** average from the total count of fatalities from 2016 to 2020 based on FARS data, an alternative traffic fatality dataset, or a comparable data set with roadway fatality information, which is divided by the population of the applicant’s jurisdiction based on the 2019 U.S. Census ACS population data. The rate should be normalized to per 100,000 persons.

Check one of the three available boxes to the right of the column with the three Action Plan types: new Action Plan; Action Plan completion; or supplemental action plan activities.

The population in underserved communities should be a percentage obtained by dividing the population living in Census tracts with an Underserved Community designation divided by the total population living in the jurisdiction. For multi-jurisdictional groups, provide this information in aggregate as well as for each jurisdiction in the group. The population must be based on 2019 ACS data.

Note the State(s) of the applicants. If a federally recognized Tribal government, mark as not applicable.

Allocate funding request amounts by State based on where the funds are expected to be spent. If the projects and strategies are located in only one State, put the full funding request amount.

b) Narrative

In narrative form, the applicant should respond to the Action Plan Grant selection criteria described in Section E.1.i to affirm whether the applicant has considered certain activities that will enhance the implementation of an Action Plan once developed or updated. The narrative must be no longer than 300 words.

b) Self-Certification Eligibility Worksheet

If applying for Action Plan Grant funding supplemental action plan activities, attach the filled out Table 2 Self-Certification Eligibility Worksheet. If applying to develop or complete an Action Plan, do not include Table 2.

c) Map

The applicant must submit a map that shows the location of the jurisdiction and highlights the roadway network under the applicant’s jurisdiction. The permissible formats include: map web link (e.g., Google, Bing, etc.), PDF, image file, vector file, or shapefile.

d) Budget

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Applicants are required to provide a brief budget summary and a high-level overview of estimated activity costs, as organized by all major cost elements. The budget only includes costs associated with the eligible activity (A) developing a comprehensive safety action plan and may include supplemental action plan activities. Funding sources should be grouped into two categories: SS4A Funding Federal share, and non-Federal share funds. The costs or value of in-kind matches should also be provided. This budget should not include any previously incurred expenses, or costs to be incurred before the time of award. DOT requires applicants use SF-424A to provide this information.

ii. Implementation Grant Application Submissions

Implementation Grant applications must submit the following Standard Forms (SFs):

- Application for Federal Assistance (SF-424)
- Budget Information for Construction Programs (SF-424C)
- Assurances for Construction Programs (SF-424D)
- Disclosure of Lobbying Activities (SF-LLL)

In addition to the SFs above, the applicant must provide: a) Key Information; b) Narrative; c) Self-Certification Eligibility Worksheet; and d) Budget. While it is not required to conform to the recommended template in the Key Information Table below, it is strongly encouraged to provide the information using the specific structure provided in this NOFO.

a) Key Information Table

<table>
<thead>
<tr>
<th>Application Name</th>
<th>Ownership and/or maintenance responsibilities over a roadway network</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead Applicant</td>
<td>Safety responsibilities that affect roadways</td>
</tr>
<tr>
<td></td>
<td>Have an agreement from the agency that has ownership and/or maintenance responsibilities for the roadway within the applicant’s jurisdiction</td>
</tr>
<tr>
<td>If Multi-jurisdictional, additional eligible entities jointly applying</td>
<td></td>
</tr>
<tr>
<td>Roadway safety responsibility</td>
<td></td>
</tr>
<tr>
<td>Population in Underserved Communities</td>
<td></td>
</tr>
</tbody>
</table>
## Key Information Table

<table>
<thead>
<tr>
<th>States(s) in which activities are located</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs by State</td>
<td></td>
</tr>
<tr>
<td>Funds to Underserved Communities</td>
<td></td>
</tr>
<tr>
<td>Cost total for eligible activity (A) supplemental action plan activities in support of an existing Action Plan</td>
<td></td>
</tr>
<tr>
<td>Cost total for eligible activity (B) conducting planning, design, and development activities for projects and strategies identified in an Action Plan</td>
<td></td>
</tr>
<tr>
<td>Cost total for eligible activity (C) carrying out projects and strategies identified in an Action Plan</td>
<td></td>
</tr>
<tr>
<td>Action Plan or Established Plan Link</td>
<td></td>
</tr>
</tbody>
</table>
Instructions for a)
- Provide a grant application name to accompany the grant application.
- The lead applicant is the primary jurisdiction, and the lead eligible entity applying for the grant.
- If the application is multijurisdictional, list additional eligible entities within the multijurisdictional group of entities. If a single applicant, leave blank.
- The roadway safety responsibility response should check one of the three answers to meet eligibility conditions.
- The population in Underserved Community Census Tracts should be a percentage number obtained by dividing the population living in Underserved Community Census tracts within the jurisdiction divided by the total population living in the jurisdiction. The population must be based on 2019 ACS data.
- Identify State(s) in which the applicant is located in. If a federally recognized Tribal government, leave blank.
- The total amount of funds to underserved communities is the amount of spent in, and provide safety benefits to, locations in census tracts designated as underserved communities.
- For each State, allocate funding request amounts divided up by State based on where the funds are expected to be spent. If the applicant is located in in only one State, put the full funding request amount only.
- Provide a weblink to the plan that serves as the Action Plan or established plan that is substantially similar. This may be attached as a supporting PDF document instead; if so please write “See Supporting Documents.”

b) Narrative

The Department recommends that the narrative follows the outline below to address the program requirements and assist evaluators in locating relevant information. The narrative may not exceed 10 pages in length, excluding cover pages and the table of contents. Key information, the Self-Certification Eligibility Worksheet, and Budget sections do not count towards the 10-page limit. Appendices may include documents supporting assertions or conclusions made in the 10-page narrative and also do not count towards the 10-page limit. If possible, website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the narrative the relevance of each supporting document.

<table>
<thead>
<tr>
<th>I. Overview</th>
<th>See D.2.ii.b.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>II. Location</td>
<td>See D.2.ii.b.II</td>
</tr>
<tr>
<td>III. Response to Selection Criteria</td>
<td>See D.2.ii.b.III and Section E.1.ii</td>
</tr>
<tr>
<td>IV. Project Readiness</td>
<td>See D.2.ii.b.IV</td>
</tr>
</tbody>
</table>

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I. Overview

This section should provide an introduction, describe the safety context, jurisdiction, and any high-level background information that would be useful to understand the rest of the application.

II. Location

This section of the application should describe the jurisdiction’s location, the jurisdiction’s High-Injury Network or equivalent geospatial identification (geographic or locational data using maps) of higher risk locations, and potential locations and corridors of the projects and strategies. Note that the applicant is not required to provide exact locations for each project or strategy; rather, the application should identify which geographic locations are under consideration for projects and strategies to be implemented and what analysis will be used in a final determination.

III. Response to Selection Criteria

This section should respond to the criteria for evaluation and selection in Section E.1.ii of this Notice and include compelling narrative to highlight how the application aligns with criteria #1 Safety Impact; #2 Equity, Engagement, and Collaboration; #3 Effective Practices and Strategies; and #4 Climate Change and Sustainability, and Economic Competitiveness. Note, criterion #1 Safety Impact assesses “implementation cost” information, which will be described in SF-424C and the d) Budget of the narrative and does not need to be duplicated in this portion of the narrative.

