



**April 8, 2024 - 7:00 PM**

**MINUTES  
CHEMUNG COUNTY LEGISLATIVE MEETING  
PURSUANT TO RESOLUTION NO. 08-100, RULES I, II, and III**

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL OF LEGISLATORS**

Legislature was called to order by the Clerk of the Legislature. The following members were present when the Clerk called the roll:

Morse ____	Saglibene ____	Sweet __x__	Brennan __x__
Margeson __x__	Donovan __x__	Palmer __x__	Pickering __x__
Burin __x__	Chalk _x__	Stermer __x__	McCarthy __x__
Drake __x__	Smith ____	Strange __x__	

**MOTION**

By: Stermer

Seconded by: Sweet

MOVED, that Mrs. Morse, Mr. Saglibene and Mr. Smith be excused from these proceedings.

CARRIED.

**3. READING OF MINUTES OF PRECEDING MEETING UNLESS WAIVED**

**MOTION**

By: Sweet

Seconded by: Chalk

MOVED, that the reading of the minutes of the March 11, 2024 meeting of the Full Legislature be dispensed with, and that they stand accepted as corrected by the Clerk.

CARRIED.

**4. PRESENTATION OF PETITIONS AND COMMUNICATIONS**

## **Correspondence 04-01 through 04-10**

### **MOTION**

By: Burin  
Seconded by: Sweet

MOVED, that Communications No. 04-01 through 04-10 incorporated herein by reference as though fully set forth, be received, and placed on file.

CARRIED.

## **5. PUBLIC COMMENTS**

**A Chemung County resident asked for legislative support for the proposed expansion of the existing Horseheads Snowmobile Club Trail. He provided the Clerk of the Legislature a map outlining the proposed expansion to distribute to the legislature.**

## **6. ACCEPTANCE OF WRITTEN COMMITTEE REPORTS**

### **MOTION**

By: Sweet  
Seconded by: Burin

MOVED, that the committee reports of March 25, 2024 and April 1, 2024 be accepted as presented and corrected

CARRIED.

## **7. PRESENTATION OF RESOLUTIONS, MOTIONS AND NOTICES**

### **LEGISLATORS COMMENTS**

Mr. Sweet raised concerns regarding the disbursement of funds to ClearGov on February 22, 2024 without prior legislative approval for a budget transfer. He asked who has the authority to make payment without legislative approval. Mr. Burin asked if a communication has been received regarding the disbursement of these funds. Mr. Margeson stated that he has not received any communications on the disbursement of funds to ClearGov.

At the request of Mr. Strange, Mr. Margeson stated that the Information Technology Department and Granicus continue to work on identifying the problem with the audio portion of the livestream in the Legislative Chambers.

### **MOTION**

By: Sweet  
Seconded: by: Chalk

MOVED, to TABLE Resolution No. 24-146. Motion carried with the following vote: Ayes:

Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)

## PREFERRED AGENDA ITEMS

### 24-120 **Resolution confirming appointments to the Chemung County Human Services Committee**

By: Donovan

Seconded by: Stermer

RESOLVED, that pursuant to Local Law No. 1 of 1978 and Section 2704 of the Chemung County Charter, the written appointment of the Chairman of the Chemung County Legislature be and the same is hereby received, accepted, and placed on file and Brian Hart, Peter Buzzetti, Bill Brodginiski, Barbara Hubbell, Christina Doughty, Beth Stranges, Kevin Meindl, David Ellis, Rebecca Moss, Phyllis Balliett, Vince Moschetti, Nancy Koons, Brenda Curren, and Michelle Podolec are hereby appointed to the Chemung County Human Services Committee for two-year terms which term shall expire on December 31, 2025; and, be it further

RESOLVED, that the Chemung County Legislature does hereby confirm the aforementioned appointments by the Chairman of the Chemung County Legislature to the Chemung County Human Services Committee.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

### 24-121 **Resolution authorizing agreement with Daniel M. O'Connell, DMD on behalf of the Chemung County Sheriff (inmate Dental Services)**

By: Drake

Seconded by: Stermer

WHEREAS, the Chemung County Sheriff has requested authorization to enter into an agreement with Daniel M. O'Connell, DMD for the provision of inmate dental services during the period January 1, 2024 through December 31, 2024, which services will be billed monthly per service to the County of Chemung at the New York State Medicaid Dental Fee Schedule rate in an amount not to exceed \$15,000 for the term of the agreement; and

WHEREAS, the County Executive and the Corrections and Law Enforcement Committee have recommended that the Chemung County Legislature approve the Sheriff's request; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to execute an agreement with Daniel M. O'Connell, DMD, subject to the review and approval of the County Attorney, for the provision of inmate dental services during the period January 1, 2024 through December 31, 2024, which services will be billed monthly per service to the County of Chemung at the New York State Medicaid Dental Fee Schedule rate in an amount not to exceed \$15,000 for the term of the agreement; 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.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-122     **Resolution appointing Chemung County Public Health Director as County Registrar of Vital Records**

By: Donovan

Seconded by: Stermer

RESOLVED, that pursuant to Section 4121 of New York State Health Law, the written appointment of the County Executive be and the same is hereby received, accepted and placed on file and Peter Buzzetti be and he hereby is appointed as County Registrar (Vital Records), which term shall expire December 31, 2027; and, be it further

RESOLVED, that the Chemung County Legislature does hereby confirm the aforementioned appointment by the County Executive of the County Registrar (Vital Records).  
*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-123     **Resolution authorizing Memorandum of Understanding with Western New York Independent Living, Inc. and AIM Independent Living Center on behalf of the Chemung County Departments of Aging & Long Term Care and Social Services (NY Connects)**

By: Donovan

Seconded by: Stermer

WHEREAS, the Commissioner of Human Services (the “Commissioner”), on behalf of the Chemung County Department of Social Services, and the Director of the Chemung County Department of Aging and Long Term Care (the “Director”) have requested authorization to enter into a Memorandum of Understanding (“MOU”) with Western New York Independent Living, Inc. (“WNYIL”) and AIM Independent Living (“AIM”) to establish the interconnections required of NY Connects at the local level during the period January 1, 2024 through December 31, 2024 at no cost to the County of Chemung; and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve this request; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed, subject to the review and approval of the terms and conditions of the agreement by the County Attorney, to execute an MOU with WNYIL and AIM to establish the interconnections required of NY Connects at the local level during the period January 1, 2024 through December 31, 2024 at no cost to the County of Chemung; and, be it further

RESOLVED, that this MOU shall not be renewed, the initial term thereof extended, or the agreement amended without the express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake,*

*Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-124     **Resolution authorizing agreement with Laboratory Corporation of America on behalf of the Chemung County Department of Social Services**

By: Donovan

Seconded by: Stermer

WHEREAS, the Chemung County Commissioner of Human Services Commissioner has requested authorization to enter into a two-year agreement with the Laboratory Corporation of America (“LabCorp”), for the provision by LabCorp of DNA identification cases and determination in child support cases during the period January 1, 2024 through December 31, 2025 at an annual cost of \$15,000 (\$9,900 Federal share, \$5,100 local share); and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended the Legislature approve this agreement; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to enter into the aforementioned agreement with LabCorp during the period January 1, 2024 through December 31, 2025 at an annual cost of \$15,000 (\$9,900 Federal share, \$5,100 local share), the terms and conditions of which shall be subject to the approval of the County Attorney; and, be it further

RESOLVED, that the agreement with LabCorp shall be contingent upon receipt by the County of the Federal funding in the amounts identified in the Preamble to this Resolution and in the event that the County does not receive those Federal funds in the amounts set forth in the Preamble to this Resolution, the agreement with LabCorp shall be null and void and of no further force and effect and 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.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-125     **Resolution authorizing agreement with James McGuinness and Associates, Inc. on behalf of the Chemung County Department of Social Services**

By: Donovan

Seconded by: Stermer

WHEREAS, the Commissioner of Human Services has requested authorization to enter into a two-year agreement with James McGuinness and Associates (“JMA”), the provider of software utilized in sixteen other counties in New York State to assist with tracking and claiming funds under the Youth Services Pre-school Program, the provision of technical support and maintenance of that software during the period January 1, 2024 through December 31, 2025 at an annual cost of \$15,996 (50% Federal share, 25% State share, 25% local share); and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve this agreement, now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to enter into an agreement with JMA, the terms and conditions of which shall be subject to the review and approval of the County Attorney, for technical support and maintenance of the Pre-school program software during the period January 1, 2024 through December 31, 2025 at an annual cost to the County of \$15,996 (50% Federal share, 25% State share, 25% local share); and, be it further

RESOLVED, that the agreement with JMA shall be contingent upon receipt by the County of the Federal and State funding in the amounts identified in the Preamble to this Resolution and in the event that the County does not receive those funds the agreement with JMA shall be null and void and of no further force and effect; and, be it further

RESOLVED, that this agreement shall not be renewed, the initial term thereof extended, of the agreement amended without the express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-126     **Resolution authorizing agreement with United Way of the Southern Tier on behalf of the Chemung County Department of Social Services**

By: Donovan

Seconded by: Stermer

WHEREAS, the Chemung County Commissioner of Human Services has requested authorization to enter into a two-year agreement with the United Way of the Southern Tier (“UWST”) for provision of the Dolly Parton Imagination Library Literacy Program (“DPILLP”) in the amount of \$40,000 (\$20,000 annually) during the period January 1, 2024 through December 31, 2025; and

WHEREAS, the DPILLP aligns with the mission of the School Readiness Program, providing free monthly books to children from birth to age five to approximately 670 Chemung County families, regardless of family income; and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve this request; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to execute an agreement with UWST for the provision of the DPILLP during the period January 1, 2024 through December 31, 2025 at an annual cost of \$20,000; and, be it further

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

RESOLVED, that the agreement shall not be renewed, the initial term thereof extended, or amended without the express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

**Resolution authorizing agreements with Elmira Heights School District and Finn Academy on behalf of the Chemung County Department of Mental Hygiene (Therapeutic School-based Mental Health Programs)**

By: Donovan

Seconded by: Stermer

WHEREAS, the Commissioner of Social Services on behalf of the Chemung County Department of Mental Hygiene has requested authorization to enter into Local Share Reimbursement Agreements with the Elmira Heights School District (“EHSD”) and Finn Academy (“FA”) for the provision of a Therapeutic School Based Mental Health Program operated by Family Services of Chemung County, Inc. during the period January 1, 2024 through December 31, 2024 for an amount not to exceed \$52,000 (\$33,800 Federal share, \$18,200 [reimbursed by EHSD and FA]; and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve the agreements; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to enter into the aforementioned Local Share Reimbursement Agreements with EHSD at a cost to the County of Chemung of \$52,000 (\$33,800 Federal share, \$18,200 local share [reimbursed by EHSD and FA]) during the period January 1, 2024 through December 31, 2024, the terms and conditions of those agreement to be subject to the approval of the County Attorney; and, be it further

RESOLVED, that upon termination of either the Federal funding or the reimbursement of the local share costs by the EHSD or FA for any reason the agreements shall become null and void and of no further force and effect without further action by this Legislature; and, be it further

RESOLVED, that these agreements shall not be renewed, the initial term thereof extended, or the agreements amended without the express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

**Resolution approving certain applications for and disbursement of Community Development Funds (Legislature)**

By: Margeson

Seconded by: Stermer

WHEREAS, the Budget Committee has recommended that the Chemung County Legislature approve certain applications for Community Development Projects which are eligible to receive Community Development Funds during 2024; now, therefore, be it

RESOLVED, that the Chemung County Legislature does hereby approve certain applications for Community Development Projects and authorizes the Chemung County Treasurer to disburse Community Development Funds pursuant to The Community Development Fund Disbursement Policy, adopted by Resolution 19-583, as follows:

<u>Municipality/Leg. District</u>	<u>Project</u>	<u>Amount</u>
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and, be it further

RESOLVED, that each of the recipients of the Community Development Funds authorized by this Resolution shall utilize those monies for the Project as submitted with the approved application.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

## AGREEMENTS

### 24-129 **Resolution authorizing various agreements on behalf of the Chemung County Department of Aging and Long Term Care**

By: Donovan

Seconded by: Sweet

WHEREAS, the Director of the Chemung County Department of Aging and Long Term Care has requested approval to enter into agreements with various attorneys and vendors for services during 2024 as authorized by the Older Americans Act of 1965 (legal services \$16,700, client transportation \$31,000, meal delivery to congregate sites, \$7,500, consulting agreement for Nutrition Site Managers \$3,000, Registered Dietitian for Nutrition Program \$41,600) and;

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve these agreements, now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to enter into various agreements as more particularly described in the Preamble to this Resolution, the terms and conditions of those agreements to be subject to the review and approval of the County Attorney, at a total cost to the County of \$99,800 (\$57,150 Federal share, \$31,400 State share, \$9,750 local share, \$1,500 third party donations) for the period January 1, 2024 through December 31, 2024; and, be it further

RESOLVED, that upon termination of the Federal, State, or third party funding for any reason, or failure to receive the Federal or State funding or third party donation, for any of the programs or services to be contracted for, that those programs or services, including personnel positions funded by the receipt of Federal, State, or third party monies, shall also terminate without further action by this Legislature; and, be it further

RESOLVED, that these agreements shall not be renewed, the initial term thereof extended, or the agreements amended without express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

### 24-130 **Resolution authorizing agreement with Meals On Wheels of Chemung**

**County, Inc. on behalf of the Chemung County Department of Aging and Long Term Care (Home Delivered Meals)**

By: Donovan

Seconded by: Sweet

WHEREAS, the Director of the Chemung County Department of Aging and Long Term Care has requested authorization to enter into a contract with Meals on Wheels of Chemung County, Inc. ("MOW") for the provision of the Program to the Chemung County Departments of Aging and Long Term Care and Health during the period January 1, 2024 through December 31, 2024 at a cost of \$362,460 (\$161,464 Federal share, \$148,679 State share, \$23,317 local share, \$24,000 third party donations); and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve the agreement, now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to execute an agreement with MOW for the Program to be provided during the period January 1, 2024 through December 31, 2024 at a cost of \$362,460 (\$161,464 Federal share, \$148,679 State share, \$23,317 local share, \$24,000 third party donations); and, be it further

RESOLVED, that the agreement with MOW is contingent upon the receipt of the Federal and State funding and the third party donations in the amounts set forth in this Resolution and in the event the County does not receive those amounts or upon termination of the Federal, State, or third party funding for any reason, that those programs or services, including personnel positions funded by the receipt of Federal, State, or third party monies, shall also terminate without further action by this Legislature; and, be it further

RESOLVED, that the agreement shall not be renewed, the initial term thereof extended, or the agreement amended without express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-131

**Resolution renewing agreement with Meals on Wheels of Chemung County on behalf of the Chemung County Department of Aging and Long Term Care (RFP 24-08 Congregate Meal Program)**

By: Donovan

Seconded by: Sweet

WHEREAS, the Director of the Chemung County Department of Aging and Long Term Care has requested authorization to renew a contract with Meals on Wheels of Chemung County, Inc. ("MOW"), pursuant to RFP-2408, for the provision of meals for the Congregate Meal Program (the "Program") during the period January 1, 2024 through December 31, 2024 at a cost of \$113,400 (\$73,062 Federal share, \$24,354 local share, \$15,984 third party donations); and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve the agreement, now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to renew an

agreement with MOW for the Program to be provided during the period January 1, 2024 through December 31, 2024 at a cost of \$113,400 (\$73,062 Federal share, \$24,354 local share, \$15,984 third party donations); and, be it further

RESOLVED, that the agreement with MOW is contingent upon the receipt of the Federal funding and the third party donations in the amounts set forth in this Resolution and in the event the County does not receive those amounts or upon termination of the Federal or third party funding for any reason, that those programs or services, including personnel positions funded by the receipt of Federal or third party monies, shall also terminate without further action by this Legislature; and, be it further

RESOLVED, that the agreement shall not be renewed, the initial term thereof extended, or the agreement amended without express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-132     **Resolution authorizing agreements with various providers of Children's Consolidated Waiver Services on behalf of the Chemung County Departments of Social Services and Aging and Long Term Care**

By: Donovan

Seconded by: Sweet

WHEREAS, the Chemung County Commissioner of Human Services, on behalf of the Chemung County Departments of Social Services and Aging and Long Term Care, has requested authorization to enter into agreements with various providers (the "Providers") of certain services (environmental modifications, vehicle modifications, assistive technology services) for approved Care at Home recipients on behalf of the Chemung County Departments of Social Services and Aging and Long Term Care at a cost not to exceed \$75,000 (100% State share) during the period January 1, 2024 through December 31, 2024; and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve this agreement; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to execute agreements with the Providers, the terms and conditions of those agreements to be subject to the review and approval of the County Attorney, for the home adaptation and vehicle modification services for approved Care at Home recipients at a total cost not to exceed \$75,000 (100% State share) during 2024; and, be it further

RESOLVED, that upon the County of Chemung's failing to receive or thereafter the termination of all or any portion of the State funding in the amounts set forth in the Preamble to this Resolution for any reason for any of the programs or services to be contracted for, that those programs or services, including personnel positions funded by the receipt of State monies, shall also terminate without further action by this Legislature; and, be it further

RESOLVED, that the agreements shall not be renewed, the initial terms thereof extended, or the agreements amended without the express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-133     **Resolution authorizing agreements with various Fiscal Intermediaries on behalf of the Chemung County Departments Social Services and Aging and Long Term Care**

By: Donovan

Seconded by: Sweet

WHEREAS, the Human Services Commissioner has requested authorization to enter into agreements with various fiscal intermediary providers of long term care services on behalf of the Chemung County Departments of Social Services and Aging and Long Term Care at a total cost not to exceed \$2,976,179 (\$1,470,455 Federal share, \$1,220,364 State share, \$285,360 local share) during the period January 1, 2024 through December 31, 2024; and

WHEREAS, rates for providers are established by the New York State Department of Health in accordance with the rate setting process mandated by the State of New York and are for Medicaid eligible Chemung County residents in receipt of long term care; and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve these agreements; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to enter into the agreements with various fiscal intermediary providers of long term care services as outlined in the Preamble to this Resolution, for services during the period January 1, 2024 through December 31, 2024 at a total cost of \$2,976,179 (\$1,470,455 Federal share, \$1,220,364 State share, \$285,360 local share) the terms and conditions of those agreements to be subject to the review and approval of the County Attorney; and, be it further

RESOLVED, that these agreements shall be contingent upon the receipt by the County of the Federal and State funding in the amounts set forth in the Preamble to the Resolution and that upon termination of all or any portion of either the Federal or State funding the agreements authorized by this resolution shall become null and void and of no further force and effect without further action by this Legislature and those programs or services, including personnel position funded by the receipt Federal or State monies shall also terminate without further action by this Legislature; and, be it further

RESOLVED, that the agreements shall not be renewed, the initial term thereof extended, or the agreements amended without express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-134     **Resolution authorizing agreement with Chemung Schuyler Steuben Workforce New York on behalf of the Chemung County Department of Social Services**

By: Donovan

Seconded by: Sweet

WHEREAS, the Commissioner of Human Services (the “Commissioner”) has requested authorization to enter into an agreement with Chemung-Schuyler-Steuben Workforce New York (“CSSWFNY”) for the Pathways to Employment Program (the “Program”) during the period January 1, 2024 through December 31, 2024 at a cost of \$350,000 (\$234,500 Federal share, \$115,500 local share); and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve the Commissioner’s request; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to enter into an agreement with CSSWFNY for the Program during the period January 1, 2024 through December 31, 2024 at a cost not to exceed \$350,000 (\$234,500 Federal share, \$115,500 local share); and, be it further

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

RESOLVED, that the execution of the agreement with CSSWFNY. Is subject to and conditioned upon the receipt by the County of Chemung of the State monies referred to in the Preamble to this Resolution and in the event the County of Chemung does not receive the State monies in the amount more particularly described in the Preamble to this Resolution, the agreement with CSSWFNY shall be of no force and effect and shall terminate without further action by this Legislature; and, be it further

RESOLVED, that the agreement shall not be renewed, the initial term thereof extended, or the agreement amended without express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-135     **Resolution authorizing agreement with Comet Informatics LLC on behalf of the Chemung County Department of Social Services**

By: Donovan

Seconded by: Sweet

WHEREAS, the Commissioner of Human Services has requested authorization to enter into a Professional Services Contract with COMET Informatics, LLC (“COMET”) for the provision by COMET of the Chemung County Integrated Information System for Children and Youth (“CIIS”) during the period January 1, 2024 through December 31, 2024 at a cost of \$77,000 (\$38,500 Federal share, \$19,250 State share, \$19,250 local share); and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve this agreement, now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to enter into a Professional Services Contract with COMET for the provision of the aforementioned services

during the period January 1, 2024 through December 31, 2024 at a total cost of \$77,000 (\$38,500 Federal share, \$19,250 State share, \$19,250 local share), the terms and conditions of that agreement to be subject to the review and approval of the County Attorney, and, be it further

RESOLVED, that the agreement and the provision of services are contingent upon the receipt of the Federal and State monies in the amount set forth in the Preamble to this Resolution and in the event the County of Chemung should not receive the Federal or State monies or upon termination of the funding for any reason for any of the programs or services to be contracted for, that those programs or services, including personnel positions funded by the receipt of State monies, shall terminate without further action by this Legislature; and, be it further

RESOLVED, that the agreement shall not be renewed, the initial term extended, or the agreement amended without the express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-136     **Resolution authorizing agreement with New York State Office of Children and Family Services on behalf of the Chemung County Department of Social Services**

By: Donovan

Seconded by: Sweet

WHEREAS, the Chemung County Commissioner of Human Services has requested authorization to enter into an agreement with the New York State Office of Children and Family Services ("OCFS") for the provision by Chemung County of registration services and inspection of day care providers in Chemung County during the period January 1, 2024 through December 31, 2024 at a cost of \$309,745 (100% Federal share); and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve this agreement; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to enter into the aforementioned agreement with the OCFS, the terms and conditions of which shall be subject to the approval of the County Attorney, for the period of January 1, 2024 through December 31, 2024 pursuant to which the County shall provide the required services at a cost to the OCFS of \$309,745 (100% Federal share); and, be it further

RESOLVED, that the execution of the agreement with the OCFS is subject to and conditioned upon the receipt by the County of Chemung of the Federal monies referred to in the Preamble to this Resolution and in the event the County of Chemung does not receive the Federal monies more particularly described in the Preamble to this Resolution, the agreement with the OCFS shall be of no force and effect and shall terminate without further action by this Legislature; and be it further

RESOLVED, that this agreement shall not be renewed, the term thereof extended, or the

agreement amended without the express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-137     **Resolution authorizing a Memorandum of Understanding with the Southern Tier Assertive Community Treatment Team on behalf of the Chemung County Department of Mental Hygiene.**

By: Donovan

Seconded by: Sweet

WHEREAS, the Commissioner of Human Services has advised this Legislature that the Southern Tier Assertive Community Treatment Team (“ACT Team”) has qualified for \$35,380 (100% State share) in funding for 2024 from the New York State Office of Mental Health as part of the Southern Tier Transformation Plan for transportation and wrap services (the “Program”) of which the Chemung County Department of Mental Hygiene (“MH”) will retain a ten percent program administration fee of \$3,538 and the ACT Team will receive \$31,842 for the Program; and

WHEREAS, the Commissioner of Human Services has requested approval of a Memorandum of Understanding (the “MOU”) between the ACT Team and MH for the Program; and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve the MOU; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized to execute an MOU between the ACT Team and MH for the Program during the period January 1, 2024 through December 31, 2024 with Chemung County retaining a ten percent administration fee of \$3,538 (100% State share) for the administration of the Program on behalf of the ACT Team; and, be it further

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

RESOLVED, that the agreement and the provision of services are contingent upon the receipt of the State monies in the amount set forth in the Preamble to this Resolution and in the event the County of Chemung should not receive those State monies or upon termination of the funding for any reason for any of the programs or services to be contracted for, that those programs or services, including personnel positions funded by the receipt of State monies, shall terminate without further action by this Legislature; and, be it further

RESOLVED, that the MOU shall not be renewed, the initial term thereof extended, or the MOU amended without the express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-138     **Resolution authorizing agreement with Capabilities, Inc on behalf of the Chemung County Department of Mental Hygiene**

By: Donovan

Seconded by: Sweet

WHEREAS, the Chemung County Human Services Commissioner has requested authorization to enter into an agreement with Capabilities, Inc. ("Capabilities") on behalf of the Department of Mental Hygiene for the provision by Capabilities to the County of various services (Transitional Employment Placement OMH, Peer Specialists OMH) during 2024 at a cost of \$323,229 (100% State share); and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve this agreement; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to enter into the aforementioned agreement with Capabilities, the terms and conditions of that agreement to be subject to the review and approval of the County Attorney, for the period January 1, 2024 through December 31, 2024 at a cost of \$323,229 (100% State share); and, be it further

RESOLVED, that the agreement with Capabilities shall be contingent upon receipt by the County of the State funding in the amount set forth in the preamble to this Resolution and that in the event the County does not receive the State funding or upon termination of all or any portion of the State funding for any reason the contract with Capabilities 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.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-139

**Resolution authorizing agreement with The Salvation Army on behalf of the Chemung County Departments of Social Services and Mental Hygiene**

By: Donovan

Seconded by: Sweet

WHEREAS, the Chemung County Commissioner of Human Services has requested authorization to enter into an agreement with the Salvation Army, for the provision by the Salvation Army of various services (Domestic Violence Safe House, Non-residential Domestic Violence, Halfway House-OASAS) to the County of Chemung during 2024 at a cost of \$516,826 (\$138,565.50 Federal share, \$321,477.75 State share, \$56,782.75 local share); and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve this agreement; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to enter into an agreement with the Salvation Army for the provision of various services as more particularly described in the Preamble to this Resolution, with the terms and conditions of that agreement subject to the review and approval of the County Attorney, at a cost of \$516,826 (\$138,565.50 Federal share, \$321,477.75 State share, \$56,782.75 local share) during the period January 1, 2024 through December 31, 2024; and, be it further

RESOLVED, that the agreement with the Salvation Army shall be contingent upon receipt by the County of the Federal and State funding in the amounts identified in the Preamble to this Resolution and in the event that the County does not receive all those funds from both the Federal and State governments the agreement with the Salvation Army shall be null and void and of no further force and effect; and, be it further

RESOLVED, that the agreement shall not be renewed, the initial term thereof extended, or the agreement amended without express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-140     **Resolution authorizing agreement with Youth Advocate Program, Inc. on behalf of the Chemung County Department of Social Services**

By: Donovan

Seconded by: Sweet

WHEREAS, the Commissioner of Human Services has required authorization to enter into an agreement with Youth Advocate Program, Inc. (“YAP”) for the provision of the Chemung County Reunification/Prevention Program and the In-School Advocacy Program (collectively the “Programs”) on behalf of the Chemung County Department of Social Services during the period January 1, 2024 through December 31, 2024 at a cost of \$538,545 (\$362,398 State share, \$114,571 local share); and

WHEREAS, the County Executive and the Health and Human Services Committee have recommended that the Chemung County Legislature approve this agreement; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to enter into an agreement with YAP, the terms and conditions of that agreement to be subject to the review and approval of the County Attorney, for the period January 1, 2024 through December 31, 2024 at a cost of \$538,545 (\$362,398 State share, \$114,571 local share) and, be it further

RESOLVED, that upon the County of Chemung’s failing to receive or the subsequent termination of all or any portion of the State share of the funding for any reason the agreement authorized by this Resolution shall become null and void and of no further force and effect 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.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-141     **Resolution authorizing application for and acceptance of United States Department of Transportation R.A.I.S.E. grant on behalf of the Chemung County Planning Department (Wayfinding)**

By: Margeson

Seconded by: Sweet

WHEREAS, the Commissioner of the Chemung County Planning Department has requested authorization to apply for and to accept a R.A.I.S.E. grant from the U.S. Department of Transportation (“USDOT”) for the creation of a Plan around improving Wayfinding (the “Project”) in an amount of \$226,875 (\$181,500 Federal share, \$45,375 local share) during the three-year period beginning from the date of the award; and

WHEREAS, the County Executive and the Multi-Services Committee have recommended that the Chemung County Legislature approve the application for and the acceptance of the aforementioned grant; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to apply for and to accept a R.A.I.S.E grant from the USDOT for the Project in the amount of \$226,875 (\$181,500 Federal share, \$45,375 local share) during the three-year period beginning from the date of the award; and, be it further

RESOLVED, that upon termination of the Federal funding for any reason, the contract for the Project shall terminate without further action by this Legislature; and, be it further

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

RESOLVED, that the agreement shall not be renewed, the initial term thereof extended, or the grant agreement amended without express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-142

**Resolution authorizing application for and acceptance of United States Department of Transportation R.A.I.S.E. grant on behalf of the Chemung County Planning Department (Improving Pedestrian Corridors)**

By: Margeson

Seconded by: Sweet

WHEREAS, the Commissioner of the Chemung County Planning Department has requested authorization to apply for and to accept a R.A.I.S.E. grant from the U.S. Department of Transportation (“USDOT”) for the creation of a Plan around improvements to Pedestrian Corridors, including sidewalks, with a City Mobility Plan (the “Project”) in an amount of \$325,000 (\$292,500 Federal share, \$32,500 local share[in-kind]) during the three-year period beginning from the date of the award; and

WHEREAS, the County Executive and the Multi-Services Committee have recommended that the Chemung County Legislature approve the application for and the acceptance of the aforementioned grant; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to apply for and to accept a R.A.I.S.E grant from the USDOT for the Project in the amount of \$325,000 (\$292,500 Federal share, \$32,500 local share [in-kind]) during the three-year period beginning from

the date of the award; and, be it further

RESOLVED, that upon termination of the Federal funding for any reason, the contract for the Project shall terminate without further action by this Legislature; and, be it further

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

RESOLVED, that the agreement shall not be renewed, the initial term thereof extended, or the grant agreement amended without express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-143     **Resolution authorizing agreement with Larson Design Group on behalf of the Chemung County Sewer Districts (General Services Agreement)**

By: Margeson

Seconded by: Sweet

WHEREAS, the Executive Director of the Chemung County Sewer Districts has requested authorization to enter into a Professional Services Agreement with Larson Design Group (“LDG”) for the provision by LDG of Study and Analysis Services, Design Services, and Grant Application Services during the period January 1, 2024 through December 31, 2024 at a cost not to exceed \$18,000; and

WHEREAS, the County Executive and the Multi-Services Committee have recommended that the Chemung County Legislature approve this agreement, now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to enter into a Professional Services Agreement with LDG for the provision of the aforementioned services during the period January 1, 2024 through December 31, 2024 at a total cost not to exceed \$18,000, the terms and conditions of that agreement to be subject to the review and approval of the County Attorney, and, be it further

RESOLVED, that the agreement shall not be renewed, the initial term extended, or the agreement amended without the express consent by Resolution of this Legislature.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-144     **Resolution authorizing agreement with Southern Tier Network on behalf of the Chemung County Department of Information Technology**

By: Margeson

Seconded by: Sweet

WHEREAS, the Chemung County Director of Information Technology has requested authorization to enter into an agreement with Southern Tier Network (“STN”) for the expansion and installation of STN fiber to the Buildings and Grounds Building located at the Chemung

County Fairgrounds at a one-time installation fee of \$10,000; and

WHEREAS, the County Executive and the Multi-Services Committee have recommended the Chemung County Legislature approve this agreement; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to enter into the aforementioned installation agreement with STN at a total cost of \$10,000, the terms and conditions of this agreement to be subject to the review and approval of the County Attorney; 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.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-145 **Resolution authorizing Purchase Agreement with SHI, Inc. on behalf of the Chemung County Department of Information Technology**

By: Margeson

Seconded by: Sweet

WHEREAS, the Director of the Chemung County Department of Information Technology has requested authorization to enter into an agreement with SHI, Inc. utilizing Sourcewell Cooperative Contract for Technology Catalog Solutions Agreement #081419-SHI (RFP-081419-Technology Catalog Solutions) (PGB-2128) for purchase of Splunk Cloud Subscription products (Part Nos. SE-S-CLD-ST and SE-S-ARC) at a total cost not to exceed \$37,713.60 during the period January 1, 2024 through December 31, 2024; and

WHEREAS, the County Executive, the Multi-Services Committee have recommended that the Chemung County Legislature approve the purchase of the Splunk Cloud Subscription products pursuant to the Sourcewell Cooperative Purchasing Agreement; now, therefore, be it

RESOLVED, that the County Executive is hereby authorized and directed to enter into an agreement with SHI, Inc. for the Splunk Cloud Subscription products (Part Nos. SE-S-CLD-ST and SE-S-ARC) at a total cost not to exceed \$37,713.60 pursuant to a bid as more particularly described in the Preamble to this Resolution, during the period January 1, 2024 through December 31, 2024; and, be it further

RESOLVED, that the terms and conditions of the agreement with SHI, Inc. are subject to the review and approval of the County Attorney; 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.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

**TREASURER AND REAL PROPERTY**

24-146 **Resolution authorizing transfers and appropriations by the County Executive**

**TABLED - RESOLUTION NO. 24-146**

RESOLUTION AUTHORIZING TRANSFERS AND APPROPRIATIONS  
BY THE COUNTY EXECUTIVE

By: Margeson

Seconded by: Chalk

RESOLVED, that the County Treasurer is hereby authorized and directed to transfer the following designated amounts, and to create the following revenue and appropriation accounts with the following amount, to wit:

2024 Transfers:

\$83,350 From 10 1990 1990 50408 Contingency  
To 10 9552 0 50913 Capital Projects

\$47,400 From 10 1990 1990 50408 Contingency  
To 10 1340 0000 50507 Software Licenses

BONDING

ADVERTISING FOR/AWARDING BIDS

24-147

**Resolution authorizing advertisement for proposals on behalf of the Elmira Corning Regional Airport (food service)**

By: Sweet

Seconded by: Burin

WHEREAS, the Chemung County Director of Aviation, on behalf of the Elmira Corning Regional Airport ("ECRA") has requested authorization to advertise for proposals for food service; and

WHEREAS, the County Executive and the Aviation Committee have reviewed this request and have recommended that the Chemung County Legislature approve the same; now, therefore, be it

RESOLVED, that the Purchasing Director is hereby authorized to advertise for sealed bids of proposal for the aforementioned purpose, which proposals shall be advertised as required by law, and opened and read by the Purchasing Director or her designee in conformity with statutes applicable thereto at her office or other designated location in the Hazlett Building, 203 Lake Street, Elmira, New York; and, be it further

RESOLVED, that the Notice of Advertisement shall contain such information and be in such form as required by law and shall be advertised in accordance with applicable laws in the Elmira Star-Gazette and The Morning Times; and, be it further

RESOLVED, that the Purchasing Director is hereby authorized to record such proposals and present the same at a meeting of the County Legislature for such further action as this Legislature shall deem appropriate.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

## PERSONNEL

### 24-148 **Resolution creating IT Specialist Help Desk/Clerical position on behalf of the Chemung County Department of Information Technology**

By: Chalk

Seconded by: Sweet

WHEREAS, the Director of the Chemung County Department of Information Technology has requested the creation of a full-time Helpdesk/Clerical position, CSEA B-2, Grade 9, \$20.82 per hour, to better meet the needs of the Department; and

WHEREAS, the County Executive and the Personnel Committee have recommended that the Chemung County Legislature approve the Director's request; now, therefore, be it

RESOLVED, that one full-time Helpdesk/Clerical position be and the same hereby is created for the Chemung County Department of Information Technology effective April 9, 2024; and, be it further

RESOLVED, that the Director is hereby authorized and directed to fill one full-time Helpdesk/Clerical position, CSEA B-2, Grade 9, \$20.82 per hour; and, be it further

RESOLVED, that the aforementioned position is to be filled subject to Civil Service requirements, and said wages are to be paid as to any other County Employee.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

### 24-149 **Resolution creating Accountant position on behalf of the Chemung County Treasurer**

By: Chalk

Seconded by: Sweet

WHEREAS, the Chemung County Treasurer has requested the creation of a full-time Accountant position as approved by the Regional Civil Service Commission on December 5, 2023, Single Rate Grade 8, \$67,354 - \$106,578 annual salary to better meet the needs of the Department; and

WHEREAS, the County Executive and the Personnel Committee have recommended that the Chemung County Legislature approve the Treasurer's request; now, therefore, be it

RESOLVED, that one full-time Accountant position be and the same hereby is created for

the Chemung County Treasurer's Office effective April 9, 2024; and, be it further

RESOLVED, that the Chemung County Treasurer is hereby authorized and directed to fill one full-time Accountant position, Single Rate Grade 8, \$67,354 - \$106,578 annual salary; and, be it further

RESOLVED, that the aforementioned position is to be filled subject to Civil Service requirements, and said wages are to be paid as to any other County Employee.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

24-150 **Resolution authorizing salary adjustment for Supervisor of Fiscal Services position on behalf of the Chemung County Treasurer**

By: Chalk

Seconded by: Sweet

WHEREAS, pursuant to Resolution No. 23-588, the 2024 salary for the Supervisor of Fiscal Services position for the Chemung County Treasurer's Office was approved at an annual salary of \$83,668.96 (\$45.6210/hour); and

WHEREAS, the Chemung County Treasurer has requested a salary adjustment for the Supervisor of Fiscal Services due to personnel adjustments which have required the realignment of the finance team structure and additional high-level duties to be assigned to the Supervisor of Fiscal Services; and

WHEREAS, the requested salary adjustment is within the salary parameters for a Grade 8 title within the adopted 2024 Single Rate Salary Compensation Plan; and

WHEREAS, the County Executive and the Personnel Committee have recommended that the Chemung County Legislature approve the Treasurer's request; now, therefore, be it

RESOLVED, that the Chemung County Legislature hereby authorizes an adjustment in salary for Supervisor of Fiscal Services, Andrea Whitmarsh, increasing her annual salary to \$90,197.88 (\$49.18.8/hour); and, be it further

RESOLVED, that the increase shall be retroactive to February 1, 2024.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

**PUBLIC HEARING**

**MISCELLANEOUS**

24-151 **Resolution urging Governor Kathy Hochul and the New York State Legislature to Increase Funding to Community Colleges in the New York State Budget on behalf of SUNY Community Colleges**

By: Margeson

Seconded by: Sweet

WHEREAS, State University of New York's (SUNY's) community colleges serve the largest percentage of low income, historically marginalized populations, and working adults of all SUNY sectors, and

WHEREAS, the state's direct tax support for SUNY's community colleges is lower than it was a decade ago, has not increased in three years, and has fallen behind the NY state counties' direct tax support to community colleges by \$97 million, and

WHEREAS, the community college sector Trustees and Presidents and SUNY Adirondack advocated for New York State to meet its obligation to equally share its support of the community colleges with the counties, and

WHEREAS, increasing base operating aid by \$97 million will bring the state's share of direct state tax support for operating aid to equal that of New York's counties and support training 20,000 New Yorkers in high demand jobs through the Empire

WHEREAS, despite these advocacy efforts the Governor's Executive Budget calls for no increase in base operating aid, and

WHEREAS, with no increase to base operating aid, community colleges will be unable to meet the workforce needs appropriately and substantially of New York State and Chemung County, particularly in healthcare, semi-conductor manufacturing, IT, and regionally based industry sectors, and

WHEREAS, our county has faithfully carried out our fiduciary duties; now, therefore, be it

RESOLVED, that the Chemung County Legislature urges New York State Legislators to advocate on behalf of the community college sector of SUNY by ensuring that NYS meets its fiduciary obligation to equally share its financial support of the community colleges with the counties by adding an additional \$97 million in operating base aid for the community colleges as requested; and, be it further

RESOLVED, that the Chairperson of the Chemung County Legislature hereby is authorized to forward advocacy letters to Governor Kathy Hochul, New York State Senator George Borrello, New York State Assemblyman Stephen Hawley, Education Chair Chancellor of SUNY John B. King, Jr., New York State Association of Counties, Inter-County Association of Western New York and any other deemed necessary.

*Ayes: Sweet, Brennan, Donovan, Palmer, Pickering, Burin, Chalk, Stermer, McCarthy, Drake, Strange, Margeson (Chairman) (12); Excused: Morse, Saglibene, Smith (3)*

**8. OLD BUSINESS**

**9. NEW BUSINESS**

**10. ADJOURNMENT**

MOTION

By: Sweet

Seconded by: Pickering

MOVED, that the Chemung County Legislature be adjourned until Monday, May 13, 2024 at 7:00 P.M. in the Legislative Chambers, 5<sup>th</sup> Floor, Hazlett Building, 203 Lake Street, Elmira, New York

CARRIED.



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Correspondence 04-01 through 04-10

**Resolution #:**

**Slip Type:** OTHER

**SEQRA status**

**State Mandated** False

**Explain action needed or Position requested (justification):**

04-01 - Chemung County Soil & Water Conservation Annual Report

04-02 - Cornell Cooperative Extension of Chemung County Annual Report

04-03 - Columbia County: Urging Action By New York State Legislators to Advocate on behalf of Columbia-Greene Community College to Increase Funding

04-04 - Chenango County: Recommending Continuation and Expansion of the Hiring for Emergency Limited Placement (HELP) Program to Remove Civil Service Exam Requirements for District Care, Health and Safety Titles Across State and Local Agencies - Various Departments

04-05 - Chenango County: Imploring the State of New York to Designate the Honor and Remember Flag Created by Honor and Remember, Inc. as an Official Symbol to Honor Members of the Armed Forces Who Died in the Line of Duty- Veteran Services

04-06 - Cattaraugus County: Demanding New York State Parole Board Revoke the Release of Edward Kindt from Prison

04-07 - Cattaraugus County: Urging New York State Legislators To Advocate on behalf of SUNY Community Colleges to Increase Funding to Community Colleges in the State Budget

04-08 - Cattaraugus County: Supporting New York State Senate and Assembly for Proposed Increase in Local Transportation Funding Amounts in the State Budget

04-09 - Genesee County: Approval of Rescuing Emergency Medical Services

04-10 - Chemung County Executive Order #2 of 2023-2.7: Continuation of the Declaration of a Local State of Emergency

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
No Attachments Available			



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution confirming appointments to the Chemung County Human Services Committee

**Resolution #:** 24-120  
**Slip Type:** OTHER  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**

See attached appointment recommendations.

### ATTACHMENTS:

File Name	Description	Type	Upload Date
<a href="#">Appointments to the Human Services Committee.pdf</a>	<a href="#">Letter of appointment recommendations</a>	<a href="#">Backup Material</a>	3/19/2024

Chemung County Legislature  
203 Lake Street, P.O. Box 588  
Elmira, NY 14902

2/20/2024

**"Appointment Recommendation"**

Greetings, Deputy Clerk Megan Hill,

Per your request, what follows are Southern Tier Central Regional Planning and Development Board's recommendations for 2024 appointments to the Chemung County Human Services Committee.

**Renewals (based on attendance and correspondence):**

- Chemung County Commissioner of Social and Mental Hygiene, Brian Hart (and his replacement following retirement)
- Chemung County Public Health, Director, Peter Buzzetti
- Economic Opportunities Program, Chief Program Officer, Bill Brodgerski
- Private Sector Agencies:
  - United Way, Senior Director of Strategic Initiatives, Barbara Hubbell

**Changes (existing member organization with different representative):**

- Arbor Development, Director of Home Ownership and Housing Choice Voucher, Christina Doughty
- Chemung County Department of Aging and Long-Term Care, Executive Director, Beth Stranges
- Chemung County Legislature, Legislator, Joseph Donovan
- Chemung County Planning Department, Commissioner of Planning and Director of ECTC, Kevin J. Meindl, AICP
- Chemung County Youth & Recreational Services, Director, David Ellis
- Child Development—CIDS, Healthy Families Program Manager, Rebecca Moss
- CSS Workforce NY, Executive Director, Phyllis Balliett
- Greater Southern Tier BOCES, Director of Management Initiatives, Vince Moschetti
- Private Sector Agencies:
  - Catholic Charities: Chemung & Schuyler, Executive Director, Nancy Koons
  - YWCA, Chief Executive Officer, Brenda Curren
- Consumer Agencies:
  - Cornell Cooperative Extension, Executive Director – Chemung, Michelle Podolec

Appreciative of the privilege,



Hannah Mathilde L. Waschezyn, Planner (she/her)  
Southern Tier Central Regional Planning and Development Board  
(607) 962-5092, Ext. 203  
[www.stcplanning.org](http://www.stcplanning.org)



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing agreement with Daniel M. O'Connell, DMD on behalf of the Chemung County Sheriff (inmate Dental Services)

**Resolution #:** 24-121  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

### Explain action needed or Position requested (justification):

Agreement with Daniel M. O'Connell, DMD to provide services to incarcerated individuals at the Chemung County Jail from 1/1/24 to 12/31/24. Services are to be billed monthly and per service, following the NYS Medicaid Dental Fee Schedule. Total not to exceed \$15,000 for the term of the Agreement.

### ATTACHMENTS:

File Name	Description	Type	Upload Date
<a href="#">2024 O Connell Dental Contract Draft.doc</a>	<a href="#">O'Connell Dental</a>	<a href="#">Cover Memo</a>	1/31/2024

## **A G R E E M E N T**

**THIS AGREEMENT** made between the **COUNTY OF CHEMUNG** (hereinafter referred to as the "**COUNTY**"), on behalf of its applicable department(s), a municipal corporation of the State of New York, having its principal office at 203-205 Lake Street, Elmira, New York 14902-0588,

**AND**

**DANIEL M O'CONNELL, DMD**, (hereinafter referred to as "**PROVIDER**") having his principal place of business at 2511 Corning Road, Elmira, NY 14903

## **W I T N E S S E T H**

**WHEREAS** the parties hereto desire to make available to the **COUNTY** the services as authorized by applicable Laws of the State of New York; and as outlined in **ATTACHMENT A**, and

**WHEREAS** the **PROVIDER** is qualified to provide and is willing and authorized to furnish such services to the **COUNTY** and,

**WHEREAS** the **COUNTY** desires to contract with the **PROVIDER** for the furnishing of such services as aforesaid, and the said **PROVIDER** has agreed to render and furnish such services to the **COUNTY** to the extent indicated herein, and under the terms and conditions hereinafter provided, and

**WHEREAS** the **COUNTY** wishes to make these services available to those persons eligible under applicable Laws.

**NOW, THEREFORE**, it is mutually agreed between the parties involved as follows:

### **TERM OF AGREEMENT**

1. This Agreement shall become effective **January 1, 2024** and shall terminate on **December 31, 2024**.

### **BUDGET AND TOTAL AMOUNT OF AGREEMENT**

2. The **PROVIDER** agrees that the budget attached hereto and made part hereof as **ATTACHMENT B**, accurately lists any personnel and/or other costs for services to be rendered by the **PROVIDER** under this Agreement.

The **COUNTY** will provide payment to the **PROVIDER** as described in **ATTACHMENT D**, attached hereto and made a part hereof.

### **RELATIONSHIP AS INDEPENDENT PROVIDER**

3. The relationship of the PROVIDER to the COUNTY shall be that of independent PROVIDER. The PROVIDER, in accordance with this status as an independent provider, covenants and agrees that it will conduct itself in accordance with such status, that it will neither hold itself out as, nor claim to be an officer or employee of the COUNTY by reason thereof and that it will not by reason thereof make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the COUNTY, including, but not limited to Worker's Compensation coverage, or retirement membership or credits.

### **ASSIGNMENTS**

4. The PROVIDER shall not assign, transfer, convey, sublet, sub-contract or otherwise dispose of this contract or the right, title or interest therein or the power to execute such contract to any other person, company or corporation without prior written consent of the COUNTY, which consent shall not be unreasonably withheld.

### **COMPLIANCE WITH APPLICABLE LAWS**

5. The PROVIDER shall have the overall administration and responsibility for carrying out the terms of this contract and shall comply with all applicable Federal, State and local statutes, rules and regulations.

The PROVIDER shall furnish services in accordance with applicable requirements of law and shall cooperate with the COUNTY as may be required so that the COUNTY shall be able to fulfill its function and responsibilities in order to meet all of the applicable County, State and Federal requirements pertaining thereto.

### **NEW FEDERAL OR STATE REQUIREMENTS**

6. In the event that Federal or State Departments issue new or revised requirements to the COUNTY pertaining to services rendered in the performance of this Agreement, then the COUNTY shall promptly notify the PROVIDER of said change(s) and the PROVIDER shall comply with said requirements.

