



RL Number: _____

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

Chief Joseph T. Zikuski
(Name)

Police Chief
(Title)

(607) 772-7090
(Phone number)

Additional Presenters:

David Bidwell, BPD

To Be Completed By Applicant

Proposed Title:

A Resolution authorizing the Mayor to accept the COPS Hiring Program grant

Executive Summary (Explain why legislation is necessary):

The FY 2023 COPS Hiring Program grant will provide \$250,000 over a three-year period to support the hiring of two police officers. This funding, from the U.S Department of Justice's Office of Community Oriented Policing Services (COPS), will allow the Binghamton Police Department to further its focus on community policing and crime prevention.

Effective Date (if applicable):

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.
RL related to a grant: RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company: Chief Zikuski

Total Cost: \$250,000.00

Funds available in Budget Line:

Title: See attached.

Public Hearing required? Yes Not Applicable

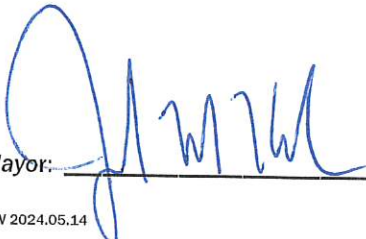
SEQRA required? Yes Not Applicable


Additional information related to this RL attached? Yes No

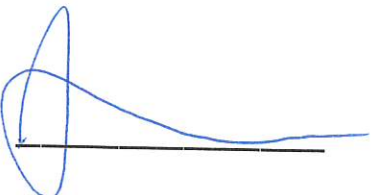
Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

For Internal Use Only

Mayor: 

Comptroller: 

Corp. Counsel: 



Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

GRANT APPLICATION WORKSHEET

*The Request for Legislation must include the project title and the purpose of the grant.
Please provide the following additional information.*

Agency providing the grant: United States Department of Justice

Total project cost: \$487,990.00

Total amount of grant: \$250,000

Local match (if any): \$237,990 (48.77%)

If local match is monetary, provide the budget line and title: Multiple - please see below.

If local match is "in kind", provide the anticipated personnel and hours to be dedicated to the project:

Disbursement of grant (upfront, reimbursable?): Reimbursable

Grant Budget Line: A43389

Grant project manager: Captain David Bidwell

Anticipated date of project completion: 9/30/2028

Special project completion requirements (if any): _____

Attach any required form of Resolution from the Agency providing the grant.

Please provide any additional information in the space provided below, including any other government agency or private partner participating in the grant, along with a description of such participation:

The City match will come from the following budget lines: A3120.51000 (Wages); A9030.58000 (Social Security); A9015.58000 (Retirement); A9060(Health Insurance)



U.S. DEPARTMENT OF JUSTICE
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES
145 N Street, NE, Washington, D.C. 20530

COPS★

Re: COPS Office FY23 COPS Hiring Program award number 15JCOPS-23-GG-04925-UHPX

Dear Chief of Police Zikuski:

On behalf of the Attorney General of the United States, Merrick B. Garland, and the Office of Community Oriented Policing Services (COPS Office), it is my pleasure to inform you that we have approved your proposal for the FY23 COPS Hiring Program in the amount of \$250,000. The COPS Office recognizes and appreciates your commitment to this very important initiative.

At the COPS Office, our mission is advancing community policing nationwide. We prioritize this by supporting state, local, tribal, and territorial law enforcement agencies as they carry out their vital public safety missions. The project you will implement with these award funds contributes to the mission of the COPS Office and the greater goal of reducing crime and building trust between law enforcement and communities served. The team at the COPS Office looks forward to supporting you as you implement this important work.

In the coming days, the COPS Office will release your award package via [the Justice Grant System \(JustGrants\) website](#). At that time, you will receive an automated email with additional information on how to access, review, and accept your award. You will also be contacted separately by your assigned grant manager and you can always seek assistance with your award from AskCOPSRC@usdoj.gov.

I want to extend my personal appreciation for your efforts and congratulate you on this award. On behalf of the staff at the COPS Office, we look forward to working with you on this important project.

Sincerely,

Hugh T. Clements, Jr.
Director



RL Number: _____ Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

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Applicant Presenting RL at Work Session

Al Gardiner
(Name)

Fire Chief
(Title)

(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

Amend 2024 Fire Budget

Executive Summary (Explain why legislation is necessary):

To transfer funds from vacant fire positions to cover the cost of new gear for new firefighters.

Effective Date (if applicable):

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.
RL related to a grant: RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company:

Total Cost: \$44,815.11

Funds available in Budget Line: \$ 0.00

Title:

Public Hearing required? Yes Not Applicable

SEQRA required? Yes Not Applicable

Additional information related to this RL attached? Yes No

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

For Internal Use Only

Mayor: _____

Comptroller: _____

Corp. Counsel: _____



RL Number: _____

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

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Applicant Presenting RL at Work Session

Kent Drake-Dreese
(Name)

Personnel Director
(Title)

(607) 772-7067
(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

Modify 2024 IT Budget

Executive Summary (Explain why legislation is necessary):

Fund the IT Manager position back to March 2, 2024, change the salary to \$82,000 effective same date, and account for payout of retiring employee

Effective Date (if applicable): 3/2/24

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.
RL related to a grant: RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company:

Total Cost: \$0.00

Funds available in Budget Line: \$ 0.00

Title:

Public Hearing required? Yes Not Applicable

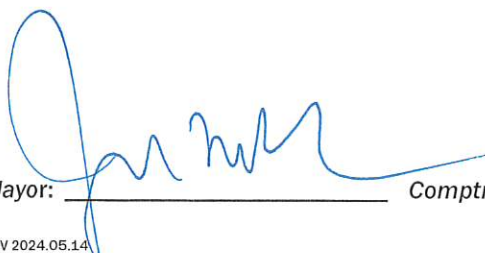
SEQRA required? Yes Not Applicable

Additional information related to this RL attached? Yes No

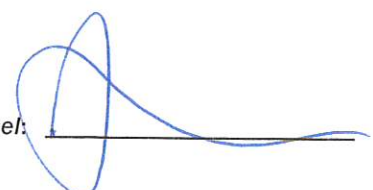
Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

For Internal Use Only

Mayor: 

Comptroller: 

Corp. Counsel: 

EXPEDITE

RL Number: _____

Date Submitted: _____



Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

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Applicant Presenting RL at Work Session

Kent Drake-Dreese
(Name)

Personnel Director
(Title)

(607) 772-7067
(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

Modify 2024 Finance Budget

Executive Summary (Explain why legislation is necessary):

To cover the payout of an employee in the Finance department, so a new person can be added immediately.

Effective Date (if applicable): 6/8/24

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.
RL related to a grant: RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company:

Total Cost: \$45,630.00

Funds available in Budget Line: \$ 0.00

Title:

Public Hearing required? Yes Not Applicable

SEQRA required? Yes Not Applicable

Additional information related to this RL attached? Yes No

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

Since the position is vacant on June 8, a new person needs to be added immediate to transact all banking transactions.

For Internal Use Only

Mayor: _____

Comptroller: _____

Corp. Counsel: _____



RL Number: _____ Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

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Applicant Presenting RL at Work Session

Kent Drake-Dreese Personnel Director (607) 772-7067
(Name) (Title) (Phone number)

Additional Presenters:

Chuck Shager

To Be Completed By Applicant

Proposed Title:

Modify 2024 budget

Executive Summary (Explain why legislation is necessary):

In the 2024 budget we planned for vacancies of \$982,833.56. This resolution is accounting for this amount by decreasing the wages in each account where the vacancies have occurred or positions that will not be filled.

Effective Date (if applicable):

Budget transfer or amendment: RL Budget Transfer Worksheet must be attached w/ Department. Head signature.
RL related to a grant: RL Grant Worksheet must be attached.

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company:

Total Cost: \$982,533.56

Funds available in Budget Line: \$ 0.00

Title:

Public Hearing required? Yes Not Applicable

SEQRA required? Yes Not Applicable

Additional Information related to this RL attached? Yes No

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

For Internal Use Only

Mayor: _____

Comptroller: _____

Corp. Counsel: _____



RL Number: _____

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

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Applicant Presenting RL at Work Session

Chuck Shager

(Name)

Comptroller

(Title)

(607) 772-7011

(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

Modify Capital Fund closing out completed project

Executive Summary (Explain why legislation is necessary):

Close out the remaining funds on bonded that projects that have be completed against the serial bond account

Effective Date (if applicable): 3/2/24

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.
RL related to a grant: RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company:

Total Cost: \$0.00

Funds available in Budget Line: \$ 0.00

Title:

Public Hearing required? Yes Not Applicable

SEQRA required? Yes Not Applicable

Additional information related to this RL attached? Yes No

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

For Internal Use Only

Mayor: _____

Comptroller: _____

Corp. Counsel: _____



RL Number: _____

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

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Applicant Presenting RL at Work Session

Tito Martinez
(Name)

Assistant Dir. of Planning
(Title)

(607) 772-7028
(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

A Resolution to Amend the City of Binghamton Complete Streets Policy

Executive Summary (Explain why legislation is necessary):

This amendment would require that a Complete Streets checklist be completed for new construction or reconstruction of City streets, to ensure that the goals of the Complete Streets policy are being met.

Effective Date (if applicable):

Budget transfer or amendment: RL Budget Transfer Worksheet must be attached w/ Department. Head signature.
RL related to a grant: RL Grant Worksheet must be attached.

RL related to previously adopted legislation: Perm. Number: R11-066

Adoption Date: 7/20/11

Contract: Person/Company:

Total Cost: \$0.00

Funds available in Budget Line: \$ 0.00

Title:

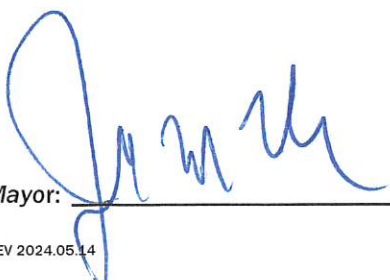
Public Hearing required? Yes Not Applicable

SEQRA required? Yes Not Applicable


Additional information related to this RL attached? Yes No

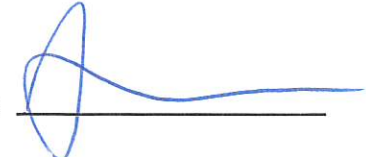
Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

Mayor: 

For Internal Use Only

Comptroller: 

Corp. Counsel: 

RESOLUTION

A RESOLUTION ESTABLISHING A SUSTAINABLE COMPLETE STREETS POLICY FOR STREET AND TRANSPORTATION PROJECTS

WHEREAS, “Complete Streets” are defined as roadways that enable safe and convenient access for all users, including bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation and seniors; and

WHEREAS, “Sustainable Complete Streets” are defined as Complete Streets with elements of design, construction and operation that also incorporate environmental sustainability; and

WHEREAS, streets that support and invite multiple uses, including safe, active and ample space for pedestrians, bicycles and public transportation, are more conducive to the public life and efficient movement of people than streets designed primarily to move automobiles and trucks; and

WHEREAS, promoting pedestrian, bicycle and public transportation travel as an alternative to the automobile reduces negative environmental impacts, promotes healthy living, and is less costly to the commuter; and