The applicant must respond to each of the four criteria. Applicants are not required to follow a specific format, but the organization provided, which addresses each criterion separately, promotes a clear discussion that assists evaluators. To minimize redundant information in the application, the Department encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application. To the extent practical, DOT encourages applicants to use and reference existing content from their Action Plan/established plan(s) to demonstrate their comprehensive, evidence-based approach to improving safety.

IV. Project Readiness

The applicant must provide information to demonstrate the applicant’s ability to substantially execute and complete the full scope of work in the application proposal within five years of when the grant is executed, with a particular focus on design and construction, as well as environmental, permitting, and approval processes. Applicants should indicate if they will be seeking permission to use roadway design standards that are different from those generally applied by the State in which the project is located. As part of this portion of the narrative, the applicant must include a detailed activity schedule that identifies all major project and strategy milestones. Examples of such milestones include: State and local planning approvals; start and completion of National Environmental Policy Act and other Federal environmental reviews and approvals including permitting; design completion; right of way acquisition; approval of plans, specifications, and estimates; procurement; State and local approvals; public involvement; partnership and implementation agreements; and construction. Environmental review documentation should describe in detail known project impacts, and possible mitigation for those impacts. When a project results in impacts, it is expected an award recipient will take steps to engage the public. For additional guidance and resources, visit www.transportation.gov/SS4A.

c) Self-Certification Eligibility Worksheet
Attach a completed Table 2: Self-Certification Eligibility Worksheet.

d) Budget

This section of the application should describe the budget for the SS4A proposal. Applicants are required to provide a brief budget summary and provide a high-level overview of estimated activity costs, as organized by all major cost elements. The budget should provide itemized estimates of the costs of the proposed projects and strategies at the individual component level. This includes capital costs for infrastructure safety improvements and costs associated with behavioral and operational safety projects and strategies. The section should also distinguish between the three eligible activity areas: (A) supplementing action plan activities in support of an existing Action Plan; (B) conducting planning, design, and development activities for projects and strategies identified in an Action Plan; and (C) carrying out projects and strategies identified in an Action Plan.

Funding sources should be grouped into two categories: SS4A funding Federal share, and non-Federal share funds. Estimated costs or value of in-kind matches should also be provided. The budget should show how each source of funds will be spent. This budget should not include any previously incurred expenses, or costs to be incurred before the time of award and obligation because these expenses are not eligible for reimbursement or cost-sharing. If non-Federal share funds or in-kind contributions are from entities who are not the applicant, include commitment letters or evidence of allocated cost share as a supporting document. DOT requires applicants use form SF-424C, and the applicant must also provide the information in Table 3 below.

**Table 3: Supplemental Estimated Budget**

<table>
<thead>
<tr>
<th>Subtotal Budget for (A) supplemental action plan activities</th>
<th>$0.00</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Itemized Estimated Costs of the (A) supplemental action plan activities</strong></td>
<td></td>
</tr>
<tr>
<td>Item #1</td>
<td>$0.00</td>
</tr>
<tr>
<td>Item #2</td>
<td>$0.00</td>
</tr>
<tr>
<td>Subtotal Budget for (B) conducting planning, design, and development activities</td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Itemized Estimated Costs of the (B) planning, design, and development activities</strong></td>
<td></td>
</tr>
<tr>
<td>Item #1</td>
<td>$0.00</td>
</tr>
<tr>
<td>Item #2</td>
<td>$0.00</td>
</tr>
<tr>
<td>Item #3</td>
<td>$0.00</td>
</tr>
<tr>
<td>Subtotal Budget for (C) carrying out projects and strategies</td>
<td>$0.00</td>
</tr>
</tbody>
</table>
### Itemized Estimated Costs of the (C) proposed projects and strategies

<table>
<thead>
<tr>
<th>Item #</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item #1</td>
<td>$0.00</td>
</tr>
<tr>
<td>Item #2</td>
<td>$0.00</td>
</tr>
<tr>
<td>Item #3</td>
<td>$0.00</td>
</tr>
<tr>
<td>Item #4</td>
<td>$0.00</td>
</tr>
<tr>
<td>Subtotal Funds to Underserved Communities</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

3. **Unique Entity Identifier and System for Award Management (SAM)**

Each applicant is required to: (i) be registered in SAM (https://sam.gov/content/home) before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. DOT may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time DOT is ready to make an award, DOT may determine that the applicant is not qualified to receive an award and use that determination as a basis for making an award to another applicant.

4. **Submission Dates and Times**

Applications must be submitted by 5:00 PM EDT on Thursday, September 15, 2022.

5. **Funding Restrictions**

Per BIL requirements, not more than 15 percent of the funds made available to carry out the SS4A program in FY22 may be awarded to eligible applicants in a single State. In addition, 40 percent of the total FY22 funds made available must be for developing and updating a comprehensive safety action plan, or supplemental action plan activities.

6. **Other Submission Requirements**

The format of the Section D.2 application submission should be in PDF format, with font size no less than 12-point Times New Roman, margins a minimum of 1 inch on all sides, and include page numbers.

The complete application must be submitted via grants.gov. In the event of system problems or the applicant experiences technical difficulties, contact grants.gov technical support via telephone at 1-800-518-4726 or email at support@grants.gov.

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23 Funding for Tribal lands will be treated as their own State and will not count toward a State’s 15% limit.
E. Application Review Information

1. Selection Criteria

This section specifies the criteria DOT will use to evaluate and select applications for SS4A grant awards. The Department will review merit criteria for all applications. Each of the two grant types to be made available through the SS4A grant program, Action Plan Grant and Implementation Grant, will have its own set of application review and selection criteria.

i. Action Plan Grant Selection Criteria

For Action Plan Grants, the Department will use three evaluation criteria. The Department will evaluate quantitative data in two selection criteria areas: #1 Safety Impact; and #2 Equity. The Department will also assess the narrative for #3 Additional Safety Considerations. Costs will also be considered.

Selection Criterion #1: Safety Impact. The activities are in jurisdictions that will likely support a significant reduction or elimination of roadway fatalities and serious injuries involving various road users, including pedestrians, bicyclists, public transportation users, personal conveyance and micromobility users, motorists, and commercial operators, within the timeframe proposed by the applicant. The Department will assess safety impact using two quantitative ratings:

- The count of roadway fatalities from 2016 to 2020 based on DOT’s FARS data, an alternative traffic crash dataset, or a comparable data set with roadway fatality information.\(^{24}\)
- The fatality rate, which is calculating using the 5-year annual average from the total count of fatalities from 2016 to 2020 (based on FARS data or an alternative traffic crash dataset) divided by the 2020 population of the applicant’s jurisdiction based on 2020 ACS data. The rate should be normalized to per 100,000 persons.

Selection Criterion #2: Equity. The activities will ensure equitable investment in the safety needs of underserved communities in preventing roadway fatalities and injuries, including rural communities. The Department will assess the equity criterion using one quantitative rating:

- The percentage of the population in the applicant’s jurisdiction that resides in an Underserved Community Census tract.\(^{25}\) Population of a Census tract, either a tract that is Underserved Community or not, must be based on 2020 ACS data U.S. Census population data.