### **RECORDS RETENTION**

7. The PROVIDER agrees to retain all books, records and other documents relevant to this Agreement for seven years after final payment. Federal and/or State auditors and any persons duly authorized by the COUNTY shall have full access and the right to examine any of said materials during said reporting period.

### **CONFIDENTIALITY**

8. The PROVIDER and the COUNTY shall observe and require the observance of applicable County, Federal and State requirements relating to the confidentiality of records and information.

## **CLAIMS, PAYMENTS AND AUDITS**

9. The PROVIDER agrees that all claims submitted for reimbursement to the COUNTY shall be true and correct and that reimbursement by the COUNTY does not duplicate reimbursement received by the PROVIDER from any other sources.

## **INSURANCE**

10. The PROVIDER agrees to procure and maintain insurance of the kinds and in the amounts hereinafter specified in **Exhibit #1**, and attached hereto as **ATTACHMENT C**.

Before commencing the work, the PROVIDER shall furnish the COUNTY with a Certificate of Insurance or Binder showing that it has complied with this Exhibit, which certificate or proof of Professional Liability Insurance shall not be changed or cancelled until thirty (30) days written notice has been given to the COUNTY.

This Certificate of Insurance, if required, shall name the COUNTY as additional insured and will be attached to this Agreement as **ATTACHMENT "C"**.

## **HOLD HARMLESS INDEMNIFICATION**

11. The PROVIDER agrees to indemnify and hold harmless the COUNTY, its officers and agents, against all liability, judgments, costs and expenses upon any claims arising from the negligence of the PROVIDER, its agents, officers or employees, in performing the work under this Agreement.

## **NEPOTISM/CONFLICT OF INTEREST**

12. The PROVIDER agrees and is obligated to disclose that no current officer, director or incorporator of the PROVIDER shall be hired or retained by the PROVIDER to fill any staff position or perform any services required under this Agreement and that parents, spouses, siblings and children of current officers, directors or incorporators will not be employees paid from these funds without prior written approval of the COUNTY.

## **TERMINATION**

13. Each party shall have the right to terminate this Agreement by giving 60 days prior written notice to the other party.
  - A. Notwithstanding the above, if, through any cause, the PROVIDER fails to comply with legal, professional, COUNTY, Federal or State requirements for the provision of services or with the provisions of this Agreement, or if the PROVIDER becomes bankrupt or insolvent or falsifies its records or reports, or misuses its funds from whatever source, the COUNTY may terminate this Agreement effective immediately, or, at its option, effective at a later date, after sending notice of such termination to the PROVIDER.
  - B. The COUNTY shall be released from any and all responsibilities and obligations arising from the services covered by this Agreement, effective as of the date of termination, but the COUNTY shall be responsible for payment of all claims for services provided and costs incurred by the PROVIDER prior to termination of

this Agreement, that are pursuant to, and after the PROVIDER's compliance with, the terms and conditions herein, subject to any adjustments the COUNTY may have.

C. In the event of termination of the Agreement prior to the termination date set forth in the project description, the PROVIDER agrees to:

- 1) Account for and refund to the COUNTY, within 30 days, any unexpended funds which have been paid to the PROVIDER pursuant to this Agreement.
- 2) Not incur any further obligations pursuant to this Agreement beyond the termination date.
- 3) Submit, within 30 days of termination, a full report of fiscal and program activities, accomplishments and obstacles encountered related to this Agreement.

### **NON-DISCRIMINATION**

14. The COUNTY and PROVIDER agree to comply with all applicable rules and regulations regarding non-discrimination regarding work to be performed under this Agreement. In compliance with New York State and Federal Laws, PROVIDER and COUNTY shall not discriminate because of age, race, creed, sex, color, disability, national origin, marital status, blindness, sexual preference, sponsorship, employment, source of payment or retaliation in the performance of this Agreement.

### **FOR CONTRACTS RECEIVING STATE FUNDING**

The PROVIDER shall not discriminate in the admission, care, treatment, employment, and confidentiality of persons with AIDS or HIV-related medical conditions. PROVIDERS found to have discriminated or to have breached the confidentiality of AIDS-related medical records will be required to implement remedial plans, including staff education, to prevent future incidents. In cases of repeated violations or refusal to comply, State funding to such PROVIDERS shall be terminated and/or administrative fines imposed.

### **FOR CONTRACTS RECEIVING FEDERAL FUNDING, EITHER DIRECTLY OR THROUGH STATE OR LOCAL GOVERNMENTS:**

Public Law 103-227, also known as the Pro-Children Act of 1994 (Act), required that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan or loan guarantee. This law also applies to children's services which are provided in indoor facilities which are constructed, operated, or maintained with such Federal funds. The law does not apply to children's services provided in private residences; portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable Federal funds is Medicare or Medicaid; or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil

monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity.

By signing this certification or contract agreement wherein this certification is included, the PROVIDER certifies that the organization will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act. The submitting organization agrees that it will require that the language of this certification be included in any subawards which contain provisions for children's services and that all subrecipients shall certify accordingly.

The above recited language reflects the Federal requirements for all Federally funded programs. However, New York State Public Health Law, Section 1399-o, governing smoking in public places and facilities, is more restrictive than the Federal law. In all instances, if any state or local law, rule or regulation is more restrictive than the applicable Federal law, then all terms of the state or local law, rule or regulation shall apply.

### **EXECUTORY BASED ON AVAILABILITY OF MONIES**

15. This contract shall be deemed executory only to the extent of the monies appropriated and available for the purpose of the contract, and no liability on account thereof shall be incurred by the purchase beyond the amount of such monies. It is understood that neither this contract nor any representation by any public employee or officer creates any legal or moral obligation to request, appropriate or make available monies for the purpose of the contract.

### **COOPERATION**

16. The PROVIDER and the COUNTY recognize that in the performance of this contract, the greatest benefits will be derived by promoting the interest of both parties, and each of the parties does, therefore, enter into this contract with the intention of loyally cooperating with the other in carrying out the terms of this contract and each party agrees to interpret its provisions insofar as it may legally do, in such manner as will thus promote the interest of both and render the highest service to the public and in accordance with the provisions of this Agreement.

### **SECTARIAN PURPOSES**

17. The PROVIDER agrees that no funds received pursuant to this Agreement will be used for sectarian purposes or to further the advancement of any religion. This paragraph does not in any way limit expenditure of funds due the PROVIDER's employees through this Agreement which become part of the employee's personal spending money.

### **LOBBYING**

18. The Provider/Contractor will not spend Federal appropriated funds to pay any person for influencing or attempting to influence an officer or employee of Congress, a member of Congress, an employee of a member of Congress, or an officer or employee of any Federal agency in connection with any of the following Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation,

renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement. Furthermore, if the Provider/Contractor spends any non-federal funds for these purposes, Provider/Contractor will make and file any disclosures required by State or Federal Law.

### **GENERAL PROVISIONS**

19. This Agreement contains all the terms and conditions agreed upon by the parties. All items incorporated by reference are to be attached. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.
20. If any term or provision of this Agreement or the application thereof shall, to any extent be held invalid or unenforceable, the remainder of this Agreement, other than those as to which it is held invalid or unenforceable, shall not be affected.
21. The paragraph headings in this Agreement are inserted for convenience and reference only and shall not be used in any way to interpret this Agreement.
22. The following additional schedules are attached and made a part hereof: **Exhibit 2.**

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed by their duly authorized officers on the date herein written.

**DATE:** \_\_\_\_\_

**COUNTY OF CHEMUNG**

**BY:** \_\_\_\_\_

**SHERIFF  
WILLIAM A. SCHROM**

**DATE:** \_\_\_\_\_

**COUNTY OF CHEMUNG**

**BY:** \_\_\_\_\_

**COUNTY EXECUTIVE  
CHRISTOPHER MOSS**

**DATE:** \_\_\_\_\_

**DANIEL M O'CONNELL, DMD**

**BY:** \_\_\_\_\_

**Authorized Signature  
Fed.I.D.# \_\_\_\_\_**

**Attachment A = Service Description/Protocols**

**Attachment B = Budget**

**Attachment C = Insurance Certificate**

**Attachment D = Payment Schedule(s)**

**Exhibit #1 = Insurance Requirements**

**Exhibit #2 = Authorizing Resolution**

**Department Head Approval/Initials: \_\_\_\_\_**

## **ATTACHMENT "A"**

### **SERVICE DESCRIPTION**

**PROVIDER** shall be responsible for the following:

1. Supervision of the dental needs of all inmates in the Chemung County Jail.
2. Adequate office space, equipment, supplies, materials and publications necessary for the delivery of dental care consistent with the standards of the American Correctional Association and the National Commission on Correctional Health Care.
3. PROVIDER and COUNTY agree that such duties and responsibilities can be accomplished within eight (8) hours per month.
4. Referrals to specialists as necessary.
5. COUNTY shall be responsible for keeping and maintaining all inmate Medical Records.
6. COUNTY agrees that once an inmate of the COUNTY jail is no longer located at the COUNTY jail (for any reason) then the relationship between PROVIDER and said inmate is terminated.
7. COUNTY agrees that the relationship between PROVIDER and inmates will terminate once incarceration ends, and PROVIDER is under no obligation to continue further treatment.

### **THE COUNTY SHALL PROVIDE:**

- 1) Funding for medical treatment of inmates (e.g., hospitalization, X-rays, laboratory work, etc.)
- 2) Orientation to PROVIDER of COUNTY policies, records and procedures.
- 3) Medical Records storage pursuant to NYS laws.

**ATTACHMENT "B"**

**BUDGET**

**The PROVIDER agrees to charge the COUNTY per service provided, following the New York State Medicaid Dental Fee Schedule. Services shall not exceed \$15,000 for the year.**

**ATTACHMENT "C"**  
**CERTIFICATE OF INSURANCE**

**ATTACHMENT "D"**

**PAYMENT SCHEDULE**

Upon submission by the PROVIDER to the COUNTY of an appropriate invoice, and providing that all elements of this Agreement are satisfactorily met, and after approval by the COUNTY, payment to the PROVIDER shall be authorized by the COUNTY Treasurer as follows:

<b><u>PROGRAM</u></b>	<b><u>INVOICE TO:</u></b>	<b><u>PAYMENT SCHEDULE</u></b>
DENTAL	SHERIFF	MONTHLY-PER SERVICE PROVIDED

## **EXHIBIT "1"**

### **CERTIFICATE OF INSURANCE REQUIREMENTS**

In satisfaction of the insurance requirements of this Agreement, PROVIDER is required to procure and maintain PROFESSIONAL LIABILITY INSURANCE in the sum of at least ONE MILLION DOLLARS (\$1,000,000.00).

PROVIDER is further required to furnish copies of proof of said coverages in Certificates of Insurance naming the COUNTY as an additional insured with respect to the general liability policy. These Certificates of Insurance must include the term of this Agreement or PROVIDER shall, on or before thirty (30) days of the expiration date of the above insurance, provide the COUNTY with a Certificate of Insurance with the same coverage for the balance of the term of this Agreement.

Any required insurance will be in companies authorized to do business in New York State, covering all operations under this Agreement, whether performed by the PROVIDER or by subcontractors.

All insurance coverage required to be purchased and maintained by the PROVIDER under this Agreement shall be primary for the defense and indemnification of any action or claim asserted against the COUNTY and/or the PROVIDER for work performed under this Agreement, regardless of any other collectible insurance or any language in the insurance policies which may be to the contrary.

Should the PROVIDER's insurance be written on a claims made basis, the PROVIDER agrees to maintain coverage for claims arising from services rendered during the term of this Agreement, but submitted after the termination of this Agreement. If necessary, PROVIDER will purchase "tail coverage" to meet the financial obligation of this Agreement and instruct its insurer to send us a Certificate of Insurance as evidence of the coverage required by this paragraph.



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

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Resolution appointing Chemung County Public Health Director as County Registrar of Vital Records

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**Resolution #:** 24-122  
**Slip Type:** OTHER  
**SEQRA status**  
**State Mandated** False

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**Explain action needed or Position requested (justification):**

The Vital Records office of the Chemung County Health Department is responsible for issuing and maintaining records of all births and deaths that occur within the county. Chemung County is one of four counties in New York State that are consolidated. This means that the county Vital Records office handles all the birth and death records for the entire county. This is opposed to non-consolidated counties in which each township or municipality is responsible for their own vital records. The community benefits from the consolidated approach as it allows for more efficient issuance of records and makes accessing these records easier for community members.

Public Health Law (pertinent sections included as additional attachments) requires that the county appoint a registrar (section 4121) and that the public health director serve as the registrar for consolidated counties (section 4121) for a term of four years (section 4123).

Previous resolution 19-331.

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**ATTACHMENTS:**

File Name	Description	Type	Upload Date
<a href="#">Appointment of Registrar - 2024.pdf</a>	<a href="#">Appointment of Registrar</a>	<a href="#">Cover Memo</a>	1/29/2024

Chemung County Health Department  
103 Washington St., P.O. Box 588  
Elmira, NY 14902-0588  
Phone: (607) 737-2028  
cchd@chemungcountyny.gov



Peter Buzzetti III, MPH  
Public Health Director

Sarah Mattison, MPH  
Deputy Public Health Director

---

TO: Christopher J. Moss, County Executive  
FROM: Peter Buzzetti III, Public Health Director  
DATE: January 4, 2024  
SUBJECT: Appointment of Public Health Director as County Registrar of Vital Records

The Vital Records office of the Chemung County Health Department is responsible for issuing and maintaining records of all births and deaths that occur within the county. Chemung County is one of four counties in New York State that are consolidated. This means that the county Vital Records office handles all the birth and death records for the entire county. This is opposed to non-consolidated counties in which each township or municipality is responsible for their own vital records. The community benefits from the consolidated approach as it allows for more efficient issuance of records and makes accessing these records easier for community members.

The Vital Records team for Chemung County consists of three staff members:

- Registrar – serves in an oversight role
- Deputy Registrar – handles the day-to-day tasks in the department
- Senior Clerk – assists the Deputy Registrar and serves in the Deputy Registrar's place when needed

Public Health Law (pertinent sections included as additional attachments) requires that the county appoint a registrar (section 4121) and that the public health director serve as the registrar for consolidated counties (section 4121) for a term of four years (section 4123).

I am requesting the public health director be approved to serve as the county registrar.

Thank you for your consideration of this request.



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing Memorandum of Understanding with Western New York Independent Living, Inc. and AIM Independent Living Center on behalf of the Chemung County Departments of Aging & Long Term Care and Social Services (NY Connects)

**Resolution #:** 24-123  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

### Explain action needed or Position requested (justification):

On behalf of the Chemung County Department of Aging and Long Term Care and the Chemung County Department of Social Services, Western New York Independent Living Inc. and AIM Independent Living Center please consider this correspondence as our request to enter into a Memorandum of Understanding for the period of January 1, 2024 to December 31, 2024. The Parties are entering into this Memorandum in order to establish the interconnections required of NY Connects at the local level by and among the Parties and their respective contractors and subcontractors. The Parties will act as NY Connects in accordance with the NY Connects State Program Standards. The Parties will also work in collaboration with the local governmental unit (I-GU) of mental hygiene and the regional office(s) of the New York State Office for People with Developmental Disabilities (OPWDD). The Parties agree to fulfill all of the functions of NY Connects and its role as the No Wrong Door (NWD).

### ATTACHMENTS:

File Name	Description	Type	Upload Date
<a href="#">MOU Route Slip - NY Connects LDSS AIM - 2023.pdf</a>	<a href="#">MOU NY Connects</a>	<a href="#">Cover Memo</a>	1/29/2024

# Chemung County Department of Aging and Long Term Care

New York Connects

425 Pennsylvania Avenue • P.O. Box 588 • Elmira, NY 14902-0588 • (607) 737-5520

Beth Stranges, Director

General Aging Services FAX: 607-737-5521

CARE Unit FAX: 607-737-5388

Email: ofa@chemungcountyny.gov

**TO:** Christopher J. Moss, County Executive / Steve Hoover, Budget Director /  
County Legislature

**CC:** Brian Hart, Commissioner of Human Services / Christine O'Herron,  
Deputy Commissioner

**FROM:** Beth Stranges, Director of Department of Aging and Long Term Care

**DATE:** January 8<sup>th</sup>, 2024

**RE:** **2024 Department of Aging and Long Term Care and Department of  
Social Services – NY Connects Memorandum of Understanding**

On behalf of the Chemung County Department of Aging and Long Term Care and the Chemung County Department of Social Services, Western New York Independent Living Inc. and AIM Independent Living Center please consider this correspondence as our request to enter into a Memorandum of Understanding for the period of January 1, 2024 to December 31, 2024.

The Parties are entering into this Memorandum in order to establish the interconnections required of NY Connects at the local level by and among the Parties and their respective contractors and subcontractors. The Parties will act as NY Connects in accordance with the NY Connects State Program Standards. The Parties will also work in collaboration with the local governmental unit (I-GU) of mental hygiene and the regional office(s) of the New York State Office for People with Developmental Disabilities (OPWDD). The Parties agree to fulfill all of the functions of NY Connects and its role as the No Wrong Door (NWD).

There are no funds associated with this Memorandum of Understanding. If you have any questions, please contact Beth Stranges at 737-5536. Thank you.



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing agreement with Laboratory Corporation of America on behalf of the Chemung County Department of Social Services

**Resolution #:** 24-124  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**

Renewal for two-year term of January 1, 2024 to December 31, 2025.

Prior Resolution No. 22-277 (January 1, 2022 to December 31, 2023).

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
<a href="#">LabCorp Memo 2024-2025.doc</a>	<a href="#">LabCorp Agreement memo</a>	<a href="#">Cover Memo</a>	1/28/2024



CHEMUNG COUNTY  
DEPARTMENT OF SOCIAL SERVICES  
AND MENTAL HYGIENE  
HUMAN RESOURCE CENTER  
425-447 PENNSYLVANIA AVE.  
P.O. BOX 588  
Elmira, New York 14902-0588  
PHONE NO: (607) 737-5405  
FAX: (607) 737-5500

BRIAN HART, LCSW-R  
COMMISSIONER

CHRISTINE O'HERRON  
DEPUTY COMMISSIONER

**TO:** Christopher J. Moss, County Executive / Jennifer Furman, Deputy County Executive  
Steve Hoover, Budget Director / County Legislature

**FROM:** Christine O'Herron, Deputy Commissioner

**CC:** Brian Hart, Commissioner of Human Services / Neil Klinko, Child Support Coordinator

**DATE:** December 19, 2023

**RE:** **2024-2025 LabCorp Agreement**

On behalf of the Chemung County Department of Social Services, please consider this correspondence as our request to renew the Laboratory Corporation of America (LabCorp) contract.

Laboratory Corporation of America is used for provision of DNA identification cases and determination in child support cases. LabCorp promotes parentage testing using the buccal swab specimen collection procedure. This collection procedure is non-invasive. Typically, four (4) swabs are collected from each individual in a case. Two (2) swabs are used for initial testing and the remaining two (2) swabs to be stored for seven (7) years for possible extended testing or, if submitted, testing with additional alleged fathers.

Laboratory Corporation of America will honor the 2022-2023 pricing, for a budget not to exceed \$15,000 per year for the two-year term of January 1, 2024 to December 31, 2025. If you have any questions, please contact Brian Hart at 737-5501. Thank you.



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing agreement with James McGuinness and Associates, Inc. on behalf of the Chemung County Department of Social Services

**Resolution #:** 24-125  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**

Renew for two-year term.

Prior resolution no. 21-618

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
<a href="#">McGuinness Memo 2024-2025.doc</a>	<a href="#">McGuinness Memo</a>	<a href="#">Cover Memo</a>	1/31/2024



**CHEMUNG COUNTY  
DEPARTMENT OF SOCIAL SERVICES  
AND MENTAL HYGIENE**

**HUMAN RESOURCE CENTER  
425-447 PENNSYLVANIA AVE.**

P.O. BOX 588  
Elmira, New York 14902-0588  
PHONE NO: (607) 737-5405  
FAX: (607) 737-5500

BRIAN HART, LCSW-R  
COMMISSIONER

CHRISTINE O'HERRON  
DEPUTY COMMISSIONER

**TO:** Christopher J. Moss, County Executive / Jennifer Furman, Deputy County Executive /  
County Legislature

**CC:** Brian Hart, Commissioner of Human Services / Christy Harmer, Children's Integrated  
Services Coordinator / Kelly Sidari, Special Children's Services Coordinator

**FROM:** Christine O'Herron, Deputy Commissioner of Human Services

**DATE:** January 12, 2024

**RE:** **2024-2025 JAMES MCGUINNESS & ASSOCIATES, INC.**

Please consider this request on behalf of the Department of Social Services to renew our County agreement with James McGuinness & Associates, Incorporated for the term of January 1, 2024 to December 31, 2025.

This agreement provides software for the express purpose of operating the preschool program database and financial management system for Department of Social Services. Chemung County further utilizes the McGuinness software for the CPSE Portal. The CPSE Portal is a web-based application that allows our Various Providers of Preschool to enter claim information, required documentation, and invoices electronically. Not only can items can be entered via the portal and uploaded into the software, but DSS is be able to view, modify, reject, and accept claims via the Portal.

This agreement is requested not to exceed \$15,996 per year. Please note, in addition to the software provided above, technical support and maintenance of the program software is also included in this amount.

Please contact Commissioner Brian Hart at 1-607-737-5501 if you have any questions. Thank you.



CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing agreement with United Way of the Southern Tier on behalf of the Chemung County Department of Social Services

Resolution #: 24-126  
Slip Type: CONTRACT  
SEQRA status  
State Mandated False

Explain action needed or Position requested (justification):

Renewal for CY2024 and CY2025.

Prior Resolution No 23-168.

ATTACHMENTS:

File Name	Description	Type	Upload Date
No Attachments Available			



CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing agreements with Elmira Heights School District and Finn Academy on behalf of the Chemung County Department of Mental Hygiene (Therapeutic School-based Mental Health Programs)

Resolution #: 24-127  
Slip Type: CONTRACT  
SEQRA status  
State Mandated False

Explain action needed or Position requested (justification):

Renew for CY2024.  
Prior Resolution No. 23-072

ATTACHMENTS:

File Name	Description	Type	Upload Date
<a href="#">TSBMH Local Share Reimbursement.docx</a>	<a href="#">TSBMH Local Share</a>	<a href="#">Cover Memo</a>	1/31/2024



**CHEMUNG COUNTY  
DEPARTMENT OF SOCIAL SERVICES  
AND MENTAL HYGIENE**

**HUMAN RESOURCE CENTER  
425-447 PENNSYLVANIA AVE.  
P.O. BOX 588  
Elmira, New York 14902-0588  
PHONE NO: (607) 737-5405  
FAX: (607) 737-5500**

BRIAN HART, LCSW-R  
COMMISSIONER

CHRISTINE O'HERRON  
DEPUTY COMMISSIONER

**TO:** Christopher J. Moss, County Executive / Jennifer Furman, Deputy County Executive /  
County Legislature

**CC:** Brian Hart, Commissioner of Human Services / Christy Harmer, Children's Integrated  
Services Coordinator

**FROM:** Christine O'Herron, Deputy Commissioner of Human Services

**DATE:** January 12, 2024

**RE:** **Local Share Reimbursement for Therapeutic School Based Mental Health**

On behalf of the Chemung County Department of Mental Hygiene, please consider this correspondence as our request to renew the various Memorandum of Understandings for local share reimbursement of Therapeutic School Based Mental Health.

Family Services of Chemung County will continue to provide the Elmira City School District, Elmira Heights School District, and Finn Academy with Therapeutic School Based Mental Health (TSBMH) programming in 2024. Family Services will provide clinical staff, supervision, and any necessary ancillary staff appropriate for the provision of Therapeutic School Based Mental Health Therapy, including counseling services as part of the youth's Individualized Education Plan.

A Memorandum of Understanding will demonstrate the local share of Therapeutic School Based Mental Health programming in which Chemung County will invoice Finn Academy and Elmira Heights School District for 35% local share reimbursement, up to \$52,000. The remaining 65% will be reimbursed with Federal Salary Sharing Funds. The Elmira City School District local share reimbursement request is forwarded under separate cover.

If you have any questions, please contact Brian Hart, Commissioner, at 1-607-737-5501. Thank you.



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution approving certain applications for and disbursement of Community Development Funds (Legislature)

**Resolution #:** 24-128  
**Slip Type:** OTHER  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**

See attached application

### ATTACHMENTS:

File Name	Description	Type	Upload Date
<a href="#">Big-Flats-Historical-Society-03-25-2024.pdf</a>	<a href="#">Big Flats Historical Society application</a>	<a href="#">Backup Material</a>	3/26/2024



Monday, March 25, 2024

## Application for Community Development Funds

The County of Chemung is accepting applications (requests) for grants to municipal corporations and special districts for projects that enhance the community during calendar year 2024. Not-for-profit corporations are not eligible for grants but are eligible to receive these funds to perform services for Chemung County to enhance the community. A County Legislator or the County Executive must sponsor all applications (requests) for funding. To view the Policy click [here](#):

If you wish to apply for Community Development Funds complete the application below. Applications will be processed and reviewed quarterly throughout 2024.

### Project Description:

Activities considered eligible for funding include, but are not limited to, those that enhance the community in the areas of education, tourism, the arts, recreation, health, social services, public infrastructure, or conservation and preservation of historical and cultural resources.

The expected outcome of such projects is that residents throughout the Chemung County will receive benefits by utilizing these funds to support these important activities.

<b>Full Legal Organizational Name</b>	Big Flats Historical Society
<b>Address</b>	8 CHURCH ST BIG FLATS, NY, 14814
<b>Organizational's Qualifications for Grant or Contract</b>	501(c)(3)
<b>Organization's Web-site address</b>	www.bfhis.com
<b>Organization's contact person and contact information</b>	Pamela Farr
<b>Phone Number</b>	(607) 426-4731
<b>Email</b>	pamfarr106@gmail.com
<b>Legislative District</b>	District 2 (Big Flats): Michael Saglibene
<b>If your organization has a committee, board or other organizational structure, have they been made aware the your organization is making this application</b>	Yes
<b>Total amount of project</b>	\$1,500
<b>Amount of funding requested</b>	1500

**Is your organization receiving any other source of grant funding? If yes, please indicate the funding source and amount**

No

**Please provide a brief summary and/or project narrative of what the requested funding will be utilized for and how your program/agency assists with the overall goals and objectives of promoting community development throughout Chemung County. (Please attach any additional information you feel may be beneficial to the application.)**

We are requesting this grant for the sole purpose of bringing music to the community. We would like to host Pat Kane for a Christmas concert as well as a St. Patrick's Day concert and to also have a dance band come to the Community so that our seniors have an opportunity to get out and dance the night away. We have done this in the past and the events were very well attended by the community.

**Grantee**

Pamela Farr - Big Flats Historical Society

**I hereby certify all statements and attachments to be truthful and accurate.**



**Date**

Monday, March 25, 2024



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

---

Resolution authorizing various agreements on behalf of the Chemung County Department of Aging and Long Term Care

---

**Resolution #:** 24-129  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

---

**Explain action needed or Position requested (justification):**

Permission to renew contracts per the attachment for the period of 1/1/2024-12/31/2024. Prior resolution #22-617 authorizing various agreements on behalf of the Chemung County Department of Aging and Long Term Care.

(NYSOFA WILL NOT reimburse our claims until they have signed copies of our contracts, so it is important that we get this on the agenda sooner rather than later)

---

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
<a href="#">2024_Aging_Contracts.pdf</a>	<a href="#">Aging Contracts</a>	<a href="#">Cover Memo</a>	1/29/2024

Chemung County Department of Aging and Long Term Care  
2024 Contract Renewal Summary

Term for all contracts: January 1 - December 31, 2024

Contract Name	Description of Services	2023 Amount	2024 Amount	Federal Funds	State Funds	Donations or Third Party	Local Share
Various Attorneys	Legal services: wills, legal counseling, healthcare proxies etc. for people who can not afford it privately	16,700	16,700	15,030	0	0	1,670
Various Vendors	Client transportation to medical appointments	31,000	31,000	15,300	10,600	0	5,100
Various Vendors	Meal delivery to congregate meals sites	7,500	7,500	6,750	0	0	750
Various Vendors	Consultant agreement for Nutrition Site Managers	3,000	3,000	1,350	0	1,500	150
Various Vendors	Registered Dietitian for Nutrition Program	41,600	41,600	18,720	20,800	0	2,080
Totals:		99,800	99,800	57,150	31,400	1,500	9,750



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

---

Resolution authorizing agreement with Meals On Wheels of Chemung County, Inc. on behalf of the Chemung County Department of Aging and Long Term Care (Home Delivered Meals)

---

<b>Resolution #:</b>	24-130
<b>Slip Type:</b>	CONTRACT
<b>SEQRA status</b>	
<b>State Mandated</b>	False

---

**Explain action needed or Position requested (justification):**

Authorization to renew an agreement with Meals on Wheels of Chemung County, INC. for Home Delivered Meals for 2024. Prior resolution 23-064. Resolution authorizing agreement with Meals on Wheels of Chemung County, INC on behalf of the Chemung County Department of Aging and Long Term Care.

Renewal agreement has been submitted to Law Department and awaiting their review and approval.

(NYSOFA requires a copy of all contracts otherwise they will hold our claims for payment, so please include on agendas as soon as possible)

---

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
No Attachments Available			



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution renewing agreement with Meals on Wheels of Chemung County on behalf of the Chemung County Department of Aging and Long Term Care (RFP 24-08 Congregate Meal Program)

**Resolution #:** 24-131  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

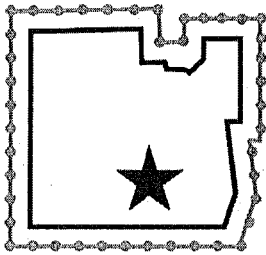
**Explain action needed or Position requested (justification):**

This program will serve those who attend the Chemung County Congregate Meal Program for the period of January 1, 2024 to December 31, 2024.

Meals on Wheels of Chemung County's mission is to provide nutritious and appealing meals, including special diets, through regular personal contact for those in need to enable healthy independence. In the past 6 months Meals on Wheels of Chemung County program served an average of 1500 meals monthly at various Congregate Meal Sites throughout Chemung County. Meals on Wheels of Chemung County will provide services and administrative functions for the Chemung County Department of Aging and Long Term Care.

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
<a href="#">Food service contract renewal.pdf</a>	<a href="#">Food Service Contract</a>	<a href="#">Cover Memo</a>	2/21/2024



**CHEMUNG COUNTY  
CITY OF ELMIRA  
PURCHASING DEPARTMENT**

Tricia A. Wise, CPPO, CPPB  
Purchasing Director

**CONTRACT RENEWAL REQUEST FORM**

TO: Meals on Wheels of Chemung County, Inc.  
409 William Street  
Elmira NY 14901

FROM: Nina Wells, Chemung County Purchasing Department

RE: Contract Renewal for RFP-2408 Food Service Contract

Date: January 8, 2024

The term of the above contract ends on December, 31, 2023. This contract can be extended for four additional one year contract period under the same terms and conditions and at the same bid discounts, contingent upon Chemung County Legislative approval. Please indicate below your firm's willingness to renew the contract and return this form by email no later than November 13, 2023 to Nina Wells at [nwells1@chemungcountyny.gov](mailto:nwells1@chemungcountyny.gov).

**\*\*\*Please confirm receipt of this document\*\*\***

**We want to renew the contract for one (1) additional 1-year period, ending on December 31, 2024 under the original terms and conditions, contingent upon approval by the Chemung County Legislature.**

Katherine Boland | Executive Director

Typed/Printed name and Title of Person Preparing this Form

[Signature]

Signature of Person Preparing Form

1/8/24

Date

**We do not want to renew the contract**

\_\_\_\_\_  
Typed/Printed name and Title of Person Preparing this Form

\_\_\_\_\_  
Signature of Person Preparing Form

\_\_\_\_\_  
Date



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing agreements with various providers of Children's Consolidated Waiver Services on behalf of the Chemung County Departments of Social Services and Aging and Long Term Care

**Resolution #:** 24-132  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**

Previously approved Resolution#23-057

Children's Consolidated Waiver (CCW) services are mandated services managed by the New York State Department of Health. CCW services include environmental modifications, vehicle modifications and assistive technology services. Medical and related services are provided to families who want to bring their physically disabled children home from a hospital or nursing home. By providing environmental modifications, such as bathroom adaptations or stair glides, the LDSS will divert the placement of the medically fragile children in a higher, more expensive, level of care outside of this county.

The Department of Aging and Long Term (DOA&LTC) is responsible to review, to make a determination about a request for service, and to submit supporting documents to NYSDOH for processing. NYSDOH then issues the Letter of Support and initiates the payment process for the approved request. DOA&LTC is responsible for sending a written Notice of Decision indicating approval or denial.

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
<a href="#">1 - Care at Home Memo.pdf</a>	<a href="#">Care at Home Memo</a>	<a href="#">Cover Memo</a>	1/29/2024

**Chemung County Department of Aging and Long Term Care**  
**New York Connects**  
**425 Pennsylvania Avenue • P.O. Box 588 • Elmira, NY 14902-0588 • (607) 737-5520**  
**Beth Stranges, Director**

General Aging Services FAX: 607-737-5521

CARE Unit FAX: 607-737-5388

Email: ofa@chemungcountyny.gov

**TO:** Christopher J. Moss, County Executive / County Legislature

**CC:** Brian Hart, Commissioner of Human Services / Christine O'Herron, Deputy Commissioner of Human Services/ Care / Elizabeth Beckwith, CARE Coordinator

**FROM:** Beth Stranges, Director of Aging and Long Term

**DATE:** January 9<sup>th</sup>, 2024

**RE:** **Various Providers of Children's Consolidated Waiver (formerly Care at Home Waiver)**

On behalf of the Chemung County Department of Aging and Long Term Care and Department of Social Services, please consider this correspondence as our request to renew various provider agreements for provision of Children's Consolidated Waiver services.

Children's Consolidated Waiver (CCW) services are mandated services managed by the New York State Department of Health. CCW services include environmental modifications, vehicle modifications and assistive technology services. Medical and related services are provided to families who want to bring their physically disabled children home from a hospital or nursing home. By providing environmental modifications, such as bathroom adaptations or stair glides, the LDSS will divert the placement of the medically fragile children in a higher, more expensive, level of care outside of this county.

The Department of Aging and Long Term (DOA&LTC) is responsible to review, to make a determination about a request for service, and to submit supporting documents to NYSDOH for processing. NYSDOH then issues the Letter of Support and initiates the payment process for the approved request. DOA&LTC is responsible for sending a written Notice of Decision indicating approval or denial.

Payments under this agreement will a.) secure a qualified Evaluator for the child seeking an adaptation and/or modification; b.) obtain descriptive and detailed written evaluation that will be used for the bidding process with contractors and c.) Provide the on-site evaluations after the contractor finishes the project to confirm that all requirements, including local building and fire codes, have been met. The two scope providers with current contracts are Access to Independence of Cortland County, Inc. and Construction Management Associates, Inc.

The various providers of Children's Consolidated Waiver service budget is requested not to exceed \$75,000 in 2024. There is no local share associated, as NYSDOH reimburses 100% of the modifications.

If you have any questions, please contact Director Beth Stranges at 737-5536. Thank you.



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing agreements with various Fiscal Intermediaries on behalf of the Chemung County Departments Social Services and Aging and Long Term Care

**Resolution #:** 24-133  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**

Prior Approving Resolution for 1/1/2023-12/31/2023 #23-067

The main fiscal intermediaries of Long Term Care are requested to remain AIM and Center for Disability Rights, Inc. in 2024. Rates for both providers are established by the NYS Department of Health in accordance with the rate setting process mandated by the State. Moreover, both are for Medicaid eligible Chemung County residents in receipt of long-term care.

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
No Attachments Available			



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing agreement with Chemung Schuyler Steuben Workforce New York on behalf of the Chemung County Department of Social Services

**Resolution #:** 24-134  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**  
Renew for CY2024. Prior Resolution No. 23-060 (January 1, 2023 to December 31, 2023). Please note, increase in Federal Share in 2024 Request.

ATTACHMENTS:

File Name	Description	Type	Upload Date
<a href="#">2510f393cd1a5a2485f1427377f639650.pdf</a>	<a href="#">CSS Workforce 2024 Memo</a>	<a href="#">Cover Memo</a>	1/27/2024



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing agreement with Chemung Schuyler Steuben Workforce New York on behalf of the Chemung County Department of Social Services

Resolution #:

Slip Type: Contract

SEQRA status

State Mandated True

Explain action needed or Position requested (justification):

Renew for CY2024. Prior Resolution No. 23-060 (January 1, 2023 to December 31, 2023). Please note, increase in Federal Share in 2024 Request.

Vendor/Provider: Chemung Schuyler Steuben Workforce New York

Term: 01/01/2024 - 12/31/2024

Total Amount: \$350,000

Prior Amount: \$350,000

Project Budgeted? Yes

Funds are in Account #: 10-6010-0100-50408

Local Share: \$115,500

State Share: \$0

Federal Share: \$234,500

### ATTACHMENTS:

[CSS Workforce 2024 Memo.doc](#)



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

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Resolution authorizing agreement with Comet Informatics LLC on behalf of the Chemung County Department of Social Services

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**Resolution #:** 24-135  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

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**Explain action needed or Position requested (justification):**

Renewal for CY2024.  
Prior resolution no. 23-071 (January 1, 2023 to December 31, 2023)

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ATTACHMENTS:

File Name	Description	Type	Upload Date
<a href="#">Comet Memo 2024.doc</a>	<a href="#">Comet-Memo</a>	<a href="#">Cover Memo</a>	1/28/2024
<a href="#">COMET Budget 2024.xls</a>	<a href="#">Comet Budget</a>	<a href="#">Cover Memo</a>	1/28/2024



**CHEMUNG COUNTY  
DEPARTMENT OF SOCIAL SERVICES  
AND MENTAL HYGIENE**

**HUMAN RESOURCE CENTER  
425-447 PENNSYLVANIA AVE.**

P.O. BOX 588  
Elmira, New York 14902-0588  
PHONE NO: (607) 737-5405  
FAX: (607) 737-5500

BRIAN HART, LCSW-R  
COMMISSIONER

CHRISTINE O'HERRON  
DEPUTY COMMISSIONER

**TO:** Christopher J. Moss, County Executive / Jennifer Furman, Deputy County Executive  
Steve Hoover, Budget Director / County Legislature

**CC:** Brian Hart, Commissioner of Human Services

**FROM:** Christine O'Herron, Deputy Commissioner of Human Services

**DATE:** November 28, 2023

**RE:** **2024 COMET Informatics, LLC Contract**

On behalf of the Chemung County Department of Social Services, please consider this correspondence as our request to renew the County agreement with COMET Informatics, LLC.

In Chemung County, many Human Service providers assist the same children, youth, and families from childhood to adulthood. While services are necessary, the utilization of multiple providers hinders the ability to streamline and communicate needs among agencies. The purpose of COMET is to create a county-wide integrated information system for children and youth that will interact with many, if not all, the service providers.

In 2024, our request is to continue to support the development of the County-wide information system that will provide the technological infrastructure for service providers to interact. Community based agencies including CIDS, Chemung County Child Care Council, and the local school districts through a connection with BOCES will participate in the comprehensive longitudinal perspective on each child in the County, leveraging the technology to provide better, faster and continuously improved services.

The COMET Informatics, LLC contract budget is requested not to exceed \$77,000 in 2024, a decrease of \$23,000 as compared to 2023. If you have any questions, please contact Commissioner Brian Hart at 1-607-737-5501. Thank you.

**ATTACHMENT “B”**

**SCHEDULE IV**

**COMET Informatics, LLC**  
**642 Kreag Road, Suite 300**  
**Pittsford, NY 14534**

01/01/2024-12/31/2024

<b>ACCOUNT NO.</b>	<b>PROGRAM</b>	<b>BUDGET</b>	<b>FEDERAL</b>	<b>STATE</b>	<b>LOCAL</b>
10-6010-2000-50408	COMET - Contract Services	\$77,000.00	\$38,500.00	\$19,250.00	\$19,250.00
<b>TOTAL</b>		<b>\$77,000.00</b>	<b>\$38,500.00</b>	<b>\$19,250.00</b>	<b>\$19,250.00</b>



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing agreement with New York State Office of Children and Family Services on behalf of the Chemung County Department of Social Services

**Resolution #:** 24-136  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**

Renewal for CY2024.  
Prior Resolution No. 23-059 (January 1, 2023 to December 31, 2023)

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
<a href="#">Daycare Reg and Insp Memo 2024.doc</a>	<a href="#">Day Care Registration Memo</a>	<a href="#">Cover Memo</a>	1/28/2024



BRIAN HART, LCSW-R  
COMMISSIONER

CHEMUNG COUNTY  
DEPARTMENT OF SOCIAL SERVICES  
AND MENTAL HYGIENE

HUMAN RESOURCE CENTER  
425-447 PENNSYLVANIA AVE.  
P.O. BOX 588  
Elmira, New York 14902-0588  
PHONE NO: (607) 737-5405  
FAX: (607) 737-5500

CHRISTINE O'HERRON  
DEPUTY COMMISSIONER

**TO:** Christopher J. Moss, County Executive / Jennifer Furman, Deputy County Executive  
Steve Hoover, Budget Director / County Legislature

**CC:** Brian Hart, Commissioner of Human Services / Jacqueline Canute, Director of Economic Security

**FROM:** Christine O'Herron, Deputy Commissioner of Human Services

**DATE:** November 28, 2023

**RE:** **2024 Day Care Registration and Inspection**

On behalf of the Chemung County Department of Social Services, please consider this memo as our request to renew the Memorandum of Understanding with New York State Office of Children and Family Services (NYS OCFS) for the period of 1/1/2024 – 12/31/2024.

In 2024, the Department of Social Services will receive an award of \$309,745 in federal funds for provision of registration and inspection of day care providers in Chemung County. Of the award, \$294,258 will support the administration of services via a subcontract with our lead day care vendor, the Chemung County Child Care Council. The balance of \$15,487 will offset day care related personnel costs at the LDSS.

If you have any questions, please contact Commissioner Brian Hart at 1-607-737-5501. Thank you.



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing a Memorandum of Understanding with the Southern Tier Assertive Community Treatment Team on behalf of the Chemung County Department of Mental Hygiene.

**Resolution #:** 24-137  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**

Renewal for CY2024.

Of the \$35,380.00, Chemung County Mental Hygiene will retain a 10% administrative fee of \$3,538.00. Therefore, \$31,842.00 is available to the ACT Team in 2024.

Prior Resolution No. 23-457

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
<a href="#">ACT_Team_MOU_Memo_2024.pdf</a>	<a href="#">ACT Team MOU Memo 2024</a>	<a href="#">Cover Memo</a>	2/21/2024



CHEMUNG COUNTY  
DEPARTMENT OF SOCIAL SERVICES  
AND MENTAL HYGIENE

HUMAN RESOURCE CENTER  
425-447 PENNSYLVANIA AVE.

P.O. BOX 588  
Elmira, New York 14902-0588  
PHONE NO: (607) 737-5405  
FAX: (607) 737-5500

BRIAN HART, LCSW-R  
COMMISSIONER

CHRISTINE O'HERRON  
DEPUTY COMMISSIONER

**TO:** Christopher J. Moss, County Executive / Jennifer Furman, Deputy County Executive / County Legislature

**CC:** Brian Hart, Commissioner of Human Services / Colleen Hetrick, Supervisor of Fiscal Services

**FROM:** Christine O'Herron, Deputy Commissioner of Human Services

**DATE:** January 16, 2024

**RE:** **2024 ACT Team MOU Renewal**

On behalf of the Department of Mental Hygiene, please consider this correspondence as our request to renew the Memorandum of Understanding with the Southern Tier Assertive Community Treatment (ACT) Team for 2024.

**The NYS Office of Mental Health (OMH) state aid award will remain \$35,380.00 in 2024.** Funds will provide mobile intensive treatment and support to people with psychiatric disabilities. The focus is on the improvement of an individual's quality of life in the community and reducing the need for inpatient care, by providing intense community-based treatment services by an interdisciplinary team of mental health professionals. The ACT program has low staff-outpatient ratios in a multi-discipline team approach; 24 hour, seven days per week availability; enrollment of consumers, and flexible service dollars. Treatment is focused on individuals who have been unsuccessful in traditional forms of treatment. The Southern Tier ACT Team serves up to 48 individuals from the nine-county region at any given time, and of those they serve approximately 30 Chemung County residents annually.

Of the \$35,380.00, Chemung County Mental Hygiene will retain a 10% administrative fee of \$3,538.00. Therefore, \$31,842.00 is available to the ACT Team in 2024. If you have any questions, please contact Commissioner Brian Hart at 1-607-737-5501. Thank you.



CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing agreement with Capabilities, Inc on behalf of the Chemung County Department of Mental Hygiene

Resolution #: 24-138  
Slip Type: CONTRACT  
SEQRA status  
State Mandated False

Explain action needed or Position requested (justification):

Renewal for CY2024  
  
Prior Resolution No. 23-311

ATTACHMENTS:

File Name	Description	Type	Upload Date
<a href="#">Capabilities Memo 2024.pdf</a>	<a href="#">Capabilities Memo 2024</a>	<a href="#">Cover Memo</a>	2/21/2024
<a href="#">Capabilities Budget 2024.pdf</a>	<a href="#">Capabilities Budget 2024</a>	<a href="#">Cover Memo</a>	2/21/2024



CHEMUNG COUNTY  
DEPARTMENT OF SOCIAL SERVICES  
AND MENTAL HYGIENE

HUMAN RESOURCE CENTER  
425-447 PENNSYLVANIA AVE.

P.O. BOX 588  
Elmira, New York 14902-0588  
PHONE NO: (607) 737-5405  
FAX: (607) 737-5500

BRIAN HART, LCSW-R  
COMMISSIONER

CHRISTINE O'HERRON  
DEPUTY COMMISSIONER

**TO:** Christopher J. Moss, County Executive / Jennifer Furman, Deputy County Executive / County Legislature

**CC:** Brian Hart, Commissioner of Human Services / Colleen Hetrick, Supervisor of Fiscal Services

**FROM:** Christine O'Herron, Deputy Commissioner of Human Services

**DATE:** January 16, 2024

**RE: 2024 CAPABILITIES, INC. CONTRACT RENEWAL**

Please consider this correspondence as the Chemung County Department of Mental Hygiene's request to renew the Capabilities, Inc. agreement for 2024.

**The NYS Office of Mental Health (OMH) state aid award in 2024 is \$323,229.** Funds will support the Transitional Employment Placement and Peer Specialist programs in which provide eligible mental health participants with individual assessment and navigation tools to assist and support in attaining education and employment goals.

If you have any questions, please contact Commissioner Brian Hart at 1-607-737-5501. Thank you.

## ATTACHMENT “B”

### SCHEDULE IV

**CAPABILITIES, INC.**  
**1149 SULLIVAN STREET**  
**ELMIRA, NEW YORK 14901**

**01/01/2024 - 12/31/2024**

ACCOUNT NO.	PROGRAM	BUDGET	FEDERAL	STATE	LOCAL
10-4310-4310-50408-4322	Transitional Employment Placement OMH (6140)	\$189,697.00	\$0.00	\$189,697.00	\$0.00
10-4310-4310-50408-4322	Peer Specialists OMH (1760)	\$133,532.00	\$0.00	\$133,532.00	\$0.00
		<b>\$323,229.00</b>	<b>\$0.00</b>	<b>\$323,229.00</b>	<b>\$0.00</b>



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing agreement with The Salvation Army on behalf of the Chemung County Departments of Social Services and Mental Hygiene

**Resolution #:** 24-139  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**

Renewal for CY2024

Prior Resolution No. 23-179

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
<a href="#">Salvation Army Memo 2024.pdf</a>	<a href="#">Salvation Army Memo</a>	<a href="#">Cover Memo</a>	2/21/2024
<a href="#">Salvation Army Budget 2024.pdf</a>	<a href="#">Salvation Army Budget</a>	<a href="#">Cover Memo</a>	2/21/2024



CHEMUNG COUNTY  
DEPARTMENT OF SOCIAL SERVICES  
AND MENTAL HYGIENE  
HUMAN RESOURCE CENTER  
425-447 PENNSYLVANIA AVE.  
P.O. BOX 588  
Elmira, New York 14902-0588  
PHONE NO: (607) 737-5405  
FAX: (607) 737-5500

BRIAN HART, LCSW-R  
COMMISSIONER

CHRISTINE O'HERRON  
DEPUTY COMMISSIONER

**TO:** Christopher J. Moss, County Executive / Jennifer Furman, Deputy County Executive /  
County Legislature

**CC:** Brian Hart, Commissioner of Human Services / Mindy Banfield, Director of Children and  
Family Services / Jacqueline Canute, Director of Economic Security / Colleen Hetrick,  
Supervisor of Fiscal Services

**FROM:** Christine O'Herron, Deputy Commissioner of Human Services

**DATE:** January 16, 2024

**RE: 2024 SALVATION ARMY CONTRACT RENEWAL**

On behalf of the Chemung County Departments of Social Services and Mental Hygiene, please consider this correspondence as our request to renew the County contract with Salvation Army.