WHEREAS, the full integration of all modes of travel in the design of streets and highways will increase the capacity and efficiency of the road network, reduce traffic congestion by improving mobility options, limit greenhouse gas emissions and improve the general quality of life; and

WHEREAS, many studies show that when roads are better designed for bicycling, walking and transit use, more people utilize them for alternative modes of transit; and

WHEREAS, the design and construction of new roads and facilities should anticipate and provide for future demand for biking, walking and other alternative transportation facilities and not preclude the provision of future improvements; and

WHEREAS, Complete Streets are supported by the Institute of Traffic Engineers, the American Planning Association and many other transportation, planning and public health professionals.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE, that the City hereby establishes and adopts a Sustainable Complete Streets policy whereby all street projects, including design, planning, reconstruction, rehabilitation, maintenance or operations by the City of Binghamton shall be designed and executed in a balanced, responsible and equitable way to accommodate and encourage travel by public transportation vehicles and their passengers, bicyclists and other wheeled modes of transportation, and pedestrians of all ages and abilities, in accordance with established Best Practice Design Guidelines for Complete Streets and Sustainable Complete Streets and in consultation with the AASTHO Guide for Development of Bicycle Facilities and the AASTHO Guide for Pedestrian Facilities; and be it further.

RESOLVED, the City of Binghamton shall strongly consider the needs of drivers, public transportation vehicles and patrons, bicyclists, wheelers, and pedestrians of all ages and abilities in all planning, programming, design, construction, reconstruction, retrofit, operations and maintenance activities and products; **and that the design of all future street construction and reconstruction projects shall be subject to the completion of the Green and Complete Streets Checklist as provided in Exhibit A,** and be it further.

RESOLVED, the City shall view all transportation improvements as opportunities to improve safety, access and mobility for all travelers in the City and shall recognize bicycle, pedestrian and transit modes as integral elements of the transportation system.



GREEN AND COMPLETE STREET CHECKLIST FOR STREET RECONSTRUCTIONS

STREET FEATURE	EXISTING NUMBER/ LINEAR FEET/OR OTHER MEASURE OF FEATURE	PROPOSED NUMBER/ LINEAR FEET/OR OTHER MEASURE OF FEATURE	DESCRIPTION OF FEATURE. IF THE DESIGN DOES NOT INCLUDE FEATURE, EXPLAIN WHY.
Pedestrian Facilities			
Sidewalks			
ADA compliant curb ramps			
Signalized cross walk and/or countdown signalized cross walk			
Marked cross walk with signage			
Pedestrian detectors			
Audible signals			
Multi-use path physically separated from motor vehicle traffic			
Bus shelters			
Permeable sidewalk paving materials			
Minimized curb radius at intersections			
Street lights			
Street benches			
Refuge islands			
Bus bulbs			
Other			

Bicycle Facilities

Bicycle lanes				
Shared lane markings / sharrows				
Bicycle parking				
Bicycle route				
Pavement material and/or color different from adjacent roadway				
Multi-use path physically separated from motor vehicle traffic				
Other				

Traffic Accommodation and Calming Elements

Curb bulbs				
Narrower traffic lanes				
On-street parking				
Speed bumps				
Reduced speed limits				
Visual street markings such as different pavement type and/or color				
Loading zones				
Vegetated medians				
Parking Meters				
Curb and Gutter				
Other				

Green Features: Stormwater and Heat Island Effect Reduction		
Permeable/Porous pavement or pavers		
Landscaping between sidewalk and curb		
Bioswales		
Rain gardens		
Stormwater planters		
Street trees		
Other		
Green Features: Energy Conservation		
Solar powered lighting and traffic signals		
LED lights		
Other		
Decorative Elements		
Public art		
Decorative pavement type or color		
Street lights		
Street furniture		
Undergrounding of overhead utilities		
Informative and/or directional signage or banners		
Other		



RL Number: _____

Date Submitted: _____

Expedite

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

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Applicant Presenting RL at Work Session

Ron Lake
(Name)

City Engineer
(Title)

(607) 772-7007
(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

6th Ward Sewer Interceptor Amendment 3 to Barton Loguidice Engineering agreement

Executive Summary (Explain why legislation is necessary):

This Amendment No. 3 shall be a no-cost amendment, and shall serve to add the terms and conditions outlined in EFC's "Program Requirements and Bid Packet for Non-Construction Contracts", attached hereto as Exhibit A with Effective Date October 1, 2016, to the terms and conditions of the Original Agreement.



Effective Date (if applicable): 3/2/24

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.
RL related to a grant: RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company:

Total Cost: \$0.00

ZERO COST

Funds available in Budget Line: \$ 0.00

Title:

Public Hearing required? Yes Not Applicable

SEQRA required? Yes Not Applicable

Additional Information related to this RL attached? Yes No

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

to ensure the City is in compliance with all guidelines to accept awards from EFC which this project is eligible for. Including both federal and state grants.

Mayor: _____

Comptroller: _____

Corp. Counsel: _____

For Internal Use Only

City of Binghamton 6th Ward Sanitary Interceptor Project
Amendment No. 3
Pump Station Final Design and Construction Phase Services
Scope of Service

The City has received CWSRF hardship loan funding, as well as BIL and WIIA grant funding for the Project through the NYS Environmental Facilities Corporation (EFC). As such, the City, its Consultants, and Contractors retained for services and work associated with design and construction of the Project must adhere to programmatic requirements of the NYSEFC for its Clean Water State Revolving Fund (SRF) loan, and its BIL and WIIA grants.

This Amendment No. 3 shall be a no-cost amendment, and shall serve to add the terms and conditions outlined in EFC's "Program Requirements and Bid Packet for Non-Construction Contracts", attached hereto as Exhibit A with Effective Date October 1, 2016, to the terms and conditions of the Original Agreement.