Selection Criterion #3: Additional Safety Considerations. The Department will assess whether the applicant has considered any of the following in the development of the Action Plan:

- Employ low-cost, high-impact strategies that can improve safety over a wider geographical area;
- Engage with a variety of public and private stakeholders (e.g., inclusive community engagement, community benefit agreements, etc.);
- Seek to adopt innovative technologies or strategies to promote safety and equity; and

\(^{24}\) [https://cdan.dot.gov/query](https://cdan.dot.gov/query)  
\(^{25}\) [https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfe-c98b44525b04c7cc748a3674a](https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfe-c98b44525b04c7cc748a3674a)  
[https://usdot.maps.arcgis.com/apps/dashboards/999268777f4218867ceedfabe58a3a](https://usdot.maps.arcgis.com/apps/dashboards/999268777f4218867ceedfabe58a3a)
• Include evidence-based projects or strategies.

The applicant must address these considerations in narrative form.

**Additional Consideration: Budget Costs**

The Department will assess the extent to which the budget and costs to perform the activities required to execute the Action Plan Grant are reasonable based on 2 CFR § 200.404.

**ii. Implementation Grant Selection Criteria**

Implementation Grants have four merit criteria: #1 Safety Impact; #2 Equity, Engagement, and Collaboration; #3 Effective Practices and Strategies; and #4 Climate Change and Economic Competitiveness. Two additional considerations will also be used in the selection process: Project Readiness, and Funds to Underserved Communities. The response to each criterion, to the extent practicable, should be aligned with the applicant’s Action Plan. Below describes the specific content the applicant should respond to for each of these criteria.

**Selection Criterion #1: Safety Impact.** DOT will assess whether the proposal is likely to: significantly reduce or eliminate roadway fatalities and serious injuries; employ low-cost, high-impact strategies over a wide geographic area; and include evidence-based projects and strategies. Safety impact is the most important criterion and will be weighed more heavily in the review and selection process. The Department will assess the applicant’s description of the safety problem, safety impact assessment, and costs as part of the Safety Impact criterion:

• Description of the safety problem. DOT will assess the extent to which:
  o The safety problem is described, including historical trends, fatal and serious injury crash locations, contributing factors, and crash types by category of road user.
  o Crashes and/or crash risk are displayed in a High-Injury Network, hot spot analysis, or similar geospatial risk visualization.
  o Safety risk is summarized from risk models, hazard analysis, the identification of high-risk roadway features, road safety audits/assessments, and/or other proactive safety analyses.

• Safety impact assessment. DOT will assess the extent to which projects and strategies:
  o Align with and address the identified safety problems.
  o Are supported by evidence to significantly reduce or eliminate roadway fatalities and serious injuries involving various road users, including pedestrians, bicyclists, public transportation users, personal conveyance and micromobility users, motorists, and commercial vehicle operators.
  o Use low-cost, high-impact strategies and projects that can improve safety over a wider geographical area.
  o Measure safety impact through models, studies, reports, proven noteworthy practices, Crash Modification Factors (CMF), and other information on project and strategy effectiveness.
  o Include a multi-disciplinary, systemic approach that relies on redundancies to reduce safety risks.
  o Will have safety benefits that persist over time.
• Implementation Costs. DOT will assess the extent to which projects and strategies are itemized and summarized, including capital costs for infrastructure, behavioral, and operational safety improvements.

Selection Criterion #2: Equity, Engagement, and Collaboration. This criterion supports the legislative requirements to assess the extent to which the application ensures the equitable investment in the safety needs of underserved communities, and demonstrates engagement with a variety of public and private stakeholders. The response to this criterion should focus on equity, engagement, and collaboration in relation to the implementation of the projects and strategies. DOT will assess the extent to which projects and strategies:

• Ensure equitable investment in underserved communities in preventing roadway fatalities and serious injuries, including rural communities.
• Are designed to decrease existing disparities identified through equity analysis.
• Consider key population groups (e.g., people in underserved communities, children, seniors, Black, Latino, Indigenous and Native Americans, Asian Americans and Pacific Islanders, other persons of color, persons with disabilities, persons who live in rural areas, and persons otherwise adversely affected by persistent poverty or inequality) to ensure the impact to these groups is understood and addressed.
• Include equity analysis, both quantitative and qualitative, and stakeholder engagement in underserved communities as part of the development and implementation process.
• Include meaningful engagement with the public, including public involvement for underserved communities, community benefit agreements, and relevant stakeholders such as private sector and community groups, as part of implementation.
• Leverage partnerships within their jurisdiction, with other government entities, non-governmental organizations, the private sector, academic institutions, and/or other relevant stakeholders to achieve safety benefits while preventing unintended consequences for persons living in the jurisdiction.
• Inform representatives from areas impacted on implementation progress and meaningfully engage over time to evaluate the impact of projects and strategies on persons living in the jurisdiction.
• Align with the equity analysis performed as part of the development of an existing Action Plan.

Selection Criterion #3: Effective Practices and Strategies. DOT will assess the extent to which the application employs low-cost, high-impact strategies that can improve safety over a wide geographical area, includes evidence-based projects or strategies that improve safety, and seeks to adopt innovative technologies or strategies to promote safety and equity. The response to this criterion needs to address, at a minimum, one of the four effective practices and strategies from the list below, which includes: create a safer community; Safe System Approach; Complete Streets; and innovative practices and technologies. If the applicant responds to more than one of the four options, the option that is rated highest in the review process will be used for the rating of this criterion.

• Create a safer community. DOT will assess the extent to which the projects and strategies:
  o Establish basic, evidence-based roadway safety infrastructure features, including but not limited to sidewalks and separated bicycle lanes.
- Improve safety for all road users along a roadway network using proposed Public-Rights-of-Way Accessibility Guidelines (PROWAG).\(^{26}\)
- Use evidence-based, proven, and effective safety countermeasures to significantly improve existing roadways.\(^{27}\)
- Use evidence-based Countermeasures that Work with four or five stars to address persistent behavioral safety issues and consider equity in their implementation.\(^{28}\)
- Apply systemic safety practices that involve widely implemented improvements based on high-risk roadway features correlated with particular severe crash types.

- **Safe System Approach.** DOT will assess the extent to which the projects and strategies:
  - Encompass at least two of the five safety elements in the National Roadway Safety Strategy (Safer People, Safer Roads, Safer Speeds, Safer Vehicles, and Post-Crash Care). This may include a mix of infrastructure, behavioral, and operational safety projects and strategies.
  - Create a transportation system that accounts for and mitigates human mistakes.
  - Incorporate data-driven design features that are human-centric, limit kinetic energy, and are selected based on the physical limits of people’s crash tolerances before injury or death occurs.
  - Support actions and activities identified in the Department’s National Roadway Safety Strategy that are evidence-based.

- **Complete Streets.** DOT will assess the extent to which the projects and strategies:
  - Account for the safety of all road users in their implementation through evidence-based activities.
  - Are supported by an existing Complete Streets Policy that prioritizes safety in standard agency procedures and guidance or other roadway safety policies that have eliminated barriers to prioritizing the safety of all users, or includes supplemental planning activities to achieve this. Consider the management of the right of way using a data-driven approach (e.g., delivery access, features that promote biking and micromobility, electric vehicle charging infrastructure, etc.).
  - Improve accessibility and multimodal networks for people outside of a motor vehicle, including people who are walking, biking, rolling, public transit users, and have disabilities.
  - Incorporate the proposed PROWAG, and any actions in an established the American with Disabilities Act Transition Plan to correct barriers to individuals with disabilities.