**Per the NYS Office of Addiction Services and Supports (OASAS) award letter, Salvation Army will receive \$264,695 in state aid in 2024.** Funds will support residential housing for up to twenty-five individuals in recovery at any given time. The facility will serve individuals who have previously received inpatient treatment for their substance abuse and services will be offered to both men and women age eighteen years and older.

**Salvation Army will continue to provide Non-Residential Services for victims of domestic violence, utilizing \$25,000 in Federal funds from the NYS Office of Children and Family Services.** Services will be provided to all residents of Chemung County seeking information and/or support in order to address issues related to domestic violence. Services may include, but not limited to: telephone hotline assistance to provide immediate crisis intervention counseling & information and referral service; counseling to victims of domestic violence that stresses self-sufficiency; advocacy and counseling services; and continued service to former residents of Safe House.

**Lastly, the Domestic Violence Safe House program is a mandated service in which the LDSS contracts services with Salvation Army at a budget not to exceed \$227,131.** The Domestic Violence Safe House program serves victims of domestic violence by providing temporary shelter and emergency room and board.

Please contact Commissioner Brian Hart at 1-607-737-5501, if you have any questions. Thank you.

ATTACHMENT "B"

SCHEDULE IV

SALVATION ARMY  
414 LAKE STREET  
ELMIRA, NEW YORK 14901

01/01/2024 - 12/31/2024

ACCOUNT NO.	PROGRAM	BUDGET	FEDERAL	STATE	LOCAL
10-6010-0100-50443 / 10-6010-0200-50408	Domestic Violence Safe House	\$227,131.00	\$113,565.50	\$56,782.75	\$56,782.75
10-6010-0200-50408	Non Residential Domestic Violence	\$25,000.00	\$25,000.00	\$0.00	\$0.00
10-4310-4310-50408-4299	Halfway House - OASAS	\$264,695.00	\$0.00	\$264,695.00	\$0.00
	TOTAL	<u>\$516,826.00</u>	<u>\$138,565.50</u>	<u>\$321,477.75</u>	<u>\$56,782.75</u>



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing agreement with Youth Advocate Program, Inc. on behalf of the Chemung County Department of Social Services

**Resolution #:** 24-140  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**

Renewal for CY2024.

Prior Resolution No. 23-074 (January 1, 2023 to December 31, 2023)

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
<a href="#">YAP Memo 2024.pdf</a>	<a href="#">YAP Memo 2024</a>	<a href="#">Cover Memo</a>	1/29/2024
<a href="#">YAP Budget 2024.pdf</a>	<a href="#">YAP Budget 2024</a>	<a href="#">Cover Memo</a>	1/29/2024



CHEMUNG COUNTY  
DEPARTMENT OF SOCIAL SERVICES  
AND MENTAL HYGIENE

HUMAN RESOURCE CENTER  
425-447 PENNSYLVANIA AVE.

P.O. BOX 588  
Elmira, New York 14902-0588  
PHONE NO: (607) 737-5405  
FAX: (607) 737-5500

BRIAN HART, LCSW-R  
COMMISSIONER

CHRISTINE O'HERRON  
DEPUTY COMMISSIONER

**TO:** Christopher J. Moss, County Executive / Jennifer Furman, Deputy County Executive /  
County Legislature

**CC:** Brian Hart, Commissioner of Human Services / Mindy Banfield, Director of Children and  
Family Services / Christy Harmer, Children's Integrated Services Coordinator / David  
Ellis, Director, Youth Bureau and Recreational Services

**FROM:** Christine O'Herron, Deputy Commissioner of Human Services

**DATE:** November 30, 2023

**RE:** **2024 Youth Advocate Program (YAP) Contract**

On behalf of the Chemung County Department of Social Services, please consider this correspondence as our request to renew the agreement with the Youth Advocate Program.

The Youth Advocate Program (YAP) will assist in keeping youth placed in our community instead of out of county placement. There is a strong emphasis on the importance of community-based alternatives to residential placement as the most promising and cost-effective means to dealing with the juvenile justice challenges facing communities today. Youth Advocate Programs are well known nationally for their innovative programs that work to bring thousands of youth in the Child Welfare system safely home.

Two programs are included in the Youth Advocate Program budget;

- The Reunification & Prevention program budget is requested to remain \$376,504 in 2024. The Chemung County Youth Bureau has allocated \$75,000 of their 100% State Youth Development Resource Allocation Plan funds to offset the local share impact of this program. The remaining \$301,504 will be reimbursed with preventive (62% state/38% local) funds by the Chemung County Department of Social Services.
- The In-School Advocacy program at Elmira City School District is requested to increase by \$81,079, for a total program budget of \$162,041. There is no local share increase associated, as the Elmira City School District will reimburse the 38% local share of \$61,576.

There are a number of developmental risks for children associated with maltreatment, such as attachment disorders, cognitive delays, poor self-esteem, challenges with social skills and empathy; these risks are exacerbated by removal from their home and multiple placements. YAP Advocates work very closely with parents on developing their parenting skills through a planned curriculum and through coaching and modeling for them through the course of normal daily activities. Advocates help parents establish routines, baby-proof the home, connect parents with resources in the community, such as mental health counseling, transportation to appointments, and connection to jobs programs. The interventions vary based on the specific needs of that family. The goal of the program is to ensure that children remain in the home with their parent by helping using Family-based practices to promote child safety, well-being and permanency through strengthening and supporting the entire family.

If you have any questions, please contact Commissioner Brian Hart at 1-607-737-5501. Thank you.

**ATTACHMENT “B”**

**SCHEDULE IV**

**Youth Advocate Programs Inc.**  
**2007 North Third Street**  
**Harrisburg, PA 17102**

1/1/2024 - 12/31/2024

ACCOUNT NO.	DEPT.	PROGRAM	BUDGET	FEDERAL	STATE	LOCAL
10-6010-0200-50408-1000	DSS	Reunification/Prevention Program	\$301,504.00	\$0.00	\$186,932.48	\$114,571.52
10-7310-7310-50408	YB	Reunification/Prevention Program	\$75,000.00	\$0.00	\$75,000.00	\$0.00
10-6010-0200-50408-1000	DSS	In-School Advocacy Program (ECSD)	\$162,041.00	\$0.00	\$100,465.42	\$61,575.58
<b>TOTAL</b>			<b>\$538,545.00</b>	<b>\$0.00</b>	<b>\$362,397.90</b>	<b>\$176,147.10</b>



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing application for and acceptance of United States Department of Transportation R.A.I.S.E. grant on behalf of the Chemung County Planning Department (Wayfinding)

**Resolution #:** 24-141  
**Slip Type:** GRANT  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**

Chemung County applied for this grant in 2023, and although denied, was encouraged to reapply with minor modifications. The modifications will be made, and the County will be applying for funding to create a plan around improving Wayfinding.

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
<a href="#">RAISE 2024 NOFO 11.30.23 0.pdf</a>	<a href="#">Raise 2024 NOFO</a>	<a href="#">Cover Memo</a>	1/29/2024

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Funding Opportunity for Fiscal Year (FY) 2024

#### Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program

**AGENCY:** Office of the Secretary (OST), US Department of Transportation (DOT)

**ACTION:** Notice of Funding Opportunity (NOFO)

<b>SUMMARY OVERVIEW OF KEY INFORMATION: RAISE Grant Opportunity</b>	
<b>Issuing Agency</b>	Office of the Secretary, US Department of Transportation
<b>Program Overview</b>	RAISE grants will be awarded on a competitive basis, per statute, for planning or constructing surface transportation infrastructure projects that will improve safety; environmental sustainability; quality of life; mobility and community connectivity; economic competitiveness and opportunity including tourism; state of good repair; partnership and collaboration; and innovation.
<b>Objective</b>	<ul style="list-style-type: none"><li>• Invest in surface transportation that will have a significant local or regional impact; and</li><li>• Support projects that are consistent with the Department's strategic goals: improve safety, economic strength and global competitiveness, equity, and climate and sustainability.</li></ul>
<b>Eligible Applicants</b>	<ul style="list-style-type: none"><li>• States</li><li>• District of Columbia</li><li>• any territory or possession of the United States</li><li>• a unit of local government</li><li>• a public agency or publicly chartered authority established by one or more States</li><li>• a special purpose district or public authority with a transportation function, including a port authority</li><li>• a Federally recognized Indian Tribe or a consortium of such Indian Tribes</li><li>• a transit agency</li><li>• a multi-State or multijurisdictional group of entities that are separately eligible</li></ul>
<b>Eligible Project Types</b>	<ul style="list-style-type: none"><li>• highway or bridge projects eligible under title 23, United States Code</li><li>• public transportation projects eligible under chapter 53 of title 49, United States Code</li></ul>

	<ul style="list-style-type: none"> <li>• passenger and freight rail transportation projects eligible under title 49</li> <li>• port infrastructure investments (including inland port infrastructure and land ports of entry)</li> <li>• the surface transportation components of an airport project eligible for assistance under part B of subtitle VII of title 49, United States Code</li> <li>• intermodal projects whose components are otherwise an eligible project type</li> <li>• projects to replace or rehabilitate a culvert or prevent stormwater runoff for the purpose of improving habitat for aquatic species while advancing the goals of the RAISE program</li> <li>• projects investing in surface transportation facilities that are located on Tribal land and for which title or maintenance responsibility is vested in the Federal Government</li> <li>• any other surface transportation infrastructure project that the Secretary considers to be necessary to advance the goals of the program</li> </ul>
<b>Funding</b>	Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021, “Bipartisan Infrastructure Law,” or “BIL”) provides \$1.5 billion annually for FY 2022 – 2026
<b>Deadline</b>	<ul style="list-style-type: none"> <li>• FY 2024 Deadline: February 28, 2024 at 11:59 pm Eastern</li> <li>• FY 2025 Deadline: January 13, 2025 at 11:59 pm Eastern</li> <li>• FY 2026 Deadline: January 13, 2026 at 11:59 pm Eastern</li> </ul>

This notice describes the application requirements, selection and evaluation criteria, and applicable program and Federal requirements.

**ASSISTANCE LISTING NUMBER:** 20.933 National Infrastructure Investments

**DATES:** Applications must be submitted by 11:59 PM Eastern on **February 28, 2024**

**WEBINAR:** OST plans to conduct outreach regarding the FY 2024 RAISE NOFO in the form of webinars. The webinar schedule will be posted when available on the [RAISE outreach webpage](#).<sup>1</sup>

**ADDRESSES:** Applications must be submitted through [Grants.gov](#)

**FOR FURTHER INFORMATION CONTACT:** DOT will not review applications in advance of their submission but RAISE program staff are available for questions. For further information concerning this notice, please contact the RAISE grant program staff via e-mail at [RAISEgrants@dot.gov](mailto:RAISEgrants@dot.gov) or call Andrea Jacobson at 202-366-9603. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, DOT will regularly

<sup>1</sup> <https://www.transportation.gov/RAISEgrants/outreach>

post answers to questions and requests for clarifications on the [FAQ website](#)<sup>2</sup> as well as information about webinars for further guidance on the [RAISE program website](#).<sup>3</sup>

**SUPPLEMENTARY INFORMATION:** The organization of this notice is based on an outline set forth in Appendix I to Title 2 of the Code of Federal Regulations (CFR), Part 200, to ensure consistency across Federal financial assistance programs. Each section of this notice contains information and instructions relevant to the application process for these RAISE 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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<sup>2</sup> <https://www.transportation.gov/RAISEgrants/raise-application-faqs>

<sup>3</sup> <https://www.transportation.gov/RAISEgrants/outreach>.

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### **Section A - Program Description**

#### **1. Overview**

The Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021, “Bipartisan Infrastructure Law,” or “BIL”) authorized and appropriated \$1.5 billion annually to be awarded by the Department of Transportation (“DOT”) 2022 – FY 2026 for Local and Regional Project Assistance Program Grants under National Infrastructure Investments. The program is codified at 49 U.S.C. 6702.

The BIL requires the DOT to publish a Notice of Funding Opportunity (NOFO) no later than 60 days after funds are made available for the program, which for FY 2024 is November 30, 2023. In order to comply with this requirement, this NOFO solicits applications for projects to be funded under the Local and Regional Project Assistance Program, known as the RAISE Grants program.

If the FY 2024 Appropriations Act, or other subsequent Acts, provide additional funding or significantly alter requirements for the RAISE Grant program, the Department will amend this Notice with guidance on additional requirements.

The FY 2024 – 2026 rounds of RAISE will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, *Implementation of the*

*Infrastructure Investments and Jobs Act* (86 FR 64355), which are to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards, strengthen infrastructure resilience to all hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners.

## **2. Program Goals and Objectives**

The goal of the RAISE program is to fund eligible surface transportation projects that will have a significant local or regional impact that advance the Departmental priorities of safety, equity, climate and sustainability, and workforce development, job quality, and wealth creation, consistent with law, and as described in the Department's [Strategic Plan](#)<sup>4</sup> and in executive orders.

The Department seeks to fund projects under the RAISE program that reduce greenhouse gas emissions in the transportation sector; incorporate evidence-based climate resilience measures and features; avoid adverse environmental impacts to air or water quality, wetlands, and endangered species; and address the disproportionate negative environmental impacts of transportation on disadvantaged communities, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619).

In addition, the Department seeks to award projects under the RAISE program that proactively evaluate whether a project will create proportional impacts to all populations in a project area and increase equitable access to project benefits, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009).

The Department also seeks to award projects that address environmental justice, particularly for communities that have experienced decades of underinvestment and are most impacted by climate change, pollution, and environmental hazards, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619). The RAISE program advances President Biden's [Justice40 Initiative](#) which set the goal that 40 percent of the overall benefits of certain climate, clean energy, and other covered Federal investments flow to disadvantaged communities.

In addition, the Department intends to use the RAISE 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 training and placement programs, especially registered apprenticeships, in project planning stages, 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 Department also intends to use the RAISE program to support wealth creation, consistent with the Department's Equity Action Plan, through the inclusion of local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises or 8(a) firms.

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<sup>4</sup> See U.S. Department of Transportation Strategic Plan FY 2022–2026 at <https://www.transportation.gov/dot-strategic-plan>.

The BIL included provisions for Metropolitan Planning Organizations to consider integrating transportation planning, housing, employment opportunities, and economic development strategies.<sup>5</sup> The Department strongly encourages applicants to utilize these new planning coordination opportunities in their proposed projects and describe them in their applications.

**Note, the RAISE program can only fund the surface transportation infrastructure elements** of a project that may also include housing, employment opportunities, and economic development strategies.

Section E of this NOFO, which outlines FY 2024 RAISE Grant merit criteria, describes the process for selecting projects that further these goals. Section F.3 describes progress and performance reporting requirements for selected projects, including the relationship between that reporting and the program's selection criteria.

The FY 2024 RAISE NOFO includes a Reconnecting Communities and Neighborhoods (RCN) Program Extra element. Applications for the FY 2024 RAISE grant program that have identical project scope to applications that were submitted and evaluated under the FY 2023 Reconnecting Communities Neighborhoods Program competition and received the designation of "RCN Program Extra," will automatically advance for second-tier analysis if they receive an overall merit rating of "Recommended" and have at least one "High" rating in a priority criterion. See Section E.2. The Department expects projects that rated well under the FY 2023 RCN Program criteria will do well under the FY 2024 RAISE program criteria. Applicants should note in the FY 2024 RAISE Project Information Form whether their FY 2024 RAISE application was also submitted under the FY 2023 RCN competition and received a RCN Program Extra designation.

### **3. Changes from the FY 2023 NOFO**

This FY 2024 RAISE NOFO makes changes from the FY 2023 RAISE NOFO to:

- Simplify the NOFO with the use of plain language and tables to organize information.
- Refine the merit criteria rating rubric. For example, this NOFO provides more examples of project elements that align with a "High" rating under Safety, Environmental Sustainability, and Innovation. Please see the merit criteria rating rubric in Section E for more details.
- Clarify what applicants should provide in the Project Budget document for the Financial Completeness Review.
- Update data used to determine Urban, Rural, and Areas of Persistent Poverty designations, and uses the Climate & Economic Justice Screening Tool (CEJST), created by the White House Council on Environmental Quality (CEQ), to identify Historically Disadvantaged Communities.

In addition to providing the application, obligation, and expenditure deadlines for FY 2024 funding, the Department outlines the application, obligation, and expenditure deadlines for FY

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<sup>5</sup>See BIL div. A § 11201., *Transportation Planning*, which amends 23 U.S.C. 134.

2025 and 2026 funding for awareness. The Department intends to publish subsequent NOFOs for FY 2025 and 2026, which may incorporate additional changes as necessary and appropriate.

Additionally, FY 2024 Projects of Merit, which are Highly Rated applications not selected for award, will automatically be carried forward for consideration under FY 2025 RAISE funding. However, if there are any changes to the FY 2024 project being considered in the FY 2025 round, including but not limited to scope, schedule, and budget, an applicant must submit an amendment to the application by the FY 2025 application deadline in order to be considered. Applicants are encouraged to submit a summary of all changes with the updated application. The applicant is also responsible for updating an application should the FY 2025 RAISE NOFO include program or policy changes from this FY 2024 NOFO.

Applicants who are planning to re-apply for the RAISE program using materials prepared for prior competitions should ensure that their prior application fully addresses the criteria and considerations described in this Notice and that all relevant information is up to date and submitted in the proper format outlined in Section D.

## **Section B - Federal Award Information**

### **1. Amount Available**

The BIL authorized and appropriated \$1.5 billion to be awarded by the Secretary for RAISE grants under the Local and Regional Project Assistance Program for FY 2024.

### **2. Award Size**

For capital grants, the minimum RAISE grant award is \$5 million in urban areas and \$1 million in rural areas. There is no minimum award amount for planning grants. The maximum grant award for capital and planning grants is \$25 million.

If selected for award, the Department may decrease the RAISE funding request amount if some elements of the project are ineligible or to comply with statutory set asides such as awarding funding evenly between projects located in rural and urban areas.

### **3. Restrictions on Funding**

No more than 15 percent (or \$225 million) made available for RAISE grants may be awarded to projects in a single State. DOT must award at least 5 percent (or \$75 million) to planning projects and at least 11 percent (or \$15 million) to projects located in historically disadvantaged communities or areas of persistent poverty. Not more than 50 percent of the funds provided for RAISE grants (or \$750 million) shall be awarded to rural projects (as defined in section C.4) and not more than 50 percent of the funds provided for RAISE grants (or \$750 million) shall be awarded to urban projects (as defined in section C.4). The Department may retain up to \$30 million for oversight and administration of grants.

The Department may use up to 20 percent of available funds (or \$300 million) to pay the subsidy and administrative costs of a project receiving credit assistance under the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA) or Railroad Rehabilitation and Improvement Financing (RRIF) programs, particularly transit and transit-oriented development

(TOD) projects. Note, applicants must apply to both the RAISE program and TIFIA or RRIF loan to be eligible for the Department to pay for subsidy and administrative costs associated with credit assistance. In October 2022, the Secretary approved the “TIFIA 49 Initiative,” which authorizes transit and transit-oriented development (TOD) projects to borrow up to 49 percent of eligible project costs for projects that meet eligibility requirements. TIFIA loans have historically been capped at 33 percent of eligible project costs.

#### 4. Availability of Funds

FY 2024 RAISE grant funds are available for obligation through September 30, 2028. Obligation occurs when a selected applicant and the Department enter into a written grant agreement after the applicant has satisfied applicable administrative requirements, such as transportation planning and environmental review requirements for capital construction projects. Note, some grant recipients enter into phased obligations with the Department. Unless authorized by the Department in writing after announcement of FY 2024 RAISE awards, any costs incurred prior to the Department’s obligation of funds for a project (“pre-award costs”) are ineligible for reimbursement.<sup>6</sup> FY 2024 RAISE funds must be expended (the grant obligation must be liquidated or paid out to the grant recipient) by September 30, 2033. After this date, unexpended funds are no longer available to the project.

In the table below, the Department outlines the different application deadlines as well as the obligation and expenditure deadlines for each year of funding.

<b>BIL Fiscal Year Funding</b>	<b>BIL Funding Obligation Deadline</b>	<b>BIL Funding Expenditure Deadline</b>
FY 2024	September 30, 2028	September 30, 2033
FY 2025	September 30, 2029	September 30, 2034
FY 2026	September 30, 2030	September 30, 2035

#### 5. Previous RAISE/BUILD/TIGER

Recipients of RAISE (formerly named Better Utilizing Investments to Leverage Development (BUILD) and Transportation Investment Generating Economic Recovery (TIGER)) grants may apply for funding to support additional phases of a project previously awarded funds in the RAISE/BUILD/TIGER program. However, to be competitive, the applicant should demonstrate the extent to which the previously funded project phase has met estimated project schedules and budget, as well as the ability to realize the benefits expected for the project. A previous RAISE/BUILD/TIGER award, or application, does not affect competitiveness under the FY 2024 RAISE competition.

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<sup>6</sup> Pre-award costs are costs incurred after award announcement, but directly pursuant to the negotiation of a grant agreement where such costs are necessary for efficient and timely performance of the scope of work, as determined by DOT. Costs incurred under an advance construction (23 U.S.C. 115) authorization before the DOT announces that a project is selected for a FY 2024 RAISE award cannot be charged to FY 2024 RAISE funds. Likewise, costs incurred under an FTA Letter of No Prejudice under Chapter 53 of title 49 U.S.C. before the DOT announces that a project is selected for a FY 2024 RAISE award, cannot be charged to FY 2024 RAISE funds.

## C. Eligibility Information

### 1. Eligible Applicants

Eligible applicants for RAISE grants are: States and the District of Columbia; any territory or possession of the United States; a unit of local government; a public agency or publicly chartered authority established by one or more States; a special purpose district or public authority with a transportation function, including a port authority; a Federally recognized Indian Tribe or a consortium of such Indian Tribes; a transit agency; and a multi-State or multijurisdictional group of entities that are separately eligible. Federal agencies are not eligible applicants for the FY 2024 RAISE program.

Multiple States or jurisdictions may submit a joint application and should identify a lead applicant as the primary point of contact and also identify the primary recipient of the award. Joint applications should include a description of the roles and responsibilities of each applicant.

DOT expects that the eligible applicant submitting the application will administer and deliver the project. If the applicant seeks a transfer of the award to another agency, that intention should be made clear in the application and a letter of support from the otherwise eligible, designated entity should be included in the application.

### 2. Federal Cost Share

The Federal share of the costs of an eligible project carried out using a grant provided under the RAISE grant program shall not exceed 80 percent unless the project is located in a rural area, a historically disadvantaged community (HDC), or an area of persistent poverty (APP). Urban area and rural area are defined in Section C.4 of this notice. HDCs and APPs are defined in Section C.5.

Applicants should use the following equation when determining the cost share for their project:

$$\frac{(\text{RAISE Grant Request} + \text{Other Federal Funds})}{\text{Total Project Cost}} = \text{Federal Cost Share}$$

Federal cost share may not exceed 80 percent for urban projects that are not located in an APP or HDC.

For the RAISE Program, Total Project Cost means the sum of future eligible Federal and Non-Federal costs that have not yet been incurred. Total Project Cost cannot include any previously incurred costs.

The Department does not use an applicant's cost share when evaluating applications on merit. The Department considers an applicant's cost share during the evaluation and selection process only to confirm eligibility for urban projects that are not located in an APP or HDC.

Non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, or private funds. The BIL also allows for the following Federal funds to be considered “non-Federal” for the purpose of the RAISE program: (A) tribal transportation program funds under section 202 of title 23; (B) Federal lands transportation program funds under section 203 of title 23; (C) TIFIA program funds (as defined in section 601(a) of title 23); and (D) Railroad Rehabilitation and Improvement Financing Program under chapter 224. Toll credits under 23 U.S.C. 120(i) are considered a Federal source under the RAISE program and, therefore, cannot be used to satisfy the statutory cost sharing requirement of a RAISE award. Unless otherwise authorized by statute, funds used to satisfy the non-Federal cost-share requirements of a different Federal program may not be counted as the non-Federal cost-share for both the RAISE grant and another Federal grant program. DOT will not consider previously incurred costs or previously expended or encumbered funds towards the non-Federal cost-share requirement for any project. Non-Federal cost-share funds are subject to the same Federal requirements described in Section F.2. as awarded funds. If repaid from non-Federal sources, Federal credit assistance is considered non-Federal share.

See Section D.2 for information about documenting cost sharing in the application.

For each project that receives a RAISE grant award, **the terms of the award will require the recipient to complete the project using at least the level of non-Federal funding that was specified in the application. If the actual costs of the project are greater than the costs estimated in the application, the recipient will be responsible for addressing the funding shortfall and maintaining the level of non-Federal funding stated in the application.** If the actual costs of the project are less than the costs estimated in the application, the Department will generally reduce the Federal contribution to ensure federal cost share requirements are met.

### 3. Eligible Projects

#### Capital Projects

Eligible projects for RAISE grants are surface transportation capital projects within the United States<sup>7</sup> or any territory or possession of the United States that are: (1) highway or bridge projects eligible under title 23, United States Code; (2) public transportation projects eligible under chapter 53 of title 49, United States Code; (3) passenger and freight rail transportation projects; (4) port infrastructure investments (including inland port infrastructure and land ports of entry); (5) the surface transportation components of an airport project eligible for assistance under part B of subtitle VII of title 49, United States Code;<sup>8</sup> (6) intermodal projects whose component parts are otherwise an eligible project type; (7) projects to replace or rehabilitate a culvert or prevent

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<sup>7</sup> In addition to projects located in the United States, eligible projects for RAISE grants include projects that are necessary for reconstruction of the Alaska Highway from the Alaskan border at Beaver Creek, Yukon Territory, to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to Haines, Alaska, as provided in 23 U.S.C. 218.

<sup>8</sup> Eligible surface transportation components of eligible airport projects are those projects listed in “Appendix P: Road and Surface Transportation Projects” of the Airport Improvement Program (AIP) handbook, available at [https://www.faa.gov/airports/aip/aip\\_handbook/?Chapter=Appendix#PP00](https://www.faa.gov/airports/aip/aip_handbook/?Chapter=Appendix#PP00). For more details on airport project eligibility, please see the Frequently Asked Questions at <https://www.transportation.gov/RAISEgrants/raise-application-faqs>.

stormwater runoff for the purpose of improving habitat for aquatic species while advancing the goals of the RAISE program; (8) projects investing in surface transportation facilities that are located on Tribal land and for which title or maintenance responsibility is vested in the Federal Government; and (9) any other surface transportation infrastructure project that the Secretary considers to be necessary to advance the goals of the program.<sup>9</sup>

The Secretary considers the following projects necessary to advance the goals of the program, and therefore eligible: public road and non-motorized projects that are not otherwise eligible under title 23, United States Code; surface transportation components of transit-oriented development projects; and surface transportation components of mobility on-demand projects that expand access and reduce transportation cost burden.

If an application includes right-of-way acquisition, the project will be considered a capital project. Projects that include right-of-way acquisition should include a timeline for construction.

The following projects are not considered necessary to advance the goals of the program, and, therefore, they are ineligible: school bus electrification and broadband deployment as a standalone project. Furthermore, improvements to Federally owned facilities are ineligible under the FY 2024 RAISE program, unless they are projects investing in surface transportation facilities that are located on Tribal land and for which title or maintenance responsibility is vested in the Federal Government. If a project type is not described as explicitly eligible or ineligible above, then applicants should explain in their application why the project is necessary to advance the goals of the program, and the Department will determine eligibility on a case-by-case basis.

Research, demonstration, or pilot projects are eligible only if they will result in long-term, permanent surface transportation infrastructure that has independent utility as defined in Section C.6.

### **Planning Projects**

Activities eligible for funding under RAISE planning grants are related to the planning, preparation, or design—for example environmental analysis, equity analysis, community engagement, feasibility studies, benefit-cost analysis, and other pre-construction activities—of eligible surface transportation capital projects described in Section C.3 that will not result in construction with RAISE FY 2024 funding.

In addition, activities eligible for RAISE planning grants include those related to multidisciplinary projects or regional planning, such as: (1) development of master plans, comprehensive plans, transportation corridor plans, and integrated economic development, land use, housing, and transportation plans; (2) zero emissions plan for transit fleet; (3) planning activities related to the development of a multimodal freight corridor, including those that seek to reduce conflicts with residential areas and with passenger and non-motorized traffic; (4) planning

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<sup>9</sup>DOT may award a RAISE grant to pay for the surface transportation components of a broader project that has non-surface transportation components, and applicants are encouraged to apply for RAISE grants to pay for the surface transportation components of these projects. However, costs for non-surface transportation components are not eligible to count as matching funds for the RAISE grant.

activities related to zero emissions goods movement; (5) development of port and regional port planning, including State-wide or multi-port planning within a single jurisdiction or region; and (6) risk assessments and planning to identify vulnerabilities and address the transportation system's ability to withstand probable occurrence or recurrence of an emergency or major disaster.

As stated above, projects that include right-of-way acquisition are capital projects and, therefore, not eligible for RAISE planning grants.

#### **4. Definition of Rural and Urban Areas**

Rural and urban definitions are different in other DOT programs. For the RAISE program:

**Urban** - A project is designated as urban if it is located within (or on the boundary of) a Census-designated urban area<sup>10</sup> that had a population greater than 200,000 in the 2020 Census.<sup>11</sup>

**Rural** - A project is designated as rural if it is located outside a Census-designated urban area that had a population greater than 200,000 in the 2020 Census.

The Department will have an interactive map on the [RAISE website](#) to show Census-designated urban areas with populations greater than 200,000 in the 2020 Census.

A project located in both an urban and a rural area will be designated as urban if the majority of the project's costs will be spent in urban areas. Conversely, a project located in both an urban area and a rural area will be designated as rural if the majority of the project's costs will be spent in rural areas. For RAISE planning grants, the location of the project being planned, prepared, or designed will be used for the urban or rural designation.

This definition affects four aspects of the program: (1) not more than 50 percent (or \$750 million) of the funds provided for RAISE grants are to be used for projects in rural areas; (2) not more than 50 percent (or \$750 million) of the funds provided for RAISE grants are to be used for projects in urban areas; (3) for a capital project in a rural area, the minimum award is \$1 million, while the minimum capital award for urban areas is \$5 million; and (4) the Secretary may increase the Federal share above 80 percent to pay for the eligible costs of a project in a rural area.

#### **5. Areas of Persistent Poverty and Historically Disadvantaged Communities**

The definition for Areas of Persistent Poverty is found in the RAISE statute:

**Areas of Persistent Poverty (APP)** – (1) any county that has consistently had greater than or equal to 20 percent of the population living in poverty during the 30-year period

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<sup>10</sup> Lists of 2020 UAs as defined by the Census Bureau are available on the Census Bureau website at <https://www.census.gov/geographies/reference-maps/2020/geo/2020-census-urban-areas.html>.

<sup>11</sup> For the purpose of this NOFO, the definition of urban and rural is based on the 2020 Census-designated urbanized areas. The Department is required by the BIL to use the most recent decennial census information. See <https://www.transportation.gov/RAISEgrants/urbanized-areas> for a list of 2020 Census-designated UAs.

preceding November 15, 2021, as measured by the 1990 and 2000<sup>12</sup> decennial census and the most recent annual Small Area Income Poverty Estimates as estimated by the Bureau of the census; (2) any census tract with a poverty rate of at least 20 percent as measured by the 2014-2018 5-year data series available from the American Community Survey of the Bureau of the Census;<sup>13</sup> or (3) any territory or possession of the United States. A county satisfies this definition only if 20 percent of its population was living in poverty in all three of the listed datasets: (a) the 1990 decennial census; (b) the 2000 decennial census; and (c) the 2021 Small Area Income Poverty Estimates.<sup>14</sup> DOT will list all counties and census tracts that meet this definition for Areas of Persistent Poverty [RAISE website](#) as well as provide an interactive map on the [RAISE website](#).<sup>15</sup>

The definition of historically disadvantaged communities follows the Justice40 Interim Guidance Addendum, issued by the White House Office of Management and Budget (OMB), White House Council on Environmental Quality (CEQ), and Climate Policy Office (CPO):<sup>16</sup>

**Historically Disadvantaged Communities (HDC)** – (1) any census tract or tracts identified as disadvantaged in the [Climate & Economic Justice Screening Tool \(geoplatform.gov\)](#) (CEJST),<sup>17</sup> created by CEQ, which identifies such communities that have been marginalized by underinvestment and overburdened by pollution.; (2) any Federally Recognized Tribe or Tribal entity, whether or not they have land. DOT will list all census tracts that meet this definition for Historically Disadvantaged Communities as well as provide an interactive map on the [RAISE website](#).

## 6. Project Components

An application may describe a project that contains more than one component and may describe components that may be carried out by parties other than the applicant. The Department expects, and will impose requirements on recipients to ensure, that all components included in an application will be delivered as part of the RAISE project, regardless of whether a component includes Federal funding.

The status of each component should be clearly described (for example, in the project schedule). The Department may award funds for a component, instead of the larger project, if that component: (1) independently meets minimum award amounts described in [Section B](#) and all eligibility requirements described in [Section C](#); (2) independently aligns well with the selection criteria specified in Section E.1; and (3) meets National Environmental Policy Act (NEPA) requirements with respect to independent utility. Independent utility means that the component

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<sup>12</sup> See <https://www.census.gov/data/tables/time-series/dec/census-poverty.html> for county dataset.

<sup>13</sup> See <https://data.census.gov/cedsci/table?q=ACSST1Y2018.S1701&tid=ACSST5Y2018.S1701&hidePreview=false> for 2014-2018 five year data series from the American Community Survey

<sup>14</sup> On December 15, 2022, the 2021 Small Area Income Poverty Estimates (SAIPE) Dataset was published at <https://www.census.gov/data/datasets/2021/demo/saipe/2021-state-and-county.html>.

<sup>15</sup> [www.transportation.gov/RAISEgrants/raise-app-hdc](https://www.transportation.gov/RAISEgrants/raise-app-hdc)

<sup>16</sup> M-23-09 (Jan. 2023), [https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09\\_Signed\\_CEQ\\_CPO.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf).

<sup>17</sup> <https://screeningtool.geoplatform.gov/en/>

will represent a transportation improvement that is usable and represents a reasonable expenditure of DOT funds even if no other improvements are made in the area and will be ready for intended use upon completion of that component's construction. All project components that are presented together in a single application must demonstrate a relationship or connection between them. See Section D.2 for Required Approvals.

Applicants should be aware that, depending upon the relationship between project components and applicable Federal law, DOT funding of only some project components may make other project components subject to Federal requirements as described in Section F.2.

DOT strongly encourages applicants to identify in their applications the project components that have independent utility and separately detail costs and requested RAISE grant funding for those components. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses selection criteria and produces benefits on its own, in addition to describing how the full proposal, of which the independent component is a part, addresses selection criteria.

## 7. Application Limit

Each lead applicant may submit no more than three applications. Unrelated project components should not be bundled in a single application for the purpose of adhering to the limit. If a lead applicant submits more than three applications as the lead applicant, only the first three received will be considered.

## D. Application and Submission Information

### 1. Address to Request Application Package

All application materials may be found on Grants.gov at [www.grants.gov](http://www.grants.gov). Instructions for submitting applications can be found on the [RAISE program website](#)<sup>18</sup> along with forms and attachments required for submission.

### 2. Content and Form of Application Submission

All applications must be submitted electronically through Grants.gov at [www.grants.gov](http://www.grants.gov). The Department expects the application to include these files in the following order, using the following file names:

Information	File Name	NOFO Section	Page Limit
SF-424	SF-424	D.2	N/A
Project Information Form (Excel file)	FY 2024 RAISE Project Information Form	D.2	N/A
Project Description	Project Description	D.2	5 pages
Project Location File	Project Location File	D.2	N/A
Project Budget	Project Budget	D.2	5 pages

<sup>18</sup> <https://www.transportation.gov/RAISEgrants/apply>

Funding Commitment Documentation	Funding Commitments	D.2	N/A
Merit Criteria	Merit Criteria Narrative	D.2 and E.1	15 pages
Project Readiness	Project Readiness	D.2 and E.1	5 pages
Benefit-Cost Analysis Narrative (capital projects only)	BCA Narrative	D.2 and E.1	N/A
Benefit-Cost Analysis Calculations (capital projects only, unlocked Excel file)	BCA Calculations	D.2 and E.1	N/A
Letters of Support (Optional)	Letters Of Support	D2 and E.1	N/A

The Department expects the application files be prepared with standard formatting preferences (a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins), and documents should be submitted in PDF, unless otherwise specified (i.e., project information form should be in Excel, project location map files can be Shapefiles, GeoJSON, KML or KMZ, and the BCA calculations should be submitted in Excel).

The application files should collectively include all information necessary for the Department to determine that the project satisfies project requirements described in Sections B and C and to assess the selection criteria specified in Section E.1. The Department expects applications to be complete upon submission.

The Department may ask any applicant to supplement data in its application, but an applicant is not required to do so. Unsupported claims related to the selection criteria (merits, project readiness, economic benefits, etc.) will negatively affect competitiveness of the application, as described throughout Section E.2.

Supporting documents may be attached in addition to the listed files, but merit criteria evaluators are not required to review supporting documents attached to the application or provided on websites as part of the merit criteria review described in Section E.

The Department expects application files to include the following detailed information:

#### **Standard Form 424**

The SF-424 Application for Federal Assistance must be completed. Applicants may leave the following fields on the form blank: 3, 4, 5a, 5b, 6, 7, 11, 13, and 14. A number of separate files must be attached in Item 15 to provide required project information that is not included in the body of the SF-424.

#### **FY 2024 RAISE Project Information Form**

The project information form can be downloaded from Grants.gov or from the RAISE program website at <https://www.transportation.gov/RAISEgrants/apply>. The FY 2024 RAISE Project Information Form on will be used to determine applicant and project eligibility for the program as described in part C of this notice.

Information such as applicant name, RAISE amount requested, other Federal funding, non-Federal funding, etc. may be requested in varying degrees of detail on both the SF-424 and the FY 2024 RAISE Project Information Form. Applicants must fill in all fields unless stated otherwise on the forms.

### **a. Project Description**

This file must provide a description of the project that is to be planned or constructed and should include a detailed statement of work that focuses on the technical and engineering aspects of the project, the current design status of the project, the transportation challenges that the project is intended to address, and how the project is expected address those challenges. This file may also discuss the project's history, including a description of any previously completed components. The applicant may use this file to place the project into a broader context of other transportation infrastructure investments being pursued by the applicant.

This file should also describe the project location in a narrative fashion, including a detailed geographic description of the proposed project and map(s) of the project's location, to supplement the geographic project map provided in the project location file. The project location description should narratively identify:

- **Area of Persistent Poverty** - Indicate whether the project is located in an Area of Persistent Poverty, including the relevant County and/or census tract(s);
- **Historically Disadvantaged Community** – Indicate whether the project is located in a Historically Disadvantaged Community based on the [Climate & Economic Justice Screening Tool](#) (CEJST); and
- **Urban areas** – Indicate the Census-designated urban area in which the project is located.

### **b. Project Location**

Applicants should submit one of the following file types for project location identification. This will be used to verify the urban/rural designation and the APP/HDC designations described in the Project Description file. These location designations, together with budget information, could affect eligibility under the FY 2024 RAISE grants program, as described in NOFO Section C. Therefore, accuracy in the location file is important. Acceptable file types are: Shapefile (compressed to a .zip file containing at least the .shp, .shx, .dbf, and .prj components of the Shapefile), GeoJSON, KML, or KMZ. Applicants may use [Google Earth](#), a publicly available online mapping tool, to prepare a KML file. **These spatial files should include only the direct physical location of the project, and not a broad service area or area of impact.**

### **c. Project Budget**

This file should describe the budget for the RAISE project using tables as well as include a narrative section. The RAISE project budget should show **future eligible project costs** and should not include any previously incurred expenses.

The RAISE project budget table should show the **total project cost** broken into different funding sources by major project activity or cost classification and present those amounts in dollars and percentages. Funding sources should be grouped into three categories: (1) RAISE funding request; (2) other Federal funds; and (3) non-Federal Funds. Identify the specific funding amount, type (grant, loan, bond, etc.), and source of all funds. If multiple non-federal and other-federal funding are being utilized, identify each specific source by name and the amount that source will contribute to the project’s budget. The RAISE project budget table should also show that the project satisfies the statutory cost share or non-federal funds matching requirements described in Section C.2 if applicable.

If needed, the Department may request additional budget information to clarify an application. The Department encourages applicants to submit the most relevant and complete information they can provide.

If the project contains **components**,<sup>19</sup> the budget should separate the costs of each project component.

Table 1:

	[Component 1]	[Component 2]	Total Funding
Funding Source	Funding Amount	Funding Amount	
RAISE Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Other Federal Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Non-Federal Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Total Project Cost:	[\$XXX]	[\$XXX]	[\$XXX]

If there is only a single component, remove “Component 2” column. If there are more than 2 components, add columns.

Applicants should complete and include the following tables in their project budget file. The Department will use these tables to determine where the majority of project costs occur for the purposes of making APP, HDC, and Urban designations. The total project cost listed in Tables 2a, 2b, and 2c should match the total project cost listed on the SF 424 and the FY 2024 RAISE Project Information Form. Applicants should refer to the [Grant Project Location Verification](#) mapping tool to identify census tracts and urban designations.

Table 2a:

Note: Please refer to the *Census Tracts (2020 Census)* layer in the [Grant Project Location Verification](#) mapping tool to identify 2020 Census tracts.

<sup>19</sup> “Project components” means separate projects activities are scheduled to be completed at the same time.

2020 Census Tract(s)	Project Costs per Census Tract
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
	<b>Total Project Cost: \$</b>

Add more rows for additional census tracts, if needed.

Table 2b:

Note: Please refer to the *Disadvantaged Census Tracts from CEJST (2010 Census)* layer in the [Grant Project Location Verification](#) mapping tool to identify 2010 Census tracts.

2010 Census Tract(s)	Project Costs per Census Tract
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
	<b>Total Project Cost: \$</b>

Add more rows for additional census tracts, if needed.

Table 2c:

Note: Please refer to the *Census Designated Urban areas with Population of More than 200,000 (2020 Census)* layer in the [Grant Project Location Verification](#) mapping tool to identify urban areas.

Urban/Rural	Project Costs
Urban (2020 Census-designated urban area with a population greater than 200,000)	\$
Rural (Located outside of a 2020 Census-designated urban area with a population greater than 200,000)	\$
	<b>Total Project Cost: \$</b>

The project budget narrative should include:

- **Sources, Uses, and Availability** – Provide complete information on how all capital or planning project funds may be used, their availability, and documented funding commitments. For example, if a source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant’s control over whether it is satisfied. Similarly, if a source of funds is available for expenditure only during a fixed period, the application should describe that restriction. Examples of documentation include, but are not limited to, a letter signed by a governing official or chief financial officer confirming the amount and source of funding, a page or pages from the STIP or TIP (please do not include a link to the entire STIP/TIP), a signed city ordinance, or a county administrator committing previously approved general obligation bonds.
- **Contingency Amount** – Indicate the specific contingency amount included in the budget to demonstrate there is sufficient funding to cover unanticipated cost increases and describe a plan to address potential cost overruns. Planning projects are not required to include a contingency amount but must describe a plan to address potential cost overruns.
- **Level of Design** – Indicate the degree of design completion (e.g., no design, 30, 60, 90 percent design) for which the cost was estimated in the case of a capital project;
- **Cost Estimates** – Indicate how, when, and by whom project costs were estimated. Cost estimates should be no older than a year from February 28, 2024. If older, please apply an inflation factor.
- **Cost Share or Non-Federal Funding Match** – Explain how the project budget satisfies the statutory cost share or non-federal funds matching requirements shown in the project budget table, if applicable.

The budget should clearly identify any expenses expected to be incurred between time of award and obligation because these expenses are not eligible for reimbursement, as described in Section B.4. Similarly, non-Federal funds incurred prior to obligation are not eligible to count as matching funds nor eligible to count towards meeting the level of non-Federal that is being committed in the application, as described in Section C.2. Unless authorized by the Department in writing after the Secretary’s announcement of FY 2024 RAISE awards, any costs that a recipient incurs before DOT executes a grant agreement for that recipient’s project are ineligible for reimbursement and are ineligible match for cost share requirements.

#### **d. Merit Criteria**

The merit criteria narrative file should demonstrate how the project aligns with each of the 8 statutory merit criteria described in Section E of this notice. The narrative should explain how and why the proposed transportation infrastructure project will address the surface transportation problem and achieve benefits under each criterion. To do this, applicants should:

- organize merit criteria in the order in which they are described in the Section E of the NOFO;
- address each criterion separately;
- identify the elements of the proposed project that align with items listed under each criterion under the merit rating rubric; and
- support estimated benefit claims with data, details, and/or qualitative descriptions

Applicants are encouraged to use the Department's [Equitable Transportation Community \(ETC\) Explorer \(arcgis.com\)](#) as a resource to describe how their project area is experiencing transportation related disadvantage as it relates to safety, affordable transportation options, pollution, access to good-paying jobs, climate change, and/or improving quality of life.

Insufficient information to assess any criterion will negatively impact the project rating. Applicants should note that merit reviewers will focus on this file and will not be required to reference links or the other files in the application package; therefore, **all relevant information to demonstrate alignment with the merit criteria, as described in Section E, should be included in this file.**

Guidance describing how the Department will evaluate projects against the Selection Criteria listed in Section E of this notice. Applicants should review that section before preparing their application.

#### **e. Project Readiness**

Project readiness describes an applicant's preparedness to move a proposed project forward once it receives a RAISE grant. The Project Readiness file should include information that, when considered with the project budget information, is sufficient for the Department to evaluate whether the project is reasonably expected to begin the capital or planning project in a timely manner and meet both the obligation and expenditure deadlines. Applicants can see a Project Readiness checklist on the [DOT Navigator website](#).<sup>20</sup> The Project Readiness file should include the following sections:

##### **Project Schedule** (capital and planning projects)

The Project Readiness file should include a detailed project schedule that identifies all major project activities and milestones. For capital projects, examples of such milestones include State and local planning approvals; start and completion of NEPA 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; project partnership and implementation agreements including agreements with railroads; and construction start and end. For planning projects, examples of milestones may include start dates, schedule for public engagement and completion dates. The schedule should be sufficiently detailed to demonstrate that:

- all necessary activities will be complete at least six months in advance of the obligation deadline<sup>21</sup> to allow sufficient time for unexpected delays and not put the

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<sup>20</sup> <https://www.transportation.gov/dot-navigator>

<sup>21</sup> The statutory obligation deadline is September 30, 2028. The Department assesses risk against an earlier deadline of June 30, 2028 to allow time to complete administrative processing and address challenges before the statutory deadline.

funds at risk of expiring before they are obligated;<sup>22</sup>

- the capital project can begin construction upon obligation of grant funds and that those funds will be spent expeditiously once construction starts, with all funds expended by September 30, 2033;
- all real property and right-of-way acquisition will be completed in a timely manner in accordance with 49 CFR part 24, 23 CFR part 710, and other applicable legal requirements or a statement that no right-of-way acquisition is necessary; and
- the applicant will or has meaningfully sought community input through public involvement, particularly disadvantaged communities or other communities with environmental justice concerns that may be affected by the project where applicable.

### **Environmental Risk Assessment** (capital projects only)

This section of the application should include sufficient information for the Department to evaluate whether the project is reasonably expected to begin construction in a timely manner consistent with all applicable local, State, and Federal requirements. To assist the Department's environmental risk review, the applicant should provide the information requested on project schedule, required approvals and permits, NEPA class of action and status, public involvement, right-of-way acquisition plans, risk and mitigation strategies.