Exhibit A

**NYSEFC Program Requirements and Bid Packet for Non-Construction
Contracts**



**Environmental
Facilities Corporation**

ANDREW M. CUOMO
Governor

SABRINA M. TY
President and CEO

Program Requirements and Bid Packet for Non-Construction Contracts

(For Treatment Works, Drinking Water and Water Grant projects funded with NYS Clean Water State Revolving Fund or Drinking Water State Revolving Fund, and Non-Treatment Works projects funded with NYS Clean Water State Revolving Fund)

Effective October 1, 2016

New York State Environmental Facilities Corporation
625 Broadway, Albany, NY 12207-2997
P: (518) 402-6924 F: (518) 402-7456
www.efc.ny.gov

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ATTACHMENTS (REQUIRED FORMS)

- Attachment 1 - EEO Policy Statement
- Attachment 2 - EEO Staffing Plan
- Attachment 3 - EEO Workforce Employment Utilization Report
- Attachment 4 - Monthly MWBE Contractor Compliance Report
- Attachment 5 - MWBE Utilization Plan
- Attachment 6 - MWBE Waiver Request
- Attachment 7 - EPA Form 6100-2 - DBE Subcontractor Participation Form
- Attachment 8 - EPA Form 6100-3 - DBE Subcontractor Performance Form
- Attachment 9 - EPA Form 6100-4 - DBE Subcontractor Utilization Form
- Attachment 10 - Lobbying Certification

PART 1:

HOW TO USE THIS DOCUMENT

The New York State Environmental Facilities Corporation (“EFC”) implements the New York State Revolving Fund (“SRF”) for both Clean Water and Drinking Water projects.

This Program Requirements and Bid Packet for Non-Construction Contracts document contains (1) a brief description of New York State and federal program requirements for Contracts and Subcontracts funded in whole or part by the New York State Clean Water and Drinking Water SRFs, (2) required language for such Contracts and Subcontracts to satisfy the SRF program requirements, including required forms, and (3) guidance materials to assist entities in complying with these requirements.

PROGRAM REQUIREMENTS

The following requirements apply to Treatment Works, Drinking Water and Water Grant projects funded with the NYS Clean Water State Revolving Fund or Drinking Water State Revolving Fund as well as Non-Treatment Works projects funded with the NYS Clean Water State Revolving Fund:

- Participation of Minority- and Women-Owned Business Enterprises (“MWBE”) and Equal Employment Opportunities (“EEO”) pursuant to New York State Executive Law, Article 15-A and New York Code of Rules and Regulations, Title 5 (5 NYCRR) Parts 140-145 (Regulations of the Commissioner of Economic Development);
- Participation by Disadvantaged Business Enterprises (“DBE”) in United States Environmental Protection Agency (“EPA”) Programs pursuant to 40 Code of Federal Regulations (CFR) Part 33;
- Equal Employment Opportunities pursuant to Title VI of the Civil Rights Act of 1964 and 40 CFR Part 7;
- Requirements regarding suspension and debarment pursuant to 2 CFR Part 180, 2 CFR Part 1532, 29 CFR § 5.12, State Labor Law § 220-b, and State Executive Law § 316; and,
- Restrictions on Lobbying pursuant to 40 CFR Part 34.

EFC or its authorized representatives, and other governmental entities as applicable, reserve the right to conduct occasional site inspections to monitor compliance with SRF program requirements.

This document is not intended to be inclusive of all applicable legal requirements and there may be other legal requirements that need to be included in a particular Contract or Subcontract that are not set forth here. Accordingly, EFC recommends that Recipients, Contractors, Subcontractors, and any other involved entities consult their legal counsel for advice on compliance with all applicable laws, including but not limited to local laws. This document is not intended to be legal advice.

Refer to the EFC website at www.efc.ny.gov/MWBE for the latest version of the bid packet to ensure that the most recent forms and contract language are being used.

REQUIRED CONTRACT LANGUAGE

Part 2 of this document is the Required Contract Language. All of the language in Part 2 must be inserted in to all Contracts and Subcontracts funded in whole or in part with SRF funds, in order for SRF Recipients, Contractors, and Subcontractors to comply with the above-listed SRF program requirements.

GUIDANCE MATERIALS

Part 3 of this document sets forth Guidance Materials intended to assist SRF Recipients, Contractors, and Subcontractors in complying with the foregoing SRF program requirements, as applicable.

The Guidance Materials are for informational purposes only and are not intended to be used as contractual language. Please do not incorporate the Guidance Materials into any Contracts or Subcontracts.

COMMONLY USED TERMS

The following commonly used terms are defined herein as follows:

“Contract” means an agreement between a Recipient and a Contractor.

“Contractor” means all bidders, prime contractors, Service Providers, and consultants as hereinafter defined, unless specifically referred to otherwise.

“Service Provider” means any individual or business enterprise that provides one or more of the following: legal, engineering, financial advisory, technical, or other professional services, supplies, commodities, equipment, materials, or travel.

“Subcontract” means an agreement between a Contractor and a Subcontractor.

“Subcontractor” means any individual or business enterprise that has an agreement, purchase order, or any other contractual arrangement with a Contractor.

“Recipient” means the party, other than EFC, to a grant agreement or a project finance agreement with EFC through which funds for the payment of amounts due thereunder are being paid in whole or in part.

“State” means the State of New York.

“Treatment Works” is defined in Clean Water Act (CWA) Section 212.

“Nonpoint Source Projects” and **“Green Infrastructure Projects”** are defined in CWA Section 319.

“Estuary Management Program Project” is defined in CWA Section 320.