- **Innovative practices and technologies.** DOT will assess the extent to which the projects and strategies:
  - Incorporate practices that promote efficiency within the planning and road management lifecycle (e.g., dig once, etc.).
  - Integrate additional data beyond roadway and crash information to inform implementation and location, such as data on the built environment.

\(^{26}\) [https://www.access-board.gov/prowag/](https://www.access-board.gov/prowag/)
\(^{27}\) [https://safety.fhwa.dot.gov/provencountermeasures/](https://safety.fhwa.dot.gov/provencountermeasures/)
o Foster applied, data-driven research and experimentation to inform project and strategy effectiveness, including but not limited to participation in a sanctioned Manual on Uniform Traffic Control Devices experimentation, research to inform Proven Safety Countermeasures or Countermeasures that Work, and/or research that measures the effectiveness of multidisciplinary activities.

o Adopt innovative technologies or practices to promote safety and equity. These could include infrastructure, behavioral, operational, or vehicular safety-focused approaches.

**Selection Criterion #4:** Climate Change and Sustainability, and Economic Competitiveness. This program's focus on equity and safety are also advanced by considerations of how applications address climate and sustainability considerations, as well as whether applications support economic competitiveness. DOT will assess the extent to which the projects and strategies use safety strategies to support the Departmental strategic goals of climate change and sustainability, and economic strength and global competitiveness, and the extent to which the proposal is expected to:

- Reduce motor vehicle-related pollution such as air pollution and greenhouse gas emissions.
- Increase safety of lower-carbon travel modes such as transit and active transportation.
- Incorporate lower-carbon pavement and construction materials.
- Support fiscally responsible land use and transportation efficient design that reduces greenhouse gas emissions.
- Includes storm water management practices and incorporates other climate resilience measures or feature, including but not limited to nature-based solutions that improve built and/or natural environment while enhancing resilience.
- Lead to increased economic or business activity due to enhanced safety features for all road users.
- Increase mobility and expand connectivity for all road users to jobs and business opportunities, including people in underserved communities.
- Improve multimodal transportation systems that incorporate affordable transportation options such as public transit and micromobility.
- Demonstrate a plan or credible planning activities and project delivery actions to advance quality jobs, workforce programs, including partnerships with labor unions, training providers, education institutions, and hiring policies that promote workforce inclusion.
- Result in high-quality job creation by supporting good-paying jobs with a free and fair choice to join a union, incorporate strong labor standards (e.g., wages and benefits at or above prevailing; use of project labor agreements, registered apprenticeship programs, pre-apprenticeships tied to registered apprenticeships, etc.), and/or provide workforce opportunities for historically underrepresented groups (e.g., workforce development program, etc.).

**Additional Consideration: Project Readiness**

Applications rated as “Highly Recommended” or “Recommended” based on the selection Criteria 1 through 4 will be reviewed for Project Readiness, which will be a consideration for application selection. Project Readiness focuses on the extent to which the applicant will be able to substantially execute and complete the full scope of work in the Implementation Grant application within five (5) years of when the grant is executed. This includes information related to required design and construction standards, as well
as environmental, permitting, and approval processes. DOT will evaluate the extent to which the application:

- Documents all applicable local, State, and Federal requirements.
- Includes information on activity schedule, required permits and approvals, the National Environmental Policy Act (NEPA) class of action and status, State Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP) status, public involvement, right-of-way acquisition plans, procurement schedules, multi-party agreements, utility relocation plans and risk and mitigation strategies, as appropriate.
- Is reasonably expected to begin any construction-related projects in a timely manner consistent with all applicable local, State, and Federal requirements.

**Additional Consideration: Funds to Underserved Communities.**

The percentage of Implementation Grant funds that will be spent in, and provide safety benefits to, locations in census tracts designated as underserved communities as defined by this NOFO will be considered as part of application selection. DOT will use this information in support of the legislative requirement to ensure equitable investment in the safety needs of underserved communities in preventing roadway fatalities and injuries. Higher percentages of funding to underserved communities will be generally viewed favorably by DOT, and the Department encourages applicants to leverage project and strategy activities to the extent practical and in alignment with the safety problems identified in an Action Plan.

2. **Review and Selection Process**

This section addresses the BIL requirement to describe the methodology for evaluation in the NOFO, including how applications will be rated according to selection criteria and considerations, and how those criteria and considerations will be used to assign an overall rating. The SS4A grant program review and selection process consists of eligibility reviews, merit criteria review, and Senior Review. The Secretary makes the final selections.

i. **Action Plan Grant Review and Selection Process**

The process for the application plan review is described below:

- Teams of Department and contractor support staff review all applications to determine eligibility based on the eligibility information in Section C.
- Eligible Action Plan applications received by the deadline will be reviewed for their merit based on the selection criteria in Section E.1.i.
- Applications are scored numerically based on Merit Criteria #1 Safety Impact and #2 Equity Criteria.

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29 An underserved community as defined for this NOFO is consistent with the Office of Management and Budget’s Interim Guidance for the Justice40 Initiative and the Historically Disadvantaged Community designation, which includes: U.S. Census tracts identified in this table [https://datahub.transportation.gov/stories/s/tsyd-k6ij](https://datahub.transportation.gov/stories/s/tsyd-k6ij); any Tribal land; or any territory or possession of the United States.
• The #3 Additional Safety Considerations criterion narrative will be reviewed and assessed as either “qualified,” meaning the application addresses the criterion at least in part, or “not qualified,” meaning the application does not address the criterion. Applications that do not address the #3 Additional Safety Considerations and are deemed “not qualified” will not be considered.

• Action Plan Grant applications to develop or complete a new Action Plan will be noted and prioritized for funding.

• In order to ensure that final selections will meet the statutory requirement that no more than 15 percent of program funds may be awarded to eligible applicants in one State, applications will have their State location denoted. Tribal awards are not counted towards this 15 percent maximum.

• The Teams will examine the locations of the applicants to identify if multiple applicants requested funding for the same jurisdiction. DOT reserves the right to request applicants with duplicative funding requests consolidate their efforts as one multijurisdictional group prior to receiving an award, and may decline to fund duplicative applications irrespective of their individual merits.

ii. Implementation Grant Review and Selection Process

   a) Overall Selection Process and Ratings

   Teams of Department and contractor support staff review all applications to determine whether they are eligible applicants based on the eligibility information in Section C. All eligible Implementation Grant applications received by the deadline will be reviewed and receive ratings for each of these criteria: #1 Safety Impact; #2 Equity, Engagement, and Collaboration; #3 Effective Practices and Strategies; #4 Climate Change and Sustainability, and Economic Competitiveness. Based on the criteria ratings, an overall application rating of “Highly Recommended,” “Recommended,” “Acceptable,” or “Not Recommended” will be assigned. Criterion #1, Safety Impact, will be weighted most heavily.