### **Required Approvals**

This section should provide:

- **Information about the NEPA status of the project.** If the NEPA process is complete, an applicant should indicate the date of completion, and provide a website link or other reference to the final Categorical Exclusion, Finding of No Significant Impact, Record of Decision, and any other NEPA documents prepared. If the NEPA process is underway, but not complete, the application should detail the type of NEPA review underway, where the project is in the process, and indicate the anticipated date of completion of all milestones and of the final NEPA determination. If the final agency action with respect to NEPA occurred more than 3 years before the application date, the applicant should describe a proposed approach for updating this material in accordance with applicable NEPA reconsideration requirements.
- **Information on reviews, approvals, and permits by other Federal and State agencies.** An application should indicate whether the proposed project requires reviews or approval actions by other agencies,<sup>23</sup> indicate the status of such actions, provide detailed information about the status of those reviews or approvals and should demonstrate compliance with any other applicable Federal, State, or local

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<sup>22</sup> Obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements.

<sup>23</sup> Projects that may impact protected resources such as wetlands, species habitat, cultural or historic resources require review and approval by Federal and State agencies with jurisdiction over those resources.

requirements, and when such approvals are expected. Applicants should provide a link or other reference to copies of any reviews, approvals, and permits prepared.

- **Environmental studies or other documents**, through a link, that describe in detail known project impacts, and possible mitigation for those impacts.
- **A description of discussions with the appropriate DOT operating administration field or headquarters office** regarding the project's compliance with NEPA and other applicable Federal environmental reviews and approvals.
- If applicable, **right-of-way acquisition plans**, with detailed schedule and compensation plan.
- **A description of public engagement** about the project that has occurred, including details on the degree to which public comments and commitments have been integrated into project development and design including the consideration of ensuring proportional impacts to all populations.

### **State and Local Approvals**

This section should provide:

- **Receipt (or the schedule for anticipated receipt) of Tribal government, State, and local approvals** on which the project depends, such as State and local environmental and planning approvals, and Statewide Transportation Improvement Program (STIP) or transportation improvement program (TIP) funding. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support, including support from impacted communities.
- **Federal Transportation Requirements Affecting State and Local Planning.** The planning requirements applicable to the relevant operating administration apply to all RAISE grant projects, including projects located at airport facilities. Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents has been or will be included in such documents. If the project is not included in a relevant planning document at the time the application is submitted, the applicant should submit a statement from the appropriate planning agency that actions are underway to include the project in the relevant planning document. To the extent possible, freight projects should be included in a State Freight Plan and supported by a State Freight Advisory Committee (49 U.S.C. 70201, 70202), if these exist. Applicants should provide links or other documentation supporting this consideration such as letters of support from the State DOT if the project is intended to be included in the State Freight Plan, or results from application of the [FHWA Freight Mobility Trends Tool](https://fpcb.ops.fhwa.dot.gov/mobility_trends_tool.aspx).<sup>24</sup>

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<sup>24</sup> [https://fpcb.ops.fhwa.dot.gov/mobility\\_trends\\_tool.aspx](https://fpcb.ops.fhwa.dot.gov/mobility_trends_tool.aspx)

### **Assessment of Project Risks and Mitigation Strategies**

Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match (non-federal funding), lack of support from stakeholders or impacted communities, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should identify all material risks and harms to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake to mitigate those risks. The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

Project risks can also include the unavailability of vehicles that either comply with Federal Motor Vehicle Safety Standards or are exempt from Federal Motor Vehicle Safety Standards in a manner that allows for their legal acquisition and deployment, unavailability of domestically manufactured equipment.

If an applicant anticipates pursuing a waiver for relevant domestic preference laws, the applicant should describe steps that have been or will be taken to maximize the use of domestic goods, products, and materials in constructing its project. To the extent the applicant is unfamiliar with the Federal program, the applicant should contact the appropriate DOT operating administration field or headquarters offices, as found in contact information on the RAISE program [website](#), for information on the pre-requisite steps to obligate Federal funds in order to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements.

#### **Technical Capacity Assessment (capital and planning projects)**

All applications should include a section in the Project Readiness file that demonstrates their technical capacity to successfully deliver the project in compliance with applicable Federal requirements including, but not limited to, compliance with Title VI/Civil Rights requirements and Buy America provisions, described in Section E.1 of this NOFO. The applicant should address the following in the technical capacity section of the Project Readiness file:

- **Federal Funding** – Experience implementing federally funded transportation projects.
- **Federal Regulations** – Understanding of federal contract and procurement requirements, Buy America, Americans with Disabilities Act, Uniform Relocation Assistance and Real Property Acquisition Act, , Davis Bacon Act, etc.
- **Project Planning** – Practice incorporating projects into long-range development plans or adding projects to the TIP/STIP through the MPO planning process.
- **Project Delivery** – Examples of successfully delivered projects of similar size, scope, and complexity.

#### **f. Benefit-Cost analysis (capital projects only)**

The purpose of the Benefit-Cost Analysis (BCA) is to enable the Department to evaluate the cost-effectiveness of the proposed project by comparing its expected benefits to its expected costs relative to the current problem often referred to as the “baseline” or “no-build alternative.” The baseline defines the world without the proposed project.

Any benefits claimed for the proposed project, both quantified and unquantified, should be clearly tied to the expected outcomes of the proposed project. While benefits should be quantified wherever possible, applicants may also describe other categories of benefits in the BCA that are more difficult to quantify and/or value in economic terms.

There should be two BCA files included in the application: (1) a narrative description of the BCA; and (2) an unlocked spreadsheet revealing the underlying calculations.

- **Narrative Description of Analysis** - The BCA narrative should describe the current baseline, the sources of data used to estimate the benefits of the project, document any assumptions, and the values of key input parameters. Applicants may also provide a table similar to the one shown below summarizing the impacts of the project and how those impacts would translate into expected benefits. This is shown as an example only:

<b>Baseline / Current Status and Problem to be Addressed</b>	<b>Change to Baseline / Proposed Project to Address Problem</b>	<b>Example Impacts</b>
A freeway divides two neighborhoods	A new street will be constructed to connect neighborhoods on each side of the freeway	Reduced travel time for pedestrians and cyclists by X miles per day due to a more direct route, as well as reduced emissions, vehicle operating costs, and travel time for vehicle occupants by lowering VMT by Y miles per year
A roadway with a high number of pedestrian fatalities has no sidewalks or marked crosswalks	Sidewalks, high visibility crosswalks, and upgraded lighting will be added to the roadway	Reduced pedestrian fatalities and injuries by X and Y per year, respectively, as well as amenity benefits of wider sidewalks for Z daily pedestrian trips

- **Spreadsheet Revealing Underlying Calculations** - The BCA spreadsheet file should present the calculations in sufficient detail and transparency to allow the analysis to be reproduced by Department evaluators. While DOT does not have a prescribed format for the BCA spreadsheet submitted by the applicant beyond ensuring that it is unlocked, to

allow review, the Department is also developing a new BCA spreadsheet template that will be available to assist applicants in structuring their analysis.

Applicants should review the Department's detailed guidance on how to conduct a BCA. Both the guidance document and spreadsheet template will be available on the RAISE program [website](#).<sup>25</sup>

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

Each applicant must obtain a UEI and register with [SAM.gov](#). Each applicant is required to: (i) be registered in SAM before submitting an application; (ii) provide a valid unique entity identifier in the application; and (iii) continue to maintain an active SAM registration with current information at all times during which they have an active Federal award or an application or plan under consideration by a Federal awarding agency

The Department may not make a RAISE grant to an applicant until the applicant has complied with all applicable UEI and SAM requirements and, if an applicant has not fully complied with the requirements by the time DOT is ready to make a RAISE grant, DOT may determine that the applicant is not qualified to receive a RAISE grant and use that determination as a basis for making a RAISE grant to another applicant.

### 4. Submission Dates and Times

Applications must be submitted through [Grants.gov](#) by 11:59 PM Eastern on February 28, 2024 for FY 2024 RAISE. Grants.gov attaches a time stamp to each application at the time that submission is complete. Applications with a time stamp after the deadline will not be considered. The Department does not accept applications via mailed paper, fax machine, email, or other means. In addition to the FY 2024 NOFO dates, tentative future NOFO publication dates and application deadlines for FYs 2025 and 2026 are listed in the table below.

<b>BIL Fiscal Year Funding</b>	<b>RAISE NOFO Publication Date</b>	<b>Application Deadline</b>
FY 2024	November 30, 2023	February 28, 2024
FY 2025	October 15, 2024	January 13, 2025
FY 2026	October 15, 2025	January 13, 2026

To submit an application through Grants.gov, applicants must:

- Obtain a UEI number;<sup>26</sup>

<sup>25</sup> [www.transportation.gov/RAISEgrants/additional-guidance](https://www.transportation.gov/RAISEgrants/additional-guidance)

<sup>26</sup> On April 4, 2022 the Federal government stopped using the Data Universal Numbering System (DUNS) number to uniquely identify entities. Entities doing business with the Federal government must use a Unique Entity Identifier (UEI) created in SAM.gov. If your entity is currently registered in SAM.gov, your UEI has already been assigned and is viewable in SAM.gov. This includes inactive registrations.

- Register with the SAM at [www.SAM.gov](http://www.SAM.gov);
- Create a Grants.gov username and password; and
- The E-Business Point of Contact (POC) at the applicant's organization must respond to the registration email from Grants.gov and login at Grants.gov to authorize the applicant as the Authorized Organization Representative (AOR). Please note that there can be more than one AOR for an organization.

Please note that the SAM registration process takes a **minimum of 2 weeks to complete if not longer**. Failure to register for SAM or comply with Grants.gov applicant requirements in a timely manner will not be considered for exceptions to the submission requirements and deadline. The Department is not able to assist with technical issues related to Grants.gov or SAM registration. For information and instruction on each of these processes, please see instructions at [grants.gov/applicants/applicant-faqs](http://www.grants.gov/web/grants/applicants/applicant-faqs.html)<http://www.grants.gov/web/grants/applicants/applicant-faqs.html>. If applicants experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Service Support Hotline at 1-800-518-4726.

## **5. Funding Restrictions**

Recipients of RAISE Grant awards will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, RAISE funds will reimburse recipients only after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted.

Unless authorized by the Department in writing after the Secretary's announcement of FY 2024 RAISE awards, any costs that a recipient incurs before DOT executes a grant agreement for that recipient's project are ineligible for reimbursement and are ineligible match for cost share requirements.

Federal funds awarded under this program may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

## **6. Other Submission Requirements**

### **a. Submission Location**

Applications must be submitted to [Grants.gov](http://Grants.gov). The Department does not accept applications via mailed paper, fax machine, email, or other means.

### **b. Consideration of Applications**

Only applicants who comply with all submission deadlines described in this notice and electronically submit valid, on-time applications through Grants.gov will be eligible for award.

### **c. Late Applications**

Any applications that Grants.gov time stamps after 11:59 PM on February 28, 2024 will not be accepted. Applicants are strongly encouraged to make submissions days, if not weeks, in advance of the deadline. Applicants facing technical issues are advised to contact the Grants.gov helpdesk well in advance of the deadline.

#### **d. Compliance with Section 508 of the Rehabilitation Act of 1973**

The Department encourages applicants to submit documents that are compliant with Section 508 of the Rehabilitation Act of 1973. Section 508 guidelines are available at <https://www.access-board.gov/ict/>.

### **E. Application Review Information**

#### **1. Criteria**

This section specifies the criteria the Department will use to evaluate applications.

<b>TIER 1</b> All Eligible Applications	
<b>Merit Criteria Review</b>	
<b>TIER 2</b> All applications rated “Highly Recommended” under the merit criteria review automatically advance for second tier analysis. The Senior Review Team (SRT) can advance applications rated “Recommended” for second tier analysis.	
<b>Project Readiness Review</b>	
Environmental Risk Assessment	Capital Projects
Technical Capacity Assessment	Capital and Planning Projects
Financial Completeness Assessment	Capital and Planning Projects
<b>Benefit-Cost Analysis</b>	Capital Projects

The Department will review merit criteria for all applications. Highly Recommended capital applications will automatically advance to receive second-tier analysis consisting of three Project Readiness reviews: (1) Environmental Risk Assessment; (2) Technical Capacity Assessment; and (3) Financial Completeness Assessment, as well as a Benefit-Cost Analysis (BCA). Highly Recommended planning applications will automatically advance to receive second-tier analysis consisting of two Project Readiness areas: (1) Technical Capacity Assessment; and Financial Completeness Review. Environmental Risk Assessment and BCA will not be reviewed for planning applications. The SRT can advance select Recommended capital and planning applications for second-tier analysis under the circumstances described in Section E.2.

**The Department does not consider the amount of non-Federal contribution as a selection criterion or a competitiveness factor.** However, general budget information may be evaluated as part of the financial completeness in the readiness review or under the Innovation criteria in the merit review. See Sections E.1.a and E.1.b for more details.

#### **a. Merit Criteria**

For each merit criterion, the Department will evaluate whether the application uses data-driven and evidence-based methods to demonstrate that the project will provide the anticipated benefits, which will result in a rating of “high,” “medium,” “low,” or “non-responsive” as described in the rubric below.

<b>Individual Merit Criteria Ratings</b>	
<b>High</b>	The criterion must be addressed as a primary project purpose (not an ancillary or incidental consideration, except for the Partnership and Collaboration and Innovation criteria), must include clear, direct, data-driven (capital projects only), and significant benefits, and must align with at least one of the benefits described in the high column of the merit criteria rubric.
<b>Medium</b>	The criterion may not be a primary project purpose, or the project benefits do not meet at least one of the requirements for a ‘high’ rating, as described in the merit criteria rubric.
<b>Low</b>	The application contains insufficient information to assess that criterion’s benefits.
<b>Non-Responsive</b>	The proposed project negatively affects the criterion, or the application does not address the criterion.

Planning grant applications will be evaluated against the same merit criteria as capital grants. Planning grant applications should include data on the problem intended to be addressed, but information does not need to be as driven by data as a capital project when estimating benefits of the implemented project since data is often an outcome of the project to be planned. The Department will consider how the plan, once implemented, will ultimately further the merit criteria.

The combination of individual criterion ratings will inform one overall Merit Rating: Highly Recommended, Recommended, Acceptable, or Unacceptable, as shown below.

<b>Overall Merit Rating</b>	
<b>Highly Recommended</b>	<ul style="list-style-type: none"> <li>• six or more of the eight merit criteria ratings are “high”</li> <li>• none of the merit criteria ratings are “non-responsive”</li> </ul>

<b>Recommended</b>	<ul style="list-style-type: none"> <li>• one to five of the merit criteria ratings are “high”</li> <li>• no more than three of the merit criteria ratings are “low”</li> <li>• none are “non-responsive”</li> </ul>
<b>Acceptable</b>	<ul style="list-style-type: none"> <li>• a combination of “high,” “medium,” “low,” or “non-responsive” ratings that do not fit within the definitions of Highly Recommended, Recommended, or Unacceptable</li> </ul>
<b>Unacceptable</b>	<ul style="list-style-type: none"> <li>• three or more “non-responsive” ratings</li> </ul>

Merit Criteria:	Non-Responsive	Low	Medium	High
<b>Safety</b>	<p>Application did not address the Safety criterion</p> <p>OR</p> <p>Project negatively affects safety</p>	<p>Application contains insufficient information to assess safety benefit</p>	<p>The project has one or more of the following safety benefits, but safety may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating:</p> <ul style="list-style-type: none"> <li>• Protect non-motorized or motorized travelers from safety risks; or</li> <li>• Reduce any number of fatalities and/or serious injuries</li> </ul>	<p>Safety is a primary project purpose AND the project has clear, direct, <b>data-driven</b> (for capital projects only), and significant benefits that targets a known, documented safety problem, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Protect non-motorized travelers from safety risks; or</li> <li>• Reduce fatalities and/or serious injuries in underserved communities to bring them below the state-wide average; or</li> <li>• Incorporate and cite specific actions and activities identified in the Department’s <a href="#">National Roadway Safety Strategy plan</a> or <a href="#">Improving Safety for Pedestrians and Bicyclists Accessing Transit report</a>, or <a href="#">FTA’s Safety Advisory 23-1: Bus-to-Person Collisions</a>; or</li> <li>• Incorporate specific safety improvements that are part of a documented risk reduction mitigation strategy and that have, for example, port-wide or transit system impact.</li> </ul>
<b>Environmental Sustainability</b>	<p>Application did not address the Environmental Sustainability criterion</p> <p>OR</p> <p>Project negatively affects environmental sustainability</p>	<p>Application contains insufficient information to assess environmental sustainability benefits</p>	<p>Project has one or more of the following environmental sustainability benefits, but environmental sustainability may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating:</p> <ul style="list-style-type: none"> <li>• Reduce transportation-related air pollution and greenhouse gas emissions; or</li> <li>• Reduce vehicle miles traveled; or</li> <li>• Incorporate lower-carbon pavement/construction materials; or</li> <li>• Redevelop brownfield sites; or</li> <li>• Improve resilience of infrastructure to current and future weather and climate risks; or</li> <li>• Make basic stormwater improvements</li> </ul>	<p>Environmental sustainability is a primary project purpose AND the project has clear, direct, <b>data-driven</b> (for capital projects only), and significant benefits that explicitly considers climate change and environmental justice, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Reduce transportation-related air pollution and greenhouse gas emissions in disadvantaged communities; or</li> <li>• Address the disproportionately negative environmental impacts of transportation on local communities such as by reducing exposure to elevated levels of air, water, and noise pollution; or</li> <li>• Align with the applicant’s State Carbon Reduction Strategy, State Electric Vehicle Infrastructure Deployment Plan, or other State, local, or tribal greenhouse gas reduction plan; or</li> <li>• Align with the <a href="#">U.S. National Blueprint for Transportation Decarbonization</a>; or</li> <li>• Implement transportation-efficient land use and design, such as drawing on the features of historic towns and</li> </ul>

Merit Criteria:	Non-Responsive	Low	Medium	High
				<p>villages that had a mix of land uses, compact and walkable development patterns, accessible green space, and neighborhood centers that make it convenient to take fewer or shorter trips; or</p> <ul style="list-style-type: none"> <li>• Reduce vehicle miles traveled specifically through modal shift to transit, rail, or active transportation; or</li> <li>• Reduce emissions specifically by shifting freight to lower-carbon travel modes; or</li> <li>• Incorporate energy efficient investments, such as electrification or zero emission vehicle infrastructure; or</li> <li>• Improve the resilience of at-risk infrastructure to be resilient to extreme weather events and natural disasters caused by climate change, such as by using best-available climate data sets, information resources, and decision-support tools; or</li> <li>• Incorporate <a href="#">nature-based solutions</a> or <a href="#">natural infrastructure with the use of native plants</a>; or Incorporate <a href="#">nature-based solutions</a> or <a href="#">natural infrastructure</a>; or</li> <li>• Referenced in a <a href="#">Resilience Improvement Plan</a> or similar plan; or</li> <li>• Remove, replace, or restore culverts for the purpose of improving habitat for aquatic species; or</li> <li>• Avoid adverse environmental impacts to air or water quality, wetlands, and endangered species</li> </ul>
<b>Quality of Life</b>	<p>Application did not address the Quality of Life criterion</p> <p>OR</p> <p>Project negatively affects quality of life</p>	Application contains insufficient information to assess quality of life benefits	<p>Project has one or more of the following quality of life benefits but quality of life may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating:</p> <ul style="list-style-type: none"> <li>• Increase affordability for travelers; or</li> <li>• Reduces vehicle dependence</li> </ul>	<p>Quality of life is a primary project purpose AND the project has clear, direct, <b>data-driven</b> (for capital projects only) and significant benefits, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Increase affordable transportation choices by improving and expanding active transportation usage or significantly reducing vehicle dependence, particularly in underserved communities; or</li> <li>• Reduce transportation and housing cost burdens by integrating mixed-use development and a diversity of housing types, including by reducing barriers to such development and increasing the supply of affordable housing, with multimodal transportation infrastructure; or</li> </ul>

Merit Criteria:	Non-Responsive	Low	Medium	High
				<ul style="list-style-type: none"> <li>• Coordinate and integrate land use, affordable housing, and transportation planning in order to create more livable communities and expand travel choices; or</li> <li>• Improve access to daily destinations like jobs, healthcare, grocery stores, schools, places of worship, recreation, or parks through transit and active transportation; or</li> <li>• Implement transit-oriented development that benefits existing residents and businesses, low-income and disadvantaged communities, and minimizes displacement; or</li> <li>• Improve public health by adding new facilities that promote walking, biking, and other forms of active transportation; or</li> <li>• Mitigate urban heat islands to protect the health of at-risk residents, outdoor workers, and others; or</li> <li>• Proactively addresses equity.</li> </ul>
<b>Mobility and Community Connectivity</b>	<p>Application did not address the Mobility and Community Connectivity criterion</p> <p>OR</p> <p>Project negatively affects mobility and community connectivity</p>	Application contains insufficient information to assess mobility and community connectivity benefits	<p>Project has one or more of the following mobility and community connectivity benefits, but mobility and community connectivity may not be a primary project purpose or does not meet the description(s) of a 'high' rating:</p> <ul style="list-style-type: none"> <li>• Increase accessible transportation choices; or</li> <li>• Include ADA improvements</li> </ul>	<p>Mobility and community connectivity is a primary project purpose AND the project has clear, direct, <b>data-driven</b> (for capital projects only) and significant benefits, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Improve system-wide connectivity with access to transit, micro-mobility, and mobility on-demand; or</li> <li>• Implement plans, based on community participation and data, that addresses gaps identified in the existing network; or</li> <li>• Remove physical barriers for individuals by reconnecting communities to direct, affordable transportation options; or</li> <li>• Include transportation features that increase the accessibility for non-motorized travelers in underserved communities; or</li> <li>• Incorporate <a href="#">Universal Design</a> including details of how the improvements go beyond ADA requirements by designing environments to be usable by all people, to the greatest extent possible, without the need for adaption or specialized design such as a Complete Streets approach; or</li> </ul>

Merit Criteria:	Non-Responsive	Low	Medium	High
				<ul style="list-style-type: none"> <li>• Directly increasing intermodal and multimodal freight movement; or</li> <li>• Consider last-mile freight plans in a Complete Streets and multimodal approach</li> </ul>
<b>Economic Competitiveness and Opportunity</b>	<p>Application did not address the Economic Competitiveness and Opportunity criterion</p> <p>OR</p> <p>Project negatively affects economic competitiveness and opportunity</p>	Application contains insufficient information to assess economic competitiveness and opportunity benefits	<p>Project has one or more of the following economic competitiveness and opportunity benefits, but economic competitiveness and opportunity may not be a primary project purpose or does not meet the description(s) of a 'high' rating:</p> <ul style="list-style-type: none"> <li>• Improve travel time reliability; or</li> <li>• Improve movement of goods; or</li> <li>• Create jobs related to the project's delivery and on-going operations</li> </ul>	<p>Economic competitiveness is a primary project purpose AND the project has clear, direct, <b>data-driven</b> (for capital projects only), and significant benefits, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Improve intermodal and/or multimodal freight mobility, especially for supply chain bottlenecks; or</li> <li>• Facilitate tourism opportunities; or</li> <li>• Promote local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises or 8(a) firms; or</li> <li>• Promote wealth building; or</li> <li>• Promote long-term economic growth and other broader economic and fiscal benefits; or</li> <li>• Create good-paying jobs with free and fair choice to join a union including through the use of a project labor agreement; or</li> <li>• Adopt local and economic hiring preferences for the project workforce or include other changes to hiring policies and workplace cultures to promote the entry and retention of underrepresented populations; or</li> <li>• Promote greater public and private investments in land-use productivity, including rural main street revitalization or locally driven density decisions that support equitable commercial and mixed-income residential development</li> </ul>

Merit Criteria:	Non-Responsive	Low	Medium	High
<b>State of Good Repair</b>	<p>Application did not address the State of Good Repair criterion</p> <p>OR</p> <p>Project negatively affects state of good repair</p>	<p>Application contains insufficient information to assess state of good repair benefits</p>	<p>Project has one or more of the following state of good repair benefits but state of good repair may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating:</p> <ul style="list-style-type: none"> <li>• Routine or deferred maintenance; or</li> <li>• Create new infrastructure (not in a remote community) that will be maintained in a state of good repair; or</li> <li>• Identify the party responsible for maintenance and describe how the new or improved asset(s) will be maintained in a state of good repair; or</li> <li>• Resolve the current or projected transportation system vulnerabilities</li> </ul>	<p>State of good repair is a primary project purpose AND the project has clear, direct, <b>data-driven</b> (for capital projects only) and significant benefits, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Restore and modernize (such as through road diets and complete streets approaches) the existing core infrastructure assets that have met their useful life; or</li> <li>• Reduce construction and maintenance burdens through efficient and well-integrated design; or</li> <li>• Create new infrastructure in remote communities that will be maintained in a state of good repair; or</li> <li>• Address current or projected transportation system vulnerabilities for underserved communities; or</li> <li>• Prioritize improvement of the condition and safety of existing transportation infrastructure within the <u>existing</u> footprint</li> </ul>
<b>Partnership and Collaboration</b>	<p>Application did not address the Partnership and Collaboration criterion</p> <p>OR</p> <p>Project negatively affects partners or community members (e.g. negative impacts from ROW acquisition, lack of support for the project, etc.)</p>	<p>Application contains insufficient information to assess the partnership and collaboration benefits</p>	<p>Project has one or more of the following partnership and collaboration benefits but partnership and collaboration may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating:</p> <ul style="list-style-type: none"> <li>• Collaborate with public and/or private entities; or</li> <li>• Document support from local, regional, or national levels</li> </ul>	<p>Project has, or demonstrates plans to, support and engage diverse people and communities by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Engage residents and community-based organizations to ensure equity considerations for underserved communities are meaningfully integrated throughout the lifecycle of the project, for example, by citing and describing how the project aligns with the Department’s <a href="#">Promising Practices for Meaningful Public Involvement in Transportation Decision-Making Guide</a>; or</li> <li>• Coordinate with other types of projects such as economic development, commercial or residential development near public transportation, power/electric infrastructure projects, or broadband deployment; or</li> <li>• Partner with Disadvantaged Business Enterprises or 8(a) firms; or</li> <li>• Partner with high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeships. These programs should have a focus on expanding access for women, people of color, and others</li> </ul>

Merit Criteria:	Non-Responsive	Low	Medium	High
				<p>that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.); or</p> <ul style="list-style-type: none"> <li>• Partner and engage with unions and/or worker organizations in the development of the project and the lifecycle of the project, including the maintenance or operation of the completed project; or</li> <li>• Partner with communities or community groups representative of historically underrepresented groups to develop workforce strategies; or</li> <li>• Establish formal public-private partnerships or joint ventures to expand or create new infrastructure or economic development capacity; or</li> <li>• Participate in the <a href="#">Thriving Communities Network</a></li> </ul>
<b>Innovation</b>	<p>Application did not address the Innovation criterion.</p> <p>OR</p> <p>Includes non-innovative practices or components</p>	Application contains insufficient information to assess innovation benefits	<p>Project has one or more of the following innovation benefits but does not meet the description(s) of a 'high' rating:</p> <ul style="list-style-type: none"> <li>• Deploy technologies, project delivery, or financing methods that are <u>new or innovative to the applicant or community</u></li> </ul>	<p>Project has, or demonstrates plans for, one or more of the following innovative benefits.</p> <ul style="list-style-type: none"> <li>• Innovative Technologies <ul style="list-style-type: none"> <li>○ Enhance the environment for electric, connected, or automated vehicles to improve the detection and mitigation of safety risks; or</li> <li>○ Improve safety using Advanced Driver Assistance Systems on public transit vehicles, including functions such as precision docking; lane keeping or lane centering; or</li> <li>○ Use sensors or small unmanned aerial vehicles to enhance infrastructure inspection and asset management processes; or</li> <li>○ Use sensors to monitor real-time conditions of pavement quality, signage, crosswalks, transit headways, or other public infrastructure; or</li> <li>○ Use low-carbon or other innovative materials; or</li> <li>○ Use caps, land bridges, or underdecks; or</li> <li>○ Use active grade crossing detection systems to enable responsive traffic management; or</li> <li>○ Use detection systems on railroads to target and deter trespassing; or</li> <li>○ Digitalize curb management to optimize use across purposes and modes, including freight, pick-up drop-off, and transit usage</li> </ul> </li> <li>• Innovative Project Delivery</li> </ul>

Merit Criteria:	Non-Responsive	Low	Medium	High
				<ul style="list-style-type: none"><li>○ Use practices that facilitate accelerated project delivery such as single contractor design-build arrangements, <a href="#">Advanced Digital Construction Management</a>, <a href="#">Accelerated Bridge Construction</a>, <a href="#">Digital as-builts</a>, or an up-to-date programmatic agreement between an environmental resource agency and a state DOT, or other NEPA lead agency, that establishes a streamlined process for environmental consultations and permits for commonly encountered project types.</li><li>● Innovative Financing<ul style="list-style-type: none"><li>○ Secure TIFIA, RRIF, or private activity bond financing; or</li><li>○ Use congestion pricing or other demand management strategies</li></ul></li></ul>

## **Safety**

The Department will assess how the project targets a known safety problem and seeks to protect motorized or non-motorized travelers from safety risks on roadways, transit, rail, or ports. Applicants are highly encouraged to include data-driven information when addressing the safety criterion such as the current and projected number or rate of crashes, fatalities and/or serious injuries among transportation users and how those compare to the statewide average; details about the transportation user that will reap the safety benefits such as whether the project addresses vulnerable roadway users<sup>27</sup> or whether the project addresses inequities in crash victims. If applicable, applicants should describe how the project incorporates specific actions and activities identified in the Department's [National Roadway Safety Strategy](#),<sup>28</sup> or [Improving Safety for Pedestrians and Bicyclists Accessing Transit report](#), or [FTA's Safety Advisory 23-1: Bus-to-Person Collisions](#).

## **Environmental Sustainability**

The Department will consider the extent to which the project incorporates considerations of climate change and environmental justice in the project planning or project delivery stage. Environmental justice means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people: (i) are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and (ii) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

The Department will evaluate whether and how the project demonstrates environmental sustainability benefits. For this assessment, the Department will consider, for example, how the project will significantly reduce transportation-related pollution like air pollution and greenhouse gas emissions; aligns with the applicant's State, regional, county or city carbon-reduction plan or the [U.S. National Blueprint for Transportation Decarbonization](#); address the disproportionate negative environmental impacts of transportation such as exposure to elevated levels of air, water, and noise pollution; or implement transportation-efficient land use and design, such as drawing on the features of historic towns and villages that had a mix of land uses, compact and walkable development patterns, accessible green space, and neighborhood centers that make it convenient to take fewer or shorter trips.

The Department will assess whether and how the project is expected to reduce emissions, such as shifts to lower emissions vehicles, transit, or active transportation; shift freight to lower-carbon travel modes to reduce emissions; improve the resiliency of at-risk infrastructure<sup>29</sup> to withstand

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<sup>27</sup> As defined by FHWA's Vulnerable Road User Safety Assessment Guidance, a vulnerable road user is a non-motorist and may include people walking, biking, or rolling as well as highway workers on foot in a work zone.

<sup>28</sup> [www.transportation.gov/NRSS](http://www.transportation.gov/NRSS)

<sup>29</sup> For the RAISE program, at-risk infrastructure is defined as infrastructure that is subject to, or faces increased long-term future risks of, a weather event, a natural disaster, or changing conditions, such as coastal flooding, coastal erosion, wave action, storm surge, or sea level rise, in order to improve transportation and public safety and to reduce costs by avoiding larger future maintenance or rebuilding costs.

extreme weather events and natural disasters caused by climate change such as by using best-available climate data sets, information resources, and decision-support tools, and incorporating [nature-based solutions](#) or [natural infrastructure](#); or incorporates lower-carbon pavement or construction materials as described in the Environmental Protection Agency’s [interim guidance on low-carbon materials](#)<sup>30</sup> or the [U.S. National Blueprint for Transportation Decarbonization](#). The Department will also consider whether and how the project will incorporate energy efficient investments such as electrification or zero emission vehicle infrastructure; redevelop brownfield sites; remove, replace or restore culverts to improve passage of aquatic species; or avoid adverse impacts to air or water quality, wetlands, and endangered species. If applicable, applicants are encouraged to make floodplain upgrades 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 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input* (80 FR 6425.)

### **Quality of Life**

The Department will consider whether and how the project will improve quality of life, such as by increasing affordable transportation choices and expanding active transportation usage or significantly reducing vehicle dependence; reduce transportation and housing cost burdens by integrating mixed use development and a diversity of housing types (including affordable housing) with multimodal transportation infrastructure; coordinate and integrate land use, affordable housing, and transportation planning in order to create more livable communities and expand travel choices; reduce vehicle dependence and improve access to daily destinations such as jobs, healthcare, grocery store, schools, places of worship, recreation, or parks such as by adding new facilities that promote walking, biking; implement transit-oriented development that benefits existing residents and businesses; mitigate urban heat islands to protect the health of at-risk residents, outdoor workers, and others; or proactively address racial equity.<sup>31</sup>

### **Mobility and Community Connectivity**

The Department will assess whether and how the applicant will improve mobility and community connectivity. For this assessment, DOT will consider, for example, how the project will address system-wide connectivity with access to transit, micro-mobility, and mobility on-demand; implement plans, based on community participation and data, that identifies and addresses gaps in the existing network; remove physical barriers for individuals by reconnecting communities to direct, affordable transportation options; include transportation features that increase accessibility for non-motorized travelers, such as through a Complete Streets approach; incorporate Americans with Disabilities Act (ADA) or [Universal Design](#)<sup>32</sup> improvements; directly increase intermodal and multimodal freight movement; or considers last-mile freight plans in a Complete Streets and multimodal approach.

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<sup>30</sup> [https://www.epa.gov/system/files/documents/2023-01/2022.12.22%20Interim%20Determination%20on%20Low%20Carbon%20Materials%20under%20IRA%2060503%20and%2060506\\_508.pdf](https://www.epa.gov/system/files/documents/2023-01/2022.12.22%20Interim%20Determination%20on%20Low%20Carbon%20Materials%20under%20IRA%2060503%20and%2060506_508.pdf)

<sup>31</sup> Definitions for “racial equity” and “underserved communities” are found in Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Sections 2 (a) and (b).

<sup>32</sup> Definition for “Universal Design” found on the General Services Administration’s Section508.gov website and states, “Universal design is a concept in which products and environments are designed to be usable by all people, to the greatest extent possible, without the need for adaption or specialized design.”

### **Economic Competitiveness and Opportunity**

The Department will assess whether and how the project will improve economic competitiveness and opportunity. For this assessment, DOT will consider, for example, how the project will improve intermodal or multimodal freight mobility, especially for supply chain bottle necks; facilitate tourism; promote local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises or 8(a) firms; wealth building; long-term economic growth and other broader economic and fiscal benefits; create good-paying jobs with free and fair choice to join a union including through the use of a project labor agreement; or adopt local and economic hiring preferences for the project workforce or include other changes to hiring policies and workplace cultures to promote the entry and retention of underrepresented populations. DOT will evaluate the extent to which the project will promote greater public and private investments in land-use productivity, including rural main street revitalization or locally driven density decisions that support equitable commercial and mixed-income residential development.

### **State of Good Repair**

The Department will assess whether and to what extent the project improves state of good repair. For this assessment, DOT will consider, for example, how the project will mitigate current or projected system vulnerabilities; restore and modernize (such as through road diets and Complete Streets approaches) the existing core infrastructure assets that have met their useful life; reduce construction and maintenance burdens through efficient and well-integrated design; create new infrastructure *in remote communities* that will be maintained in a state of good repair; prioritize improvement of the condition and safety of existing transportation infrastructure within the existing footprint; conduct routine or deferred maintenance; create new infrastructure (*not in a remote community*) that will be maintained in a state of good repair; or identify the party responsible for maintenance and how the new or improved asset(s) will be maintained in a state of good repair.

The Department encourages applicants to improve the condition and safety of existing state and locally owned transportation infrastructure within the right-of-way before proposing projects that add new general purpose travel lanes serving single occupancy vehicles.

### **Partnership and Collaboration**

The Department will consider the extent to which the project has or will support and engage diverse people and communities. For this assessment, DOT will consider, for example, how the project has or will collaborate with public and/or private entities; documents support from local, regional, and/or national levels; engage residents and community-based organizations to ensure equity considerations for underserved communities are meaningfully integrated throughout the project. Applicants should describe how the project incorporates specific actions and activities identified in the Department's [Promising Practices for Meaningful Public Involvement in Transportation Decision-Making Guide](https://www.transportation.gov/priorities/equity/promising-practices-meaningful-public-involvement-transportation-decision-making);<sup>33</sup> coordinate with other types of projects such as economic development, commercial or residential development near public transportation, power/electric infrastructure projects, or broadband deployment; partner with Disadvantaged

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<sup>33</sup> <https://www.transportation.gov/priorities/equity/promising-practices-meaningful-public-involvement-transportation-decision-making>

Business Enterprises or 8(a) firms; partner with high-quality workforce development programs with supportive services<sup>34</sup> to help train, place, and retain underrepresented communities in good-paying jobs or registered apprenticeships including through the use of local and economic hiring preferences, linkage agreements with workforce programs that serve underrepresented groups, and proactive plans to prevent harassment; partner and engage with local unions or other worker-based organizations in the development and lifecycle of the project, including through evidence of project labor agreements and/or community benefit agreements; or partners with communities, or community groups representative of historically underrepresented groups, to develop workforce strategies; or establish formal public-private partnerships or joint ventures to expand or create new infrastructure or economic development capacity. DOT will assess the level of detail and description provided about the partnerships listed above. Applications that provide more details and descriptions about the project partnership will be rated higher than those that do not, in alignment with the merit rating rubric.

The Department will consider whether the applicant is participating in the [Thriving Communities Network](#).<sup>35</sup> Applications that include right-of-way acquisition plans that minimally disrupts communities and maintains community cohesion will be more competitive than right-of-way acquisition plans that disrupt communities. For projects involving other Federal agencies, or requiring action from other Federal agencies, DOT will consider the level of involvement and commitment from those agencies. For example, relevant port projects should demonstrate alignment with U.S. Army Corps of Engineers investment strategies.

### **Innovation**

The Department will assess the extent to which the applicant uses innovative: (1) technologies; (2) project delivery; or (3) financing. If this project is the first time the applicant or community will deploy specific innovations, the Department will consider them innovative, to the extent applicants provide enough detail to determine whether the innovations being deployed are new or innovative to the applicant or community regardless of whether other applicants or communities have implemented these innovations.

**Innovative Technologies** - The Department will consider how the project enhances the environment for connected, electric, or automated vehicles to improve the detection, mitigation, and documentation of safety risks. Examples include the use of Advanced Driver Assistance Systems on public transit vehicles and detection systems on railroads to target and deter trespassing. The Department will assess the extent to which the project uses innovative technology that significantly enhances the operational performance and maintenance of the surface transportation system including sensors to inspect infrastructure and manage assets or to monitor real-time conditions of pavement quality, signage, crosswalks, or transit headways; active grade crossing detection systems to enable responsive traffic management; or digitalized curb management to optimize use

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<sup>34</sup> Supportive services are critical to help women and people facing systemic barriers to employment be able to participate and thrive in training and employment. Recommended supportive services include childcare, tools, work clothing, application fees and other costs of apprenticeship or required pre-employment training, transportation and travel to training and work sites, and services aimed at helping to retain underrepresented groups like mentoring, support groups, and peer networking.

<sup>35</sup> <https://www.transportation.gov/federal-interagency-thriving-communities-network>

across purposes and modes, including freight, pick-up drop-off, and transit usage. The use of low-carbon materials as well as the use of caps, land bridges, or underdecks are also considered innovative.

Please note that all innovative technology must be in compliance with 2 CFR § 200.216.<sup>36</sup> If an applicant is proposing to deploy autonomous vehicles or other innovative motor vehicle technology, the Department will consider whether and how the applicant demonstrates that all vehicles will comply with applicable safety requirements, including those administered by the National Highway Traffic Safety Administration (NHTSA) and Federal Motor Carrier Safety Administration (FMCSA). Specifically, the Department will consider whether the vehicles acquired for the proposed project will comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carrier Safety Regulations (FMCSR). If the vehicles may not comply, the Department will consider applications that do one of the following more competitive than applications that do not: either (1) show that the vehicles and their proposed operations are within the scope of an exemption or waiver that has already been granted by NHTSA, FMCSA, or both agencies or (2) directly address whether the project will require exemptions or waivers from the FMVSS, FMCSR, or any other regulation and, if the project will require exemptions or waivers, present a plan for obtaining them.

**Innovative Project Delivery** - The Department will consider the extent to which the project utilizes innovative practices in contracting (such as public-private partnerships and single contractor design-build arrangements), single contractor design-build arrangements, project bundling, [Advanced Digital Construction Management](#), [Accelerated Bridge Construction](#), [Digital as-builts](#), or an up-to-date programmatic agreement between an environmental resource agency and a state DOT, or other NEPA lead agency, establishing a streamlined process for environmental consultations and permits for commonly encountered project types .Digital as-builts.

**Innovative Financing** - The Department will assess the extent to which the project incorporates innovations in transportation funding and finance, for example through private sector funding or financing, using congestion pricing or other demand management strategies to address congestion, securing a TIFIA or RRIF loan, or receiving an allocation for private activity bonds through DOT's Build America Bureau.

## **b. Project Readiness**

Capital project applications that receive second-tier analysis<sup>37</sup> will be reviewed for Project Readiness and assigned three evaluation ratings: Environmental Risk Assessment, Technical Capacity Assessment, and Financial Completeness Assessment.

Planning project applications that receive second-tier analysis will be reviewed for Project Readiness and assigned two evaluation ratings: Technical Capacity Assessment and Financial

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<sup>36</sup> <https://ecfr.federalregister.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-C/section-200.216>

<sup>37</sup> The process for determining which applications receive second-tier analysis is described in Section E.2 of this notice.

Completeness Assessment. (Environmental Risk Assessment will not be performed for planning applications).

Low ratings in any of these readiness areas do not disqualify projects from award, but competitive applications clearly and directly describe achievable risk mitigation strategies. A project with mitigated risks or with a risk mitigation plan is more competitive than a comparable project with unaddressed risks.

### **Environmental Risk**

The Environmental Risk Assessment analyzes the project's environmental approvals and likelihood of the necessary approval affecting project obligation funds will be spent expeditiously once construction starts as described in Section D of the NOFO, and results in a rating of "high risk," "moderate risk," or "low risk."

### **Technical Capacity**

The Technical Capacity Assessment will assess the applicant's capacity to successfully deliver the project in compliance with applicable Federal requirements as well as the recipient's experience working with Federal funds, civil rights compliance, and previous experience delivering infrastructure projects. This review is partially based on information submitted with the application and partially based on DOT Operating Administration knowledge of the applicant's performance. Technical Capacity ratings will be one of the following: "certain," "somewhat certain," or "uncertain."

DOT will assign the highest rating of "certain," if the application demonstrates that: the applicant has extensive experience with Federal funds; the applicant has extensive experience completing projects with similar scope; the applicant has the resources to deliver the project; and the project will comply with all applicable Federal requirements including, but not limited to, Buy America provisions, ADA regulations, Civil Rights requirements, Federal Motor Vehicle Safety Standards, and/or the Federal Motor Carrier Safety Regulations.

If an applicant is proposing to adopt innovative technology or other innovative practices, DOT will assess whether the applicant's capacity to implement those innovations, the applicant's understanding of applicable Federal requirements and whether the innovations may require extraordinary permitting, approvals, exemptions, waivers, or other procedural actions, and the effects of those innovations on the project delivery timeline.

### **Financial Completeness**

The Financial Completeness Assessment reviews the project budget to confirm the availability of funding for the project and whether the applicant presented a complete funding package based on reasonable cost estimates. Financial Completeness ratings are: "complete," "partially complete," or "incomplete."

DOT will assign the highest rating of "complete," if the application identifies all funding sources for the project budget, documents all funding is available and committed to the project, includes contingency amount in the project budget and describes a plan to address potential cost overruns, and cost estimates are no more than a year old or include an inflation factor. Planning grants are

not required to include a contingency amount but must discuss a plan to address potential cost overruns.

Projects with funding estimates that are based on early stages of design (e.g., less than 30 percent design) or outdated cost estimates without specified budget contingencies will receive a lower rating. All applicants, including those requesting 100 percent grant funding, should describe a plan to address potential cost overruns.

### **c. Cost Benefit Analysis**

For capital projects that receive second-tier analysis, the Department will consider the costs and benefits of projects seeking RAISE grant funding in determining whether a project is cost effective. To the extent possible, the Department will rely on quantitative, evidenced-based and data-supported analysis to assess how well a project addresses this criterion, including an assessment of the project's estimated benefit-cost ratio (BCR) based on the applicant-supplied BCA described in Section D.2.f.

To evaluate the costs and benefits of a proposed project, the Department will assign the project as either negative net benefits (costs exceed benefits) or positive net benefits (benefits exceed costs.) Projects with negative net benefit ratings will not be selected for an award, unless the project receives a "Highly Recommended" rating and demonstrates exceptional benefits for underserved or disadvantaged communities, as identified by the Senior Review Team.<sup>38</sup>

## **2. Review and Selection Process**

This section explicitly addresses the BIL requirement to describe the methodology for evaluation in the NOFO. The RAISE grant program review and selection process consists of Merit Criteria Review; Project Readiness Review (consisting of Technical Capacity Assessment, Environmental Risk Assessment, and Financial Completeness Assessment); Benefit-Cost Analysis; and Senior Review. The Secretary makes final project selections.

Teams comprising Department and contractor staff review all eligible applications received by the deadline for a Merit Review and assign ratings as described in Section E. Using the Merit Review rubric described in section E, the combination of eight merit criteria ratings will result in one overall Merit Rating: Highly Recommended, Recommended, Acceptable, or Unacceptable.

"Highly Recommended" projects automatically advance for second-tier analysis.

The Senior Review Team (SRT) reviews all "Recommended" projects to determine if the benefits of a particular criterion are so significant that the project merits advancing for second-tier analysis. The SRT can advance a "Recommended" project only if:

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<sup>38</sup> The Senior Review Team, and its role in the application evaluation and selection process, is described in section E.2 of this notice.

1. the project received a “high” in one or more of the priority criteria of safety, environmental sustainability, mobility and community connectivity, or quality of life, and the benefits in that criterion are exceptional; or
2. if the SRT provides additional information to demonstrate that a criterion has benefits that are aligned with a “high” rating for one or more of the priority merit criteria listed above (whether or not the Merit Review Team assigned a “high” rating) and the benefits in that criterion would be exceptional.

Senior Operating Administration staff and OST staff may make recommendations to the SRT for which projects should advance based on exceptional benefits of a particular priority criterion.

“Recommended” projects designated a “RCN Program Extra” project under the FY 2023 Reconnecting Communities and Neighborhoods (RCN) Program competition that receive at least one “High” in a priority criterion during the FY 2024 RAISE application evaluation process will automatically advance for second-tier analysis.

Second-tier analysis consists of:

- **Capital Projects** - Cost-Benefit Analysis and Project Readiness: (1) Environmental Risk Assessment; (2) Financial Completeness Assessment; and (3) Technical Capacity Assessment.
- **Planning Projects** – Project Readiness: (1) Financial Completeness Assessment; and (2) Technical Capacity Assessment.

Following completion of second-tier analysis, the SRT determines which projects are designated as Highly Rated.

Using the discretionary authority provided in statute, the Secretary selects projects from the Highly Rated List for award, consistent with the selection criteria and statutory requirements for geographic and modal diversity. The Secretary may, depending on the pool of qualified applications, seek to award at least one project per state or territory.

Projects for which an FY 2024 RAISE application is advanced by the Senior Review Team to the Highly Rated List, but that are not awarded, are automatically designated as “Projects of Merit.” Projects with this designation will be carried over into FY 2025 RAISE and considered by the SRT for advancement to the Highly Rated List, along with other FY 2025 applications eligible for advancement to the Highly Rated List.

**The BIL mandates that RAISE grant award selections be announced by June 27, 2024.**

Consistent with past practice and statute, the Department offers debriefs to applicants not selected for award to receive information about the RAISE project’s evaluation. Due to overwhelming demand, the Department is unable to provide a RAISE award to every competitive project that applies.

### **3. Additional Information**

Prior to award, 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 Federal Awardee Performance and Integrity Information System (FAPIIS), the designated integrity and performance system accessible through SAM. An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. DOT 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.

#### **F. Federal Award Administration Information**

##### **1. Federal Award Notice**

Following the evaluation outlined in Section E, the Secretary will announce awarded projects by posting a list of selected projects on the [RAISE program website](#).<sup>39</sup> Recipients will be notified by email. Notice of selection is not authorization to begin performance or to incur costs for the proposed project. Following that announcement, the RAISE program Office and relevant operating administration will contact the point of contact listed in the SF-424 to initiate negotiation of the grant agreement for authorization.