PART 2:

REQUIRED CONTRACT LANGUAGE

SECTION 1 REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR FEDERAL DISADVANTAGED BUSINESS ENTERPRISES AND NEW YORK STATE CERTIFIED MINORITY- AND WOMEN- OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

The Equal Employment Opportunities requirements of this section apply to Contracts and Subcontracts greater than \$10,000.

The Minority- and Women- Owned Business Enterprises ("MWBE") and Disadvantaged Business Enterprises ("DBE") requirements of this section apply to Contractors and Subcontractors working pursuant to: (1) Contracts for labor, services (including, but not limited to, legal, financial, and other professional services), supplies, equipment, materials, or any combination of the foregoing, greater than \$25,000; (2) Contracts that are initially under this threshold but subsequent change orders or contract amendments increase the Contract value to above \$25,000; and, (3) change orders greater than \$25,000.

Disregard this section if it does not apply to this Contract or Subcontract.

I. General Provisions

A. Contractors and Subcontractors are required to comply with the following provisions:

1. New York State Executive Law Article 15-A and 5 NYCRR Parts 140-145 ("MWBE Regulations") for all State contracts as defined therein, with a value (1) in excess of \$25,000 for labor, services (including, but not limited to, legal, financial, and other professional services), supplies, equipment, materials, or any combination of the foregoing, or (2) in excess of \$100,000 for the acquisition, construction, demolition, replacement, major repair or renovation or real property and improvements thereon.
2. 40 CFR Part 33 ("Federal DBE Regulations") for contracts under EPA financial assistance agreements, as those terms are defined therein.
3. Title VI of the Civil Rights Act of 1964 and 40 CFR Part 7 ("Title VI") for any program or activity receiving federal financial assistance, as those terms are defined therein.

B. The Contractor and Subcontractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this Contract. The Contractor and Subcontractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the Contractor and Subcontractor to carry out these requirements is a material breach of this Contract which may result in the termination of this Contract or other legally available remedies.

C. Contractors and Subcontractors shall have instituted grievance procedures to assure the prompt and fair resolution of complaints when a violation of Title VI of the Civil Rights Act of 1964 or Title 40 CFR Part 7 is alleged.

D. Failure to comply with all of the requirements herein may result in a finding by the Recipient that the Contractor is non-responsive, non-responsible, and/or has breached the Contract, leading to

the withholding of funds or such other actions, liquidated damages pursuant to subsection III(F) of this section, or enforcement proceedings as allowed by the Contract.

- E. If any terms or provisions herein conflict with Executive Law Article 15-A, the MWBE Regulations, Federal DBE Regulations, or Title VI, such law and regulations shall supersede these requirements.
- F. Upon request from the Recipient's Minority Business Officer ("MBO") and/or EFC, Contractor will provide complete responses to inquiries and all MWBE and EEO records available within a reasonable time. For purposes of this section, MBO means the duly authorized representative of the SRF Recipient for MWBE and EEO purposes.

II. Equal Employment Opportunities (EEO)

- A. Each Contractor and Subcontractor performing work on the Contract shall undertake or continue existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, EEO shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.
- B. Contractor represents that it has submitted an EEO policy statement to Recipient prior to the execution of this Contract.
- C. Contractor represents that it's EEO policy statement includes the following language:
 - 1. The contractor will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, or marital status against any employee or applicant for employment, will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination and will make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on Contracts relating to SRF projects.
 - 2. The Contractor shall state in all solicitations or advertisements for employees that, in the performance of the Contract relating to this SRF project, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.
 - 3. The Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status, and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein.
- D. The Contractor will include the provisions of Subdivisions II(A), II(C), and II(E) in every Subcontract in such a manner that the requirements of these subdivisions will be binding upon each Subcontractor as to work in connection with the Contract.
- E. The Contractor shall comply with the provisions of the Human Rights Law (Executive Law Article 15), Title VI, and all other State and Federal statutory and constitutional non-discrimination provisions. The Contractor and Subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

F. Required EEO Forms

1. EEO Staffing Plan

To ensure compliance with this section, the Contractor represents that it has submitted prior to execution of this Contract an EEO Staffing Plan to the Recipient's MBO to document the composition of the proposed workforce to be utilized in the performance of the Contract by the specified categories listed, including ethnic background, gender, and federal occupational categories.

2. EEO Workforce Employment Utilization Report ("Workforce Report")

- a. The Contractor shall submit a Workforce Report, and shall require each of its Subcontractors to submit a Workforce Report to the Recipient, in such format as shall be required by EFC on a quarterly basis during the term of the Contract.
- b. Separate forms shall be completed by Contractor and any Subcontractor.
- c. In limited instances, the Contractor may not be able to separate out the workforce utilized in the performance of the Contract from the Contractor's and/or Subcontractor's total workforce. When a separation can be made, the Contractor shall submit the Workforce Report and indicate that the information provided related to the actual workforce utilized on the Contract. When the workforce to be utilized on the Contract cannot be separated out from the Contractor's and/or Subcontractor's total workforce, the Contractor shall submit the Workforce Report and indicate that the information provided is the Contractor's total workforce during the subject time frame, not limited to work specifically under the Contract.

III. Business Participation Opportunities for MWBEs

A. Contract Goals

1. For purposes of this Contract, EFC establishes the following goals for New York State certified MWBE participation ("MWBE Combined Goals") based on the current availability of qualified MBEs and WBEs.