   Overall “Highly Recommended” Application Rating Scenarios

<table>
<thead>
<tr>
<th>Selection Criteria</th>
<th>Scenario (a)</th>
<th>Scenario (b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1 Safety Impact</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>#2 Equity, Engagement, and Collaboration</td>
<td>Medium or High</td>
<td>High</td>
</tr>
<tr>
<td>#3 Effective Practices and Strategies</td>
<td>Medium or High</td>
<td>High</td>
</tr>
<tr>
<td>#4 Climate Change Sustainability, and Economic Competitiveness</td>
<td>Low, Medium, or High</td>
<td>High</td>
</tr>
<tr>
<td>Overall Rating</td>
<td>Highly Recommended</td>
<td>Highly Recommended</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------</td>
<td>--------------------</td>
</tr>
</tbody>
</table>

### Overall “Recommended” Rating Scenarios

<table>
<thead>
<tr>
<th>Selection Criteria</th>
<th>Scenario (c) Criteria Rating</th>
<th>Scenario (d) Criteria Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1 Safety Impact</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>#2 Equity, Engagement, and Collaboration</td>
<td>At least one Low</td>
<td>One Medium and One High or Two Medium</td>
</tr>
<tr>
<td>#3 Effective Practices and Strategies</td>
<td>At least one Low</td>
<td>One Medium and One High or Two Medium</td>
</tr>
<tr>
<td>#4 Climate Change and Sustainability, and Economic Competitiveness</td>
<td>Low, Medium, or High</td>
<td>Low, Medium, or High</td>
</tr>
<tr>
<td>Overall Rating</td>
<td>Recommended</td>
<td>Recommended</td>
</tr>
</tbody>
</table>

### Overall “Acceptable” and “Not Recommended” Rating Scenarios

<table>
<thead>
<tr>
<th>Selection Criteria</th>
<th>Scenario (e) Criteria Rating</th>
<th>Scenario (f) Criteria Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1 Safety Impact</td>
<td>Low</td>
<td>Any are determined Non-Responsive</td>
</tr>
<tr>
<td>#2 Equity, Engagement, and Collaboration</td>
<td>Low, Medium, or High</td>
<td>Any are determined Non-Responsive</td>
</tr>
<tr>
<td>#3 Effective Practices and Strategies</td>
<td>Low, Medium, or High</td>
<td>Any are determined Non-Responsive</td>
</tr>
<tr>
<td>#4 Climate Change and Sustainability, and Economic Competitiveness</td>
<td>Low, Medium, or High</td>
<td>Any are determined Non-Responsive</td>
</tr>
<tr>
<td>Overall Rating</td>
<td>Acceptable</td>
<td>Not Recommended</td>
</tr>
</tbody>
</table>

#### b) Safety Impact Criterion Rating Methodology

For the #1 Safety Impact criterion, the Department will assess three subcomponents to determine a result in an overall rating of “high,” “medium,” and “low,” or “non-responsive.” The three subcomponents are: the description of the safety problem; the safety impact assessment; and the implementation costs.
The description of the safety problem sub-rating will use the guidelines below:

<table>
<thead>
<tr>
<th>Rating Scale</th>
<th>High</th>
<th>Medium</th>
<th>Low</th>
<th>Non-responsive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The narrative and supporting information demonstrate the proposal is addressing a substantial safety problem. The narrative is well-articulated and is strongly supported by data and analysis.</td>
<td>The narrative and supporting information demonstrate the proposal is addressing an existing safety problem. Narrative articulates the description, is generally supporting by data and analysis.</td>
<td>The narrative and supporting information demonstrate the proposal is addressing a safety problem more minor in scope. The narrative is not well-articulated, and the supporting data and analysis are limited.</td>
<td>The narrative and supporting information do not address a safety problem.</td>
</tr>
</tbody>
</table>

The safety impact assessment sub-rating will use the guidelines below:

<table>
<thead>
<tr>
<th>Rating Scale</th>
<th>High</th>
<th>Medium</th>
<th>Low</th>
<th>Non-responsive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The projects and strategies have strong potential to address the safety problem. The projects and strategies proposed are highly effective, based on evidence, use a systemic approach, and have benefits that persist over time.</td>
<td>The projects and strategies address the safety problem. Most of the projects and strategies proposed are effective measures, based on evidence, use a systemic approach, and have benefits that persist over time.</td>
<td>The projects and strategies address the safety problem to a limited degree. Some or none of the projects and strategies proposed are effective measures, based on evidence, use a systemic approach, or have benefits that persist over time.</td>
<td>The projects and strategies do not address the safety problem.</td>
</tr>
</tbody>
</table>
The implementation costs sub-rating will use the guidelines below:

<table>
<thead>
<tr>
<th>Rating Scale</th>
<th>High</th>
<th>Medium</th>
<th>Low</th>
<th>Non-responsive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The costs for the implementation of the projects and strategies are</td>
<td>The costs for the implementation of the projects and strategies are</td>
<td>The costs for the implementation of the projects and strategies are</td>
<td>Cost information is not provided.</td>
</tr>
<tr>
<td></td>
<td>clearly articulated and summarized. Future costs are well described.</td>
<td>summarized. Future costs are described. The quantity and quality of</td>
<td>not well-articulated or missing key details. Future costs are</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The quantity and quality of the projects and strategies in relation to the cost amounts strongly indicate the costs are reasonable.</td>
<td>the projects and strategies in relation to the cost amounts seem to indicate the costs are reasonable.</td>
<td>minimally or not described. Based on the limited quantity and/or quality of the projects and strategies in relation to the cost amounts, the cost reasonableness is uncertain.</td>
<td></td>
</tr>
</tbody>
</table>

The three sub-ratings for the #1 Safety Criterion (the description of the safety problem; the safety impact assessment; and the implementation costs) will be combined and scored using the following rating system to determine if the overall rating for the Safety Criterion is “High,” “Medium,” “Low,” or “Non-Responsive.”

<table>
<thead>
<tr>
<th>Safety Criterion Sub-Rating Scores</th>
<th>Overall Safety Criterion Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least two “high”, no “low”, no “non-responsive”</td>
<td>High</td>
</tr>
<tr>
<td>No “low”, no “non-responsive,” or does not meet the High criterion</td>
<td>Medium</td>
</tr>
<tr>
<td>No “high”, at least one “low”, no “non-responsive,” or does not meet the Medium criterion</td>
<td>Low</td>
</tr>
<tr>
<td>Any “non-responsive”</td>
<td>Non-Responsive</td>
</tr>
</tbody>
</table>

c) Other Criteria Rating Methodology

For the merit criteria #2 Equity, Engagement, and Collaboration, #3 Effective Practices and Strategies, and #4 Climate Change and Economic Competitiveness, the Department will consider whether the application narrative is clear, direct, responsive to the selection criterion focus areas, and logical, which will result in a rating of “high,” “medium,” “low,” or “non-responsive.”
### Rating Scale

<table>
<thead>
<tr>
<th>High</th>
<th>Medium</th>
<th>Low</th>
<th>Non-Responsive</th>
</tr>
</thead>
<tbody>
<tr>
<td>The application is substantively responsive to the criteria, with clear, direct, and logical narrative.</td>
<td>The application is moderately responsive to the criteria, with mostly clear, direct, and logical narrative.</td>
<td>The application is minimally responsive to the criteria and is somewhat addressed in the narrative.</td>
<td>The narrative indicates the proposal is counter to the criteria, or does not contain sufficient information</td>
</tr>
</tbody>
</table>

“Highly Recommended” and “Recommended” applications will receive a Project Readiness evaluation, as described below. The reviewers will use the application materials outlined in Section D to assess the applicant’s Project Readiness and will provide a rating of either “Very Likely,” “Likely,” or “Unlikely.”