Recipients of RAISE Grant awards will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, RAISE funds will reimburse recipients only after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted.

Unless authorized by the Department in writing after the Secretary's announcement of FY 2024 RAISE awards, any costs that a recipient incurs before DOT executes a grant agreement for that recipient's project are ineligible for reimbursement and are ineligible match for cost share requirements.

##### **2. Administrative and National Policy Requirements**

###### **a. Administrative Requirements**

Please visit the [RAISE program website](#)<sup>40</sup> for the General Terms and Conditions for FY 2023 RAISE awards. The FY 2024 RAISE Terms and Conditions will be similar to the FY 2023 RAISE Terms and Conditions, but it will include relevant updates consistent with this notice.

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<sup>39</sup> [www.transportation.gov/RAISEgrants](http://www.transportation.gov/RAISEgrants)

<sup>40</sup> <https://www.transportation.gov/policy-initiatives/raise/raise-grant-agreements>

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 C.F.R part 200, as adopted by DOT at 2 C.F.R part 1201. Federal wage rate requirements included in subchapter IV of chapter 31 of title 40, U.S.C., apply to all projects receiving funds under this program, and apply to all parts of the project, whether funded with RAISE Grant funds, other Federal funds, or non-Federal funds.

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, non-discrimination 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 DOT determines that a recipient has failed to comply with applicable Federal requirements, DOT may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

Additionally, applicable Federal laws, rules and regulations of the relevant operating administration administering the project will apply to the projects that receive RAISE grant awards, including planning requirements, Service Outcome Agreements, Stakeholder Agreements, Buy America compliance, and other requirements under DOT's other highway, transit, rail, and port grant programs. For projects that are eligible under RAISE but are not eligible under DOT's other programs or projects that are eligible under multiple DOT programs, the RAISE program will determine the appropriate requirements to ensure the project is delivered consistent with program and Department goals. In particular, Executive Order 14005 directs the Executive Branch Departments and agencies to maximize the use of goods, products, and materials produced in, and services offered in, the United States through the terms and conditions of Federal financial assistance awards. If selected for an award, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. RAISE grant projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards and Federal Motor Carriers Safety Regulations, or vehicles that are exempt from Federal Motor Vehicle Safety Standards or Federal Motor Carrier Safety Regulations in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

For projects administered by FHWA, applicable Federal laws, rules, and regulations set forth in Title 23 U.S.C. and Title 23 C.F.R generally apply, including the 23 U.S.C. 129 restrictions on the use of toll revenues, and Section 4(f) preservation of parklands and historic properties requirements under 23 U.S.C. 138. For an illustrative list of the other applicable laws, rules, regulations, executive orders, policies, guidelines, and requirements as they relate to a RAISE grant project administered by the FHWA, please see the [RAISE program website](https://www.transportation.gov/grants/raise/raise-fy2023-fhwa-exhibits-june-23-2023).<sup>41</sup>

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<sup>41</sup> <https://www.transportation.gov/grants/raise/raise-fy2023-fhwa-exhibits-june-23-2023>

For RAISE projects administered by the Federal Transit Administration and partially funded with Federal transit assistance, all relevant requirements under chapter 53 of title 49 U.S.C. apply. For transit projects funded exclusively with RAISE grant funds, some requirements of chapter 53 of title 49 U.S.C. and chapter VI of title 49 CFR apply.

For projects administered by the Federal Railroad Administration, FRA requirements described in 49 U.S.C. Subtitle V, Part C apply.

## **b. Program Requirements**

### **Climate Change and Environmental Justice Impact Consideration**

Each applicant selected for RAISE grant funding must demonstrate effort to consider climate change and environmental justice impacts as described in Section E, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619). In the grant agreement, applicants will be required to memorialize commitments they have made in their applications in one or more of the activities in Section E.1.

### **Land Use and Housing Affordability Impact Consideration**

Each applicant selected for RAISE grant funding must demonstrate effort to consider housing affordability impacts of the grant, and particularly how local land use and zoning practices already allow for, or have been modified to, ensure adequate affordable housing supply proximate to the transit investment. Applicants will be required to memorialize commitments they have made in their applications in one or more of the activities in Section E.1.

### **Racial Equity and Barriers to Opportunity**

Each applicant selected for RAISE grant funding must demonstrate effort to improve racial equity and reduce barriers to opportunity as described in Section E, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009). In the grant agreement, applicants will be required to memorialize commitments they have made in their applications in one or more of the activities listed in Section E.1.

### **Labor and Workforce**

Each applicant selected for RAISE 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 strong labor standards as described in Section E, 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). In the grant agreement, applicants will be required to memorialize commitments they have made in their applications in one or more of the activities listed in Section E.1.

### **Critical Infrastructure Security, Cybersecurity, and Resilience**

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against all hazards, including both physical and cyber threats, consistent with Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience and the National Security Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems. Each applicant selected for Federal funding under this notice 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 project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department of Homeland Security, will be required to do so before receiving funds.

### **Domestic Preference Requirements**

As expressed in Executive Order 14005, 'Ensuring the Future Is Made in All of America by All of America's Workers' (86 FR 7475), the executive branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this notice are subject to domestic preference requirements based on the Operating Administration that administers the project, including 23 U.S.C. 313 (FHWA projects); 49 U.S.C. 5323(j) (FTA projects); 49 U.S.C. 22905(a) (FRA projects); and section 70914(a) of the Build America, Buy America Act (all projects). The Department expects all applicants to comply without needing a project-specific waiver for domestic preference requirements.

### **Civil Rights and Title VI**

As a condition of a grant award, grant recipients should demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR § 21), the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act, all other civil rights requirements, and accompanying regulations. This should include a current Title VI plan, completed Community Participation Plan, and a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards. DOT's and the applicable Operating Administrations' Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

### **Federal Contract Compliance**

As a condition of grant award all Federally assisted contractors are required to make good faith efforts to meet the goals of EO 11246, Equal Employment Opportunity (30 FR 12319, and as amended). Under Section 503 of the Rehabilitation Act and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent workers with disabilities.

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. 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. 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 \$35 million. 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.

### **Project Signage and Public Acknowledgements**

Recipients are encouraged for construction and non-construction projects to post project signage and to include public acknowledgments in published and other collateral materials (e.g., press releases, marketing materials, website, etc.) satisfactory in form and substance to DOT, that identifies the nature of the project and indicates that "the project is funded by the Bipartisan Infrastructure Law". In addition, recipients employing project signage are required to use the official Investing in America emblem in accordance with the Official [Investing in America Emblem Style Guide](#). Costs associated with signage and public acknowledgments must be reasonable and limited. Signs or public acknowledgments should not be produced, displayed, or published if doing so results in unreasonable cost, expense, or recipient burden. The Recipient is encouraged to use recycled or recovered materials when procuring signs.

## **3. Reporting**

### **a. Progress Reporting on Grant Activities**

Each applicant selected for RAISE grant funding must submit quarterly progress reports and Federal Financial Reports (SF-425) to monitor project progress and ensure accountability and financial transparency in the RAISE grant program.

### **b. Performance Reporting**

Each applicant selected for RAISE grant funding must collect and report to the DOT information on the project's performance based on performance indicators DOT identifies related to program goals (e.g., travel time savings, greenhouse gas emissions, passenger counts, level of service, etc.) and other information as requested by DOT. Performance indicators should include measurable goals or targets that DOT will use internally to determine whether the project meets program goals, and grant funds achieve the intended long-term outcomes of the RAISE Grant Program. To the extent possible, performance indicators used in the reporting should align with the measures included in the application and should relate to at least one of the selection criteria defined in Section E.1. Performance reporting continues for several years after project construction is completed, and DOT does not provide RAISE grant funding specifically for performance reporting. RAISE grant performance measures are posted on the [RAISE website](#).<sup>42</sup>

### **c. Program Evaluation**

As a condition of grant award, RAISE grant recipients may be required to participate in an evaluation undertaken by DOT, or another agency or partner. The evaluation may take different

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<sup>42</sup> <https://www.transportation.gov/grants/raise/raise-performance-measures-update-2023>

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 subrecipients 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). Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

#### **d. Reporting of Matters Related to Recipient 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 to the SAM that is made available in FAPIIS 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 Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 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.

#### **G. Federal Awarding Agency Contacts**

For further information concerning this notice please contact the RAISE grant program staff via e-mail at [RAISEgrants@dot.gov](mailto:RAISEgrants@dot.gov), or call Andrea Jacobson at 202-366-9603. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, DOT will post answers to questions and requests for clarifications on the RAISE website at [www.transportation.gov/RAISEgrants](http://www.transportation.gov/RAISEgrants). To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact DOT directly, rather than through intermediaries or third parties, with questions. DOT staff may also conduct briefings on the RAISE grant selection and award process upon request.

## **H. Other information**

### **1. Protection of Confidential Business Information**

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) state on the cover of that document that it “Contains Confidential Business Information (CBI);” (2) mark each page that contains confidential information with “CBI;” (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. DOT will protect confidential information complying with these requirements to the extent required under applicable law. If DOT receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, DOT will follow the procedures described in its FOIA regulations at 49 CFR § 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under § 7.29 will be exempt from disclosure under FOIA.

### **2. Publication and Sharing 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 and funding amounts requested. Except for the information properly marked as described in Section H.1, The Department may make application narratives publicly available or 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.



Pete Buttigieg

Issued in Washington D.C. on November 30, 2023



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing application for and acceptance of United States Department of Transportation R.A.I.S.E. grant on behalf of the Chemung County Planning Department (Improving Pedestrian Corridors)

**Resolution #:** 24-142  
**Slip Type:** GRANT  
**SEQRA status**  
**State Mandated** False

### Explain action needed or Position requested (justification):

The RAISE grants will be awarded on a competitive basis, per statute, for planning or constructing surface transportation infrastructure projects that will improve safety; environmental sustainability; quality of life; mobility and community connectivity; economic competitiveness and opportunity including tourism; state of good repair; partnership and collaboration; and innovation.

Chemung County applied for this grant in 2023, and although denied, was categorized as a “Project of Merit” and encouraged to reapply with minor modifications. The modifications will be made, and the County will be applying for funding to create a plan around improvements to Pedestrian Corridors (including sidewalks) with a City Mobility Improvement Plan.

### ATTACHMENTS:

File Name	Description	Type	Upload Date
<a href="#">RAISE 2024 NOFO 11.30.23 0.pdf</a>	<a href="#">Raise 2024 NOFO</a>	<a href="#">Cover Memo</a>	1/29/2024

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Funding Opportunity for Fiscal Year (FY) 2024

#### Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program

**AGENCY:** Office of the Secretary (OST), US Department of Transportation (DOT)

**ACTION:** Notice of Funding Opportunity (NOFO)

<b>SUMMARY OVERVIEW OF KEY INFORMATION: RAISE Grant Opportunity</b>	
<b>Issuing Agency</b>	Office of the Secretary, US Department of Transportation
<b>Program Overview</b>	RAISE grants will be awarded on a competitive basis, per statute, for planning or constructing surface transportation infrastructure projects that will improve safety; environmental sustainability; quality of life; mobility and community connectivity; economic competitiveness and opportunity including tourism; state of good repair; partnership and collaboration; and innovation.
<b>Objective</b>	<ul style="list-style-type: none"><li>• Invest in surface transportation that will have a significant local or regional impact; and</li><li>• Support projects that are consistent with the Department's strategic goals: improve safety, economic strength and global competitiveness, equity, and climate and sustainability.</li></ul>
<b>Eligible Applicants</b>	<ul style="list-style-type: none"><li>• States</li><li>• District of Columbia</li><li>• any territory or possession of the United States</li><li>• a unit of local government</li><li>• a public agency or publicly chartered authority established by one or more States</li><li>• a special purpose district or public authority with a transportation function, including a port authority</li><li>• a Federally recognized Indian Tribe or a consortium of such Indian Tribes</li><li>• a transit agency</li><li>• a multi-State or multijurisdictional group of entities that are separately eligible</li></ul>
<b>Eligible Project Types</b>	<ul style="list-style-type: none"><li>• highway or bridge projects eligible under title 23, United States Code</li><li>• public transportation projects eligible under chapter 53 of title 49, United States Code</li></ul>

	<ul style="list-style-type: none"> <li>• passenger and freight rail transportation projects eligible under title 49</li> <li>• port infrastructure investments (including inland port infrastructure and land ports of entry)</li> <li>• the surface transportation components of an airport project eligible for assistance under part B of subtitle VII of title 49, United States Code</li> <li>• intermodal projects whose components are otherwise an eligible project type</li> <li>• projects to replace or rehabilitate a culvert or prevent stormwater runoff for the purpose of improving habitat for aquatic species while advancing the goals of the RAISE program</li> <li>• projects investing in surface transportation facilities that are located on Tribal land and for which title or maintenance responsibility is vested in the Federal Government</li> <li>• any other surface transportation infrastructure project that the Secretary considers to be necessary to advance the goals of the program</li> </ul>
<b>Funding</b>	Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021, “Bipartisan Infrastructure Law,” or “BIL”) provides \$1.5 billion annually for FY 2022 – 2026
<b>Deadline</b>	<ul style="list-style-type: none"> <li>• FY 2024 Deadline: February 28, 2024 at 11:59 pm Eastern</li> <li>• FY 2025 Deadline: January 13, 2025 at 11:59 pm Eastern</li> <li>• FY 2026 Deadline: January 13, 2026 at 11:59 pm Eastern</li> </ul>

This notice describes the application requirements, selection and evaluation criteria, and applicable program and Federal requirements.

**ASSISTANCE LISTING NUMBER:** 20.933 National Infrastructure Investments

**DATES:** Applications must be submitted by 11:59 PM Eastern on **February 28, 2024**

**WEBINAR:** OST plans to conduct outreach regarding the FY 2024 RAISE NOFO in the form of webinars. The webinar schedule will be posted when available on the [RAISE outreach webpage](#).<sup>1</sup>

**ADDRESSES:** Applications must be submitted through [Grants.gov](#)

**FOR FURTHER INFORMATION CONTACT:** DOT will not review applications in advance of their submission but RAISE program staff are available for questions. For further information concerning this notice, please contact the RAISE grant program staff via e-mail at [RAISEgrants@dot.gov](mailto:RAISEgrants@dot.gov) or call Andrea Jacobson at 202-366-9603. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, DOT will regularly

<sup>1</sup> <https://www.transportation.gov/RAISEgrants/outreach>

post answers to questions and requests for clarifications on the [FAQ website](#)<sup>2</sup> as well as information about webinars for further guidance on the [RAISE program website](#).<sup>3</sup>

**SUPPLEMENTARY INFORMATION:** The organization of this notice is based on an outline set forth in Appendix I to Title 2 of the Code of Federal Regulations (CFR), Part 200, to ensure consistency across Federal financial assistance programs. Each section of this notice contains information and instructions relevant to the application process for these RAISE 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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<sup>2</sup> <https://www.transportation.gov/RAISEgrants/raise-application-faqs>

<sup>3</sup> <https://www.transportation.gov/RAISEgrants/outreach>.

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### **Section A - Program Description**

#### **1. Overview**

The Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021, “Bipartisan Infrastructure Law,” or “BIL”) authorized and appropriated \$1.5 billion annually to be awarded by the Department of Transportation (“DOT”) 2022 – FY 2026 for Local and Regional Project Assistance Program Grants under National Infrastructure Investments. The program is codified at 49 U.S.C. 6702.

The BIL requires the DOT to publish a Notice of Funding Opportunity (NOFO) no later than 60 days after funds are made available for the program, which for FY 2024 is November 30, 2023. In order to comply with this requirement, this NOFO solicits applications for projects to be funded under the Local and Regional Project Assistance Program, known as the RAISE Grants program.

If the FY 2024 Appropriations Act, or other subsequent Acts, provide additional funding or significantly alter requirements for the RAISE Grant program, the Department will amend this Notice with guidance on additional requirements.

The FY 2024 – 2026 rounds of RAISE will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, *Implementation of the*

*Infrastructure Investments and Jobs Act* (86 FR 64355), which are to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards, strengthen infrastructure resilience to all hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners.

## **2. Program Goals and Objectives**

The goal of the RAISE program is to fund eligible surface transportation projects that will have a significant local or regional impact that advance the Departmental priorities of safety, equity, climate and sustainability, and workforce development, job quality, and wealth creation, consistent with law, and as described in the Department's [Strategic Plan](#)<sup>4</sup> and in executive orders.

The Department seeks to fund projects under the RAISE program that reduce greenhouse gas emissions in the transportation sector; incorporate evidence-based climate resilience measures and features; avoid adverse environmental impacts to air or water quality, wetlands, and endangered species; and address the disproportionate negative environmental impacts of transportation on disadvantaged communities, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619).

In addition, the Department seeks to award projects under the RAISE program that proactively evaluate whether a project will create proportional impacts to all populations in a project area and increase equitable access to project benefits, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009).

The Department also seeks to award projects that address environmental justice, particularly for communities that have experienced decades of underinvestment and are most impacted by climate change, pollution, and environmental hazards, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619). The RAISE program advances President Biden's [Justice40 Initiative](#) which set the goal that 40 percent of the overall benefits of certain climate, clean energy, and other covered Federal investments flow to disadvantaged communities.

In addition, the Department intends to use the RAISE 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 training and placement programs, especially registered apprenticeships, in project planning stages, 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 Department also intends to use the RAISE program to support wealth creation, consistent with the Department's Equity Action Plan, through the inclusion of local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises or 8(a) firms.

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<sup>4</sup> See U.S. Department of Transportation Strategic Plan FY 2022–2026 at <https://www.transportation.gov/dot-strategic-plan>.

The BIL included provisions for Metropolitan Planning Organizations to consider integrating transportation planning, housing, employment opportunities, and economic development strategies.<sup>5</sup> The Department strongly encourages applicants to utilize these new planning coordination opportunities in their proposed projects and describe them in their applications.

**Note, the RAISE program can only fund the surface transportation infrastructure elements** of a project that may also include housing, employment opportunities, and economic development strategies.

Section E of this NOFO, which outlines FY 2024 RAISE Grant merit criteria, describes the process for selecting projects that further these goals. Section F.3 describes progress and performance reporting requirements for selected projects, including the relationship between that reporting and the program's selection criteria.

The FY 2024 RAISE NOFO includes a Reconnecting Communities and Neighborhoods (RCN) Program Extra element. Applications for the FY 2024 RAISE grant program that have identical project scope to applications that were submitted and evaluated under the FY 2023 Reconnecting Communities Neighborhoods Program competition and received the designation of "RCN Program Extra," will automatically advance for second-tier analysis if they receive an overall merit rating of "Recommended" and have at least one "High" rating in a priority criterion. See Section E.2. The Department expects projects that rated well under the FY 2023 RCN Program criteria will do well under the FY 2024 RAISE program criteria. Applicants should note in the FY 2024 RAISE Project Information Form whether their FY 2024 RAISE application was also submitted under the FY 2023 RCN competition and received a RCN Program Extra designation.

### **3. Changes from the FY 2023 NOFO**

This FY 2024 RAISE NOFO makes changes from the FY 2023 RAISE NOFO to:

- Simplify the NOFO with the use of plain language and tables to organize information.
- Refine the merit criteria rating rubric. For example, this NOFO provides more examples of project elements that align with a "High" rating under Safety, Environmental Sustainability, and Innovation. Please see the merit criteria rating rubric in Section E for more details.
- Clarify what applicants should provide in the Project Budget document for the Financial Completeness Review.
- Update data used to determine Urban, Rural, and Areas of Persistent Poverty designations, and uses the Climate & Economic Justice Screening Tool (CEJST), created by the White House Council on Environmental Quality (CEQ), to identify Historically Disadvantaged Communities.

In addition to providing the application, obligation, and expenditure deadlines for FY 2024 funding, the Department outlines the application, obligation, and expenditure deadlines for FY

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<sup>5</sup>See BIL div. A § 11201., *Transportation Planning*, which amends 23 U.S.C. 134.

2025 and 2026 funding for awareness. The Department intends to publish subsequent NOFOs for FY 2025 and 2026, which may incorporate additional changes as necessary and appropriate.

Additionally, FY 2024 Projects of Merit, which are Highly Rated applications not selected for award, will automatically be carried forward for consideration under FY 2025 RAISE funding. However, if there are any changes to the FY 2024 project being considered in the FY 2025 round, including but not limited to scope, schedule, and budget, an applicant must submit an amendment to the application by the FY 2025 application deadline in order to be considered. Applicants are encouraged to submit a summary of all changes with the updated application. The applicant is also responsible for updating an application should the FY 2025 RAISE NOFO include program or policy changes from this FY 2024 NOFO.

Applicants who are planning to re-apply for the RAISE program using materials prepared for prior competitions should ensure that their prior application fully addresses the criteria and considerations described in this Notice and that all relevant information is up to date and submitted in the proper format outlined in Section D.

## **Section B - Federal Award Information**

### **1. Amount Available**

The BIL authorized and appropriated \$1.5 billion to be awarded by the Secretary for RAISE grants under the Local and Regional Project Assistance Program for FY 2024.

### **2. Award Size**

For capital grants, the minimum RAISE grant award is \$5 million in urban areas and \$1 million in rural areas. There is no minimum award amount for planning grants. The maximum grant award for capital and planning grants is \$25 million.

If selected for award, the Department may decrease the RAISE funding request amount if some elements of the project are ineligible or to comply with statutory set asides such as awarding funding evenly between projects located in rural and urban areas.

### **3. Restrictions on Funding**

No more than 15 percent (or \$225 million) made available for RAISE grants may be awarded to projects in a single State. DOT must award at least 5 percent (or \$75 million) to planning projects and at least 11 percent (or \$15 million) to projects located in historically disadvantaged communities or areas of persistent poverty. Not more than 50 percent of the funds provided for RAISE grants (or \$750 million) shall be awarded to rural projects (as defined in section C.4) and not more than 50 percent of the funds provided for RAISE grants (or \$750 million) shall be awarded to urban projects (as defined in section C.4). The Department may retain up to \$30 million for oversight and administration of grants.

The Department may use up to 20 percent of available funds (or \$300 million) to pay the subsidy and administrative costs of a project receiving credit assistance under the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA) or Railroad Rehabilitation and Improvement Financing (RRIF) programs, particularly transit and transit-oriented development

(TOD) projects. Note, applicants must apply to both the RAISE program and TIFIA or RRIF loan to be eligible for the Department to pay for subsidy and administrative costs associated with credit assistance. In October 2022, the Secretary approved the “TIFIA 49 Initiative,” which authorizes transit and transit-oriented development (TOD) projects to borrow up to 49 percent of eligible project costs for projects that meet eligibility requirements. TIFIA loans have historically been capped at 33 percent of eligible project costs.

#### 4. Availability of Funds

FY 2024 RAISE grant funds are available for obligation through September 30, 2028. Obligation occurs when a selected applicant and the Department enter into a written grant agreement after the applicant has satisfied applicable administrative requirements, such as transportation planning and environmental review requirements for capital construction projects. Note, some grant recipients enter into phased obligations with the Department. Unless authorized by the Department in writing after announcement of FY 2024 RAISE awards, any costs incurred prior to the Department’s obligation of funds for a project (“pre-award costs”) are ineligible for reimbursement.<sup>6</sup> FY 2024 RAISE funds must be expended (the grant obligation must be liquidated or paid out to the grant recipient) by September 30, 2033. After this date, unexpended funds are no longer available to the project.

In the table below, the Department outlines the different application deadlines as well as the obligation and expenditure deadlines for each year of funding.

<b>BIL Fiscal Year Funding</b>	<b>BIL Funding Obligation Deadline</b>	<b>BIL Funding Expenditure Deadline</b>
FY 2024	September 30, 2028	September 30, 2033
FY 2025	September 30, 2029	September 30, 2034
FY 2026	September 30, 2030	September 30, 2035

#### 5. Previous RAISE/BUILD/TIGER

Recipients of RAISE (formerly named Better Utilizing Investments to Leverage Development (BUILD) and Transportation Investment Generating Economic Recovery (TIGER)) grants may apply for funding to support additional phases of a project previously awarded funds in the RAISE/BUILD/TIGER program. However, to be competitive, the applicant should demonstrate the extent to which the previously funded project phase has met estimated project schedules and budget, as well as the ability to realize the benefits expected for the project. A previous RAISE/BUILD/TIGER award, or application, does not affect competitiveness under the FY 2024 RAISE competition.

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<sup>6</sup> Pre-award costs are costs incurred after award announcement, but directly pursuant to the negotiation of a grant agreement where such costs are necessary for efficient and timely performance of the scope of work, as determined by DOT. Costs incurred under an advance construction (23 U.S.C. 115) authorization before the DOT announces that a project is selected for a FY 2024 RAISE award cannot be charged to FY 2024 RAISE funds. Likewise, costs incurred under an FTA Letter of No Prejudice under Chapter 53 of title 49 U.S.C. before the DOT announces that a project is selected for a FY 2024 RAISE award, cannot be charged to FY 2024 RAISE funds.

## C. Eligibility Information

### 1. Eligible Applicants

Eligible applicants for RAISE grants are: States and the District of Columbia; any territory or possession of the United States; a unit of local government; a public agency or publicly chartered authority established by one or more States; a special purpose district or public authority with a transportation function, including a port authority; a Federally recognized Indian Tribe or a consortium of such Indian Tribes; a transit agency; and a multi-State or multijurisdictional group of entities that are separately eligible. Federal agencies are not eligible applicants for the FY 2024 RAISE program.

Multiple States or jurisdictions may submit a joint application and should identify a lead applicant as the primary point of contact and also identify the primary recipient of the award. Joint applications should include a description of the roles and responsibilities of each applicant.

DOT expects that the eligible applicant submitting the application will administer and deliver the project. If the applicant seeks a transfer of the award to another agency, that intention should be made clear in the application and a letter of support from the otherwise eligible, designated entity should be included in the application.

### 2. Federal Cost Share

The Federal share of the costs of an eligible project carried out using a grant provided under the RAISE grant program shall not exceed 80 percent unless the project is located in a rural area, a historically disadvantaged community (HDC), or an area of persistent poverty (APP). Urban area and rural area are defined in Section C.4 of this notice. HDCs and APPs are defined in Section C.5.

Applicants should use the following equation when determining the cost share for their project:

$$\frac{(\text{RAISE Grant Request} + \text{Other Federal Funds})}{\text{Total Project Cost}} = \text{Federal Cost Share}$$

Federal cost share may not exceed 80 percent for urban projects that are not located in an APP or HDC.

For the RAISE Program, Total Project Cost means the sum of future eligible Federal and Non-Federal costs that have not yet been incurred. Total Project Cost cannot include any previously incurred costs.

The Department does not use an applicant's cost share when evaluating applications on merit. The Department considers an applicant's cost share during the evaluation and selection process only to confirm eligibility for urban projects that are not located in an APP or HDC.

Non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, or private funds. The BIL also allows for the following Federal funds to be considered “non-Federal” for the purpose of the RAISE program: (A) tribal transportation program funds under section 202 of title 23; (B) Federal lands transportation program funds under section 203 of title 23; (C) TIFIA program funds (as defined in section 601(a) of title 23); and (D) Railroad Rehabilitation and Improvement Financing Program under chapter 224. Toll credits under 23 U.S.C. 120(i) are considered a Federal source under the RAISE program and, therefore, cannot be used to satisfy the statutory cost sharing requirement of a RAISE award. Unless otherwise authorized by statute, funds used to satisfy the non-Federal cost-share requirements of a different Federal program may not be counted as the non-Federal cost-share for both the RAISE grant and another Federal grant program. DOT will not consider previously incurred costs or previously expended or encumbered funds towards the non-Federal cost-share requirement for any project. Non-Federal cost-share funds are subject to the same Federal requirements described in Section F.2. as awarded funds. If repaid from non-Federal sources, Federal credit assistance is considered non-Federal share.

See Section D.2 for information about documenting cost sharing in the application.

For each project that receives a RAISE grant award, **the terms of the award will require the recipient to complete the project using at least the level of non-Federal funding that was specified in the application. If the actual costs of the project are greater than the costs estimated in the application, the recipient will be responsible for addressing the funding shortfall and maintaining the level of non-Federal funding stated in the application.** If the actual costs of the project are less than the costs estimated in the application, the Department will generally reduce the Federal contribution to ensure federal cost share requirements are met.

### 3. Eligible Projects

#### Capital Projects

Eligible projects for RAISE grants are surface transportation capital projects within the United States<sup>7</sup> or any territory or possession of the United States that are: (1) highway or bridge projects eligible under title 23, United States Code; (2) public transportation projects eligible under chapter 53 of title 49, United States Code; (3) passenger and freight rail transportation projects; (4) port infrastructure investments (including inland port infrastructure and land ports of entry); (5) the surface transportation components of an airport project eligible for assistance under part B of subtitle VII of title 49, United States Code;<sup>8</sup> (6) intermodal projects whose component parts are otherwise an eligible project type; (7) projects to replace or rehabilitate a culvert or prevent

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<sup>7</sup> In addition to projects located in the United States, eligible projects for RAISE grants include projects that are necessary for reconstruction of the Alaska Highway from the Alaskan border at Beaver Creek, Yukon Territory, to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to Haines, Alaska, as provided in 23 U.S.C. 218.

<sup>8</sup> Eligible surface transportation components of eligible airport projects are those projects listed in “Appendix P: Road and Surface Transportation Projects” of the Airport Improvement Program (AIP) handbook, available at [https://www.faa.gov/airports/aip/aip\\_handbook/?Chapter=Appendix#PP00](https://www.faa.gov/airports/aip/aip_handbook/?Chapter=Appendix#PP00). For more details on airport project eligibility, please see the Frequently Asked Questions at <https://www.transportation.gov/RAISEgrants/raise-application-faqs>.

stormwater runoff for the purpose of improving habitat for aquatic species while advancing the goals of the RAISE program; (8) projects investing in surface transportation facilities that are located on Tribal land and for which title or maintenance responsibility is vested in the Federal Government; and (9) any other surface transportation infrastructure project that the Secretary considers to be necessary to advance the goals of the program.<sup>9</sup>

The Secretary considers the following projects necessary to advance the goals of the program, and therefore eligible: public road and non-motorized projects that are not otherwise eligible under title 23, United States Code; surface transportation components of transit-oriented development projects; and surface transportation components of mobility on-demand projects that expand access and reduce transportation cost burden.

If an application includes right-of-way acquisition, the project will be considered a capital project. Projects that include right-of-way acquisition should include a timeline for construction.

The following projects are not considered necessary to advance the goals of the program, and, therefore, they are ineligible: school bus electrification and broadband deployment as a standalone project. Furthermore, improvements to Federally owned facilities are ineligible under the FY 2024 RAISE program, unless they are projects investing in surface transportation facilities that are located on Tribal land and for which title or maintenance responsibility is vested in the Federal Government. If a project type is not described as explicitly eligible or ineligible above, then applicants should explain in their application why the project is necessary to advance the goals of the program, and the Department will determine eligibility on a case-by-case basis.

Research, demonstration, or pilot projects are eligible only if they will result in long-term, permanent surface transportation infrastructure that has independent utility as defined in Section C.6.

### **Planning Projects**

Activities eligible for funding under RAISE planning grants are related to the planning, preparation, or design—for example environmental analysis, equity analysis, community engagement, feasibility studies, benefit-cost analysis, and other pre-construction activities—of eligible surface transportation capital projects described in Section C.3 that will not result in construction with RAISE FY 2024 funding.

In addition, activities eligible for RAISE planning grants include those related to multidisciplinary projects or regional planning, such as: (1) development of master plans, comprehensive plans, transportation corridor plans, and integrated economic development, land use, housing, and transportation plans; (2) zero emissions plan for transit fleet; (3) planning activities related to the development of a multimodal freight corridor, including those that seek to reduce conflicts with residential areas and with passenger and non-motorized traffic; (4) planning

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<sup>9</sup>DOT may award a RAISE grant to pay for the surface transportation components of a broader project that has non-surface transportation components, and applicants are encouraged to apply for RAISE grants to pay for the surface transportation components of these projects. However, costs for non-surface transportation components are not eligible to count as matching funds for the RAISE grant.

activities related to zero emissions goods movement; (5) development of port and regional port planning, including State-wide or multi-port planning within a single jurisdiction or region; and (6) risk assessments and planning to identify vulnerabilities and address the transportation system's ability to withstand probable occurrence or recurrence of an emergency or major disaster.

As stated above, projects that include right-of-way acquisition are capital projects and, therefore, not eligible for RAISE planning grants.

#### **4. Definition of Rural and Urban Areas**

Rural and urban definitions are different in other DOT programs. For the RAISE program:

**Urban** - A project is designated as urban if it is located within (or on the boundary of) a Census-designated urban area<sup>10</sup> that had a population greater than 200,000 in the 2020 Census.<sup>11</sup>

**Rural** - A project is designated as rural if it is located outside a Census-designated urban area that had a population greater than 200,000 in the 2020 Census.

The Department will have an interactive map on the [RAISE website](#) to show Census-designated urban areas with populations greater than 200,000 in the 2020 Census.

A project located in both an urban and a rural area will be designated as urban if the majority of the project's costs will be spent in urban areas. Conversely, a project located in both an urban area and a rural area will be designated as rural if the majority of the project's costs will be spent in rural areas. For RAISE planning grants, the location of the project being planned, prepared, or designed will be used for the urban or rural designation.

This definition affects four aspects of the program: (1) not more than 50 percent (or \$750 million) of the funds provided for RAISE grants are to be used for projects in rural areas; (2) not more than 50 percent (or \$750 million) of the funds provided for RAISE grants are to be used for projects in urban areas; (3) for a capital project in a rural area, the minimum award is \$1 million, while the minimum capital award for urban areas is \$5 million; and (4) the Secretary may increase the Federal share above 80 percent to pay for the eligible costs of a project in a rural area.

#### **5. Areas of Persistent Poverty and Historically Disadvantaged Communities**

The definition for Areas of Persistent Poverty is found in the RAISE statute:

**Areas of Persistent Poverty (APP)** – (1) any county that has consistently had greater than or equal to 20 percent of the population living in poverty during the 30-year period

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<sup>10</sup> Lists of 2020 UAs as defined by the Census Bureau are available on the Census Bureau website at <https://www.census.gov/geographies/reference-maps/2020/geo/2020-census-urban-areas.html>.

<sup>11</sup> For the purpose of this NOFO, the definition of urban and rural is based on the 2020 Census-designated urbanized areas. The Department is required by the BIL to use the most recent decennial census information. See <https://www.transportation.gov/RAISEgrants/urbanized-areas> for a list of 2020 Census-designated UAs.

preceding November 15, 2021, as measured by the 1990 and 2000<sup>12</sup> decennial census and the most recent annual Small Area Income Poverty Estimates as estimated by the Bureau of the census; (2) any census tract with a poverty rate of at least 20 percent as measured by the 2014-2018 5-year data series available from the American Community Survey of the Bureau of the Census;<sup>13</sup> or (3) any territory or possession of the United States. A county satisfies this definition only if 20 percent of its population was living in poverty in all three of the listed datasets: (a) the 1990 decennial census; (b) the 2000 decennial census; and (c) the 2021 Small Area Income Poverty Estimates.<sup>14</sup> DOT will list all counties and census tracts that meet this definition for Areas of Persistent Poverty [RAISE website](#) as well as provide an interactive map on the [RAISE website](#).<sup>15</sup>

The definition of historically disadvantaged communities follows the Justice40 Interim Guidance Addendum, issued by the White House Office of Management and Budget (OMB), White House Council on Environmental Quality (CEQ), and Climate Policy Office (CPO):<sup>16</sup>

**Historically Disadvantaged Communities (HDC)** – (1) any census tract or tracts identified as disadvantaged in the [Climate & Economic Justice Screening Tool \(geoplatform.gov\)](#) (CEJST),<sup>17</sup> created by CEQ, which identifies such communities that have been marginalized by underinvestment and overburdened by pollution.; (2) any Federally Recognized Tribe or Tribal entity, whether or not they have land. DOT will list all census tracts that meet this definition for Historically Disadvantaged Communities as well as provide an interactive map on the [RAISE website](#).

## 6. Project Components

An application may describe a project that contains more than one component and may describe components that may be carried out by parties other than the applicant. The Department expects, and will impose requirements on recipients to ensure, that all components included in an application will be delivered as part of the RAISE project, regardless of whether a component includes Federal funding.

The status of each component should be clearly described (for example, in the project schedule). The Department may award funds for a component, instead of the larger project, if that component: (1) independently meets minimum award amounts described in [Section B](#) and all eligibility requirements described in [Section C](#); (2) independently aligns well with the selection criteria specified in Section E.1; and (3) meets National Environmental Policy Act (NEPA) requirements with respect to independent utility. Independent utility means that the component

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<sup>12</sup> See <https://www.census.gov/data/tables/time-series/dec/census-poverty.html> for county dataset.

<sup>13</sup> See <https://data.census.gov/cedsci/table?q=ACSST1Y2018.S1701&tid=ACSST5Y2018.S1701&hidePreview=false> for 2014-2018 five year data series from the American Community Survey

<sup>14</sup> On December 15, 2022, the 2021 Small Area Income Poverty Estimates (SAIPE) Dataset was published at <https://www.census.gov/data/datasets/2021/demo/saipe/2021-state-and-county.html>.

<sup>15</sup> [www.transportation.gov/RAISEgrants/raise-app-hdc](https://www.transportation.gov/RAISEgrants/raise-app-hdc)

<sup>16</sup> M-23-09 (Jan. 2023), [https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09\\_Signed\\_CEQ\\_CPO.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf).

<sup>17</sup> <https://screeningtool.geoplatform.gov/en/>

will represent a transportation improvement that is usable and represents a reasonable expenditure of DOT funds even if no other improvements are made in the area and will be ready for intended use upon completion of that component's construction. All project components that are presented together in a single application must demonstrate a relationship or connection between them. See Section D.2 for Required Approvals.

Applicants should be aware that, depending upon the relationship between project components and applicable Federal law, DOT funding of only some project components may make other project components subject to Federal requirements as described in Section F.2.

DOT strongly encourages applicants to identify in their applications the project components that have independent utility and separately detail costs and requested RAISE grant funding for those components. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses selection criteria and produces benefits on its own, in addition to describing how the full proposal, of which the independent component is a part, addresses selection criteria.

## 7. Application Limit

Each lead applicant may submit no more than three applications. Unrelated project components should not be bundled in a single application for the purpose of adhering to the limit. If a lead applicant submits more than three applications as the lead applicant, only the first three received will be considered.

## D. Application and Submission Information

### 1. Address to Request Application Package

All application materials may be found on Grants.gov at [www.grants.gov](http://www.grants.gov). Instructions for submitting applications can be found on the [RAISE program website](#)<sup>18</sup> along with forms and attachments required for submission.

### 2. Content and Form of Application Submission

All applications must be submitted electronically through Grants.gov at [www.grants.gov](http://www.grants.gov). The Department expects the application to include these files in the following order, using the following file names:

Information	File Name	NOFO Section	Page Limit
SF-424	SF-424	D.2	N/A
Project Information Form (Excel file)	FY 2024 RAISE Project Information Form	D.2	N/A
Project Description	Project Description	D.2	5 pages
Project Location File	Project Location File	D.2	N/A
Project Budget	Project Budget	D.2	5 pages

<sup>18</sup> <https://www.transportation.gov/RAISEgrants/apply>

Funding Commitment Documentation	Funding Commitments	D.2	N/A
Merit Criteria	Merit Criteria Narrative	D.2 and E.1	15 pages
Project Readiness	Project Readiness	D.2 and E.1	5 pages
Benefit-Cost Analysis Narrative (capital projects only)	BCA Narrative	D.2 and E.1	N/A
Benefit-Cost Analysis Calculations (capital projects only, unlocked Excel file)	BCA Calculations	D.2 and E.1	N/A
Letters of Support (Optional)	Letters Of Support	D2 and E.1	N/A

The Department expects the application files be prepared with standard formatting preferences (a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins), and documents should be submitted in PDF, unless otherwise specified (i.e., project information form should be in Excel, project location map files can be Shapefiles, GeoJSON, KML or KMZ, and the BCA calculations should be submitted in Excel).

The application files should collectively include all information necessary for the Department to determine that the project satisfies project requirements described in Sections B and C and to assess the selection criteria specified in Section E.1. The Department expects applications to be complete upon submission.

The Department may ask any applicant to supplement data in its application, but an applicant is not required to do so. Unsupported claims related to the selection criteria (merits, project readiness, economic benefits, etc.) will negatively affect competitiveness of the application, as described throughout Section E.2.

Supporting documents may be attached in addition to the listed files, but merit criteria evaluators are not required to review supporting documents attached to the application or provided on websites as part of the merit criteria review described in Section E.

The Department expects application files to include the following detailed information:

#### **Standard Form 424**

The SF-424 Application for Federal Assistance must be completed. Applicants may leave the following fields on the form blank: 3, 4, 5a, 5b, 6, 7, 11, 13, and 14. A number of separate files must be attached in Item 15 to provide required project information that is not included in the body of the SF-424.

#### **FY 2024 RAISE Project Information Form**

The project information form can be downloaded from Grants.gov or from the RAISE program website at <https://www.transportation.gov/RAISEgrants/apply>. The FY 2024 RAISE Project Information Form on will be used to determine applicant and project eligibility for the program as described in part C of this notice.

Information such as applicant name, RAISE amount requested, other Federal funding, non-Federal funding, etc. may be requested in varying degrees of detail on both the SF-424 and the FY 2024 RAISE Project Information Form. Applicants must fill in all fields unless stated otherwise on the forms.

### **a. Project Description**

This file must provide a description of the project that is to be planned or constructed and should include a detailed statement of work that focuses on the technical and engineering aspects of the project, the current design status of the project, the transportation challenges that the project is intended to address, and how the project is expected address those challenges. This file may also discuss the project's history, including a description of any previously completed components. The applicant may use this file to place the project into a broader context of other transportation infrastructure investments being pursued by the applicant.

This file should also describe the project location in a narrative fashion, including a detailed geographic description of the proposed project and map(s) of the project's location, to supplement the geographic project map provided in the project location file. The project location description should narratively identify:

- **Area of Persistent Poverty** - Indicate whether the project is located in an Area of Persistent Poverty, including the relevant County and/or census tract(s);
- **Historically Disadvantaged Community** – Indicate whether the project is located in a Historically Disadvantaged Community based on the [Climate & Economic Justice Screening Tool](#) (CEJST); and
- **Urban areas** – Indicate the Census-designated urban area in which the project is located.

### **b. Project Location**

Applicants should submit one of the following file types for project location identification. This will be used to verify the urban/rural designation and the APP/HDC designations described in the Project Description file. These location designations, together with budget information, could affect eligibility under the FY 2024 RAISE grants program, as described in NOFO Section C. Therefore, accuracy in the location file is important. Acceptable file types are: Shapefile (compressed to a .zip file containing at least the .shp, .shx, .dbf, and .prj components of the Shapefile), GeoJSON, KML, or KMZ. Applicants may use [Google Earth](#), a publicly available online mapping tool, to prepare a KML file. **These spatial files should include only the direct physical location of the project, and not a broad service area or area of impact.**

### **c. Project Budget**

This file should describe the budget for the RAISE project using tables as well as include a narrative section. The RAISE project budget should show **future eligible project costs** and should not include any previously incurred expenses.

The RAISE project budget table should show the **total project cost** broken into different funding sources by major project activity or cost classification and present those amounts in dollars and percentages. Funding sources should be grouped into three categories: (1) RAISE funding request; (2) other Federal funds; and (3) non-Federal Funds. Identify the specific funding amount, type (grant, loan, bond, etc.), and source of all funds. If multiple non-federal and other-federal funding are being utilized, identify each specific source by name and the amount that source will contribute to the project’s budget. The RAISE project budget table should also show that the project satisfies the statutory cost share or non-federal funds matching requirements described in Section C.2 if applicable.

If needed, the Department may request additional budget information to clarify an application. The Department encourages applicants to submit the most relevant and complete information they can provide.

If the project contains **components**,<sup>19</sup> the budget should separate the costs of each project component.

Table 1:

	[Component 1]	[Component 2]	Total Funding
Funding Source	Funding Amount	Funding Amount	
RAISE Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Other Federal Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Non-Federal Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Total Project Cost:	[\$XXX]	[\$XXX]	[\$XXX]

If there is only a single component, remove “Component 2” column. If there are more than 2 components, add columns.

Applicants should complete and include the following tables in their project budget file. The Department will use these tables to determine where the majority of project costs occur for the purposes of making APP, HDC, and Urban designations. The total project cost listed in Tables 2a, 2b, and 2c should match the total project cost listed on the SF 424 and the FY 2024 RAISE Project Information Form. Applicants should refer to the [Grant Project Location Verification](#) mapping tool to identify census tracts and urban designations.

Table 2a:

Note: Please refer to the *Census Tracts (2020 Census)* layer in the [Grant Project Location Verification](#) mapping tool to identify 2020 Census tracts.

<sup>19</sup> “Project components” means separate projects activities are scheduled to be completed at the same time.

2020 Census Tract(s)	Project Costs per Census Tract
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
	<b>Total Project Cost: \$</b>

Add more rows for additional census tracts, if needed.

Table 2b:

Note: Please refer to the *Disadvantaged Census Tracts from CEJST (2010 Census)* layer in the [Grant Project Location Verification](#) mapping tool to identify 2010 Census tracts.

2010 Census Tract(s)	Project Costs per Census Tract
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
	<b>Total Project Cost: \$</b>

Add more rows for additional census tracts, if needed.

Table 2c:

Note: Please refer to the *Census Designated Urban areas with Population of More than 200,000 (2020 Census)* layer in the [Grant Project Location Verification](#) mapping tool to identify urban areas.

Urban/Rural	Project Costs
Urban (2020 Census-designated urban area with a population greater than 200,000)	\$
Rural (Located outside of a 2020 Census-designated urban area with a population greater than 200,000)	\$
	<b>Total Project Cost: \$</b>

The project budget narrative should include:

- **Sources, Uses, and Availability** – Provide complete information on how all capital or planning project funds may be used, their availability, and documented funding commitments. For example, if a source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant’s control over whether it is satisfied. Similarly, if a source of funds is available for expenditure only during a fixed period, the application should describe that restriction. Examples of documentation include, but are not limited to, a letter signed by a governing official or chief financial officer confirming the amount and source of funding, a page or pages from the STIP or TIP (please do not include a link to the entire STIP/TIP), a signed city ordinance, or a county administrator committing previously approved general obligation bonds.
- **Contingency Amount** – Indicate the specific contingency amount included in the budget to demonstrate there is sufficient funding to cover unanticipated cost increases and describe a plan to address potential cost overruns. Planning projects are not required to include a contingency amount but must describe a plan to address potential cost overruns.
- **Level of Design** – Indicate the degree of design completion (e.g., no design, 30, 60, 90 percent design) for which the cost was estimated in the case of a capital project;
- **Cost Estimates** – Indicate how, when, and by whom project costs were estimated. Cost estimates should be no older than a year from February 28, 2024. If older, please apply an inflation factor.
- **Cost Share or Non-Federal Funding Match** – Explain how the project budget satisfies the statutory cost share or non-federal funds matching requirements shown in the project budget table, if applicable.

The budget should clearly identify any expenses expected to be incurred between time of award and obligation because these expenses are not eligible for reimbursement, as described in Section B.4. Similarly, non-Federal funds incurred prior to obligation are not eligible to count as matching funds nor eligible to count towards meeting the level of non-Federal that is being committed in the application, as described in Section C.2. Unless authorized by the Department in writing after the Secretary’s announcement of FY 2024 RAISE awards, any costs that a recipient incurs before DOT executes a grant agreement for that recipient’s project are ineligible for reimbursement and are ineligible match for cost share requirements.

#### **d. Merit Criteria**

The merit criteria narrative file should demonstrate how the project aligns with each of the 8 statutory merit criteria described in Section E of this notice. The narrative should explain how and why the proposed transportation infrastructure project will address the surface transportation problem and achieve benefits under each criterion. To do this, applicants should:

- organize merit criteria in the order in which they are described in the Section E of the NOFO;
- address each criterion separately;
- identify the elements of the proposed project that align with items listed under each criterion under the merit rating rubric; and
- support estimated benefit claims with data, details, and/or qualitative descriptions

Applicants are encouraged to use the Department's [Equitable Transportation Community \(ETC\) Explorer \(arcgis.com\)](#) as a resource to describe how their project area is experiencing transportation related disadvantage as it relates to safety, affordable transportation options, pollution, access to good-paying jobs, climate change, and/or improving quality of life.