Program	MWBE Combined Goal*
CWSRF, DWSRF, & Green Innovation Grant Program	20%
NYS Water Grants (also receiving EFC loan)	Clean Water project 23% Drinking Water project 26%
NYS Water Grants (grant only)	30%
Engineering Planning Grant	Consolidated Funding Application Round 2012-2014 20% Consolidated Funding Application Round 2015-2017 30%

*May be any combination of MBE and/or WBE participation

2. For purposes of providing meaningful participation by MWBEs on the Contract and achieving the MWBE Contract Goals established in Section III-A hereof, the Contractor should reference the directory of New York State Certified MWBEs found at the following internet address: <https://ny.newnycontracts.com>.
3. Where MWBE Contract Goals have been established herein, pursuant to 5 NYCRR § 142.8, the Contractor must document "good faith efforts" to provide meaningful participation by MWBEs as Subcontractors or suppliers in the performance of the Contract. In accordance with Section 316-a of Article 15-A and 5 NYCRR § 142.13, the Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such a finding constitutes a breach of Contract and the Contractor shall be liable to the Recipient for liquidated or other appropriate damages, as set forth herein.

B. MWBE Utilization Plan

1. The Contractor represents and warrants that Contractor has submitted an MWBE Utilization Plan to the Recipient prior to the execution of this Contract.
2. The Contractor agrees to use such MWBE Utilization Plan for the performance of MWBEs on the Contract pursuant to the prescribed MWBE goals set forth in Section III-A of this section.
3. The Contractor further agrees that a failure to submit and/or use such MWBE Utilization Plan shall constitute a material breach of the terms of the Contract. Upon the occurrence of such a material breach, the Recipient shall be entitled to any remedy provided herein, including but not limited to, a finding that the Contractor is not responsive.
4. Contractor must report any changes to the Utilization Plan after Contract award and during the term of the Contract to the Recipient's MBO. Contractor shall indicate the changes to the MBO in the next Monthly MWBE Contractor Compliance Report after the changes occurred. At EFC's discretion, an updated MWBE Utilization Plan form and good faith effort documentation may be required to be submitted. When a Utilization Plan is revised due to execution of a change order, the change order should be submitted to the MBO with the revised Utilization Plan.
5. The Contractor shall submit copies of all fully executed subcontracts, agreements, and purchase orders that are referred to in the MWBE Utilization Plan to the MBO within 30 days of their execution.

C. Requests for Waiver

1. If the Contractor, after making good faith efforts, is unable to comply with MWBE goals, the Contractor may submit a Request for Waiver to the Recipient documenting good faith efforts by the Contractor to meet such goals. If the documentation included with the waiver request is complete, the Recipient shall forward the request to EFC for evaluation, and EFC will issue a written notice of acceptance or denial within twenty (20) days of receipt.
2. If the Recipient, upon review of the MWBE Utilization Plan and updated Quarterly MWBE Contractor Compliance Reports determines that the Contractor is failing or refusing to comply with the MWBE Contract Goals and no waiver has been issued in regards to such non-compliance, the Recipient may issue a notice of deficiency to the Contractor. The Contractor must respond to the notice of deficiency within seven (7) business days of receipt. Such response may include a request for partial or total waiver of MWBE Contract Goals.

D. Monthly MWBE Contractor Compliance Report ("Monthly MWBE Report")

The Contractor agrees to submit a report to the Recipient by the third business day following the end of each month over the term of this Contract documenting the payments made and the progress towards achievement of the MWBE goals of the Contract. The Monthly MWBE Report must be supplemented with proof of payment by the Contractor to its Subcontractors (e.g., copies of both sides of a cancelled check) and proof that Subcontractors have been paid within 30 days of receipt of payment from the Recipient. The final Monthly MWBE Report must reflect all Utilization Plan revisions and change orders.

E. Required Federal DBE Forms

1. EPA Form 6100-3 - DBE Subcontractor Performance Form
Contractor represents that it has submitted the Form 6100-3 to all of its Subcontractors, all of its Subcontractors have completed the form, and that Contractor submitted such completed forms to Recipient with its bid submission.
2. EPA Form 6100-4 - DBE Subcontractor Utilization Form
Contractor represents that it has completed the Form 6100-4 and submitted such completed form to Recipient with its bid submission.
3. EPA Form 6100-2 - DBE Subcontractor Participation Form
Contractor represents that it has distributed a Form 6100-2 to its MWBE Subcontractors

for completion prior to execution of this Contract.

F. Liquidated Damages - MWBE Participation

In accordance with Section 316-a of Article 15-A and 5 NYCRR §142.13, if it has been determined by the Recipient or EFC that the Contractor has willfully and intentionally failed to comply with the MWBE participation goals, the Contractor shall be obligated to pay to Recipient liquidated damages or other appropriate damages, as specified herein and as determined by the Recipient or EFC.

Liquidated damages shall be calculated as an amount not to exceed the difference between:

1. All sums identified for payment to MWBEs had the Contractor achieved the approved MWBE participation goals; and,
2. All sums actually paid to MWBEs for work performed or materials supplied under this Contract.

The Recipient and EFC reserve the right to impose a lesser amount of liquidated damages than the amount calculated above based on the circumstances surrounding the Contractor's non-compliance.

In the event a determination has been made by the Recipient or EFC which requires the payment of damages identified herein and such identified sums have not been withheld, Contractor shall pay such damages to the Recipient within sixty (60) days after they are assessed unless prior to the expiration of such sixtieth day, the Contractor has filed a complaint with the Empire State Development Corporation – Division of Minority and Women's Business Development ("ESD") pursuant to Subdivision 8 of Section 313 of the Executive Law in which event the damages shall be payable if the Director of ESD renders a decision in favor of the Recipient.

SECTION 2 REQUIREMENTS REGARDING SUSPENSION AND DEBARMENT

The requirements of this section apply to all Contracts and Subcontracts.

Contractor and any Subcontractors shall comply with, Subpart C of 2 CFR Part 180 as implemented and supplemented by 2 CFR Part 1532. The Contractor is not a debarred or suspended party under 2 CFR Part 180 or 2 CFR Part 1532, or 29 CFR § 5.12. Neither the Contractor nor any of its Subcontractors have contracted with, or will contract with, any debarred or suspended party under the foregoing regulations.