<table>
<thead>
<tr>
<th>Very Likely</th>
<th>Likely</th>
<th>Unlikely</th>
</tr>
</thead>
<tbody>
<tr>
<td>Based on the information provided in the application and the proposed scope of the projects and strategies, it is very likely the applicant can complete all projects and strategies within a five-year time horizon.</td>
<td>Based on the information provided in the application and the proposed scope of the projects and strategies, it is probable the applicant can complete all projects and strategies within a five-year time horizon.</td>
<td>Based on the information provided in the application and the proposed scope of the projects and strategies, it is uncertain whether the applicant can complete all projects and strategies within a five-year time horizon.</td>
</tr>
</tbody>
</table>

### iii. Senior Review Team Phase

#### a) Action Plan Grant Senior Review Team Phase

For the Action Plan Grants, the Secretary will set thresholds for each of the three quantitative criteria ratings based on their distribution, the number of applicants, and the availability of funds. Eligible applicants who meet or exceed the threshold in any of the three criteria will be offered Action Plan Grant award funding. A composite rating of the three criteria will not be made, and each criterion will be considered separately. Based on the overall application pool, available funding, and legislative requirements, the Secretary reserves the discretion to set the threshold(s) most advantageous to the U.S. Government’s interest. The Secretary will consult with a Senior Review Team (SRT) to make the threshold determinations. Additionally, the Secretary may choose to prioritize Action Plan Grants that are developing or completing an Action Plan over Action Plan Grant applications focused on supplemental action plan activities because an Action Plan is a prerequisite to applying for Implementation Grants in future NOFOs.

#### b) Implementation Grant Senior Review Team Phase

Once every Implementation Grant application has been assigned an overall rating based on the methodology above, all “Highly Recommended” applications will be included in a list of Applications for Consideration. The SRT will review whether the list of “Highly Recommended” applications is sufficient to ensure that no more than 15 percent of the FY 2022 funds made available are awarded to eligible applicants in a single State. “Recommended” applications may be added to the proposed list of Applications for Consideration until a sufficient number of applications are on the list to ensure that all
the legislative requirements can be met and funding would be fully awarded. “Recommended” applications with a “High” Safety Impact Criterion rating will be prioritized and considered first. If that produces an insufficient list, “Recommended” applications with a “Medium” Safety Impact Criterion rating and a “High” rating for the Equity, Engagement, and Collaboration Criterion will also be considered. The SRT will also review all “Highly Recommended” applications that received an “Unlikely” project readiness rating, and either remove those applicants from the Applications for Consideration, OR recommend a reduced scope to minimize the risk the applicant will not complete the scope of work within five years of the grant agreement execution.

Additionally, to ensure the funding awards align to the extent practicable to the program goal of equitable investment in the safety needs of underserved communities, the SRT may review “Recommended” applications and set a threshold based on the percentage of funds that will be spent in, and provide safety benefits to, locations within underserved communities. Any “Recommended” applications at or above that threshold will be included in the proposed list of Applications for Consideration.

For each grant type, the SRT will present the list of Applications for Consideration to the Secretary, either collectively or through a representative of the SRT. The SRT may advise the Secretary on any application on the list of Applications for Consideration, including options for reduced awards, and the Secretary makes final selections. The Secretary’s selections identify the applications that best address program requirements and are most worthy of funding.

3. Additional Information

Prior to entering into a grant agreement, each selected applicant will be subject to a risk assessment as required by 2 CFR § 200.206. The Department must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. The Department will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant’s integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

Because award recipients under this program may be first-time recipients of Federal funding, DOT is committed to implementing the program as flexibly as permitted by statute and to providing assistance to help award recipients through the process of securing a grant agreement and delivering both Action Plan activities and Implementation Grant projects and strategies. Award recipients are encouraged to identify any needs for assistance in delivering the Implementation Grant projects and strategies so that DOT can provide directly, or through a third party, sufficient support and technical assistance to mitigate potential execution risks.
F. Federal Award Administration Information

1. Federal Award Notices

Following the evaluation outlined in Section E, the Secretary will announce awarded applications by posting a list of selected recipients at www.transportation.gov/SS4A. The posting of the list of selected award recipients will not constitute an authorization to begin performance. Following the announcement, the Department will contact the point of contact listed in the SF-424 to initiate negotiation of a grant agreement.

2. Administrative and National Policy Requirements

i. Equity and Barriers to Opportunity

Each applicant selected for SS4A grant funding must demonstrate effort to improve equity and reduce barriers to opportunity as described in Section A. Award recipients that have not sufficiently addressed equity and barriers to opportunity in their planning, as determined by the Department, will be required to do so before receiving funds, consistent with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009).30

As expressed in section A, equal employment opportunity is an important priority. The Department wants to ensure that sponsors have the support they need to meet requirements under EO 11246, Equal Employment Opportunity (30 FR 12319, and as amended). All Federally assisted contractors are required to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women and goals that vary based on geography for construction work hours and for work being performed by people of color.31 Projects over $35 million shall meet the requirements in Executive Order 14063, Use of Project Labor Agreements for Federal Construction Projects (87 FR 7363).

ii. Labor and Workforce

Each applicant selected for SS4A grant funding must demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of high labor standards as described in Section A. To the extent that applicants have not sufficiently considered job quality and labor rights in their planning, as determined by the Department of Labor, the applicants will be required to do so before receiving funds, consistent with Executive Order 14025, Worker Organizing and Empowerment (86 FR 22829), and Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335).

The U.S. Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. Through the program, OFCCP offers contractors and subcontractors extensive compliance assistance, conducts compliance evaluations, and helps to build partnerships between the project sponsor, prime contractor, subcontractors, and relevant stakeholders. OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP’s Mega Construction Project Program from a wide range of federally assisted projects over which OFCCP has jurisdiction and that have a project cost above

30 An illustrative example of how these requirements are applied to recipients can be found here: https://cms.buildamerica.dot.gov/buildamerica/financing/infra-grants/infra-fy21-fhwa-general-terms-and-conditions
DOT will require project sponsors with costs above $35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their DOT award. Under that partnership, OFCCP will ask these project sponsors to make clear to prime contractors in the pre-bid phase that project sponsor’s award terms will require their participation in the Mega Construction Project Program. Additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is outlined under “Scheduling” on the Department of Labor website: https://www.dol.gov/agencies/ofccp/faqs/construction-compliance.

iii. Critical Infrastructure Security and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each applicant selected for SS4A grant funding must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the activities. Award recipients that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and oversight, as determined by the Department and the Department of Homeland Security, will be required to do so before receiving Implementation Grant funds for construction, consistent with Presidential Policy Directive 21, Critical Infrastructure Security and Resilience and the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems. Additionally, funding recipients must be in compliance with 2 CFR § 200.216 and the prohibition on certain telecommunications and video surveillance services or equipment.

Award recipients shall also consider whether projects in floodplains are upgraded consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law, in Executive Order 14030, Climate-Related Financial Risk (86 FR 27967), and Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (80 FR 6425).


Funding recipients must comply with NEPA under 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality’s NEPA implementing regulations at 40 CFR §§ 1500-1508, where applicable.

v. Other Administrative and Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR § 200, Subpart F, as adopted by the Department at 2 CFR § 1201. Additionally, as permitted under the requirements described above, applicable Federal laws, rules, and regulations of the relevant operating administration (e.g., the Federal Highway Administration, etc.) administering the activities will apply to the activities that receive SS4A grants, including planning requirements, Stakeholder Agreements, and other requirements under the Department’s other highway and transit grant programs. DOT anticipates grant recipients to have varying levels of experience administering Federal funding agreements and complying with Federal requirements, and DOT will take a risk-based approach to SS4A program grant agreement administration to ensure compliance with all applicable laws and regulations.