Insufficient information to assess any criterion will negatively impact the project rating. Applicants should note that merit reviewers will focus on this file and will not be required to reference links or the other files in the application package; therefore, **all relevant information to demonstrate alignment with the merit criteria, as described in Section E, should be included in this file.**

Guidance describing how the Department will evaluate projects against the Selection Criteria listed in Section E of this notice. Applicants should review that section before preparing their application.

#### **e. Project Readiness**

Project readiness describes an applicant's preparedness to move a proposed project forward once it receives a RAISE grant. The Project Readiness file should include information that, when considered with the project budget information, is sufficient for the Department to evaluate whether the project is reasonably expected to begin the capital or planning project in a timely manner and meet both the obligation and expenditure deadlines. Applicants can see a Project Readiness checklist on the [DOT Navigator website](#).<sup>20</sup> The Project Readiness file should include the following sections:

##### **Project Schedule** (capital and planning projects)

The Project Readiness file should include a detailed project schedule that identifies all major project activities and milestones. For capital projects, examples of such milestones include State and local planning approvals; start and completion of NEPA 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; project partnership and implementation agreements including agreements with railroads; and construction start and end. For planning projects, examples of milestones may include start dates, schedule for public engagement and completion dates. The schedule should be sufficiently detailed to demonstrate that:

- all necessary activities will be complete at least six months in advance of the obligation deadline<sup>21</sup> to allow sufficient time for unexpected delays and not put the

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<sup>20</sup> <https://www.transportation.gov/dot-navigator>

<sup>21</sup> The statutory obligation deadline is September 30, 2028. The Department assesses risk against an earlier deadline of June 30, 2028 to allow time to complete administrative processing and address challenges before the statutory deadline.

funds at risk of expiring before they are obligated;<sup>22</sup>

- the capital project can begin construction upon obligation of grant funds and that those funds will be spent expeditiously once construction starts, with all funds expended by September 30, 2033;
- all real property and right-of-way acquisition will be completed in a timely manner in accordance with 49 CFR part 24, 23 CFR part 710, and other applicable legal requirements or a statement that no right-of-way acquisition is necessary; and
- the applicant will or has meaningfully sought community input through public involvement, particularly disadvantaged communities or other communities with environmental justice concerns that may be affected by the project where applicable.

### **Environmental Risk Assessment** (capital projects only)

This section of the application should include sufficient information for the Department to evaluate whether the project is reasonably expected to begin construction in a timely manner consistent with all applicable local, State, and Federal requirements. To assist the Department's environmental risk review, the applicant should provide the information requested on project schedule, required approvals and permits, NEPA class of action and status, public involvement, right-of-way acquisition plans, risk and mitigation strategies.

### **Required Approvals**

This section should provide:

- **Information about the NEPA status of the project.** If the NEPA process is complete, an applicant should indicate the date of completion, and provide a website link or other reference to the final Categorical Exclusion, Finding of No Significant Impact, Record of Decision, and any other NEPA documents prepared. If the NEPA process is underway, but not complete, the application should detail the type of NEPA review underway, where the project is in the process, and indicate the anticipated date of completion of all milestones and of the final NEPA determination. If the final agency action with respect to NEPA occurred more than 3 years before the application date, the applicant should describe a proposed approach for updating this material in accordance with applicable NEPA reconsideration requirements.
- **Information on reviews, approvals, and permits by other Federal and State agencies.** An application should indicate whether the proposed project requires reviews or approval actions by other agencies,<sup>23</sup> indicate the status of such actions, provide detailed information about the status of those reviews or approvals and should demonstrate compliance with any other applicable Federal, State, or local

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<sup>22</sup> Obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements.

<sup>23</sup> Projects that may impact protected resources such as wetlands, species habitat, cultural or historic resources require review and approval by Federal and State agencies with jurisdiction over those resources.

requirements, and when such approvals are expected. Applicants should provide a link or other reference to copies of any reviews, approvals, and permits prepared.

- **Environmental studies or other documents**, through a link, that describe in detail known project impacts, and possible mitigation for those impacts.
- **A description of discussions with the appropriate DOT operating administration field or headquarters office** regarding the project's compliance with NEPA and other applicable Federal environmental reviews and approvals.
- If applicable, **right-of-way acquisition plans**, with detailed schedule and compensation plan.
- **A description of public engagement** about the project that has occurred, including details on the degree to which public comments and commitments have been integrated into project development and design including the consideration of ensuring proportional impacts to all populations.

### **State and Local Approvals**

This section should provide:

- **Receipt (or the schedule for anticipated receipt) of Tribal government, State, and local approvals** on which the project depends, such as State and local environmental and planning approvals, and Statewide Transportation Improvement Program (STIP) or transportation improvement program (TIP) funding. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support, including support from impacted communities.
- **Federal Transportation Requirements Affecting State and Local Planning.** The planning requirements applicable to the relevant operating administration apply to all RAISE grant projects, including projects located at airport facilities. Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents has been or will be included in such documents. If the project is not included in a relevant planning document at the time the application is submitted, the applicant should submit a statement from the appropriate planning agency that actions are underway to include the project in the relevant planning document. To the extent possible, freight projects should be included in a State Freight Plan and supported by a State Freight Advisory Committee (49 U.S.C. 70201, 70202), if these exist. Applicants should provide links or other documentation supporting this consideration such as letters of support from the State DOT if the project is intended to be included in the State Freight Plan, or results from application of the [FHWA Freight Mobility Trends Tool](https://fpcb.ops.fhwa.dot.gov/mobility_trends_tool.aspx).<sup>24</sup>

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<sup>24</sup> [https://fpcb.ops.fhwa.dot.gov/mobility\\_trends\\_tool.aspx](https://fpcb.ops.fhwa.dot.gov/mobility_trends_tool.aspx)

### **Assessment of Project Risks and Mitigation Strategies**

Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match (non-federal funding), lack of support from stakeholders or impacted communities, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should identify all material risks and harms to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake to mitigate those risks. The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

Project risks can also include the unavailability of vehicles that either comply with Federal Motor Vehicle Safety Standards or are exempt from Federal Motor Vehicle Safety Standards in a manner that allows for their legal acquisition and deployment, unavailability of domestically manufactured equipment.

If an applicant anticipates pursuing a waiver for relevant domestic preference laws, the applicant should describe steps that have been or will be taken to maximize the use of domestic goods, products, and materials in constructing its project. To the extent the applicant is unfamiliar with the Federal program, the applicant should contact the appropriate DOT operating administration field or headquarters offices, as found in contact information on the RAISE program [website](#), for information on the pre-requisite steps to obligate Federal funds in order to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements.

#### **Technical Capacity Assessment (capital and planning projects)**

All applications should include a section in the Project Readiness file that demonstrates their technical capacity to successfully deliver the project in compliance with applicable Federal requirements including, but not limited to, compliance with Title VI/Civil Rights requirements and Buy America provisions, described in Section E.1 of this NOFO. The applicant should address the following in the technical capacity section of the Project Readiness file:

- **Federal Funding** – Experience implementing federally funded transportation projects.
- **Federal Regulations** – Understanding of federal contract and procurement requirements, Buy America, Americans with Disabilities Act, Uniform Relocation Assistance and Real Property Acquisition Act, , Davis Bacon Act, etc.
- **Project Planning** – Practice incorporating projects into long-range development plans or adding projects to the TIP/STIP through the MPO planning process.
- **Project Delivery** – Examples of successfully delivered projects of similar size, scope, and complexity.

#### **f. Benefit-Cost analysis (capital projects only)**

The purpose of the Benefit-Cost Analysis (BCA) is to enable the Department to evaluate the cost-effectiveness of the proposed project by comparing its expected benefits to its expected costs relative to the current problem often referred to as the “baseline” or “no-build alternative.” The baseline defines the world without the proposed project.

Any benefits claimed for the proposed project, both quantified and unquantified, should be clearly tied to the expected outcomes of the proposed project. While benefits should be quantified wherever possible, applicants may also describe other categories of benefits in the BCA that are more difficult to quantify and/or value in economic terms.

There should be two BCA files included in the application: (1) a narrative description of the BCA; and (2) an unlocked spreadsheet revealing the underlying calculations.

- **Narrative Description of Analysis** - The BCA narrative should describe the current baseline, the sources of data used to estimate the benefits of the project, document any assumptions, and the values of key input parameters. Applicants may also provide a table similar to the one shown below summarizing the impacts of the project and how those impacts would translate into expected benefits. This is shown as an example only:

<b>Baseline / Current Status and Problem to be Addressed</b>	<b>Change to Baseline / Proposed Project to Address Problem</b>	<b>Example Impacts</b>
A freeway divides two neighborhoods	A new street will be constructed to connect neighborhoods on each side of the freeway	Reduced travel time for pedestrians and cyclists by X miles per day due to a more direct route, as well as reduced emissions, vehicle operating costs, and travel time for vehicle occupants by lowering VMT by Y miles per year
A roadway with a high number of pedestrian fatalities has no sidewalks or marked crosswalks	Sidewalks, high visibility crosswalks, and upgraded lighting will be added to the roadway	Reduced pedestrian fatalities and injuries by X and Y per year, respectively, as well as amenity benefits of wider sidewalks for Z daily pedestrian trips

- **Spreadsheet Revealing Underlying Calculations** - The BCA spreadsheet file should present the calculations in sufficient detail and transparency to allow the analysis to be reproduced by Department evaluators. While DOT does not have a prescribed format for the BCA spreadsheet submitted by the applicant beyond ensuring that it is unlocked, to

allow review, the Department is also developing a new BCA spreadsheet template that will be available to assist applicants in structuring their analysis.

Applicants should review the Department's detailed guidance on how to conduct a BCA. Both the guidance document and spreadsheet template will be available on the RAISE program [website](#).<sup>25</sup>

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

Each applicant must obtain a UEI and register with [SAM.gov](#). Each applicant is required to: (i) be registered in SAM before submitting an application; (ii) provide a valid unique entity identifier in the application; and (iii) continue to maintain an active SAM registration with current information at all times during which they have an active Federal award or an application or plan under consideration by a Federal awarding agency

The Department may not make a RAISE grant to an applicant until the applicant has complied with all applicable UEI and SAM requirements and, if an applicant has not fully complied with the requirements by the time DOT is ready to make a RAISE grant, DOT may determine that the applicant is not qualified to receive a RAISE grant and use that determination as a basis for making a RAISE grant to another applicant.

### 4. Submission Dates and Times

Applications must be submitted through [Grants.gov](#) by 11:59 PM Eastern on February 28, 2024 for FY 2024 RAISE. Grants.gov attaches a time stamp to each application at the time that submission is complete. Applications with a time stamp after the deadline will not be considered. The Department does not accept applications via mailed paper, fax machine, email, or other means. In addition to the FY 2024 NOFO dates, tentative future NOFO publication dates and application deadlines for FYs 2025 and 2026 are listed in the table below.

<b>BIL Fiscal Year Funding</b>	<b>RAISE NOFO Publication Date</b>	<b>Application Deadline</b>
FY 2024	November 30, 2023	February 28, 2024
FY 2025	October 15, 2024	January 13, 2025
FY 2026	October 15, 2025	January 13, 2026

To submit an application through Grants.gov, applicants must:

- Obtain a UEI number;<sup>26</sup>

<sup>25</sup> [www.transportation.gov/RAISEgrants/additional-guidance](https://www.transportation.gov/RAISEgrants/additional-guidance)

<sup>26</sup> On April 4, 2022 the Federal government stopped using the Data Universal Numbering System (DUNS) number to uniquely identify entities. Entities doing business with the Federal government must use a Unique Entity Identifier (UEI) created in SAM.gov. If your entity is currently registered in SAM.gov, your UEI has already been assigned and is viewable in SAM.gov. This includes inactive registrations.

- Register with the SAM at [www.SAM.gov](http://www.SAM.gov);
- Create a Grants.gov username and password; and
- The E-Business Point of Contact (POC) at the applicant's organization must respond to the registration email from Grants.gov and login at Grants.gov to authorize the applicant as the Authorized Organization Representative (AOR). Please note that there can be more than one AOR for an organization.

Please note that the SAM registration process takes a **minimum of 2 weeks to complete if not longer**. Failure to register for SAM or comply with Grants.gov applicant requirements in a timely manner will not be considered for exceptions to the submission requirements and deadline. The Department is not able to assist with technical issues related to Grants.gov or SAM registration. For information and instruction on each of these processes, please see instructions at [grants.gov/applicants/applicant-faqs](http://www.grants.gov/web/grants/applicants/applicant-faqs.html)<http://www.grants.gov/web/grants/applicants/applicant-faqs.html>. If applicants experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Service Support Hotline at 1-800-518-4726.

## **5. Funding Restrictions**

Recipients of RAISE Grant awards will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, RAISE funds will reimburse recipients only after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted.

Unless authorized by the Department in writing after the Secretary's announcement of FY 2024 RAISE awards, any costs that a recipient incurs before DOT executes a grant agreement for that recipient's project are ineligible for reimbursement and are ineligible match for cost share requirements.

Federal funds awarded under this program may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

## **6. Other Submission Requirements**

### **a. Submission Location**

Applications must be submitted to [Grants.gov](http://Grants.gov). The Department does not accept applications via mailed paper, fax machine, email, or other means.

### **b. Consideration of Applications**

Only applicants who comply with all submission deadlines described in this notice and electronically submit valid, on-time applications through Grants.gov will be eligible for award.

### **c. Late Applications**

Any applications that Grants.gov time stamps after 11:59 PM on February 28, 2024 will not be accepted. Applicants are strongly encouraged to make submissions days, if not weeks, in advance of the deadline. Applicants facing technical issues are advised to contact the Grants.gov helpdesk well in advance of the deadline.

#### **d. Compliance with Section 508 of the Rehabilitation Act of 1973**

The Department encourages applicants to submit documents that are compliant with Section 508 of the Rehabilitation Act of 1973. Section 508 guidelines are available at <https://www.access-board.gov/ict/>.

### **E. Application Review Information**

#### **1. Criteria**

This section specifies the criteria the Department will use to evaluate applications.

<b>TIER 1</b> All Eligible Applications	
<b>Merit Criteria Review</b>	
<b>TIER 2</b> All applications rated “Highly Recommended” under the merit criteria review automatically advance for second tier analysis. The Senior Review Team (SRT) can advance applications rated “Recommended” for second tier analysis.	
<b>Project Readiness Review</b>	
Environmental Risk Assessment	Capital Projects
Technical Capacity Assessment	Capital and Planning Projects
Financial Completeness Assessment	Capital and Planning Projects
<b>Benefit-Cost Analysis</b>	Capital Projects

The Department will review merit criteria for all applications. Highly Recommended capital applications will automatically advance to receive second-tier analysis consisting of three Project Readiness reviews: (1) Environmental Risk Assessment; (2) Technical Capacity Assessment; and (3) Financial Completeness Assessment, as well as a Benefit-Cost Analysis (BCA). Highly Recommended planning applications will automatically advance to receive second-tier analysis consisting of two Project Readiness areas: (1) Technical Capacity Assessment; and Financial Completeness Review. Environmental Risk Assessment and BCA will not be reviewed for planning applications. The SRT can advance select Recommended capital and planning applications for second-tier analysis under the circumstances described in Section E.2.

**The Department does not consider the amount of non-Federal contribution as a selection criterion or a competitiveness factor.** However, general budget information may be evaluated as part of the financial completeness in the readiness review or under the Innovation criteria in the merit review. See Sections E.1.a and E.1.b for more details.

#### **a. Merit Criteria**

For each merit criterion, the Department will evaluate whether the application uses data-driven and evidence-based methods to demonstrate that the project will provide the anticipated benefits, which will result in a rating of “high,” “medium,” “low,” or “non-responsive” as described in the rubric below.

<b>Individual Merit Criteria Ratings</b>	
<b>High</b>	The criterion must be addressed as a primary project purpose (not an ancillary or incidental consideration, except for the Partnership and Collaboration and Innovation criteria), must include clear, direct, data-driven (capital projects only), and significant benefits, and must align with at least one of the benefits described in the high column of the merit criteria rubric.
<b>Medium</b>	The criterion may not be a primary project purpose, or the project benefits do not meet at least one of the requirements for a ‘high’ rating, as described in the merit criteria rubric.
<b>Low</b>	The application contains insufficient information to assess that criterion’s benefits.
<b>Non-Responsive</b>	The proposed project negatively affects the criterion, or the application does not address the criterion.

Planning grant applications will be evaluated against the same merit criteria as capital grants. Planning grant applications should include data on the problem intended to be addressed, but information does not need to be as driven by data as a capital project when estimating benefits of the implemented project since data is often an outcome of the project to be planned. The Department will consider how the plan, once implemented, will ultimately further the merit criteria.

The combination of individual criterion ratings will inform one overall Merit Rating: Highly Recommended, Recommended, Acceptable, or Unacceptable, as shown below.

<b>Overall Merit Rating</b>	
<b>Highly Recommended</b>	<ul style="list-style-type: none"> <li>• six or more of the eight merit criteria ratings are “high”</li> <li>• none of the merit criteria ratings are “non-responsive”</li> </ul>

<b>Recommended</b>	<ul style="list-style-type: none"> <li>• one to five of the merit criteria ratings are “high”</li> <li>• no more than three of the merit criteria ratings are “low”</li> <li>• none are “non-responsive”</li> </ul>
<b>Acceptable</b>	<ul style="list-style-type: none"> <li>• a combination of “high,” “medium,” “low,” or “non-responsive” ratings that do not fit within the definitions of Highly Recommended, Recommended, or Unacceptable</li> </ul>
<b>Unacceptable</b>	<ul style="list-style-type: none"> <li>• three or more “non-responsive” ratings</li> </ul>

Merit Criteria:	Non-Responsive	Low	Medium	High
<b>Safety</b>	<p>Application did not address the Safety criterion</p> <p>OR</p> <p>Project negatively affects safety</p>	<p>Application contains insufficient information to assess safety benefit</p>	<p>The project has one or more of the following safety benefits, but safety may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating:</p> <ul style="list-style-type: none"> <li>• Protect non-motorized or motorized travelers from safety risks; or</li> <li>• Reduce any number of fatalities and/or serious injuries</li> </ul>	<p>Safety is a primary project purpose AND the project has clear, direct, <b>data-driven</b> (for capital projects only), and significant benefits that targets a known, documented safety problem, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Protect non-motorized travelers from safety risks; or</li> <li>• Reduce fatalities and/or serious injuries in underserved communities to bring them below the state-wide average; or</li> <li>• Incorporate and cite specific actions and activities identified in the Department’s <a href="#">National Roadway Safety Strategy plan</a> or <a href="#">Improving Safety for Pedestrians and Bicyclists Accessing Transit report</a>, or <a href="#">FTA’s Safety Advisory 23-1: Bus-to-Person Collisions</a>; or</li> <li>• Incorporate specific safety improvements that are part of a documented risk reduction mitigation strategy and that have, for example, port-wide or transit system impact.</li> </ul>
<b>Environmental Sustainability</b>	<p>Application did not address the Environmental Sustainability criterion</p> <p>OR</p> <p>Project negatively affects environmental sustainability</p>	<p>Application contains insufficient information to assess environmental sustainability benefits</p>	<p>Project has one or more of the following environmental sustainability benefits, but environmental sustainability may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating:</p> <ul style="list-style-type: none"> <li>• Reduce transportation-related air pollution and greenhouse gas emissions; or</li> <li>• Reduce vehicle miles traveled; or</li> <li>• Incorporate lower-carbon pavement/construction materials; or</li> <li>• Redevelop brownfield sites; or</li> <li>• Improve resilience of infrastructure to current and future weather and climate risks; or</li> <li>• Make basic stormwater improvements</li> </ul>	<p>Environmental sustainability is a primary project purpose AND the project has clear, direct, <b>data-driven</b> (for capital projects only), and significant benefits that explicitly considers climate change and environmental justice, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Reduce transportation-related air pollution and greenhouse gas emissions in disadvantaged communities; or</li> <li>• Address the disproportionately negative environmental impacts of transportation on local communities such as by reducing exposure to elevated levels of air, water, and noise pollution; or</li> <li>• Align with the applicant’s State Carbon Reduction Strategy, State Electric Vehicle Infrastructure Deployment Plan, or other State, local, or tribal greenhouse gas reduction plan; or</li> <li>• Align with the <a href="#">U.S. National Blueprint for Transportation Decarbonization</a>; or</li> <li>• Implement transportation-efficient land use and design, such as drawing on the features of historic towns and</li> </ul>

Merit Criteria:	Non-Responsive	Low	Medium	High
				<p>villages that had a mix of land uses, compact and walkable development patterns, accessible green space, and neighborhood centers that make it convenient to take fewer or shorter trips; or</p> <ul style="list-style-type: none"> <li>• Reduce vehicle miles traveled specifically through modal shift to transit, rail, or active transportation; or</li> <li>• Reduce emissions specifically by shifting freight to lower-carbon travel modes; or</li> <li>• Incorporate energy efficient investments, such as electrification or zero emission vehicle infrastructure; or</li> <li>• Improve the resilience of at-risk infrastructure to be resilient to extreme weather events and natural disasters caused by climate change, such as by using best-available climate data sets, information resources, and decision-support tools; or</li> <li>• Incorporate <a href="#">nature-based solutions</a> or <a href="#">natural infrastructure with the use of native plants</a>; or Incorporate <a href="#">nature-based solutions</a> or <a href="#">natural infrastructure</a>; or</li> <li>• Referenced in a <a href="#">Resilience Improvement Plan</a> or similar plan; or</li> <li>• Remove, replace, or restore culverts for the purpose of improving habitat for aquatic species; or</li> <li>• Avoid adverse environmental impacts to air or water quality, wetlands, and endangered species</li> </ul>
<b>Quality of Life</b>	<p>Application did not address the Quality of Life criterion</p> <p>OR</p> <p>Project negatively affects quality of life</p>	Application contains insufficient information to assess quality of life benefits	<p>Project has one or more of the following quality of life benefits but quality of life may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating:</p> <ul style="list-style-type: none"> <li>• Increase affordability for travelers; or</li> <li>• Reduces vehicle dependence</li> </ul>	<p>Quality of life is a primary project purpose AND the project has clear, direct, <b>data-driven</b> (for capital projects only) and significant benefits, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Increase affordable transportation choices by improving and expanding active transportation usage or significantly reducing vehicle dependence, particularly in underserved communities; or</li> <li>• Reduce transportation and housing cost burdens by integrating mixed-use development and a diversity of housing types, including by reducing barriers to such development and increasing the supply of affordable housing, with multimodal transportation infrastructure; or</li> </ul>

Merit Criteria:	Non-Responsive	Low	Medium	High
				<ul style="list-style-type: none"> <li>• Coordinate and integrate land use, affordable housing, and transportation planning in order to create more livable communities and expand travel choices; or</li> <li>• Improve access to daily destinations like jobs, healthcare, grocery stores, schools, places of worship, recreation, or parks through transit and active transportation; or</li> <li>• Implement transit-oriented development that benefits existing residents and businesses, low-income and disadvantaged communities, and minimizes displacement; or</li> <li>• Improve public health by adding new facilities that promote walking, biking, and other forms of active transportation; or</li> <li>• Mitigate urban heat islands to protect the health of at-risk residents, outdoor workers, and others; or</li> <li>• Proactively addresses equity.</li> </ul>
<b>Mobility and Community Connectivity</b>	<p>Application did not address the Mobility and Community Connectivity criterion</p> <p>OR</p> <p>Project negatively affects mobility and community connectivity</p>	Application contains insufficient information to assess mobility and community connectivity benefits	<p>Project has one or more of the following mobility and community connectivity benefits, but mobility and community connectivity may not be a primary project purpose or does not meet the description(s) of a 'high' rating:</p> <ul style="list-style-type: none"> <li>• Increase accessible transportation choices; or</li> <li>• Include ADA improvements</li> </ul>	<p>Mobility and community connectivity is a primary project purpose AND the project has clear, direct, <b>data-driven</b> (for capital projects only) and significant benefits, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Improve system-wide connectivity with access to transit, micro-mobility, and mobility on-demand; or</li> <li>• Implement plans, based on community participation and data, that addresses gaps identified in the existing network; or</li> <li>• Remove physical barriers for individuals by reconnecting communities to direct, affordable transportation options; or</li> <li>• Include transportation features that increase the accessibility for non-motorized travelers in underserved communities; or</li> <li>• Incorporate <a href="#">Universal Design</a> including details of how the improvements go beyond ADA requirements by designing environments to be usable by all people, to the greatest extent possible, without the need for adaption or specialized design such as a Complete Streets approach; or</li> </ul>

Merit Criteria:	Non-Responsive	Low	Medium	High
				<ul style="list-style-type: none"> <li>• Directly increasing intermodal and multimodal freight movement; or</li> <li>• Consider last-mile freight plans in a Complete Streets and multimodal approach</li> </ul>
<b>Economic Competitiveness and Opportunity</b>	<p>Application did not address the Economic Competitiveness and Opportunity criterion</p> <p>OR</p> <p>Project negatively affects economic competitiveness and opportunity</p>	Application contains insufficient information to assess economic competitiveness and opportunity benefits	<p>Project has one or more of the following economic competitiveness and opportunity benefits, but economic competitiveness and opportunity may not be a primary project purpose or does not meet the description(s) of a 'high' rating:</p> <ul style="list-style-type: none"> <li>• Improve travel time reliability; or</li> <li>• Improve movement of goods; or</li> <li>• Create jobs related to the project's delivery and on-going operations</li> </ul>	<p>Economic competitiveness is a primary project purpose AND the project has clear, direct, <b>data-driven</b> (for capital projects only), and significant benefits, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Improve intermodal and/or multimodal freight mobility, especially for supply chain bottlenecks; or</li> <li>• Facilitate tourism opportunities; or</li> <li>• Promote local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises or 8(a) firms; or</li> <li>• Promote wealth building; or</li> <li>• Promote long-term economic growth and other broader economic and fiscal benefits; or</li> <li>• Create good-paying jobs with free and fair choice to join a union including through the use of a project labor agreement; or</li> <li>• Adopt local and economic hiring preferences for the project workforce or include other changes to hiring policies and workplace cultures to promote the entry and retention of underrepresented populations; or</li> <li>• Promote greater public and private investments in land-use productivity, including rural main street revitalization or locally driven density decisions that support equitable commercial and mixed-income residential development</li> </ul>

<b>Merit Criteria:</b>	<b>Non-Responsive</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
<b>State of Good Repair</b>	<p>Application did not address the State of Good Repair criterion</p> <p>OR</p> <p>Project negatively affects state of good repair</p>	<p>Application contains insufficient information to assess state of good repair benefits</p>	<p>Project has one or more of the following state of good repair benefits but state of good repair may not be a primary project purpose or does not meet the description(s) of a 'high' rating:</p> <ul style="list-style-type: none"> <li>• Routine or deferred maintenance; or</li> <li>• Create new infrastructure (not in a remote community) that will be maintained in a state of good repair; or</li> <li>• Identify the party responsible for maintenance and describe how the new or improved asset(s) will be maintained in a state of good repair; or</li> <li>• Resolve the current or projected transportation system vulnerabilities</li> </ul>	<p>State of good repair is a primary project purpose AND the project has clear, direct, <b>data-driven</b> (for capital projects only) and significant benefits, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Restore and modernize (such as through road diets and complete streets approaches) the existing core infrastructure assets that have met their useful life; or</li> <li>• Reduce construction and maintenance burdens through efficient and well-integrated design; or</li> <li>• Create new infrastructure in remote communities that will be maintained in a state of good repair; or</li> <li>• Address current or projected transportation system vulnerabilities for underserved communities; or</li> <li>• Prioritize improvement of the condition and safety of existing transportation infrastructure within the <u>existing</u> footprint</li> </ul>
<b>Partnership and Collaboration</b>	<p>Application did not address the Partnership and Collaboration criterion</p> <p>OR</p> <p>Project negatively affects partners or community members (e.g. negative impacts from ROW acquisition, lack of support for the project, etc.)</p>	<p>Application contains insufficient information to assess the partnership and collaboration benefits</p>	<p>Project has one or more of the following partnership and collaboration benefits but partnership and collaboration may not be a primary project purpose or does not meet the description(s) of a 'high' rating:</p> <ul style="list-style-type: none"> <li>• Collaborate with public and/or private entities; or</li> <li>• Document support from local, regional, or national levels</li> </ul>	<p>Project has, or demonstrates plans to, support and engage diverse people and communities by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Engage residents and community-based organizations to ensure equity considerations for underserved communities are meaningfully integrated throughout the lifecycle of the project, for example, by citing and describing how the project aligns with the Department's <a href="#">Promising Practices for Meaningful Public Involvement in Transportation Decision-Making Guide</a>; or</li> <li>• Coordinate with other types of projects such as economic development, commercial or residential development near public transportation, power/electric infrastructure projects, or broadband deployment; or</li> <li>• Partner with Disadvantaged Business Enterprises or 8(a) firms; or</li> <li>• Partner with high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeships. These programs should have a focus on expanding access for women, people of color, and others</li> </ul>

Merit Criteria:	Non-Responsive	Low	Medium	High
				<p>that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.); or</p> <ul style="list-style-type: none"> <li>• Partner and engage with unions and/or worker organizations in the development of the project and the lifecycle of the project, including the maintenance or operation of the completed project; or</li> <li>• Partner with communities or community groups representative of historically underrepresented groups to develop workforce strategies; or</li> <li>• Establish formal public-private partnerships or joint ventures to expand or create new infrastructure or economic development capacity; or</li> <li>• Participate in the <a href="#">Thriving Communities Network</a></li> </ul>
<b>Innovation</b>	<p>Application did not address the Innovation criterion.</p> <p>OR</p> <p>Includes non-innovative practices or components</p>	Application contains insufficient information to assess innovation benefits	<p>Project has one or more of the following innovation benefits but does not meet the description(s) of a 'high' rating:</p> <ul style="list-style-type: none"> <li>• Deploy technologies, project delivery, or financing methods that are <u>new or innovative to the applicant or community</u></li> </ul>	<p>Project has, or demonstrates plans for, one or more of the following innovative benefits.</p> <ul style="list-style-type: none"> <li>• Innovative Technologies <ul style="list-style-type: none"> <li>○ Enhance the environment for electric, connected, or automated vehicles to improve the detection and mitigation of safety risks; or</li> <li>○ Improve safety using Advanced Driver Assistance Systems on public transit vehicles, including functions such as precision docking; lane keeping or lane centering; or</li> <li>○ Use sensors or small unmanned aerial vehicles to enhance infrastructure inspection and asset management processes; or</li> <li>○ Use sensors to monitor real-time conditions of pavement quality, signage, crosswalks, transit headways, or other public infrastructure; or</li> <li>○ Use low-carbon or other innovative materials; or</li> <li>○ Use caps, land bridges, or underdecks; or</li> <li>○ Use active grade crossing detection systems to enable responsive traffic management; or</li> <li>○ Use detection systems on railroads to target and deter trespassing; or</li> <li>○ Digitalize curb management to optimize use across purposes and modes, including freight, pick-up drop-off, and transit usage</li> </ul> </li> <li>• Innovative Project Delivery</li> </ul>

Merit Criteria:	Non-Responsive	Low	Medium	High
				<ul style="list-style-type: none"><li>○ Use practices that facilitate accelerated project delivery such as single contractor design-build arrangements, <a href="#">Advanced Digital Construction Management</a>, <a href="#">Accelerated Bridge Construction</a>, <a href="#">Digital as-builts</a>, or an up-to-date programmatic agreement between an environmental resource agency and a state DOT, or other NEPA lead agency, that establishes a streamlined process for environmental consultations and permits for commonly encountered project types.</li><li>● Innovative Financing<ul style="list-style-type: none"><li>○ Secure TIFIA, RRIF, or private activity bond financing; or</li><li>○ Use congestion pricing or other demand management strategies</li></ul></li></ul>

## **Safety**

The Department will assess how the project targets a known safety problem and seeks to protect motorized or non-motorized travelers from safety risks on roadways, transit, rail, or ports. Applicants are highly encouraged to include data-driven information when addressing the safety criterion such as the current and projected number or rate of crashes, fatalities and/or serious injuries among transportation users and how those compare to the statewide average; details about the transportation user that will reap the safety benefits such as whether the project addresses vulnerable roadway users<sup>27</sup> or whether the project addresses inequities in crash victims. If applicable, applicants should describe how the project incorporates specific actions and activities identified in the Department's [National Roadway Safety Strategy](#),<sup>28</sup> or [Improving Safety for Pedestrians and Bicyclists Accessing Transit report](#), or [FTA's Safety Advisory 23-1: Bus-to-Person Collisions](#).

## **Environmental Sustainability**

The Department will consider the extent to which the project incorporates considerations of climate change and environmental justice in the project planning or project delivery stage. Environmental justice means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people: (i) are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and (ii) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

The Department will evaluate whether and how the project demonstrates environmental sustainability benefits. For this assessment, the Department will consider, for example, how the project will significantly reduce transportation-related pollution like air pollution and greenhouse gas emissions; aligns with the applicant's State, regional, county or city carbon-reduction plan or the [U.S. National Blueprint for Transportation Decarbonization](#); address the disproportionate negative environmental impacts of transportation such as exposure to elevated levels of air, water, and noise pollution; or implement transportation-efficient land use and design, such as drawing on the features of historic towns and villages that had a mix of land uses, compact and walkable development patterns, accessible green space, and neighborhood centers that make it convenient to take fewer or shorter trips.

The Department will assess whether and how the project is expected to reduce emissions, such as shifts to lower emissions vehicles, transit, or active transportation; shift freight to lower-carbon travel modes to reduce emissions; improve the resiliency of at-risk infrastructure<sup>29</sup> to withstand

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<sup>27</sup> As defined by FHWA's Vulnerable Road User Safety Assessment Guidance, a vulnerable road user is a non-motorist and may include people walking, biking, or rolling as well as highway workers on foot in a work zone.

<sup>28</sup> [www.transportation.gov/NRSS](http://www.transportation.gov/NRSS)

<sup>29</sup> For the RAISE program, at-risk infrastructure is defined as infrastructure that is subject to, or faces increased long-term future risks of, a weather event, a natural disaster, or changing conditions, such as coastal flooding, coastal erosion, wave action, storm surge, or sea level rise, in order to improve transportation and public safety and to reduce costs by avoiding larger future maintenance or rebuilding costs.

extreme weather events and natural disasters caused by climate change such as by using best-available climate data sets, information resources, and decision-support tools, and incorporating [nature-based solutions](#) or [natural infrastructure](#); or incorporates lower-carbon pavement or construction materials as described in the Environmental Protection Agency’s [interim guidance on low-carbon materials](#)<sup>30</sup> or the [U.S. National Blueprint for Transportation Decarbonization](#). The Department will also consider whether and how the project will incorporate energy efficient investments such as electrification or zero emission vehicle infrastructure; redevelop brownfield sites; remove, replace or restore culverts to improve passage of aquatic species; or avoid adverse impacts to air or water quality, wetlands, and endangered species. If applicable, applicants are encouraged to make floodplain upgrades 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 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input* (80 FR 6425.)

### **Quality of Life**

The Department will consider whether and how the project will improve quality of life, such as by increasing affordable transportation choices and expanding active transportation usage or significantly reducing vehicle dependence; reduce transportation and housing cost burdens by integrating mixed use development and a diversity of housing types (including affordable housing) with multimodal transportation infrastructure; coordinate and integrate land use, affordable housing, and transportation planning in order to create more livable communities and expand travel choices; reduce vehicle dependence and improve access to daily destinations such as jobs, healthcare, grocery store, schools, places of worship, recreation, or parks such as by adding new facilities that promote walking, biking; implement transit-oriented development that benefits existing residents and businesses; mitigate urban heat islands to protect the health of at-risk residents, outdoor workers, and others; or proactively address racial equity.<sup>31</sup>

### **Mobility and Community Connectivity**

The Department will assess whether and how the applicant will improve mobility and community connectivity. For this assessment, DOT will consider, for example, how the project will address system-wide connectivity with access to transit, micro-mobility, and mobility on-demand; implement plans, based on community participation and data, that identifies and addresses gaps in the existing network; remove physical barriers for individuals by reconnecting communities to direct, affordable transportation options; include transportation features that increase accessibility for non-motorized travelers, such as through a Complete Streets approach; incorporate Americans with Disabilities Act (ADA) or [Universal Design](#)<sup>32</sup> improvements; directly increase intermodal and multimodal freight movement; or considers last-mile freight plans in a Complete Streets and multimodal approach.

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<sup>30</sup> [https://www.epa.gov/system/files/documents/2023-01/2022.12.22%20Interim%20Determination%20on%20Low%20Carbon%20Materials%20under%20IRA%2060503%20and%2060506\\_508.pdf](https://www.epa.gov/system/files/documents/2023-01/2022.12.22%20Interim%20Determination%20on%20Low%20Carbon%20Materials%20under%20IRA%2060503%20and%2060506_508.pdf)

<sup>31</sup> Definitions for “racial equity” and “underserved communities” are found in Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Sections 2 (a) and (b).

<sup>32</sup> Definition for “Universal Design” found on the General Services Administration’s [Section508.gov](https://www.gsa.gov) website and states, “Universal design is a concept in which products and environments are designed to be usable by all people, to the greatest extent possible, without the need for adaption or specialized design.”

### **Economic Competitiveness and Opportunity**

The Department will assess whether and how the project will improve economic competitiveness and opportunity. For this assessment, DOT will consider, for example, how the project will improve intermodal or multimodal freight mobility, especially for supply chain bottle necks; facilitate tourism; promote local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises or 8(a) firms; wealth building; long-term economic growth and other broader economic and fiscal benefits; create good-paying jobs with free and fair choice to join a union including through the use of a project labor agreement; or adopt local and economic hiring preferences for the project workforce or include other changes to hiring policies and workplace cultures to promote the entry and retention of underrepresented populations. DOT will evaluate the extent to which the project will promote greater public and private investments in land-use productivity, including rural main street revitalization or locally driven density decisions that support equitable commercial and mixed-income residential development.

### **State of Good Repair**

The Department will assess whether and to what extent the project improves state of good repair. For this assessment, DOT will consider, for example, how the project will mitigate current or projected system vulnerabilities; restore and modernize (such as through road diets and Complete Streets approaches) the existing core infrastructure assets that have met their useful life; reduce construction and maintenance burdens through efficient and well-integrated design; create new infrastructure *in remote communities* that will be maintained in a state of good repair; prioritize improvement of the condition and safety of existing transportation infrastructure within the existing footprint; conduct routine or deferred maintenance; create new infrastructure (*not in a remote community*) that will be maintained in a state of good repair; or identify the party responsible for maintenance and how the new or improved asset(s) will be maintained in a state of good repair.

The Department encourages applicants to improve the condition and safety of existing state and locally owned transportation infrastructure within the right-of-way before proposing projects that add new general purpose travel lanes serving single occupancy vehicles.

### **Partnership and Collaboration**

The Department will consider the extent to which the project has or will support and engage diverse people and communities. For this assessment, DOT will consider, for example, how the project has or will collaborate with public and/or private entities; documents support from local, regional, and/or national levels; engage residents and community-based organizations to ensure equity considerations for underserved communities are meaningfully integrated throughout the project. Applicants should describe how the project incorporates specific actions and activities identified in the Department's [Promising Practices for Meaningful Public Involvement in Transportation Decision-Making Guide](https://www.transportation.gov/priorities/equity/promising-practices-meaningful-public-involvement-transportation-decision-making);<sup>33</sup> coordinate with other types of projects such as economic development, commercial or residential development near public transportation, power/electric infrastructure projects, or broadband deployment; partner with Disadvantaged

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<sup>33</sup> <https://www.transportation.gov/priorities/equity/promising-practices-meaningful-public-involvement-transportation-decision-making>

Business Enterprises or 8(a) firms; partner with high-quality workforce development programs with supportive services<sup>34</sup> to help train, place, and retain underrepresented communities in good-paying jobs or registered apprenticeships including through the use of local and economic hiring preferences, linkage agreements with workforce programs that serve underrepresented groups, and proactive plans to prevent harassment; partner and engage with local unions or other worker-based organizations in the development and lifecycle of the project, including through evidence of project labor agreements and/or community benefit agreements; or partners with communities, or community groups representative of historically underrepresented groups, to develop workforce strategies; or establish formal public-private partnerships or joint ventures to expand or create new infrastructure or economic development capacity. DOT will assess the level of detail and description provided about the partnerships listed above. Applications that provide more details and descriptions about the project partnership will be rated higher than those that do not, in alignment with the merit rating rubric.

The Department will consider whether the applicant is participating in the [Thriving Communities Network](#).<sup>35</sup> Applications that include right-of-way acquisition plans that minimally disrupts communities and maintains community cohesion will be more competitive than right-of-way acquisition plans that disrupt communities. For projects involving other Federal agencies, or requiring action from other Federal agencies, DOT will consider the level of involvement and commitment from those agencies. For example, relevant port projects should demonstrate alignment with U.S. Army Corps of Engineers investment strategies.

### **Innovation**

The Department will assess the extent to which the applicant uses innovative: (1) technologies; (2) project delivery; or (3) financing. If this project is the first time the applicant or community will deploy specific innovations, the Department will consider them innovative, to the extent applicants provide enough detail to determine whether the innovations being deployed are new or innovative to the applicant or community regardless of whether other applicants or communities have implemented these innovations.

**Innovative Technologies** - The Department will consider how the project enhances the environment for connected, electric, or automated vehicles to improve the detection, mitigation, and documentation of safety risks. Examples include the use of Advanced Driver Assistance Systems on public transit vehicles and detection systems on railroads to target and deter trespassing. The Department will assess the extent to which the project uses innovative technology that significantly enhances the operational performance and maintenance of the surface transportation system including sensors to inspect infrastructure and manage assets or to monitor real-time conditions of pavement quality, signage, crosswalks, or transit headways; active grade crossing detection systems to enable responsive traffic management; or digitalized curb management to optimize use

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<sup>34</sup> Supportive services are critical to help women and people facing systemic barriers to employment be able to participate and thrive in training and employment. Recommended supportive services include childcare, tools, work clothing, application fees and other costs of apprenticeship or required pre-employment training, transportation and travel to training and work sites, and services aimed at helping to retain underrepresented groups like mentoring, support groups, and peer networking.

<sup>35</sup> <https://www.transportation.gov/federal-interagency-thriving-communities-network>

across purposes and modes, including freight, pick-up drop-off, and transit usage. The use of low-carbon materials as well as the use of caps, land bridges, or underdecks are also considered innovative.

Please note that all innovative technology must be in compliance with 2 CFR § 200.216.<sup>36</sup> If an applicant is proposing to deploy autonomous vehicles or other innovative motor vehicle technology, the Department will consider whether and how the applicant demonstrates that all vehicles will comply with applicable safety requirements, including those administered by the National Highway Traffic Safety Administration (NHTSA) and Federal Motor Carrier Safety Administration (FMCSA). Specifically, the Department will consider whether the vehicles acquired for the proposed project will comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carrier Safety Regulations (FMCSR). If the vehicles may not comply, the Department will consider applications that do one of the following more competitive than applications that do not: either (1) show that the vehicles and their proposed operations are within the scope of an exemption or waiver that has already been granted by NHTSA, FMCSA, or both agencies or (2) directly address whether the project will require exemptions or waivers from the FMVSS, FMCSR, or any other regulation and, if the project will require exemptions or waivers, present a plan for obtaining them.

**Innovative Project Delivery** - The Department will consider the extent to which the project utilizes innovative practices in contracting (such as public-private partnerships and single contractor design-build arrangements), single contractor design-build arrangements, project bundling, [Advanced Digital Construction Management](#), [Accelerated Bridge Construction](#), [Digital as-builts](#), or an up-to-date programmatic agreement between an environmental resource agency and a state DOT, or other NEPA lead agency, establishing a streamlined process for environmental consultations and permits for commonly encountered project types .Digital as-builts.

**Innovative Financing** - The Department will assess the extent to which the project incorporates innovations in transportation funding and finance, for example through private sector funding or financing, using congestion pricing or other demand management strategies to address congestion, securing a TIFIA or RRIF loan, or receiving an allocation for private activity bonds through DOT's Build America Bureau.

## **b. Project Readiness**

Capital project applications that receive second-tier analysis<sup>37</sup> will be reviewed for Project Readiness and assigned three evaluation ratings: Environmental Risk Assessment, Technical Capacity Assessment, and Financial Completeness Assessment.

Planning project applications that receive second-tier analysis will be reviewed for Project Readiness and assigned two evaluation ratings: Technical Capacity Assessment and Financial

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<sup>36</sup> <https://ecfr.federalregister.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-C/section-200.216>

<sup>37</sup> The process for determining which applications receive second-tier analysis is described in Section E.2 of this notice.

Completeness Assessment. (Environmental Risk Assessment will not be performed for planning applications).

Low ratings in any of these readiness areas do not disqualify projects from award, but competitive applications clearly and directly describe achievable risk mitigation strategies. A project with mitigated risks or with a risk mitigation plan is more competitive than a comparable project with unaddressed risks.

### **Environmental Risk**

The Environmental Risk Assessment analyzes the project's environmental approvals and likelihood of the necessary approval affecting project obligation funds will be spent expeditiously once construction starts as described in Section D of the NOFO, and results in a rating of "high risk," "moderate risk," or "low risk."

### **Technical Capacity**

The Technical Capacity Assessment will assess the applicant's capacity to successfully deliver the project in compliance with applicable Federal requirements as well as the recipient's experience working with Federal funds, civil rights compliance, and previous experience delivering infrastructure projects. This review is partially based on information submitted with the application and partially based on DOT Operating Administration knowledge of the applicant's performance. Technical Capacity ratings will be one of the following: "certain," "somewhat certain," or "uncertain."

DOT will assign the highest rating of "certain," if the application demonstrates that: the applicant has extensive experience with Federal funds; the applicant has extensive experience completing projects with similar scope; the applicant has the resources to deliver the project; and the project will comply with all applicable Federal requirements including, but not limited to, Buy America provisions, ADA regulations, Civil Rights requirements, Federal Motor Vehicle Safety Standards, and/or the Federal Motor Carrier Safety Regulations.

If an applicant is proposing to adopt innovative technology or other innovative practices, DOT will assess whether the applicant's capacity to implement those innovations, the applicant's understanding of applicable Federal requirements and whether the innovations may require extraordinary permitting, approvals, exemptions, waivers, or other procedural actions, and the effects of those innovations on the project delivery timeline.

### **Financial Completeness**

The Financial Completeness Assessment reviews the project budget to confirm the availability of funding for the project and whether the applicant presented a complete funding package based on reasonable cost estimates. Financial Completeness ratings are: "complete," "partially complete," or "incomplete."

DOT will assign the highest rating of "complete," if the application identifies all funding sources for the project budget, documents all funding is available and committed to the project, includes contingency amount in the project budget and describes a plan to address potential cost overruns, and cost estimates are no more than a year old or include an inflation factor. Planning grants are

not required to include a contingency amount but must discuss a plan to address potential cost overruns.

Projects with funding estimates that are based on early stages of design (e.g., less than 30 percent design) or outdated cost estimates without specified budget contingencies will receive a lower rating. All applicants, including those requesting 100 percent grant funding, should describe a plan to address potential cost overruns.

### **c. Cost Benefit Analysis**

For capital projects that receive second-tier analysis, the Department will consider the costs and benefits of projects seeking RAISE grant funding in determining whether a project is cost effective. To the extent possible, the Department will rely on quantitative, evidenced-based and data-supported analysis to assess how well a project addresses this criterion, including an assessment of the project's estimated benefit-cost ratio (BCR) based on the applicant-supplied BCA described in Section D.2.f.

To evaluate the costs and benefits of a proposed project, the Department will assign the project as either negative net benefits (costs exceed benefits) or positive net benefits (benefits exceed costs.) Projects with negative net benefit ratings will not be selected for an award, unless the project receives a "Highly Recommended" rating and demonstrates exceptional benefits for underserved or disadvantaged communities, as identified by the Senior Review Team.<sup>38</sup>

## **2. Review and Selection Process**

This section explicitly addresses the BIL requirement to describe the methodology for evaluation in the NOFO. The RAISE grant program review and selection process consists of Merit Criteria Review; Project Readiness Review (consisting of Technical Capacity Assessment, Environmental Risk Assessment, and Financial Completeness Assessment); Benefit-Cost Analysis; and Senior Review. The Secretary makes final project selections.