The Contractor and any Subcontractors have not been deemed ineligible to submit a bid on or be awarded a public contract or subcontract pursuant to Article 8 of the State Labor Law, specifically Labor Law § 220-b. In addition, neither the Contractor nor any Subcontractors have contracted with, or will contract with, any party that has been deemed ineligible to submit a bid on or be awarded a public contract or subcontract under Labor Law § 220-b.

In addition, the Contractor and any Subcontractors have not been deemed ineligible to submit a bid and have not contracted with and will not contract with any party that has been deemed ineligible to submit a bid under Executive Law § 316.

SECTION 3 RESTRICTIONS ON LOBBYING

The requirements of this section apply to all Contracts and Subcontracts greater than \$100,000. Disregard this section if it does not apply to this Contract or Subcontract.

The Contractor and any Subcontractor executing a Contract or Subcontract in excess of \$100,000 agree to provide to the Recipient an executed Certification Regarding Lobbying pursuant to 40 CFR Part 34 ("Lobbying Certification") in the form attached hereto as Attachment 10, consistent with the prescribed form provided in Appendix A to 40 CFR Part 34.

PART 3:

GUIDANCE MATERIALS

APPLICABILITY OF PROGRAM REQUIREMENTS

This chart contains a listing of the SRF program requirements contained within this document, as well as the following details regarding each requirement: (1) its applicability, i.e., what types of contracts/subcontracts, particular monetary thresholds if applicable; (2) a section reference to the Required Contract Language that applies from Part 2; and (3) a section reference to the Guidance that applies from this Part.

Requirement	Applicability	Section of Required Contract Language from Part 2	Section of Appropriate Guidance from Part 3
Minority- and Women- Owned Business Enterprises (MWBE) and Disadvantaged Business Enterprises (DBE)	Contractors and Subcontractors working pursuant to: (1) Contracts for labor, services (including, but not limited to, legal, financial, and other professional services), supplies, equipment, materials, or any combination of the foregoing, greater than \$25,000; (2) Contracts that are initially under this threshold but subsequent change orders or Contract amendments increase the Contract value above \$25,000; and, (3) Change orders greater than \$25,000	1	1
Equal Employment Opportunities (EEO)	Contracts and Subcontracts greater than \$10,000	1	1
Suspension and Debarment	All Contracts and Subcontracts	2	2
Restrictions on Lobbying	All Contracts and Subcontracts greater than \$100,000	3	3

SECTION 1 GUIDANCE FOR THE REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR FEDERAL DISADVANTAGED BUSINESS ENTERPRISES AND NEW YORK STATE CERTIFIED MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

I. Summary of EEO, MWBE, and DBE Forms

A. Forms to be Submitted Prior to Contract Execution

1. EEO Policy Statement

To be submitted by the Contractor to the Recipient's Minority Business Officer ("MBO") prior to Contract execution. The "MBO" refers to the duly authorized representative of the SRF Recipient for MWBE and EEO purposes. This form is attached hereto as Attachment 1. See Required Contract Language, Section 1(II).

2. EEO Staffing Plan

To be submitted by the Contractor to the MBO prior to Contract execution. This form is attached hereto as Attachment 2. See required Contract Language, Section 1(II).

3. EPA Form 6100-3 – DBE Subcontractor Performance Form

To be submitted by the Contractor to the MBO with its bid submission. This form is attached hereto as Attachment 8. See Required Contract Language, Section 1(III)(E).

4. EPA Form 6100-4 – DBE Subcontractor Utilization Form

To be submitted by the Contractor to the MBO with its bid submission. This form is attached hereto as Attachment 9. See Required Contract Language, Section 1(III)(E).

5. EPA Form 6100-2 – DBE Subcontractor Participation Form

To be submitted by the Subcontractors to the MBO prior to Contract execution. The Contractor must provide the form to the Subcontractors for completion. The Contractor should also submit documentation (e.g., email, letter, certified mail receipt) to the MBO that the 6100-2 form was made available to the MWBE Subcontractors. This form is attached hereto as Attachment 7. See Required Contract Language, Section 1(III)(E).

6. MWBE Utilization Plan

To be submitted by the Contractor to the MBO after the bid opening, but in no case more than ten (10) business days after the Contractor receives notice from the Recipient that the Contractor has submitted a low bid. This form is attached hereto as Attachment 5. See Required Contract Language, Section 1(III)(B).

B. Forms to be Submitted During the Term of the Contract

1. EEO Workforce Employment Utilization Report ("Workforce Report")

To be submitted by the Contractor to the MBO on a quarterly basis during the term of the Contract. This form is attached hereto as Attachment 3. See Required Contract Language, Section 1(II)(G).

2. Request for Partial or Total Waiver

If applicable, to be submitted by the Contractor to the MBO at any time during the term of the Contract, but not later than prior to the submission of a request for final payment on the Contract. This form is attached hereto as Attachment 6. See Required Contract Language, Section 1(III)(C).

3. **Monthly MWBE Contractor Compliance Report ("Monthly MWBE Report")**
To be submitted by the Contractor to the MBO by the third business day following the end of each month over the term of the Contract. This form is attached hereto as Attachment 4. See Required Contract Language, Section 1(III)(D).

II. Business Participation Opportunities for MWBEs

A. Contract Goals

The goals provided herein (Required Contract Language, Section 1(III)(A)) are effective as of October 1, 2016. MWBE participation goals for a contract will be based on the goals in place at the time of the execution date of each respective contract, unless otherwise specified. In certain instances, the goals may vary, such as with projects co-funded by EFC and other state/federal agencies. With some co-funded projects, EFC may defer to the MBE and WBE participation goals and program established by those agencies.