The Department will also provide additional technical assistance and support resources to first-time DOT funding recipients and those who request additional support, as appropriate. With respect to highway projects, except as otherwise noted in this NOFO, please note that these grants are not required
to be administered under Title 23 of the U.S.C., which establishes requirements that are generally applicable to funding that is provided by formula to State departments of transportation. Therefore, the administration and implementation of SS4A grants should be more streamlined for the entities that are eligible for SS4A awards.

As expressed in Executive Order 14005, Ensuring the Future Is Made in All of America by All of America’s Workers (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Infrastructure projects are subject to the Build America, Buy America Act (Pub. L. No 117–58, div. G §§ 70901–70927) as clarified in OMB Memorandum M-22-11. The Department expects all recipients to be able to complete their projects without needing a waiver. However, to obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. Projects under this notice will be subject to the domestic preference requirements at § 70914 of the Build America, Buy America Act, as implemented by OMB, and any awards will contain the award terms specific in M-22-11.

SS4A award recipients should demonstrate compliance with civil rights obligations and nondiscrimination laws, including Titles VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, and accompanying regulations. Recipients of Federal transportation funding will also be required to comply fully with regulations and guidance for the ADA, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and all other civil rights requirements. Additionally, to the extent practicable, Implementation Grants must adhere to the proposed Public Rights-of-Way Accessibility Guidelines. The Department’s and the applicable Operating Administrations’ Offices of Civil Rights may work with awarded grant recipients as appropriate to ensure full compliance with Federal civil rights requirements.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, nondiscrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If the Department determines that a recipient has failed to comply with applicable Federal requirements, the Department may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

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32 Please note that some title 23 requirements apply regardless of funding source. In particular, projects involving routes on the National Highway System must meet the applicable design standards at 23 CFR part 625.
34 https://www.access-board.gov/prowag/
3. Reporting

i. Progress Reporting on Grant Activity

Reporting responsibilities include quarterly program performance reports using the Performance Progress Report (SF-PPR) and quarterly financial status using the SF-425 (also known as the Federal Financial Report or SF-FFR).35

ii. Post Award Reporting Requirements/Reporting of Matters Related to Integrity and Performance

If the total value of a selected applicant’s currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported in SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Pub. L. No.110–417, as amended (41 U.S.C. § 2313). As required by section 3010 of Pub. L. No. 111–212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available. Additionally, if applicable funding recipients must be in compliance with the audit requirements in 2 CFR § 200, Subpart F.

iii. Program Evaluation

As a condition of grant award, SS4A grant recipients may be required to participate in an evaluation undertaken by DOT, or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. The Department may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and sub-recipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure the effectiveness of their projects and strategies. Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115–435 (2019) urges Federal awarding agencies and Federal assistance recipients and sub-recipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency” (codified at 5 U.S.C. § 311). For grant recipients, evaluation expenses are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such expenses may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation (2 CFR §200).

35 [https://www.grants.gov/forms/post-award-reporting-forms.html](https://www.grants.gov/forms/post-award-reporting-forms.html)
G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact the Office of the Secretary via email at SS4A@dot.gov. In addition, up to the application deadline, the Department will post answers to common questions and requests for clarifications on the Department’s website at www.transportation.gov/SS4A. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact the Department directly, rather than through intermediaries or third parties, with questions. Department staff may also conduct briefings on the SS4A grant selection and award process upon request.

H. Other Information

1. Publication of Application Information

Following the completion of the selection process and announcement of awards, the Department intends to publish a list of all applications received along with the names of the applicant organizations. The Department may share application information within the Department or with other Federal agencies if the Department determines that sharing is relevant to the respective program’s objectives.

2. Department Feedback on Applications

The Department will not review applications in advance, but Department staff are available for technical questions and assistance. The deadline to submit technical questions is August 15, 2022. The Department strives to provide as much information as possible to assist applicants with the application process. Unsuccessful applicants may request a debrief up to 90 days after the selected funding recipients are publicly announced on transportation.gov/SS4A. Program staff will address questions to SS4A@dot.gov throughout the application period.

3. Rural Applicants

User-friendly information and resources regarding DOT’s discretionary grant programs relevant to rural applicants can be found on the Rural Opportunities to Use Transportation for Economic Success (ROUTES) website at www.transportation.gov/rural.
RESOLUTION NO. 21-239

RESOLUTION APPROVING THE CHEMUNG COUNTY LOCAL ROAD SAFETY PLAN AND AUTHORIZING ACCEPTANCE OF NEW YORK STATE DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY IMPROVEMENT PROJECT FUNDING

By: Strange

Seconded by: McCarthy

WHEREAS, the Commissioner of the Chemung County Public Works Department (the “Commissioner”) has submitted the Chemung County Local Road Safety Plan (“LSRP”) for review and approval by the Chemung County Legislature; and

WHEREAS, the LSRP is a comprehensive plan that uses targeted countermeasures to reduce fatalities and serious injuries resulting from crashes that occur along the roadway system in the County; and

WHEREAS, Chemung County developed the LRSP as a comprehensive effort to determine the priority locations for investing the County’s safety project resources; and

WHEREAS, the LSRP will enhance and guide the future of transportation safety efforts in Chemung County, reducing roadway fatalities and injuries; and

WHEREAS, the LSRP identifies $5 million in safety improvements on various County and local roads; and

WHEREAS, the Commissioner has requested authorization to apply for and to accept $3.75 million in Phase I funding (100% State share) for the Chemung County LSRP Project from the New York State Department of Transportation (“NYSDOT”); and

WHEREAS, the County Executive and the Highway Committee have recommended that the Chemung County Legislature approve the LSRP and authorize the application and acceptance of the NYSDOT Phase I funding; now, therefore, be it

RESOLVED, that the Chemung County Legislature does hereby approve the LSRP, and, be it further

RESOLVED, that the County Executive is hereby authorized and directed to make application for the aforementioned funding from NYSDOT in the amount of $3,750,000 in Phase I funding (100% State share) for the Chemung County LSRP Project; and, be it further

RESOLVED, that the County Executive is hereby authorized and directed to sign such necessary documents as may be required relative to said application in accordance with the statutes and laws applicable thereto, which application and documents shall be in such form and contain such terms and conditions as approved by the County Attorney; and, be it further
RESOLVED, that upon receipt of said grant, the County Executive, in his discretion, is hereby authorized and directed to accept the same within budgetary appropriations; and, be it further

RESOLVED, that the terms and conditions of the grant agreement shall be subject to the review and approval of the County Attorney; and, be it further

RESOLVED, that the LSRP Project is contingent upon the receipt of the State funding identified in the Preamble to this Resolution, and if the County of Chemung does not receive either the State funding in the amounts set forth in the Preamble to this Resolution the LSRP Project and all benefits and services provided by the Project, including personnel, shall terminate without further action by this Legislature; and, be it further

RESOLVED, that this agreement shall not be renewed, the initial term thereof extended, or the agreement amended without the express consent by Resolution of this Legislature.
RESOLUTION NO. 21-239