Teams comprising Department and contractor staff review all eligible applications received by the deadline for a Merit Review and assign ratings as described in Section E. Using the Merit Review rubric described in section E, the combination of eight merit criteria ratings will result in one overall Merit Rating: Highly Recommended, Recommended, Acceptable, or Unacceptable.

"Highly Recommended" projects automatically advance for second-tier analysis.

The Senior Review Team (SRT) reviews all "Recommended" projects to determine if the benefits of a particular criterion are so significant that the project merits advancing for second-tier analysis. The SRT can advance a "Recommended" project only if:

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<sup>38</sup> The Senior Review Team, and its role in the application evaluation and selection process, is described in section E.2 of this notice.

1. the project received a “high” in one or more of the priority criteria of safety, environmental sustainability, mobility and community connectivity, or quality of life, and the benefits in that criterion are exceptional; or
2. if the SRT provides additional information to demonstrate that a criterion has benefits that are aligned with a “high” rating for one or more of the priority merit criteria listed above (whether or not the Merit Review Team assigned a “high” rating) and the benefits in that criterion would be exceptional.

Senior Operating Administration staff and OST staff may make recommendations to the SRT for which projects should advance based on exceptional benefits of a particular priority criterion.

“Recommended” projects designated a “RCN Program Extra” project under the FY 2023 Reconnecting Communities and Neighborhoods (RCN) Program competition that receive at least one “High” in a priority criterion during the FY 2024 RAISE application evaluation process will automatically advance for second-tier analysis.

Second-tier analysis consists of:

- **Capital Projects** - Cost-Benefit Analysis and Project Readiness: (1) Environmental Risk Assessment; (2) Financial Completeness Assessment; and (3) Technical Capacity Assessment.
- **Planning Projects** – Project Readiness: (1) Financial Completeness Assessment; and (2) Technical Capacity Assessment.

Following completion of second-tier analysis, the SRT determines which projects are designated as Highly Rated.

Using the discretionary authority provided in statute, the Secretary selects projects from the Highly Rated List for award, consistent with the selection criteria and statutory requirements for geographic and modal diversity. The Secretary may, depending on the pool of qualified applications, seek to award at least one project per state or territory.

Projects for which an FY 2024 RAISE application is advanced by the Senior Review Team to the Highly Rated List, but that are not awarded, are automatically designated as “Projects of Merit.” Projects with this designation will be carried over into FY 2025 RAISE and considered by the SRT for advancement to the Highly Rated List, along with other FY 2025 applications eligible for advancement to the Highly Rated List.

**The BIL mandates that RAISE grant award selections be announced by June 27, 2024.**

Consistent with past practice and statute, the Department offers debriefs to applicants not selected for award to receive information about the RAISE project’s evaluation. Due to overwhelming demand, the Department is unable to provide a RAISE award to every competitive project that applies.

### **3. Additional Information**

Prior to award, 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 Federal Awardee Performance and Integrity Information System (FAPIIS), the designated integrity and performance system accessible through SAM. An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. DOT 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.

#### **F. Federal Award Administration Information**

##### **1. Federal Award Notice**

Following the evaluation outlined in Section E, the Secretary will announce awarded projects by posting a list of selected projects on the [RAISE program website](#).<sup>39</sup> Recipients will be notified by email. Notice of selection is not authorization to begin performance or to incur costs for the proposed project. Following that announcement, the RAISE program Office and relevant operating administration will contact the point of contact listed in the SF-424 to initiate negotiation of the grant agreement for authorization.

Recipients of RAISE Grant awards will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, RAISE funds will reimburse recipients only after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted.

Unless authorized by the Department in writing after the Secretary's announcement of FY 2024 RAISE awards, any costs that a recipient incurs before DOT executes a grant agreement for that recipient's project are ineligible for reimbursement and are ineligible match for cost share requirements.

##### **2. Administrative and National Policy Requirements**

###### **a. Administrative Requirements**

Please visit the [RAISE program website](#)<sup>40</sup> for the General Terms and Conditions for FY 2023 RAISE awards. The FY 2024 RAISE Terms and Conditions will be similar to the FY 2023 RAISE Terms and Conditions, but it will include relevant updates consistent with this notice.

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<sup>39</sup> [www.transportation.gov/RAISEgrants](http://www.transportation.gov/RAISEgrants)

<sup>40</sup> <https://www.transportation.gov/policy-initiatives/raise/raise-grant-agreements>

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 C.F.R part 200, as adopted by DOT at 2 C.F.R part 1201. Federal wage rate requirements included in subchapter IV of chapter 31 of title 40, U.S.C., apply to all projects receiving funds under this program, and apply to all parts of the project, whether funded with RAISE Grant funds, other Federal funds, or non-Federal funds.

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, non-discrimination 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 DOT determines that a recipient has failed to comply with applicable Federal requirements, DOT may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

Additionally, applicable Federal laws, rules and regulations of the relevant operating administration administering the project will apply to the projects that receive RAISE grant awards, including planning requirements, Service Outcome Agreements, Stakeholder Agreements, Buy America compliance, and other requirements under DOT's other highway, transit, rail, and port grant programs. For projects that are eligible under RAISE but are not eligible under DOT's other programs or projects that are eligible under multiple DOT programs, the RAISE program will determine the appropriate requirements to ensure the project is delivered consistent with program and Department goals. In particular, Executive Order 14005 directs the Executive Branch Departments and agencies to maximize the use of goods, products, and materials produced in, and services offered in, the United States through the terms and conditions of Federal financial assistance awards. If selected for an award, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. RAISE grant projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards and Federal Motor Carriers Safety Regulations, or vehicles that are exempt from Federal Motor Vehicle Safety Standards or Federal Motor Carrier Safety Regulations in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

For projects administered by FHWA, applicable Federal laws, rules, and regulations set forth in Title 23 U.S.C. and Title 23 C.F.R generally apply, including the 23 U.S.C. 129 restrictions on the use of toll revenues, and Section 4(f) preservation of parklands and historic properties requirements under 23 U.S.C. 138. For an illustrative list of the other applicable laws, rules, regulations, executive orders, policies, guidelines, and requirements as they relate to a RAISE grant project administered by the FHWA, please see the [RAISE program website](https://www.transportation.gov/grants/raise/raise-fy2023-fhwa-exhibits-june-23-2023).<sup>41</sup>

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<sup>41</sup> <https://www.transportation.gov/grants/raise/raise-fy2023-fhwa-exhibits-june-23-2023>

For RAISE projects administered by the Federal Transit Administration and partially funded with Federal transit assistance, all relevant requirements under chapter 53 of title 49 U.S.C. apply. For transit projects funded exclusively with RAISE grant funds, some requirements of chapter 53 of title 49 U.S.C. and chapter VI of title 49 CFR apply.

For projects administered by the Federal Railroad Administration, FRA requirements described in 49 U.S.C. Subtitle V, Part C apply.

## **b. Program Requirements**

### **Climate Change and Environmental Justice Impact Consideration**

Each applicant selected for RAISE grant funding must demonstrate effort to consider climate change and environmental justice impacts as described in Section E, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619). In the grant agreement, applicants will be required to memorialize commitments they have made in their applications in one or more of the activities in Section E.1.

### **Land Use and Housing Affordability Impact Consideration**

Each applicant selected for RAISE grant funding must demonstrate effort to consider housing affordability impacts of the grant, and particularly how local land use and zoning practices already allow for, or have been modified to, ensure adequate affordable housing supply proximate to the transit investment. Applicants will be required to memorialize commitments they have made in their applications in one or more of the activities in Section E.1.

### **Racial Equity and Barriers to Opportunity**

Each applicant selected for RAISE grant funding must demonstrate effort to improve racial equity and reduce barriers to opportunity as described in Section E, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009). In the grant agreement, applicants will be required to memorialize commitments they have made in their applications in one or more of the activities listed in Section E.1.

### **Labor and Workforce**

Each applicant selected for RAISE 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 strong labor standards as described in Section E, 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). In the grant agreement, applicants will be required to memorialize commitments they have made in their applications in one or more of the activities listed in Section E.1.

### **Critical Infrastructure Security, Cybersecurity, and Resilience**

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against all hazards, including both physical and cyber threats, consistent with Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience and the National Security Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems. Each applicant selected for Federal funding under this notice 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 project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department of Homeland Security, will be required to do so before receiving funds.

### **Domestic Preference Requirements**

As expressed in Executive Order 14005, 'Ensuring the Future Is Made in All of America by All of America's Workers' (86 FR 7475), the executive branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this notice are subject to domestic preference requirements based on the Operating Administration that administers the project, including 23 U.S.C. 313 (FHWA projects); 49 U.S.C. 5323(j) (FTA projects); 49 U.S.C. 22905(a) (FRA projects); and section 70914(a) of the Build America, Buy America Act (all projects). The Department expects all applicants to comply without needing a project-specific waiver for domestic preference requirements.

### **Civil Rights and Title VI**

As a condition of a grant award, grant recipients should demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR § 21), the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act, all other civil rights requirements, and accompanying regulations. This should include a current Title VI plan, completed Community Participation Plan, and a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards. DOT's and the applicable Operating Administrations' Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

### **Federal Contract Compliance**

As a condition of grant award all Federally assisted contractors are required to make good faith efforts to meet the goals of EO 11246, Equal Employment Opportunity (30 FR 12319, and as amended). Under Section 503 of the Rehabilitation Act and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent workers with disabilities.

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. 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. 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 \$35 million. 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.

### **Project Signage and Public Acknowledgements**

Recipients are encouraged for construction and non-construction projects to post project signage and to include public acknowledgments in published and other collateral materials (e.g., press releases, marketing materials, website, etc.) satisfactory in form and substance to DOT, that identifies the nature of the project and indicates that "the project is funded by the Bipartisan Infrastructure Law". In addition, recipients employing project signage are required to use the official Investing in America emblem in accordance with the Official [Investing in America Emblem Style Guide](#). Costs associated with signage and public acknowledgments must be reasonable and limited. Signs or public acknowledgments should not be produced, displayed, or published if doing so results in unreasonable cost, expense, or recipient burden. The Recipient is encouraged to use recycled or recovered materials when procuring signs.

## **3. Reporting**

### **a. Progress Reporting on Grant Activities**

Each applicant selected for RAISE grant funding must submit quarterly progress reports and Federal Financial Reports (SF-425) to monitor project progress and ensure accountability and financial transparency in the RAISE grant program.

### **b. Performance Reporting**

Each applicant selected for RAISE grant funding must collect and report to the DOT information on the project's performance based on performance indicators DOT identifies related to program goals (e.g., travel time savings, greenhouse gas emissions, passenger counts, level of service, etc.) and other information as requested by DOT. Performance indicators should include measurable goals or targets that DOT will use internally to determine whether the project meets program goals, and grant funds achieve the intended long-term outcomes of the RAISE Grant Program. To the extent possible, performance indicators used in the reporting should align with the measures included in the application and should relate to at least one of the selection criteria defined in Section E.1. Performance reporting continues for several years after project construction is completed, and DOT does not provide RAISE grant funding specifically for performance reporting. RAISE grant performance measures are posted on the [RAISE website](#).<sup>42</sup>

### **c. Program Evaluation**

As a condition of grant award, RAISE grant recipients may be required to participate in an evaluation undertaken by DOT, or another agency or partner. The evaluation may take different

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<sup>42</sup> <https://www.transportation.gov/grants/raise/raise-performance-measures-update-2023>

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 subrecipients 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). Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

#### **d. Reporting of Matters Related to Recipient 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 to the SAM that is made available in FAPIIS 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 Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 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.

#### **G. Federal Awarding Agency Contacts**

For further information concerning this notice please contact the RAISE grant program staff via e-mail at [RAISEgrants@dot.gov](mailto:RAISEgrants@dot.gov), or call Andrea Jacobson at 202-366-9603. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, DOT will post answers to questions and requests for clarifications on the RAISE website at [www.transportation.gov/RAISEgrants](http://www.transportation.gov/RAISEgrants). To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact DOT directly, rather than through intermediaries or third parties, with questions. DOT staff may also conduct briefings on the RAISE grant selection and award process upon request.

## **H. Other information**

### **1. Protection of Confidential Business Information**

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) state on the cover of that document that it “Contains Confidential Business Information (CBI);” (2) mark each page that contains confidential information with “CBI;” (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. DOT will protect confidential information complying with these requirements to the extent required under applicable law. If DOT receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, DOT will follow the procedures described in its FOIA regulations at 49 CFR § 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under § 7.29 will be exempt from disclosure under FOIA.

### **2. Publication and Sharing 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 and funding amounts requested. Except for the information properly marked as described in Section H.1, The Department may make application narratives publicly available or 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.



Pete Buttigieg

Issued in Washington D.C. on November 30, 2023



CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing agreement with Larson Design Group on behalf of the Chemung County Sewer Districts (General Services Agreement)

Resolution #: 24-143  
Slip Type: CONTRACT  
SEQRA status  
State Mandated False

Explain action needed or Position requested (justification):

CCSD is requesting authorization for a general services agreement with Larson Design Group (LDG) for 2024 and 2025. The attached proposal outlines a two-year term with a not-to-exceed fee of \$18,000. The attached proposal provides a detailed scope of services. Services will only be billed upon written authorization and direction from CCSD of the task items included in the proposal.

ATTACHMENTS:

File Name	Description	Type	Upload Date
<a href="#">CCSD LDG 2024 25 Retainer Agreement.pdf</a>	<a href="#">Retainer Agreement</a>	<a href="#">Cover Memo</a>	2/21/2024



February 8, 2024

Alexandra Rennie, PE  
Executive Director  
Chemung County Sewer Districts  
600 Milton Street  
Elmira, NY 14901

Re: 2024/25 General Service Agreement  
Chemung County Sewer Districts  
Chemung County, New York

Dear Ali,

Larson Design Group (LDG) appreciates the opportunity to submit this proposal for engineering services. We have enjoyed working with CCSD on projects large and small over the past several years and we appreciate the opportunity to continue building that partnership through 2025.

It is understood that CCSD wishes to retain LDG to provide engineering services, similar to previous general service agreements, related to the following scope:

- Study & Analysis Services:
  - Gravity and pressure sewer capacity analysis.
  - Inflow and infiltration (I/I) investigations.
  - Pump station condition and capacity assessments.
  - Analysis of discharge from industrial discharges.
- Design Services:
  - Minor Collection System Projects: Small sewer repairs and trenchless rehabilitation.
  - Minor Treatment Plant Projects: Minor maintenance and repairs to process equipment, accessory structures, catwalks, etc.
- Funding Applications:
  - Grant Application Services related to Large Capital Improvement Projects.

The specific scope of these tasks and services will be defined on a case-by-case basis as the need arises throughout the duration of the agreement. LDG will develop task orders at the request of CCSD outlining the detailed scope of specific tasks and assigning a budget for the work identified.

LDG will not charge any retainer fees as part of this engineering agreement; however, LDG proposes to assign a total contract value of \$18,000.00 to this retainer agreement in order to establish a Purchase Order for these services with the Chemung County Purchasing Office. CCSD authorization will be obtained prior to incurring any costs on this contract.

A 2024/5 Retainer Agreement has been attached for your review and consideration. If this letter and the agreement language are acceptable, please sign and return a copy of the Agreement at your earliest convenience. LDG will review, sign, and return an executed copy for recordkeeping purposes.

---

**Larson Design Group**

1 West Market Street, Suite 301, Corning, NY 14830  
607.936.7076 | [larsondesigngroup.com](http://larsondesigngroup.com)



If you have any questions, please feel free to contact me at LDG's Corning office at (607) 463-2903 or via [bsick@larsondesigngroup.com](mailto:bsick@larsondesigngroup.com). We appreciate your consideration and look forward to continuing work with CCSD.

Sincerely,

LDG ENGINEERS & ARCHITECTS, PC  
dba Larson Design Group

A handwritten signature in black ink that reads "Bradley A. Sick". The signature is written in a cursive, flowing style.

Brad Sick, PE  
Project Manager

cc: Ann Overdorff - CCSD  
7077-0012



## **AGREEMENT BETWEEN OWNER AND DESIGNER FOR PROFESSIONAL SERVICES**

**THIS AGREEMENT** entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2024, by and between LDG Engineers and Architects, P.C. (hereinafter "**LDG**") with offices at 1 West Market Street, Suite 301, Corning, NY 14830, and the Chemung County Sewer Districts (hereinafter, "**Owner**"), a New York State municipality utility with offices at 600 Milton Street, Elmira, NY.

**WHEREAS**, the **Owner** is in the business of owning and managing municipal public infrastructure, and desires **LDG** to perform certain professional services.

**WHEREAS**, **LDG** is in the business of providing professional design and technical services and desires to perform such services for the **Owner**.

**Owner's** Project, of which **LDG's** services under this Agreement are a part, is generally identified as follows:

2024-2025 General Consulting Services ("Project").

**LDG's** Services under this Agreement are generally identified as follows:

LDG 2024-2025 Retainer Scope of Services ("Services").

**NOW THEREFORE**, in consideration of the mutual promises and covenants contained herein, and intending to be legally bound hereby, the parties agree as follows:

### **1. Basic Agreement and Period of Service.**

**1.1** Engineer shall provide, or cause to be provided, the services set forth in this Agreement. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above. Owner shall pay Engineer for its services as set forth in Paragraphs 7.01 and 7.02.

**1.2** Engineer shall make commercially reasonable efforts to complete its services in accordance with the dates and times set forth in Project schedule.

**1.3** If the Project includes construction-related professional services, then Engineer's time for completion of services is conditioned on the time for Owner and its contractors to complete construction. If the actual time to complete construction exceeds the number of days provided in the Project schedule, then Engineer's time for performance and its total compensation shall be equitably adjusted.

### **2. Payment Procedures.**

**2.1** Invoices: Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for services and expenses within 30



days after receipt of Engineer's invoice, then the amounts due Engineer will be increased at the rate of 1.5% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Owner waives any and all claims against Engineer for any such suspension. Payments will be credited first to interest and then to principal. If collection efforts are exercised by Engineer, all costs associated with these efforts will be reimbursed by Owner.

### **3. Termination.**

**3.1** The obligation to continue performance under this agreement may be terminated:

**3.1.1** For cause,

**3.1.1.a.** By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party. Failure to pay Engineer for its services is a substantial failure to perform and a basis for termination.

**3.1.1.b.** By Engineer:

**3.1.1.b.1.** Upon seven days written notice if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional; or

**3.1.1.b.2.** Upon seven days written notice if the Engineer's services for the Project are delayed for more than 90 days for reasons beyond Engineer's reasonable control.

Engineer shall have no liability to Owner on account of a termination by Engineer under Paragraph 3.1.1.b.

**3.1.1.c.** Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under Paragraph 3.1.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

**3.1.2.** For convenience, by Owner effective upon Engineer's receipt of written notice from Owner.



**3.2** The terminating party under Paragraph 3.1 may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

**3.3** In the event of any termination under Paragraph 3, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement and all reimbursable expenses incurred through the effective date of termination.

#### **4. Successors, Assigns, and Beneficiaries.**

**4.1** Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 4.2 the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

**4.2** Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Owner recognizes that each state has the authority to regulate the services offered by Engineer. As such, Owner approves of Engineer's use of affiliated entities and employees to comply with different state licensure laws for the solicitation and execution of services.

**4.3** Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any contractor, subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

#### **5. General Considerations.**

**5.1** The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality (hereinafter referred to as "Standard of Care"). Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Subject to the foregoing Standard of Care, Engineer and its consultants may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.

**5.2** Engineer shall not at any time supervise, direct, control, or have authority over any contractor's work, nor shall Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, or the



safety precautions and programs incident thereto, for security or safety at the Project site, nor for any failure of a contractor to comply with laws and regulations applicable to such contractor's furnishing and performing of its work.

**5.3** The validity or construction of this Agreement, as well as the rights and duties of the parties hereunder, shall be governed by the laws of the Commonwealth of Pennsylvania without regard to its choice of law provisions.

**5.4** Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor. Engineer is not responsible for variations between actual construction bids or costs and Engineer's opinions or estimates regarding construction costs.

**5.5** Engineer shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any of their agents or employees or of any other persons (except Engineer's own employees) at the Project site or otherwise furnishing or performing any construction work; or for any decision made regarding the construction contract requirements, or any application, interpretation, or clarification of the construction contract other than those made by Engineer.

**5.6** The general conditions for any construction contract documents prepared hereunder are to be the "Standard General Conditions of the Construction Contract" as prepared by the Engineers Joint Contract Documents Committee (EJCDC C-700, 2007 Edition) unless the parties agree otherwise.

**5.7** All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. Owner shall have a limited license to use the documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment for all services relating to preparation of the documents and subject to the following limitations: (1) Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer; (2) any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and consultants; (3) Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by Engineer; and (4) such limited license to Owner shall not create any rights in third parties.

**5.8** In no event shall either Owner or Engineer have any claim or right against the other, whether in contract, warranty, tort (including negligence), strict liability or otherwise, for any special, indirect, incidental, or consequential damages or any kind of nature whatsoever, such as but not



limited to loss of revenue, loss of profits on revenues, loss of customers or contracts, loss of use of equipment or loss of data, work interruption, increased cost of work or cost of any financing, howsoever caused, even if same were reasonably foreseeable.

**5.9** To the fullest extent permitted by law, Owner agrees to limit Engineer's liability to Owner and to all other contractors or subcontractors on the Project for any and all injuries, claims, losses, expenses or damages whatsoever arising out of or in any way related to the Project or this Agreement from any cause or causes including but not limited to Engineer's negligent acts, errors, omissions, strict liability, breach of contract, or breach of warranty, such that the total aggregate of liability of Engineer to all those named shall not exceed the greater of \$50,000 or the total fees received by Engineer for services rendered under the Project.

**5.10** The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste as defined by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq., or radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (1) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (2) warrants that the Site is in full compliance with applicable Laws and Regulations.

**5.11** Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute shall be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law. This Agreement imposes an obligation of good faith, fair dealings and the mitigation of damages among the parties in all matters relating to this Agreement. Good faith, for this purpose, includes honesty in fact and the observance of reasonable commercial standards of fair dealings and in the mitigation of damages even in situations where a decision is left to the sole discretion of a single party.

**5.12** The Owner and Engineer agree that if Engineer's Basic Services under this Agreement do not include (a) Project Observation or other review or examination of contractor performance, and/or (b) any other Construction Phase Services, then the Owner shall assume full and complete responsibility for such services. This includes, but is not limited to, responding to questions regarding the intent of the contract documents, reviewing submittals, transmittals, shop drawings, applications for payment, or any other document prepared or submitted by the contractor or owner during construction, attendance at project meetings, preparation of correspondence or any other such duty.

**5.13** Where Engineer has a duty to review any shop drawings, submittals or other such documents, it is agreed Engineer's review shall be for general design concept only. Engineer is not responsible for deficiencies, errors or omissions in the shop drawings, or submittals, or other such documents provided by contractor.

**5.14** Where Engineer has a duty to review certified payrolls of the Contractor, it is agreed that Engineer's review is only for purpose of determining the approximate value of the work performed by



the Contractor. Engineer's recommendations as to payment of applications for payment shall not be construed as Engineer's acceptance of any work.

**5.15** Changes in Pennsylvania's One-Call law have imposed new responsibilities upon project owners "to utilize sufficient quality levels of subsurface utility engineering or other similar techniques whenever practicable to properly determine the existence and positions of underground facilities when designing known complex projects having an estimated cost of four hundred thousand dollars (\$400,000) or more." In addition, Engineer sometimes makes recommendations to owners that subsurface utility engineering is necessary based upon job conditions, regardless of project cost.

The American Society of Civil Engineers standard which is referenced in the One-Call Law, sets forth four (4) quality levels designated as A (highest), B, C and D (lowest). Engineer typically provides services at level C. This includes requesting line and utility information from the PA One Call System, locating marked utilities and visible above ground utility features, and identifying approximate locations of utility lines on the plans using its professional judgment in correlating the information obtained from the field survey, existing records, oral statements, information from PA One Call System.

Based upon job conditions, Engineer may recommend levels A or B. Engineer does not provide services at level A or B, but has the ability to coordinate a subconsultant that does provide this level. If Engineer recommends level A or B and if the Owner agrees with this recommendation, Engineer will enter into a subconsultant agreement to have this work performed at an additional cost to the Owner.

**5.16** Engineer will not provide advice as it relates to municipal securities and thus is not a "Municipal Advisor" as defined by the Security and Exchange Commission "Municipal Advisor Rule". However Engineer may qualify as a municipal representative and if such should apply, will be subject to all benefits accordingly.

**5.17** Owner hereby agrees to allow Engineer to utilize Owner's name and brief Project description in marketing material.

**5.18** In no event shall either Engineer or Owner have any claim or right against the other for any failure of performance where such failure of performance is caused by or is the result of causes beyond the reasonable control of the other party due to any occurrence commonly known as a "force majeure," including, but not limited to: acts of God; fire, flood, or other natural catastrophe; epidemic, pandemic, or quarantine restrictions; acts of any governmental body; labor dispute or shortage; national emergency; insurrection; riot; or war.

**5.19** If any term, covenant, condition or provision of this Agreement is found by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect, and shall in no way be affected, impaired or invalidated.



**6. Total Agreement.**

**6.1** This agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

**6.2** In the event that Owner and Engineer have not executed this Agreement for Professional Services, Owner's verbal or written authorization to Engineer to proceed with the performance of the services set forth therein, or any payment received from Owner toward this project, shall constitute acceptance by Owner of this Agreement for Professional Services. The parties agree that, notwithstanding its terms, no subsequently executed purchase order or other Owner submitted terms and conditions shall modify, contradict or supplement the terms of this Agreement for Professional Services. In particular, no such subsequently executed document shall create any warranty with regard to the services performed by Engineer and its subconsultants nor shall it create any right of indemnification or any remedy for the benefit of Owner that is not expressly set forth in this agreement.

**7. Basis of Payment – Hourly Rates Plus Reimbursable Expenses.**

**7.1.** Unless separate basis of payment is negotiated for a specific task, Using the procedures set forth in Paragraph 2, Owner shall pay Engineer as follows:

**7.1.1.** An amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times the Engineer's hourly rates for each applicable billing class for all services performed on the Project, plus reimbursable expenses and Engineer's consultants' charges, if any.

**7.1.2.** Engineer's Standard Hourly Rates are attached as Attachment A.

**7.1.3.** The total compensation for services and reimbursable expenses is estimated to be **\$18,000.**

**8. Additional Services.**

**8.1** For additional services of Engineer's employees engaged directly on the Project, Owner shall pay Engineer an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer's consultants' charges, if any. Engineer's hourly rates are attached as Attachment A.

**9. Attachments.**

Attachment A, LDG Water/Wastewater 2024-2025 Rate Schedule



IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Address for giving notices:

Chemung County Sewer Districts \_\_\_\_\_

600 Milton Street \_\_\_\_\_

Elmira, NY 14901 \_\_\_\_\_

\_\_\_\_\_

ENGINEER: LDG Engineers and Architects, P.C.

By: Bradley A. Sick \_\_\_\_\_

Title: Brad Sick, PE - Project Manager \_\_\_\_\_

Date Signed: 2/8/24 \_\_\_\_\_

Engineer License or Firm's

Certificate Number: 0008419 \_\_\_\_\_

State of: NY

Address for giving notices:

LDG Engineers and Architects, P.C. \_\_\_\_\_

dba Larson Design Group \_\_\_\_\_

1 West Market Street, Suite 301 \_\_\_\_\_

Corning, NY 14830 \_\_\_\_\_



## WATER/WASTEWATER RATE SCHEDULE

Director/Program Manager.....	\$209.00
Sr. Project Manager/Sr. Technical Manager.....	\$198.00
Project Manager/Technical Manager/Sr. Engineer.....	\$182.00
Assoc. Project Manager/Sr. Technical Specialist.....	\$160.00
Engineer/Planner/Technical Specialist.....	\$143.00
Sr. Engineering Associate/Sr. Designer/Sr. Env Scientist.....	\$116.00
Designer/Engineer Assoc./Sr. CADD/Technical Analyst.....	\$105.00
Administrative Assistant/Technician.....	\$77.00
Construction Inspector.....	\$88.00
Survey Party Chief.....	\$94.00
Sr. Survey Technician.....	\$72.00
Survey Technician.....	\$66.00
Sr. GIS Analyst.....	\$138.00
GIS Analyst.....	\$116.00
GIS/Environmental Technician.....	\$88.00

### Reimbursable Costs (not all inclusive):

Mileage.....	\$0.655 per mile (or current approved IRS rate)
Project Copies.....	Starting at \$0.10/Copy
Project Prints.....	Starting at \$1.00/Print
Codes/Permits/Agency Approval.....	At Cost
Postage.....	At Cost
Nuclear Density Gauge.....	\$55 per day
Boat.....	\$140 per day
UTV Ranger/Trailer.....	\$160 per day
3D Scanner.....	\$275 per day
Lodging.....	At Cost
Survey Equipment.....	\$95 per day
Subsistence.....	\$44 per day/person or 95% of GSA rates

The above figures provide an opportunity to negotiate a Professional Services Contract that is satisfactory to both Larson Design Group (LDG) and the Client.

We will provide services based on the above listed fees, plus expenses, that are the basis for the rates quoted above. These rates shall be effective for the 2024 and 2025 calendar years. If the contract is extended or a new contract is negotiated, an annual escalation factor of approximately 5% will be added to the direct payroll costs to compensate for any salary and cost of living increases that occur.

Client agrees that the pricing data contained in this submission by LDG shall be considered confidential and proprietary and shall not be released or otherwise made available to any third party without the express written consent of LDG.



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing agreement with Southern Tier Network on behalf of the Chemung County Department of Information Technology

**Resolution #:** 24-144  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**

We are looking to expand our STN fiber brought into the Buildings and Grounds office building located at the Chemung County Fairgrounds to connect to the county infrastructure. This is an addendum to the existing IRU via resolution 13-181.

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
<a href="#">STN-3036 Chemung County Fairgrounds.pdf</a>	<a href="#">STN-3036 Chemung County Fairgrounds</a>	<a href="#">Cover Memo</a>	2/21/2024



## Southern Tier Network

### Master Agreement – Terms & Conditions

### STATEMENT OF WORK

This Statement of Work (“SOW”) for the leasing of dark fiber optic strands and related ancillary services incorporates the terms and provisions as set forth in the Dark Fiber IRU Agreement dated as of 12/12/13 entered into by STN and Chemung County (“Agreement”). Capitalized terms used but not defined herein shall have the meaning set forth in the Agreement. Customer hereby orders the following dark fibers and STN hereby agrees to deliver the following dark fibers, pursuant to and in accordance with the Agreement. On execution of this SOW by both parties, the dark fibers identified below shall become Services under the Agreement.

Span Name	Non-Recurring Fee (Installation)	Non-Recurring Charge (NRC) †	Monthly Recurring Charge	Installation Interval (Days)	Initial Term (Months)	End Point (A) Location * - End Point (Z) Location *	Fiber Count	Route Miles	Fiber Miles
STN-3036A	\$ 10,000	\$ 10,000	\$ -	Approx. 90-120 days from signed SOW	Co-Terminus with Chemung County IRU ending 12/11/2043	170 Fairview Rd to Intersection of Butler & Fariview Rd.	4	0.10	0.40

† Amounts listed are reasonable approximations based on initial off-site review. Amounts due from Customer may vary based on actual site conditions.

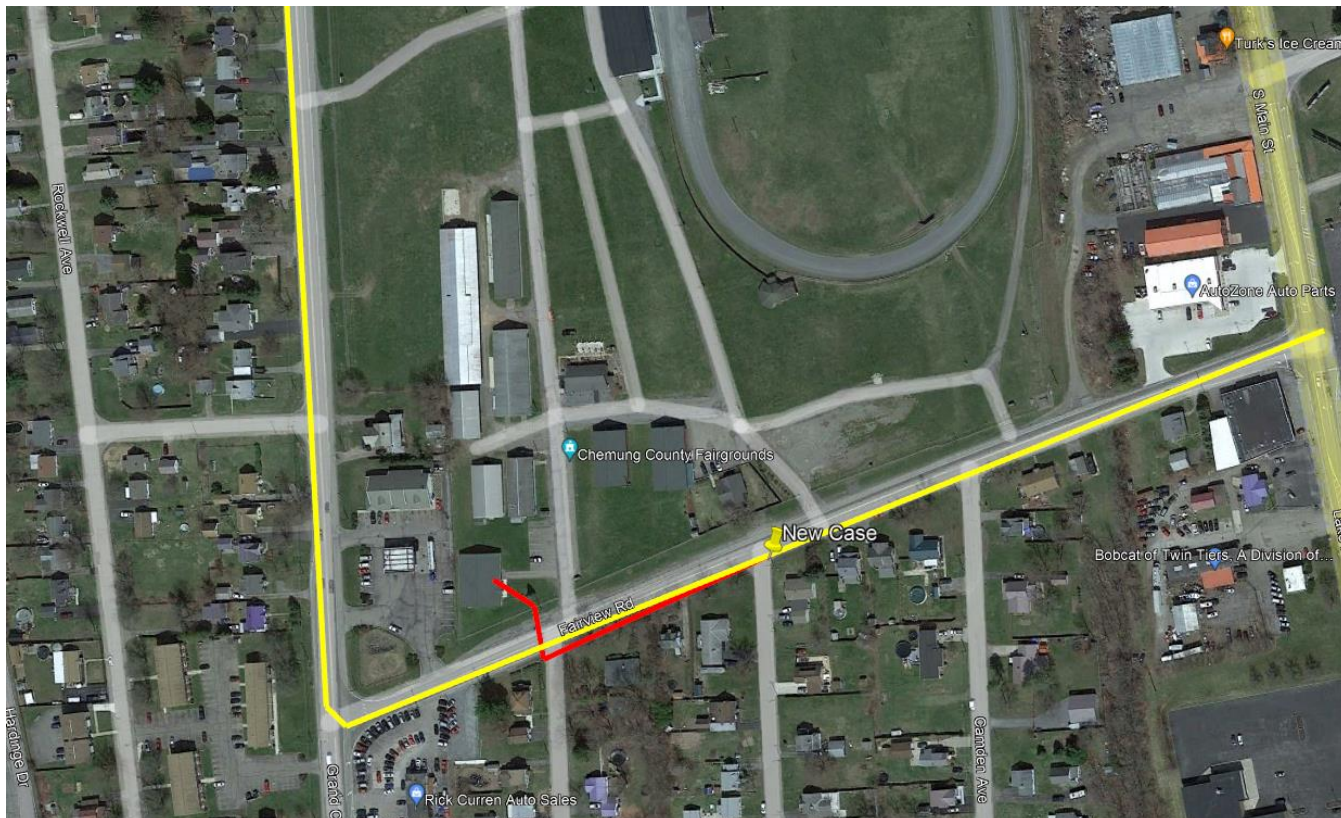
\* Except where the demarcation point is designated above, the demarcation point at each End Point for lateral segments and riser segments shall generally be one of the following types, as determined by STN: (1) a meet at the STN backbone (for a Customer-built lateral segment); (2) a fiber meet in the building's zero or meet-me manhole; (3) a building minimum point of entry (where a Splice or patch panel is required); (4) a common demarcation point (e.g., a building common room or meet-me room); (5) the Customer distribution POP; or (6) an extended demarcation point in the STN POP. Other than as a result in changes to STN's Underlying Rights, such demarcation points once established shall not change during the Term.

Customer optical splitters are prohibited in any splice enclosure on STN-owned strand.

If Customer terminates this SOW prior to the completion of installation of Service, Customer shall pay a Cancellation Fee equal to the greater of: (i) all Nonrecurring Charges reasonably expended by STN to establish Service to Customer including commissions and legal expenses; or (ii) any amounts paid by Customer for Service in advance of the Service Delivery Date. If Customer terminates this Agreement prior to the expiration of the then applicable Term for any reason other than STN's default, or if STN terminates Service for Customer's default, Customer shall pay an Early Termination Fee equal to 50% of the monthly recurring charges multiplied by the number of months remaining in the Term plus all out of pocket expenses incurred by STN including legal fees and commissions. In addition, if Customer terminates this Agreement prior to the expiration of the Initial Term, Customer shall pay the aforementioned Early Termination Fee and shall reimburse STN for any credits or deferred billing STN may have granted to Customer hereunder.



## Southern Tier Network Master Agreement – Terms & Conditions STATEMENT OF WORK



IN WITNESS WHEREOF, the parties have executed this SOW as of the date last written below.

SOUTHERN TIER NETWORK, INC.

CUSTOMER: \_\_\_\_\_

By: Jeff Gasper

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**New York State Customers: For consumer complaints that cannot be resolved with STN, you may contact the New York Department of Public Service (DPS). DPS complaints may be directed as follows: [www.dps.ny.gov/complaints](http://www.dps.ny.gov/complaints); or DPS Helpline at 1-800-342-3377 (M-F 8:30a – 4:00p); or, Mail to Office of Consumer Services, NYS Department of Public Service, [3 Empire State Plaza, Albany, NY 12223](https://www.dps.ny.gov/locations).**



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing Purchase Agreement with SHI, Inc. on behalf of the Chemung County Department of Information Technology

**Resolution #:** 24-145  
**Slip Type:** CONTRACT  
**SEQRA status**  
**State Mandated** False

### Explain action needed or Position requested (justification):

I am requesting to utilize Sourcewell cooperative agreement for the annual renewal of our Splunk SIEM. Splunk is a critical part of the county's cyber security posture allowing for the review/notification/response of abnormal network activity.

This is included in the approved 2024 IT Operating budget.

### ATTACHMENTS:

File Name	Description	Type	Upload Date
<a href="#">SHI Quote-24256252.pdf</a>	<a href="#">SHI Quote</a>	<a href="#">Cover Memo</a>	1/29/2024
<a href="#">PGB-2128 SHI and CDWG.pdf</a>	<a href="#">PGB</a>	<a href="#">Cover Memo</a>	1/29/2024



Pricing Proposal  
Quotation #: 24256252  
Reference #: 12/7/2023  
Created On: 12/7/2023  
Valid Until: 3/8/2024

## NY-County of Chemung

### Aaron Dowd

P.O. BOX 588  
ATTN: ACCOUNTS PAYABLE  
ELMIRA, NY 14902  
United States  
Phone: 607-873-1144  
Fax:  
Email: Adowd@chemungcountyny.gov

## Inside Account Executive

### Robert O'Grady

290 Davidson Ave.  
Somerset, NJ 08873  
Phone: 732-667-2786  
Fax:  
Email: robert\_ogrady@shi.com

All Prices are in US Dollar (USD)

Product	Qty	Your Price	Total
1 Splunk Cloud Subscription with Standard Success Plan - 35 GB/day Splunk - Part#: SE-S-CLD-ST Contract Name: Sourcewell- Technology Catalog Solutions Contract #: 081419-SHI Coverage Term: 3/14/2024 – 3/13/2025 <b>Note:</b> Participant ID# 95833	1	\$34,020.00	\$34,020.00
2 Splunk Cloud Subscription - Dynamic Data Archive - 500GB Increments - 1yr Splunk - Part#: SE-S-ARC Contract Name: Sourcewell- Technology Catalog Solutions Contract #: 081419-SHI Coverage Term: 3/14/2024 – 3/13/2025 <b>Note:</b> Participant ID# 95833	19	\$194.40	\$3,693.60
Total			\$37,713.60

## Additional Comments

Please Note: Splunk has a no returns policy

Hardware items on this quote may be updated to reflect changes due to industry wide constraints and fluctuations.

Thank you for choosing SHI International Corp! The pricing offered on this quote proposal is valid through the expiration date listed above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order. For any additional information including Hardware, Software and Services Contracts, please contact an SHI Inside Sales Representative at (888) 744-4084.

SHI International Corp. is 100% Minority Owned, Woman Owned Business.  
TAX ID# 22-3009648; DUNS# 61-1429481; CCR# 61-243957G; CAGE 1HTF0

*The products offered under this proposal are resold in accordance with the terms and conditions of the Contract referenced under that applicable line item.*



**CHEMUNG COUNTY  
CITY OF ELMIRA  
PURCHASING DEPARTMENT**

**Justification for Utilizing a Cooperative Contract**

Date 11/25/19

Requesting Department IT

Requesting Employee Aaron Dowd Position Director

Cooperative or Lead Agency State of Minnesota

Contract No. RFP-081419 Technology Catalog Solutions

Vendor(s) Name(s) PGB-2128 (SHI, CDW-G & GovConnect)

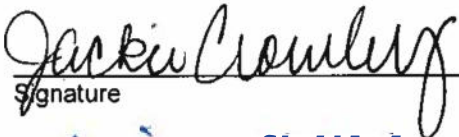
We have reviewed and completed due diligence on the aforementioned cooperative contract. As part of the due diligence review, we have confirmed that the contract complies substantially with our procurement rules and practices. We have further confirmed that all purchases will comply with the terms and prices in the contract. It has been determined that it is in the best interests of our entity to utilize this contract for the reasons cited below:

Issue	Procurement Consideration
<b>New York State Considerations:</b>	
1. Was the contract let by the United States or any agency thereof, any state or any other political subdivision or district therein?	Yes, State of Minnesota. RFP page 2, section A
2. Was the contract made available for use by other governmental entities?	Yes, RFP page 2, Section A & B
3. Was the contract let in a manner that constitutes competitive bidding "consistent with state law?"	Yes, see responses to question 4-8
4. Was there a public solicitation of bids consistent with GML 103.5 and serves to ensure that the purposes of GML 103 are furthered?	Yes, bids were advertised in hard copy, online and in other third party (state-level re-posting)
5. Was the submission of sealed bids, or analogous procedure, done in a manner to secure and preserve the integrity of the process and confidentiality of the bids submitted?	Yes, sealed proposal were received and publicly opened. RFP Page 9 section G.
6. Was the preparation of bid specifications, or a similar document that provides a common standard for bidders to compete fairly?	Yes, specifications are general see RFP page 3, section A and page 4 section C.2 states that deviations from industry standards are acceptable and must be identified with an explanation equivalent function.
7. Was the award to the lowest bidder who materially or substantially meets the bid specifications and is determined to be a responsible bidder?	Most responsive responsible proposer. RFP page 9 section A

## Justification for Utilizing a Cooperative Contract

<b>General Considerations:</b>	
<b>8. Do the terms, conditions and scope of work/specifications meet the need?</b>	Yes, IT reviewed to confirm.
<b>9. If no, are the terms, conditions and scope of work/specifications negotiable?</b> It should be noted here if terms or prices were negotiated.	
<b>10. Does the cooperative contract provide the most advantageous solution? Why?</b> Factors may include advantageous terms, conditions, prices, quality, performance, timing, entity's experience and ability to duplicate the contract, age of the contract, etc.	Yes, advantageous terms, conditions and pricing
<b>11. Will any and all purchases comply with the terms and prices in the contract?</b>	Yes, all purchases will comply with T&C
<b>12. Will volume pricing advantages be applied to purchases?</b>	Yes, volume pricing will be provided.
<b>13. Was past experience with the cooperative or lead agency acceptable?</b>	Yes, the County has used NJPA in the past which is now Sourcewell
<b>14. Is the item urgently needed?</b>	Yes, items needed for Transit Temperature Control Project and can be used for other County IT projects
<b>15. Can a local vendor provide this service? If so, why were they not considered?</b>	No local vendor
<b>16. What is the age of the contract? How many years is it into its contract term?</b>	10/30/2019 - 10/30/2024
<b>ADDITIONAL COMMENTS:</b>	

Usage reviewed and approved by:

  
Signature

  
Signature

Jackie Crowley  
Buyer Name

Tricia Wise  
Director of Purchasing Name



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing transfers and appropriations by the County Executive

**Resolution #:** 24-146  
**Slip Type:** OTHER  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**

See attachment.

### ATTACHMENTS:

File Name	Description	Type	Upload Date
<a href="#">Budget Transfers and Appropriations received 3-1-24.pdf</a>	<a href="#">Budget Transfers and Appropriations</a>	<a href="#">Backup Material</a>	3/28/2024
<a href="#">CLEARGOV_invoice_2023-12953.pdf</a>	<a href="#">Cleargov Invoice</a>	<a href="#">Backup Material</a>	3/28/2024
<a href="#">Scanned from a Xerox Multifunction Printer.pdf</a>	<a href="#">Email communication</a>	<a href="#">Backup Material</a>	3/28/2024
<a href="#">240105 - Bid Recommendation Soaring Museum.pdf</a>	<a href="#">240105 - Bid Recommendation Soaring Museum</a>	<a href="#">Backup Material</a>	3/28/2024
<a href="#">HUNT fully executed contract.pdf</a>	<a href="#">HUNT fully executed contract</a>	<a href="#">Backup Material</a>	3/28/2024
<a href="#">Scanned from a Xerox Multifunction Printer 8490.pdf</a>	<a href="#">Terracon Invoice</a>	<a href="#">Backup Material</a>	3/28/2024



## Chemung County Budget Action Form

Tuesday, February 6, 2024

Type of Transaction:

Transfer

Fiscal Year of Action

2024

Does this Budget Action involve ARP Funds?

No

Requesting Department

Buildings and Grounds

Department Head's Email

dbishop@chemungcounty.ny.gov

Transfer - From:

Fund	Department	Sub Department	Account	Sub Account(s)	Proj. Code	Account Name	Amount (Whole \$)
10	1990	1990	0	50408	0	Contingency	83,350

Transfer - To:

Fund	Department	Sub Department	Account	Sub Account(s)	Proj. Code	Account Name	Amount (Whole \$)
10	9552	0	50913	0	0	Capital Project	83,350

Reason

Action was recommended by Deputy County Executive, email attached, along with supporting documentation of expenses.

## Approval Activity History

Actor	Actions	Date
Matthew Fogarty	<input type="button" value="Approve"/>	Tuesday, February 6, 2024
Chemung County Executive	<input type="button" value="Approve"/>	Wednesday, February 7, 2024
Notification	Email sent. (County Executive Budget Action Approval) dbishop@chemungcountyny.gov,acavaluzzi@chemungcountyny.gov	Wednesday, February 7, 2024
Notification	Email sent. (Chemung County Budget Action Form PDF) shoover@chemungcountyny.gov	Wednesday, February 7, 2024

Chairman of Legislature

  
\_\_\_\_\_



# Chemung County Budget Action Form

Monday, January 22, 2024

Type of Transaction:

Transfer

Fiscal Year of Action

2024

Does this Budget Action involve ARP Funds?

No

Requesting Department

Budget

Department Head's Email

jfurman@chemungcountyny.gov

Transfer - From:

Fund	Department	Sub Department	Account	Sub Account( )	Proj. Code	Account Name	Amount (Whole \$)
10	1990	1990	50408			Contingency	47,400

Transfer - To:

Fund	Department	Sub Department	Account	Sub Account ( )	Proj. Code	Account Name	Amount (Whole \$)
10	1340	0000	50507			Software License	47,400

Reason

During development of the 2024 Budget, the renewal cost of Cleargov, the new budgeting software, was not budgeted. It was an oversight by the budget office. This transfer will pay for the Cleargov invoice for the 2024 year. The Deputy Executive recommended to take these funds from Contingency. Attached is the Cleargov invoice for 2024.

**Approval Activity History**

Actor	Actions	Date
Matthew Fogarty	Approve	Monday, January 22, 2024
Chemung County Executive	Approve	Wednesday, February 7, 2024
Notification	Email sent. (County Executive Budget Action Approval) jfurman@chemungcounty.ny.gov,mfogarty@chemungcounty.ny.gov	Wednesday, February 7, 2024
Notification	Email sent. (Chemung County Budget Action Form PDF) shoover@chemungcounty.ny.gov	Wednesday, February 7, 2024

**Chairman of Legislature**



**FROM**

ClearGov Inc.  
2 Mill and Main Pl, Suite 630  
Maynard, MA 01754  
855-553-2715  
ar@cleargov.com

**BILL TO**

Chemung, NY - County  
Jennifer Furman  
203 Lake St  
Elmira, NY 14902  
United States

<b>INVOICE NUMBER</b>	2023-12953
<b>DATE</b>	01/01/2024
<b>DUE DATE</b>	01/31/2024
<b>AMOUNT DUE (USD)</b>	<b>\$ 47,400.00</b>

ITEM / DESCRIPTION	QUANTITY	RATE	AMOUNT
Includes ClearGov Operational Budgets Suite - Renewal This is your subscription fee for CG Operational Budget Builder for the term starting 01/01/2024 and ending 12/31/2024.	1	\$ 22,900.00	\$22,900.00
Includes ClearGov Capital Budgeting Suite Renewal This is your subscription fee for Includes ClearGov Capital Budgeting Suite Renewal for the term starting 01/01/2024 and ending 12/31/2024.	1	\$ 15,050.00	\$15,050.00
Includes ClearGov Digital Budget Book Suite - Renewal This is your subscription fee for Includes ClearGov Digital Budget Book Suite - Renewal for the term starting 01/01/2024 and ending 12/31/2024.	1	\$ 13,750.00	\$13,750.00
Bundle Discount This is your subscription discount for Bundle Discount for the term starting 01/01/2024 and ending 12/31/2024.	1	\$ -38,800.00	\$-38,800.00

ITEM / DESCRIPTION	QUANTITY	RATE	AMOUNT
Includes ClearGov Personnel Budgeting Suite This is your subscription fee for Includes ClearGov Personnel Budgeting Suite for the term starting 01/01/2024 and ending 12/31/2024.	1	\$ 21,800.00	\$21,800.00
Includes ClearGov Transparency Suite This is your subscription fee for Includes ClearGov Transparency Suite for the term starting 01/01/2024 and ending 12/31/2024.	1	\$ 12,700.00	\$12,700.00
AMOUNT DUE (USD)			\$ 47,400.00

BANK WIRE INSTRUCTIONS

Bank: Customers Bank

Routing #031302971

Account Type: Business Checking

Account #7228105

## Cavaluzzi, Angela

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**From:** Bishop, Don  
**Sent:** Tuesday, February 6, 2024 12:08 PM  
**To:** Cavaluzzi, Angela  
**Subject:** FW: National soaring Museum Foundation Stabilization

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**From:** Furman, Jennifer  
**Sent:** Tuesday, February 6, 2024 11:08 AM  
**To:** Bishop, Don <[dbishop@chemungcountyny.gov](mailto:dbishop@chemungcountyny.gov)>  
**Cc:** Archambeault, Rejean <[rarchambeault@chemungcountyny.gov](mailto:rarchambeault@chemungcountyny.gov)>; Fogarty, Matthew <[mfogarty@chemungcountyny.gov](mailto:mfogarty@chemungcountyny.gov)>  
**Subject:** RE: National soaring Museum Foundation Stabilization

Don – Following up on your email below, I see 2 possible paths here. One is use of Contingency and one is additional borrowed funding. Because we just went through the bond resolution process for 2024 and because we have ample contingency funds and fund balance, my recommendation is a Capital Project Budget Change/Increase request (used to run through Steve Hoover) for the cost increase outlined below and the use of Contingency to fund the difference:

To accomplish, submit a Budget Action Form, indicate "Request to Increase Capital Project C2206 Soaring Museum Structural Improvements as approved in 2022 Capital Plan from \$100,000.00 to \$183,350.00" to be funded from Contingency and include your explanation.

The Budget Adjustment is:

From: Contingency 10-1990-1990-50408 - \$83,350.00  
To: Transfer to Capital Project: 10-9552-50913 - \$83,350.00

Jennifer Furman  
Deputy County Executive  
Chemung County, NY  
(607) 737-2996  
[jfurman@chemungcountyny.gov](mailto:jfurman@chemungcountyny.gov)

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**From:** Bishop, Don <[dbishop@chemungcountyny.gov](mailto:dbishop@chemungcountyny.gov)>  
**Sent:** Thursday, February 1, 2024 11:22 AM  
**To:** Furman, Jennifer <[jfurman@chemungcountyny.gov](mailto:jfurman@chemungcountyny.gov)>; Moss, Christopher <[cmoss@chemungcountyny.gov](mailto:cmoss@chemungcountyny.gov)>  
**Subject:** FW: National soaring Museum Foundation Stabilization

Good Morning,

Attached is the information concerning the National Soaring Museum foundation stabilization bid.

Thank you,  
Don

**From:** Bishop, Don  
**Sent:** Friday, January 5, 2024 10:02 AM  
**To:** Moss, Christopher <[cmoss@chemungcountyny.gov](mailto:cmoss@chemungcountyny.gov)>; Furman, Jennifer <[jfurman@chemungcountyny.gov](mailto:jfurman@chemungcountyny.gov)>  
**Subject:** National soaring Museum Foundation Stabilization

Good Morning,

Delta Engineering who were the original engineering company for the 2000 National Soaring Museum addition built by Streeter Associates, visited the site in May 2021 to investigate the east load bearing wall due to movement. This was to determine whether there was a safety concern and what action is needed to arrest the wall and footer movement seen to date. It was determined that there was no imminent danger and normal operations could continue.

Delta provided an engineering survey describing the movement at the south-east end of the 2000 addition wall and foundation. Delta also provided two possible remedial measures along with estimated costs from Streeter Associates on both stabilizing options.

Based on Streeters estimated costs the County has \$100,000 budgeted in Capital Projects since 2022 to make repairs and stabilize the 2000 addition.

We tried to hire Delta Engineering to put this job out to bid for the County and was told that "they did not have the capacity to take this project on". We then hired Hunt Engineers to engineer, bid and oversee the project. Resolution 22-325 for \$17,600

Hunt required a Geotechnical report on conditions to proceed and Terracon Consultants performed the testing on site. Resolution 22-472 for \$6,750

Bid opening for this project was on December 14<sup>th</sup> and we had one bidder (Streeter Associates), which came in WAY over the original budget provided.

Base bid	\$134,000
Alternate #1 \$	16,000
Alternate #2 \$	9,000
Total	\$159,000

Streeter, Total Bid	\$159,000
Hunt, Engineer and Bid	\$ 17,600
Terracon, soil testing	\$ 6,750
	\$183,350

2022 Capital Project budget \$100,000

With no contingency money we lack \$83,350 to move this project forward. I will attach all the documents for your reference.

Please let me know how you would like to proceed. I would be happy to stop over for further explanation if needed.

I am expecting the qualifying letter from Hunt approving Streeter as low bidder (only bidder) by 1/9/24. After I receive the letter and if you would like to proceed and add funds to the budget, I would like to try to make this months meetings for 2/12 approval. I was just not sure if it is possible to get the request for approval on the agenda without proper budget funding. If it is not possible, I would seek 3/11 approval.

If you have any questions or would like further explanation, I would be happy to stop over to meet.

Thank you,

January 5, 2024

Don Bishop  
Chemung County Building & Grounds  
217 Madison Avenue  
Elmira NY, 14901

**Re: Recommendation of Award of Bids**  
**RFB-2585 National Soaring Museum Fndn. Stabilization**  
**Chemung County Buildings and Grounds**  
**HUNT 3365-003**

Dear Mr. Bishop:

The County received bids for the National Soaring Museum Foundation Stabilization project on December 14, 2023. Only one bid was received for the project and considered in the bid analysis. Streeter Associates, Inc. submitted the only bid with a base bid of \$134,000 and alternates totaling an additional \$25,000. A Tabulation of Bids received from the County is attached.

While it is disappointing that only one bid was received on the project, we feel the bid is within reason for the scope of work. HUNT conducted a post bid interview with the bidder. In addition, we contacted additional contractors during and after the bidding process to gauge interest. It is our conclusion that the specialized scope and size of the project limited the interest.

We have reviewed all bid forms and the qualifications of the low bidder. After reviewing the bid and interviewing contractors we recommend that the County move forward with awarding the base bid contract to Streeter Associates if funds are available. The foundation stabilization work that the base bid consist of is important to prevent additional movement in the existing building. Re-bidding a project with limited bidders is always a consideration but we feel the County is unlikely to get significant additional interest and/or a lower bid for the work.

I trust that this meets your needs. Please contact me if you have any questions or need additional information.

Sincerely,  
HUNT ENGINEERS, ARCHITECTS, LAND SURVEYORS & LANDSCAPE ARCHITECT



Nathan Binns, PE  
Director of Structural Engineering, Principal

**CHEMUNG COUNTY-CITY OF ELMIRA PURCHASING  
DEPARTMENT**

**RFB-2585 National Soaring Museum Foundation Stabilization**

Bid Opening: : December 14, 2023

<b>Sole Bidder</b>	<b>Streeter Associates</b>
<b>Surety</b>	<b>Bid Bond</b>
<b>Addendums #1&amp;2</b>	<b>Received</b>
	<b>Total Gross Sum Bid</b>
Base Bid - General Trades	<b>134,000.00</b>
Add Alternate #1 - Masonry Repair	<b>16,000.00</b>
Add Alternate #2 - Masonry Repointing	<b>9,000.00</b>

## **A G R E E M E N T**

**THIS AGREEMENT** made on July 15, 2022 between the **COUNTY OF CHEMUNG** (hereinafter referred to as the "**COUNTY**"), on behalf of its applicable department(s), a municipal corporation of the State of New York, having its principal office at 203 Lake Street, Elmira, New York 14902-0588,

**AND**

**HUNT ENGINEERS, ARCHITECTS, LAND SURVEYORS & LANDSCAPE ARCHITECT, DPC**  
**100 Hunt Center**  
**Horseheads, NY 14845**

(hereinafter referred to as **PROVIDER**)

## **W I T N E S S E T H**

**WHEREAS** the parties hereto desire to make available to the **COUNTY** the services as authorized by applicable Laws of the State of New York; and as outlined in **ATTACHMENT A**, and

**WHEREAS** the **PROVIDER** is qualified to provide and is willing and authorized to furnish such services to the **COUNTY** and,

**WHEREAS** the **COUNTY** desires to contract with the **PROVIDER** for the furnishing of such services as aforesaid, and the said **PROVIDER** has agreed to render and furnish such services to the **COUNTY** to the extent indicated herein, and under the terms and conditions hereinafter provided, and

**WHEREAS** the **COUNTY** wishes to make these services available to those persons eligible under applicable Laws.

**NOW, THEREFORE**, it is mutually agreed between the parties involved as follows:

### **TERM OF AGREEMENT**

1. This Agreement shall become effective July 15, 2022, and shall terminate December 31, 2023.

### **BUDGET AND TOTAL AMOUNT OF AGREEMENT**

2. The **PROVIDER** agrees that the budget attached hereto and made part hereof as **ATTACHMENT B**, accurately lists any personnel and/or other costs for services to be rendered by the **PROVIDER** under this Agreement at a sum not to exceed \$17,600 for the term of this Agreement.

The **COUNTY** will provide payment to the **PROVIDER** as described in **ATTACHMENT B**, attached hereto and made a part hereof.

### **RELATIONSHIP AS INDEPENDENT PROVIDER**

3. The relationship of the PROVIDER to the COUNTY shall be that of independent PROVIDER. The PROVIDER, in accordance with this status as an independent provider, covenants and agrees that it will conduct itself in accordance with such status, that it will neither hold itself out as, nor claim to be an officer or employee of the COUNTY by reason thereof and that it will not by reason thereof make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the COUNTY, including, but not limited to Worker's Compensation coverage, or retirement membership or credits.

### **ASSIGNMENTS**

4. The PROVIDER shall not assign, transfer, convey, sublet, sub-contract or otherwise dispose of this contract or the right, title or interest therein or the power to execute such contract to any other person, company or corporation without prior written consent of the COUNTY, which consent shall not be unreasonably withheld.

### **COMPLIANCE WITH APPLICABLE LAWS**

5. The PROVIDER shall have the overall administration and responsibility for carrying out the terms of this contract and shall comply with all applicable Federal, State and local statutes, rules and regulations.

The PROVIDER shall furnish services in accordance with applicable requirements of law and shall cooperate with the COUNTY as may be required so that the COUNTY shall be able to fulfill its function and responsibilities in order to meet all of the applicable County, State and Federal requirements pertaining thereto.

### **NEW FEDERAL OR STATE REQUIREMENTS**

6. In the event that Federal or State Departments issue new or revised requirements to the COUNTY pertaining to services rendered in the performance of this Agreement, then the COUNTY shall promptly notify the PROVIDER of said change(s) and the PROVIDER shall comply with said requirements.

### **RECORDS RETENTION**

7. The PROVIDER agrees to retain all books, records and other documents relevant to this Agreement for seven years after final payment. Federal and/or State auditors and any persons duly authorized by the COUNTY shall have full access and the right to examine any of said materials during said reporting period.

### **CONFIDENTIALITY**

8. The PROVIDER and the COUNTY shall observe and require the observance of applicable County, Federal and State requirements relating to the confidentiality of records and information.

## **CLAIMS, PAYMENTS AND AUDITS**

9. The PROVIDER agrees that all claims submitted for reimbursement to the COUNTY shall be true and correct and that reimbursement by the COUNTY does not duplicate reimbursement received by the PROVIDER from any other sources.

## **INSURANCE**

10. The PROVIDER agrees to procure and maintain at its own expense and without direct expense to the County (until final acceptance by the County for the services covered by this Agreement), insurance of the kinds and in the amounts hereinafter specified in **Exhibit #1**, and attached hereto as **ATTACHMENT C**.

Notwithstanding any terms, conditions or provisions, in any other writing between the parties, the PROVIDER hereby agrees to effectuate the naming of the COUNTY as an unrestricted additional insured on the PROVIDER'S insurance policies, with the exception of Workers' Compensation.

Said insurance policy shall be secured with an A.M. Best Rated "secured" New York State admitted insurer; provide for 30-day cancellation notice, and state that the PROVIDER'S coverage shall be primary coverage for the COUNTY.

PROVIDER agrees to indemnify the COUNTY for any applicable deductibles.

PROVIDER acknowledges that failure to obtain such insurance on behalf of the COUNTY constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the COUNTY. PROVIDER is to furnish the COUNTY with a certificate of insurance evidencing the above requirements have been met, prior to the commencement of work or use of facilities.

## **HOLD HARMLESS INDEMNIFICATION**

11. The PROVIDER agrees to indemnify and hold harmless the COUNTY, its officers and agents, against all liability, judgments, costs and expenses upon any claims arising from the negligence of the PROVIDER, its agents, officers or employees, in performing the work under this Agreement.

## **NEPOTISM/CONFLICT OF INTEREST**

12. The PROVIDER agrees and is obligated to disclose that no current officer, director or incorporator of the PROVIDER shall be hired or retained by the PROVIDER to fill any staff position or perform any services required under this Agreement and that parents, spouses, siblings and children of current officers, directors or incorporators will not be employees paid from these funds without prior written approval of the COUNTY.

## **TERMINATION**

13. Each party shall have the right to terminate this Agreement by giving 30 days prior written notice to the other party.

A. Notwithstanding the above, if, through any cause, the PROVIDER fails to comply with legal, professional, COUNTY, Federal or State requirements for the provision of services or with the provisions of this Agreement, or if the PROVIDER

becomes bankrupt or insolvent or falsifies its records or reports, or misuses its funds from whatever source, the COUNTY may terminate this Agreement effective immediately, or, at its option, effective at a later date, after sending notice of such termination to the PROVIDER.

B. The COUNTY shall be released from any and all responsibilities and obligations arising from the services covered by this Agreement, effective as of the date of termination, but the COUNTY shall be responsible for payment of all claims for services provided and costs incurred by the PROVIDER prior to termination of this Agreement, that are pursuant to, and after the PROVIDER's compliance with, the terms and conditions herein, subject to any adjustments the COUNTY may have.

C. In the event of termination of the Agreement prior to the termination date set forth in the project description, the PROVIDER agrees to:

(1) Account for and refund to the COUNTY, within 30 days, any unexpended funds which have been paid to the PROVIDER pursuant to this Agreement.

(2) Not incur any further obligations pursuant to this Agreement beyond the termination date.

(3) Submit, within 30 days of termination, a full report of fiscal and program activities, accomplishments and obstacles encountered related to this Agreement.

#### **NON-DISCRIMINATION**

14. The COUNTY and PROVIDER agree to comply with all applicable rules and regulations regarding non-discrimination regarding work to be performed under this Agreement. In compliance with New York State and Federal Laws, PROVIDER and COUNTY shall not discriminate because of age, race, creed, sex, color, disability, national origin, marital status, blindness, sexual preference, sponsorship, employment, source of payment or retaliation in the performance of this Agreement.

#### **FOR CONTRACTS RECEIVING STATE FUNDING**

The PROVIDER shall not discriminate in the admission, care, treatment, employment, and confidentiality of persons with AIDS or HIV-related medical conditions. PROVIDERS found to have discriminated or to have breached the confidentiality of AIDS-related medical records will be required to implement remedial plans, including staff education, to prevent future incidents. In cases of repeated violations or refusal to comply, State funding to such PROVIDERS shall be terminated and/or administrative fines imposed.

#### **FOR CONTRACTS RECEIVING FEDERAL FUNDING, EITHER DIRECTLY OR THROUGH STATE OR LOCAL GOVERNMENTS:**

Public Law 103-227, also known as the Pro-Children Act of 1994 (Act), required that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan or loan guarantee. This law also applies to children's services which are provided in indoor facilities which are constructed, operated, or maintained with such

Federal funds. The law does not apply to children's services provided in private residences; portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable Federal funds is Medicare or Medicaid; or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity.

By signing this certification or contract agreement wherein this certification is included, the PROVIDER certifies that the organization will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act. The submitting organization agrees that it will require that the language of this certification be included in any subawards which contain provisions for children's services and that all subrecipients shall certify accordingly.

The above recited language reflects the Federal requirements for all Federally funded programs. However, New York State Public Health Law, Section 1399-o, governing smoking in public places and facilities, is more restrictive than the Federal law. In all instances, if any state or local law, rule or regulation is more restrictive than the applicable Federal law, then all terms of the state or local law, rule or regulation shall apply.

#### **EXECUTORY BASED ON AVAILABILITY OF MONIES**

15. This contract shall be deemed executory only to the extent of the monies appropriated and available for the purpose of the contract, and no liability on account thereof shall be incurred by the purchase beyond the amount of such monies. It is understood that neither this contract nor any representation by any public employee or officer creates any legal or moral obligation to request, appropriate or make available monies for the purpose of the contract.

#### **COOPERATION**

16. The PROVIDER and the COUNTY recognize that in the performance of this contract, the greatest benefits will be derived by promoting the interest of both parties, and each of the parties does, therefore, enter into this contract with the intention of loyally cooperating with the other in carrying out the terms of this contract and each party agrees to interpret its provisions insofar as it may legally do, in such manner as will thus promote the interest of both and render the highest service to the public and in accordance with the provisions of this Agreement.

#### **SECTARIAN PURPOSES**

17. The PROVIDER agrees that no funds received pursuant to this Agreement will be used for sectarian purposes or to further the advancement of any religion. This paragraph does not in any way limit expenditure of funds due the PROVIDER's employees through this Agreement which become part of the employee's personal spending money.

#### **LOBBYING**

18. The Provider/Contractor will not spend Federal appropriated funds to pay any person for influencing or attempting to influence an officer or employee of Congress, a member of Congress, an employee of a member of Congress, or an officer or employee of any Federal agency in connection with any of the following Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement. Furthermore, if the

Provider/Contractor spends any non-federal funds for these purposes, Provider/Contractor will make and file any disclosures required by State or Federal Law.

### **GENERAL PROVISIONS**

19. This Agreement contains all the terms and conditions agreed upon by the parties. All items incorporated by reference are to be attached. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

20. If any term or provision of this Agreement or the application thereof shall, to any extent be held invalid or unenforceable, the remainder of this Agreement, other than those as to which it is held invalid or unenforceable, shall not be affected.

21. The paragraph headings in this Agreement are inserted for convenience and reference only and shall not be used in any way to interpret this Agreement.

22. The following additional schedules are attached and made a part hereof: **Exhibit 2.**

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed by their duly authorized officers on the date herein written.

DATE: 8/10/22

COUNTY OF CHEMUNG

BY:   
CHRISTOPHER J. MOSS  
COUNTY EXECUTIVE

DATE: \_\_\_\_\_

BY:   
Authorized Signature  
FED I.D.# 16-1158004

Attachment A = Service Description/Protocols  
Attachment B = Budget/Payment Schedule  
Attachment C = Insurance Certificate  
Exhibit #1 = Insurance Requirements  
Exhibit #2 = Authorizing Resolution

Dept. Head Approval/Initials: \_\_\_\_\_

May 19, 2022

Don Bishop  
Chemung County Buildings & Grounds  
217 Madison Avenue  
Elmira NY, 14901

**Re: Architectural and Engineering Services Proposal  
National Soaring Museum Foundation Stabilization**

Dear Mr. Bishop:

Hunt Engineers, Architects, Land Surveyors and Landscape Architect DPC (HUNT) is pleased to submit this proposal for architectural and structural engineering services for the stabilization and associated repairs along the east wall of the 2000 addition to the National Soaring Museum in Elmira NY.

**Project Description**

The addition to the National Soaring Museum was constructed in 2000. The 8000 square foot addition consists of a steel framed room system on CMU bearing walls and concrete foundation. The space consists of a two-story area and a high bay exhibit hall that is roughly twenty (20) feet in height.

Over the course of the last couple years movement at the east wall of the addition has been noticed. It appears that the foundation wall has settled over an inch and has rotated out creating a gap between the slab on grade and the wall. The movement in the foundation wall has resulted in some cracking and separation in the CMU bearing wall. The County has received previous recommendations to stabilize the foundation with either helical piles or a polymer ground injection.

The County would like to move forward with the polymer ground injection stabilization method. The purpose of these services is to verify that this method of stabilization will work and provide drawings and specification for bidding of the repair work. To aide in the verification of the stabilization method HUNT will help the County solicit geotechnical services to verify soil conditions around the foundation in question. In addition to providing bid documents HUNT will aide the County in the bidding process and provide construction administration services for the stabilization and repair work.

As it is difficult to know the full scope of services required until the initial investigation is complete, the scope and fees have been broken up into multiple phases.

---

**HUNT ENGINEERS, ARCHITECTS, LAND SURVEYORS & LANDSCAPE ARCHITECT, DPC**

ROCHESTER OFFICE  
4 COMMERCIAL STREET, SUITE 300  
ROCHESTER, NY 14614  
TELE: 585.327.7950

HORSEHEADS OFFICE  
100 HUNT CENTER  
HORSEHEADS, NY 14845  
TELE: 607.358.1000

TOWANDA OFFICE  
1 ELIZABETH STREET, SUITE 12  
TOWANDA, PA 18848  
TELE: 570.265.4868

HUNT-EAS.COM

## **Scope of Services**

HUNT proposes the following Scope of Service:

### **Initial Review**

- Solicit proposals for Geotechnical Services.
- Review Geotechnical proposal and coordinate Geotechnical Services.
- Review Geotechnical Report.
- Review existing drawings and previous recommendations.
- Verify stabilization approach and final scope of repair work.

### **Contract Documents**

- Field verify interior and exterior conditions to determine required repairs.
- Complete design of foundation stabilization.
- Complete design of required repairs due to settlement.
- Coordinate with soil improvement companies in regard to foundation stabilization.
- Provide biddable drawings and specification for foundation stabilization and repairs.
- Review final drawings and specification with the County.

### **Bidding**

- HUNT will work with the County to advertise bid and make documents available to contractors.
- Complete pre-bid meeting on site.
- Field and address questions during the bidding process.
- Review bids and provide recommendation for award.

### **Construction Administration**

- Coordinate Contract between County and Contractor.
- Organize kick off and regular progress meetings.
- Track and review submittals and RFIs.
- Review pay applications.
- Complete closeout activities.

### **Parameters**

- Access to the site will be provided during normal business hours.
- The County will provide all existing drawings and specification.
- This proposal is based on the anticipated polymer ground injection stabilization. Any change as a result of initial investigation will be a change in scope and result in reevaluation of anticipated fees.

**Proposed Fee**

HUNT proposes to provide the scope of services outlined above on an hourly basis not to exceed the fees shown below including disbursements (printing, mileage, etc.).

1. Initial Review	\$1,800
2. Contract Documents	\$7,600
3. Bidding	\$2,200
4. Construction Administration	\$6,000

If the above scope of services and the associated fee is acceptable, sign and return the attached contract to my attention at HUNT.

Should you have any questions or want to further discuss this proposal in greater detail, please do not hesitate to call contact me at (607) 358-1035 or [binnsn@hunt-eas.com](mailto:binnsn@hunt-eas.com).

Sincerely,



Nathan G Binns, PE  
Director of Structural Engineering

**Proposed Fee**

HUNT proposes to provide the scope of services outlined above on an hourly basis not to exceed the fees shown below including disbursements (printing, mileage, etc.).

1. Initial Review	\$1,800
2. Contract Documents	\$7,600
3. Bidding	\$2,200
4. Construction Administration	\$6,000

If the above scope of services and the associated fee is acceptable, sign and return the attached contract to my attention at HUNT.

Should you have any questions or want to further discuss this proposal in greater detail, please do not hesitate to call contact me at (607) 358-1035 or [binnsn@hunt-eas.com](mailto:binnsn@hunt-eas.com).

Sincerely,



Nathan G Binns, PE  
Director of Structural Engineering

## AGREEMENT FOR PROFESSIONAL SERVICES

The Terms and Conditions set out herein and in the referenced cover letter constitute an offer by Hunt Engineers, Architects, Land Surveyors & Landscape Architect D.P.C. (hereinafter called HUNT), to perform for Chemung County Buildings and Grounds (hereinafter called the CLIENT) the services described. HUNT's offer constitutes a Contract on these same Terms and Conditions when accepted or acknowledged by the CLIENT. This Contract supersedes all previous understandings, if any, and constitutes the entire Agreement between HUNT and the CLIENT relating to the services described.

### TERMS AND CONDITIONS

**CLIENT OBLIGATIONS:** At such time as HUNT may request, the CLIENT at his expense, shall provide full, complete and correct information, including a written program of objectives, constraints and criteria, with respect to which the services are performed.

**HUNT OBLIGATIONS:** Professional Services, basic to the Scope of Work, shall be performed, findings obtained, and recommendations prepared in accordance with generally accepted engineering, architectural, and land surveying practices. This Warranty is in lieu of all other Warranties expressed or implied. HUNT assures no responsibility for interpretations made by others based upon the work or recommendations made by HUNT. Project cost estimates are to the best of HUNT's knowledge and are not guarantees of actual construction costs.

**ADDITIONAL SERVICES:** Additional services or changes requested in writing by the CLIENT, beyond the original Scope of Work agreed upon as described per the referenced cover letter, shall be performed by HUNT in the same methods and manner as herein stated. Payment to HUNT for additional services shall be the same as outlined under PAYMENT of these Terms and Conditions, unless superseded by Separate Terms and Conditions as may be proposed and agreed to in writing by both parties

**PAYMENT:** Payment for services rendered shall be monthly as billed. No percentage of bills shall be withheld or retained. In the event that any payment is not made within thirty (30) days from the date of billing, interest will be charged at a rate of one and one-half percent (1-1/2%) per month, or the legal rate of interest, whichever is less.

**WAIVER:** The CLIENT and HUNT mutually agree to waive all claims of consequential damages arising from disputes, claims, or other matters relating to this agreement.

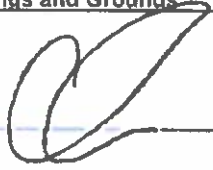
This Agreement may be terminated by either party upon thirty (30) days written notice to the other. In the event of termination, HUNT shall be compensated for services performed up to the date of termination, plus reasonable termination costs. Upon receipt of final payment to HUNT, all finished or unfinished documents prepared to the date of termination shall become the property of the CLIENT and shall be surrendered to the CLIENT by HUNT.

### ACCEPTANCE:

I have read and understand the Scope of Work as described in the attached letter from Nathan G. Binns PE dated May 19, 2022 and the above Terms and Conditions, and accept the terms and costs as stated. I hereby retain Hunt Engineers, Architects & Land Surveyors & Landscape Architect D.P.C. to provide services as necessary to accomplish the Scope of Work.

Chemung County Buildings and Grounds

BY: \_\_\_\_\_



Christopher J. Moss, Chemung County Executive  
(Printed Name and Title)

DATE: 8/10/22

**HUNT ENGINEERS, ARCHITECTS, LAND SURVEYORS  
& LANDSCAPE ARCHITECT D.P.C.**

BY: \_\_\_\_\_



Nathan G. Binns, PE  
Director of Structural Engineering

DATE: 5/19/2022

**ATTACHMENT B  
BUDGET/PAYMENT SCHEDULE**

Upon submission by the PROVIDER to the COUNTY of an appropriate invoice, and providing that all elements of this Agreement are satisfactorily met, and after approval by the COUNTY, payment to the PROVIDER shall be authorized by the COUNTY Treasurer as follows:

<b><u>PROGRAM</u></b>	<b><u>INVOICE TO:</u></b>	<b><u>PAYMENT SCHEDULE</u></b>
Professional Services For National Soaring Museum Foundation Stabilization	Chemung County Buildings & Grounds 217 Madison Avenue Elmira, NY 14901	% of Completion



HUNTENG-01

JODY

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/5/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed if SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER  
Henry Dunn Insurance  
317 Main Street  
Towanda, PA 18848

CONTACT NAME Jody Winston  
PHONE (A/C, No, Ext) (207) 354-0065 FAX (A/C, No) (570) 265-2033  
E-MAIL jody.winston@henrydunn.com  
ADDRESS

INSURED  
Hunt Engineers, Architects, Land Surveyors & Landscape  
Architect OPC  
d/b/a Hunt Engineers Architects & Land Surveyors PC  
Airport Corp Pk, 100 Hunt Center  
Horseheads, NY 14845

INSURER(S) AFFORDING COVERAGE  
INSURER A Ohio Security Insurance Company NAIC # 24082  
INSURER B West American Insurance Company 44393  
INSURER C Ohio Casualty Insurance Company 24074  
INSURER D  
INSURER E  
INSURER F

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADOL SUBR ISO VIVO	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A X	COMMERCIAL GENERAL LIABILITY					
	CLAIMS MADE X OCCUR	X	BZS55128559	1/1/2022	1/1/2023	EACH OCCURRENCE \$ 2,000,000
X	XCU, Cont Liab					DAVAGE TO RELATED PREYSES (Each occurrence) \$ 2,000,000
X	BP0497-Waiver					MED EXP (Any one person) \$ 15,000
	GEN. AGGREGATE LIMIT APPLIES PER					PERSONAL & AD. INJURY \$ 2,000,000
	POLICY X PRO X LOC					GENERAL AGGREGATE \$ 4,000,000
	OTHER					PRODUC'S COMPROM AGG \$ 4,000,000
						Liab Ext BP7996 \$
B	AUTOMOBILE LIABILITY					
X	OWNED		BAW55128559	1/1/2022	1/1/2023	COMBINED SINGLE LIMIT \$ 1,000,000
	SCHEDULED					LEASING \$
	ALLIANCE					BODILY INJURY (Per person) \$
	NON OWNED					BODILY INJURY (Per accident) \$
	ALLIANCE					PROPERTY DAMAGE (Per accident) \$
						Auto Ext AC8502 \$
C X	UMBRELLA LIAB X OCCUR					
	EXCESS LIAB CLAIMS MADE		USO55128559	1/1/2022	1/1/2023	EACH OCCURRENCE \$ 10,000,000
	DED X RETENTION 0					AGGREGATE \$ 10,000,000
						Waiver CU6495 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	YIN	XWS55128559	1/1/2022	1/1/2023	X PER STATUTE \$ 1,000,000
	ANY PROPRIETOR PARTNER EXECUTIVE OFFICER MEMBER EXCLUDED (Mandatory in NH)	N/A				E EACH ACCIDENT \$ 1,000,000
	Types describe under					EL DISEASE EA EMPLOYEE \$ 1,000,000
	DESCRIPTION OF OPERATIONS below					EL DISEASE POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder is noted as Additional Insured if required by written contract agreed to prior to a loss and allowed by law for General Liability per form BP7996, subject to policy terms, conditions, limitations and exclusions. 30 days notice of insurer's cancellation or non-renewal except for 10 days notice for non-payment of premium is provided and delivered in accordance with the policy's provisions

## CERTIFICATE HOLDER

County of Chemung  
203 Lake Street  
Elmira, NY 14902

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS

AUTHORIZED REPRESENTATIVE

**EXHIBIT "1"**  
**CERTIFICATE OF INSURANCE REQUIREMENTS**

In satisfaction of the insurance requirements of this Agreement, PROVIDER is required to procure and maintain Liability INSURANCE in the amount of at least ONE MILLION DOLLARS.

PROVIDER is further required to furnish a copy of proof of said coverage in a Certificate of Insurance naming the COUNTY as an additional insured. This Certificate of Insurance must include the term of this Agreement or PROVIDER shall, on or before thirty (30) days of the expiration date of the above insurance, provide the COUNTY with a Certificate of Insurance with the same coverage for the balance of the term of this Agreement.

Any required insurance will be in companies authorized to do business in New York State, covering all operations under this Agreement, whether performed by the PROVIDER or by subcontractors.

All insurance coverage required to be purchased and maintained by the PROVIDER under this Agreement shall be primary for the defense and indemnification of any action or claim asserted against the COUNTY and/or the PROVIDER for work performed under this Agreement, regardless of any other collectible insurance or any language in the insurance policies which may be to the contrary.

**RESOLUTION NO. 22-325**

**RESOLUTION AUTHORIZING AGREEMENT WITH HUNT ENGINEERS, ARCHITECTS,  
LAND SURVEYORS & LANDSCAPE ARCHITECT, DPC ON BEHALF OF THE  
CHEMUNG COUNTY DEPARTMENT OF BUILDINGS AND GROUNDS (Architectural and  
Engineering Service for the National Soaring Museum Foundation Stabilization)**

**By: Burin**

**Seconded by: Briggs**

**WHEREAS, the Superintendent of the Chemung County Department of Buildings and Grounds has requested authorization to enter into an agreement with Hunt Engineers, Architects, Land Surveyors & Landscape Architect, DPC ("Hunt") for professional architectural and engineering services for the National Soaring Museum Foundation stabilization during the period July 12, 2022 through December 31, 2023 at a cost not to exceed \$17,600; and**

**WHEREAS, the County Executive and the Buildings and Grounds Committee have recommended the Chemung County Legislature approve this agreement; now, therefore, be it**

**RESOLVED, that the County Executive is hereby authorized and directed to enter into an agreement with Hunt for professional architectural and engineering services for the National Soaring Museum Foundation stabilization at a cost not to exceed \$17,600 during the period July 12, 2022 through December 31, 2023; and, be it further**

**RESOLVED, that the terms and conditions of this agreement are subject to the review and approval of the County Attorney; 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.**

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

RESOLUTION NO. 22-325

BACKGROUND INFORMATION

Requested by: Superintendent of Buildings and Grounds

Purpose: to authorize agreement

Authority: Section 203 of Chemung County Charter

Funds involved: \$17,600

Approved by: Buildings & Grounds Committee, June 27, 2022

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 11th day of July 2022, 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 such 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 12<sup>th</sup> day of July 2022.

Cynthia G. Kalweit  
Cynthia G. Kalweit, Clerk  
Chemung County Legislature

## SITE ENTRY AGREEMENT AND INDEMNITY

Date: 7/22/2022

Owned and/or Operated by the following:

**OWNER:** County of Chemung  
Building and Grounds Department  
217 Madison Avenue  
Elmira, NY 14901

**CONTRACTOR:** HUNT ENGINEERS, ARCHITECTS, LAND SURVEYORS & LANDSCAPE  
ARCHITECT,DPC  
100 Hunt Center  
Horseheads, NY 14845

**SITE/PROJECT:** Professional Services for various Chemung County buildings and grounds locations.

Subject to the terms and conditions herein stated and agreed to by the above named Contractor, the above named Owner does hereby give permission to Contractor to enter the above named project.

**A. INSURANCE:** Contractor represents and warrants that Contractor has in force the following insurance coverage applicable to their operations.

**1. Workers' Compensation and Employers Liability** coverage for all employees, including corporate officers, partners and proprietors.

**B. Commercial General Liability Insurance**, including but not limited to project & operations, personal injury, products-completed operations, contractual liability covering the liability assumed under this Site Entry Agreement and Indemnity. The minimum limits of liability applicable to this insurance will be at least \$1,000,000 each occurrence and \$2,000,000 General aggregate. For products and completed operations aggregate, the limit will be at least \$2,000,000. The policy will be endorsed providing the per location aggregate endorsement CG2504.

**Comprehensive Automobile Liability** with combined bodily injury and property damage of at least \$1,000,000 such coverage to include all owned, non-owned and hired vehicles.

**Umbrella Excess Liability**, with limits for each occurrence of at least \$1,000,000 and an aggregate limit of at least \$1,000,000., unless otherwise stated in specifications.

**Owner is to be named as an additional insured on a primary basis** on all policies including completed operations with the exception of workers' compensation and a certificate of insurance will be provided within 48 hours of request by owner. All certificates of insurance will provide 30 days notice to owner of cancellation or non-renewal. Contractor waives all rights of subrogation against owner and will have all policies endorsed setting forth this waiver of subrogation.

**CONTRACTOR'S EQUIPMENT:** All equipment owned by Contractor, and used at the Project, is at the sole responsibility of the Contractor and will be insured or self-insured by Contractor.

**INDEMNITY:** The Contractor agrees to indemnify and hold harmless the Owner, its officers and agents, against all liability, judgments, costs and expenses upon any claims arising from the negligence of the Contractor, its agents, officers or employees, in performing the work under this Agreement.

**LIMITATION ON ENTRY:** Contractor's rights to enter onto the project are subject to cancellation if Contractor does not provide evidence of required insurance coverage to owner within 48 hours of owner's request.

**AUTHORIZATION:** The individual signing this Site Entry Agreement and Indemnity for Contractor is authorized to sign this document on behalf of Contractor (and if Owner requests, will provide evidence of such authority to owner within 24 hours).

**RECEIPT OF COPY:** Contractor acknowledges receipt of a copy of this Site Entry Agreement and Indemnity.

**IT IS AGREED** that any clause of the Agreement that is found to be void and unenforceable will not affect the enforceability of any of the remaining provisions.

**CONTRACTOR:**

Hunt Engineers, Architects, Land Surveyors  
& Landscape Architect, DPC

(Name of Company)

Nathan G. Binns, Principle/Director of Structural Engineering  
(Print Name & Title)



(Signature)

**APPROVAL OF OWNER:**

Chemung County

Christopher Moss, County Executive



(Signature)



# INVOICE

#33244

Rochester, NY  
585-247-3471

RECEIVED  
6/23/23

Project Mgr: Chuck Guzzetta

**Project:** National Soaring Museum - Elmira, NY  
391 Harris Hill Rd  
Elmira, NY

**To:** Chemung County NY  
C/O: Building & Grounds  
Attn: Don Bishop  
217 Madison Ave  
Elmira, NY 14901

**REMIT TO:**

Invoice Number: TH90717

Terracon Consultants - NY, Inc.  
PO Box 959673  
St Louis, MO 63195-9673

Federal E.I.N.: 51-0449475

Project Number: J5225209  
Invoice Date: 1/03/2023  
For Period: 10/16/2022 to 12/30/2022

Description	Total
Boring layout, Subsurface Exploration, Lab Testing, Geotechnical Consulting & Reporting	\$6,750.00

**Invoice Total \$6,750.00**



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

---

Resolution authorizing advertisement for proposals on behalf of the Elmira Corning Regional Airport (food service)

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<b>Resolution #:</b>	24-147
<b>Slip Type:</b>	OTHER
<b>SEQRA status</b>	
<b>State Mandated</b>	False

---

**Explain action needed or Position requested (justification):**

The Director of Aviation, on behalf of the Elmira Corning Regional Airport is requesting to advertise for food service proposals. Prior RFP-2292

---

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
No Attachments Available			



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution creating IT Specialist Help Desk/Clerical position on behalf of the Chemung County Department of Information Technology

**Resolution #:** 24-148  
**Slip Type:** PERSONNEL  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**

The addition of a 2nd IT Specialist Helpdesk/Clerical position was approved in the 2024 adopted budget and is contained within the IT departments roster. I am requesting resolution creating this position.

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
<a href="#">Information Technology Specialist-Help Desk Clerical.pdf</a>	<a href="#">IT Specialist Help Desk Clerical</a>	<a href="#">Cover Memo</a>	1/29/2024

## **Information Technology Specialist-Help Desk/Clerical**

**Department:** Chemung County Information Technology  
**Classification:** Competitive  
**Adopted:** November 7, 2017  
**Revised:** May 7, 2019  
**By:** Regional Civil Service Commission

**DISTINGUISHING FEATURES OF THE CLASS:** This is routine technical work requiring the provision of customer service providing first-line diagnosing, basic troubleshooting and password assistance. Questions and problems that exceed the basic level are referred to an appropriate specialist. The position also includes routine work involving responsibility for a high degree of accuracy in the compilation, maintenance and checking of financial accounts and records in the performance of related clerical tasks. The incumbent works under the general supervision of the Deputy Director of Information Technology with leeway for the exercise of independent judgment. Does related work as required.

**TYPICAL WORK ACTIVITIES:** (The following work activities are listed as examples only and in no event shall an employee be limited to only those examples listed here.)

- Provide help desk support and technical assistance for users in the organization;
- Provide basic problem diagnosing, problem/incident recording, problem resolution and problem escalation for IT supported products, basic hardware issues and password problems;
- Assign problems involving computer hardware, connectivity, software and peripheral equipment associated with the computer system to the appropriate specialist;
- Conduct follow-up checks to ensure that problems are resolved to each staff/customer's satisfaction;
- Work with various departments when coordinating shared IT related purchases;
- Manage IT Contracts and schedule maintenance/repairs;
- Assist IT Director with IT budget as well as budgets for shared services;
- Maintain payroll records regarding rates of pay;
- Computes payroll changes regarding hours worked;
- Process bi-weekly work hours for IT Staff in preparation of payrolls;
- Work with vendors to acquire quotes;
- Use the County's financial system for maintaining the IT records including but not limited to, enter and monitor the IT budget, create purchase orders and process payments;
- Create and maintain spreadsheets for record keeping, budget purposes and planning;
- Invoice departments for maintenance agreements;
- Invoice municipalities for items related to shared services agreements;
- Perform related work as required.

### **FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL**

**CHARACTERISTICS:** Good knowledge of the operation, care, diagnosis, maintenance and repair of microcomputers and related components; familiarity with various platforms and operating systems i.e. Windows XP, Windows 7; good knowledge of electronic, digital and microprocessor theory and applications, and trouble-shooting techniques; ability to comprehend service manuals; ability to communicate clearly and effectively verbally and in writing; ability to deal with people in a positive, helpful and instructional manner; ability to act independently; responsiveness and timeliness to customers; ability to lift up to fifty pounds, physical condition commensurate with the demands of the position.

**MINIMUM QUALIFICATIONS:** Graduation from high school or possession of an equivalency diploma and six (6) months of full time paid experience in either IT customer support and training **or** computer installation, diagnosis and repair of desktop and other computer hardware and operating system software and peripheral equipment; and six (6) months of full time paid clerical experience which shall have involved utilization of electronic spreadsheets or related software.



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

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Resolution creating Accountant position on behalf of the Chemung County Treasurer

---

**Resolution #:** 24-149  
**Slip Type:** PERSONNEL  
**SEQRA status**  
**State Mandated** False

---

**Explain action needed or Position requested (justification):**

Requesting authorization to reclassify a Principal Account Clerk to an Accountant position at the request of the Chemung County Treasurer. Position was reclassified by the Civil Service commission at the December 5, 2023 commission meeting.

---

ATTACHMENTS:

File Name	Description	Type	Upload Date
No Attachments Available			



CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution authorizing salary adjustment for Supervisor of Fiscal Services position on behalf of the Chemung County Treasurer

Resolution #: 24-150  
Slip Type: PERSONNEL  
SEQRA status  
State Mandated False

Explain action needed or Position requested (justification):  
Requesting a salary adjustment for Supervisor of Fiscal Services. See attachment. No additional funds required due to overall realignment.

ATTACHMENTS:

File Name	Description	Type	Upload Date
<a href="#">Finance Team Restructure Request 01042024.pdf</a>	<a href="#">Finance Team Memo</a>	<a href="#">Cover Memo</a>	1/29/2024



# CHEMUNG COUNTY

OFFICE OF THE TREASURER

320 E. MARKET STREET

PO BOX 588

ELMIRA, NEW YORK 14902-0588

(607) 737-2957 FAX (607) 737-2846

KATLYN COLOMBANI-RUIZ  
COUNTY TREASURER

To: Christopher Moss, County Executive  
Mark Margeson, Legislative Chairman  
Members of Chemung County Legislature

Re: Restructure of the County Finance Team (Treasurer's Office / Budget Office)

Date: 1/4/24

In the past year, the County finance team has seen the transition of the former County Treasurer (Jen Furman) to Deputy Executive, the retirement of the County Budget Director (Steve Hoover) in January 2024, and most recently the Controller (Rejean Archambeault) in the Treasurer's Office has been appointed to replace the Budget Director effective in February 2024.

These changes and other growing demands on the fiscal team caused a necessity and opportunity for us to form a new finance team structure, with a realignment of personnel and job duties. Within the new structure, most of the Controller's duties will be transitioned to other members of the finance team, including the Treasurer (elected), Deputy Treasurer (Single Rate, Grade 9), and Supervisor of Fiscal Services Andrea Whitmarsh (Single Rate, Grade 8).

As Andrea takes on additional high-level duties from the Controller, much of her current workload will be reassigned to other staff in the Treasurer's Office. In consideration of the added high-level duties that will be assigned to her, we are requesting a pay increase for Andrea Whitmarsh as indicated on the accompanying route slip. This adjustment is within the salary parameters for a Grade 8 title within the adopted 2024 Single Rate Salary Compensation Plan and is commensurate with Ms. Whitmarsh's duties and experience.

With the exception of this request, all other positions, salaries, and aspects of the new structure are already approved and budgeted within the 2024 budget, therefore no additional positions or funding are to be requested in 2024 to support the new finance team structure.

Respectfully,

A handwritten signature in black ink, reading "Katlyn Colombani-Ruiz". The signature is fluid and cursive, with the first name "Katlyn" being more prominent.

Katlyn Colombani-Ruiz  
Treasurer



## CHEMUNG COUNTY ROUTE SLIP \* PERSONNEL REQUISITION

Resolution urging Governor Kathy Hochul and the New York State Legislature to Increase Funding to Community Colleges in the New York State Budget on behalf of SUNY Community Colleges

**Resolution #:** 24-151  
**Slip Type:** OTHER  
**SEQRA status**  
**State Mandated** False

**Explain action needed or Position requested (justification):**

See attachment.

**ATTACHMENTS:**

File Name	Description	Type	Upload Date
<a href="#">SUNY Community Colleges RESOLUTION 24-.pdf</a>	<a href="#">Resolution</a>	<a href="#">Backup Material</a>	3/22/2024

RESOLUTION 24-

RESOLUTION URGING GOVERNOR KATHY HOCHUL AND THE NEW YORK STATE  
LEGISLATURE TO INCREASE FUNDING TO COMMUNITY COLLEGES IN THE STATE  
BUDGET ON BEHALF OF SUNY COMMUNITY COLLEGES

By: Margeson

Seconded by:

WHEREAS, State University of New York's (SUNY's) community colleges serve the largest percentage of low income, historically marginalized populations, and working adults of all SUNY sectors, and

WHEREAS, the state's direct tax support for SUNY's community colleges is lower than it was a decade ago, has not increased in three years, and has fallen behind the NY state counties' direct tax support to community colleges by \$97 million, and

WHEREAS, the community college sector Trustees and Presidents and SUNY Adirondack advocated for New York State to meet its obligation to equally share its support of the community colleges with the counties, and

WHEREAS, increasing base operating aid by \$97 million will bring the state's share of direct state tax support for operating aid to equal that of New York's counties and support training 20,000 New Yorkers in high demand jobs through the Empire

WHEREAS, despite these advocacy efforts the Governor's Executive Budget calls for no increase in base operating aid, and

WHEREAS, with no increase to base operating aid, community colleges will be unable to meet the workforce needs appropriately and substantially of New York State and Chemung County, particularly in healthcare, semi-conductor manufacturing, IT, and regionally based industry sectors, and

WHEREAS, our county has faithfully carried out our fiduciary duties. Now, therefore, be it

RESOLVED, that the Chemung County Legislature urges New York State Legislators to advocate on behalf of the community college sector of SUNY by ensuring that NYS meets its fiduciary obligation to equally share its financial support of the community colleges with the counties by adding an additional \$97 million in operating base aid for the community colleges as requested. Be it further,

RESOLVED, that the Chairperson of the Chemung County Legislature hereby is authorized to forward advocacy letters to Governor Kathy Hochul, New York State Senator George Borrello, New York State Assemblyman Stephen Hawley, Education Chair Chancellor of

SUNY John B. King, Jr., New York State Association of Counties, Inter-County Association of Western New York and any other deemed necessary.