Requested by: Commissioner of Public Works

Purpose: to approve LSRP and apply and accept grant funding

Authority: Section 203 of Chemung County Charter

Funds involved: $3,750,000

Aid: 100% State share

Approved by: Highway Committee, March 22, 2021

Ayes: Pastrick, Sweet, Brennan, Margetson, Hyland, Sones, Woodard, Burin, Chalk, Briggs, McCarthy, Drake, Smith, Strange, Manchester (Chairman) (15); Opposed: None (0)

STATE OF NEW YORK)
COUNTY OF CHEMUNG) SS:

THIS IS TO CERTIFY, that I, the undersigned Clerk of the Chemung County Legislature, have compared the foregoing copy of resolution with the original resolution now on file in my office, and which was passed by the Chemung County Legislature on the 12th day of April 2021, a majority of all the members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of all resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Chemung County Legislature this 13th day of April 2021

____________________________
Cynthia G. Kalweit
Cynthia G. Kalweit, Clerk
Chemung County Legislature
Resolution extending agreement with Verizon Wireless on behalf of the Chemung County Central Service Department

Resolution #:

Slip Type: CONTRACT

SEQRA status
State Mandated False

Explain action needed or Position requested (justification):

Requesting a resolution authorizing an agreement with Verizon Wireless for a one-year contract extension on behalf of Central Service Dept. (RFQ 2243) on the NYS Comprehensive Telecommunications Connectivity Contract on behalf of Chemung County Central Services Dept. The current county contract for wireless communications expires on 09/14/22.

A min-bid process was completed following vendor responses to a Sept. 2, 2020 RFQ 2243 let by the County Purchasing Dept. Average monthly expenditures are in the range of $7-8K per month, county-wide. The ability to select Verizon's "shared data" plans has resulted in an approximate $2.5-3K per month savings over this current contract period.

The county would continue "piggybacking" on the NYS Contract PS68692, which is a competitively awarded procurement vehicle. That contract expires on 09/15/24. The NYS OGS contract was previously presented to the County Law Dept. for review and the attached "Authorized User Agreement" determined to be appropriate.

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CREATION:
Date/Time: 8/5/2022 10:55:08 AM
Department: County Executive

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**ATTACHMENTS:**

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Verizon Wireless ("Vendor") and the New York State, Office of General Services have entered into a contract for Cellular and Data Equipment & Services ("Contract") with an effective date beginning on September 16, 2019 through and any and all amendments and/or addenda thereto. Pursuant to the Contract, the Chemung County is a government entity eligible to participate under the Contract as an authorized user ("Authorized User").

In accordance with the Contract, the Authorized User may, pursuant to this Authorized User Agreement (the "User Agreement"), purchase wireless services and products under the terms, conditions, and pricing established by the Contract for Authorized User participation. Participation is further subject to any and all applicable state and local purchasing statutes and ordinances. Orders placed under the Contract through a Verizon Wireless online portal are subject only to the Contract terms and conditions; any online Verizon “Terms of Service” do not apply to purchases made under the Contract. The Authorized User states, acknowledges and agrees, as follows:

(1) It is an Authorized User as defined (as defined by State Finance Law § 163(1)(k)) under the terms of the Contract;
(2) The Authorized User by signing below agrees to be subject to the terms and conditions of the Contract. Consistent with Section 6.25.1 of the Agreement, by placing an order under the Contract, each and every Authorized User provides its consent to the disclosure, by Verizon Wireless to the New York State, Office of General Services or its designee, upon the New York State, Office of General Services request or as part of a contractual reporting requirement to the State of New York, of its Customer Proprietary Network Information (CPNI), as defined by the Federal Communications Commission (FCC), or other Authorized User/account information, for purposes of managing the Services and Products provided under this Contract;
(3) This User Agreement will be effective when executed by the Authorized User and accepted by Vendor. The Contract specifically authorizes the purchase of wireless services and products only by an Authorized User. No third party, including but not limited to Authorized User’s agents, contractors, vendors, distributors, contract employees, members, franchisees, parents or affiliates, is permitted to purchase under this User Agreement, except upon written agreement between Authorized User and Vendor. Additionally, Authorized User may not resell wireless services or products purchased under the Contract to any third party. Authorized User shall be the customer of record for purchases made under the Contract and this User Agreement, and may not modify the price for wireless services and products utilized by other authorized users;
(4) Applications added by device manufacturers or downloaded by end users may enable capabilities (such as file sharing, presence, cloud storage, etc.) that are not managed by Verizon. It is the responsibility of the Authorized User to take appropriate actions to ensure these applications are securely managed and monitored to meet their security requirements as Verizon does not make any representations or guarantees that these products meet any contract security requirements;
(5) Verizon Wireless requires that an authorized representative of Authorized User approve the delegation of an Authorized Contact on your account in writing using this form. An Authorized Contact is defined as an individual who is designated and granted authority to act on behalf of the Authorized User for any and all matters contemplated by this User Agreement to include access to the account, ability to purchase equipment, add lines of service, and cancel service ("Government Subscriber billed lines"). Government Subscriber billed lines of service are billed under the "Authorized User Name" and "Authorized User Federal Tax ID". By completing Schedule 'A' - "Request for Authorized Contact" and signing this form you have certified that you have the authority to financially bind the Authorized User. The following employee(s) are authorized to access the account, purchase equipment, add lines of service, cancel service, and make changes to the account. Subsequent changes or removal of an Authorized Contact or Point of Contact information on your account must be in writing.
**Schedule ‘A’ – “Request for Authorized Contact” - List below the employee(s) that you are designating as Authorized Contact(s).**

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### Participation Eligibility – check only one box (REQUIRED):

- **1. State Agency:**
  - (e.g., New York State Office of Mental Health, Office of the State Comptroller, etc.)

- **2. SUNY:**
  - (e.g., Stony Brook University, Erie Community College, etc.)

- **3. Other Non-State Agency:**
  - (e.g., local governments, public authorities, public schools, fire districts, public and nonprofit libraries, certain other nonpublic/nonprofit organizations)

Questions regarding your organization’s eligibility to purchase from this Contract may be directed to NYS Procurement Services at 518-474-6717 or [https://online ogs ny gov/purchase/snt/othersuse asp](https://online.ogs.ny.gov/purchase/snt/othersuse.asp)

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<td>Dun &amp; Bradstreet Address (if different):</td>
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### The Authorized User represents and warrants that it has received or read a copy of the Contract, including Attachment 04 – “How To Use (procedures and instructions)”.

Each Party represents and warrants to the other that: (a) it is in good standing under the laws of the state of its formation; (b) the execution, delivery and performance of this User Agreement have been duly authorized by all necessary governmental action to the extent applicable; and (c) the person signing this User Agreement on its behalf is duly authorized to bind it to this User Agreement. Authorized User further represents and warrants that it shall not sell or resell Verizon Wireless service to any third party unless it does so under a separate written agreement with Verizon Wireless. AUTHORIZED USER ACKNOWLEDGES THAT UPON ACTIVATION OR CHANGE OF WIRELESS SERVICE OR EQUIPMENT, NOW OR IN THE FUTURE, THE CALLING PLAN, FEATURE, SERVICE AND EQUIPMENT TERMS, CONDITIONS AND PRICING APPLICABLE AT THE TIME OF ACTIVATION OR CHANGE SHALL APPLY TO ANY SUCH ACTIVATIONS OR CHANGES.

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