Please contact EFC if you have any questions about the applicable MWBE participation goals for your contract.

B. Good Faith Efforts

The Contractor must make good faith efforts to develop an adequate MWBE Utilization Plan and must continue such good faith efforts in order to meet applicable MWBE participation goals. The Contractor shall maintain documentation of good faith efforts to solicit participation of MWBE firms for SRF-funded projects. If a Contractor is unable to meet contract MWBE participation goals, and submits a Request for Waiver, documentation of such good faith efforts must accompany the request. See Required Contract Language, Section 1(III)(C).

Contractor should also continue good faith efforts to seek opportunities for MWBE participation during the life of the contract even if proposed goals have been achieved.

Examples of documentation of good faith efforts are set forth below:

- Information on the scope of work related to the contract, such as a copy of the schedule of values from the bid submission, and specific steps taken to reasonably structure the scope of work to break out tasks or equipment needs for the purpose of providing opportunities for subcontracting with, or obtaining supplies or services from, MBEs or WBEs.
- Printed screenshots of the directory of Certified Minority- and Women- Owned Business Enterprises ("MWBE directory") on ESD's website on a Statewide basis, if appropriate, for both MBEs and WBEs that provide the services or equipment necessary for the contract. Contact the MBO for assistance in performing a proper search including identifying a sufficient number of solicitations to show that good faith effort was made.
- Copies of timely solicitations and documentation (e.g., faxes and emails) that the Contractor offered relevant plans, specifications, or other related materials to MBE and WBE firms on ESD's MWBE directory to participate in the work, with the responses.
- A log prepared by the Contractor in a sortable spreadsheet documenting the Contractor's solicitation of MBEs and WBEs for participation as Subcontractors or suppliers pursuant to a contract. The log should consist of the list of MBE and WBE firms solicited, their contact information, the type of work they were solicited to perform (or equipment to provide), how the solicitation was made (fax, phone, email) and the contact information, the contacts name and the outcome. If a bid was received, the bid price should also be included in the log. See a sample log format below:

Date	M/WBE Type	Company	Scope of work	Contact Name	Phone/ Email	Solicitation Format	MWBE Response	Negotiation Required?	Selected? If not, Explain

If no response was received to an initial solicitation, at least one follow-up solicitation should be made in a different format than the first, e.g. fax followed by phone call. Any bids received from non-MWBE firms for the same areas MWBEs were solicited should also be tracked on the log.

- Copies of the EPA 6100-3 and 6100-4 forms that are required with the bid submission. A properly completed EPA 6100-3 form is good indication of a contact to an MWBE and their response to the contact. If solicitations do not result in obtaining sufficient participation of MWBE firms due to non-responsiveness, please contact the MBO or EFC MWBE representative for support.
- Copies of any advertisements of sufficient duration to effectively seek participation of certified MBE and WBEs timely published in appropriate general circulation, trade and MWBE oriented publications, together with listing and dates of publication of such advertisements. EFC recommends the use of the NYS Contract Reporter that is free to all Contractors - <https://www.nyscr.ny.gov/>. A log should be kept of the responses to the ads, similar to the log for MWBE firm solicitation and should include the non-MWBE firms that responded and the bid prices. Any negotiations should be documented in the log.
- Documents demonstrating that insufficient MBEs or WBEs are reasonably available to perform the work.
- A written demonstration that the Contractor offered to make up any inability to meet the project MWBE participation goals in other contracts and/or agreements performed by the Contractor on another SRF funded project.
- The date of pre-bid, pre-award, or other meetings scheduled by the Recipient, if any, and the contact information of any MBEs and WBEs who attended and are capable of performing work on the project.
- Any other information or documentation that demonstrates the Contractor conducted good faith efforts to provide opportunities for MWBE participation in their work. For instance, Prime Contractors and MBOs should develop a list of MWBE firms that have expressed interest in working on SRF-funded projects
- The use of certified DBE and small businesses certified through the US Small Business Administration (SBA) may be considered as a demonstration of Good Faith Efforts.

C. MWBE Utilization Plan

1. The MWBE Utilization Plan must be submitted to the Recipient's MBO after the bid opening, but in no case more than ten (10) business days after the Contractor receives notice from the Recipient that the Contractor has submitted a low bid.
2. The MBO will evaluate a completed MWBE Utilization Plan. If the MBO finds the Utilization Plan sufficient, it will be forwarded to EFC for review. If the MBO finds the Utilization Plan insufficient, the MBO will work with the Contractor to address deficiencies before submitting to EFC for review. A written notice of acceptance or deficiency will be issued by EFC within 20 business days of receipt of the Utilization Plan. Upon receipt of

- a notice of deficiency from either the MBO or EFC, the Contractor shall respond with a written remedy to such notice within seven (7) business days of receipt.
3. In coordination with the MBO, EFC will accept an MWBE Utilization Plan upon consideration of many factors, including the following:
 - a. The MWBE Utilization Plan indicates that the proposed goals for the project will be achieved;
 - b. A Contractor, who is a certified MBE or WBE, will be credited for up to 100% of the category of their certification. However, good faith efforts to seek participation in the other category are also required; and,
 - c. Adequate documentation to demonstrate good faith efforts and/or support a specialty equipment/services waiver as described below in Section II(E).
 4. EFC reserves the right to request additional information and/or documentation to support the adequacy of the MWBE Utilization Plan.
 5. Within 10 days of EFC's acceptance of a MWBE Utilization Plan, EFC will post the approved Utilization Plan on the EFC website.
 6. In coordination with the MBO, EFC may issue conditional acceptance of Utilization Plans pending submission of additional documentation that demonstrates there will be an increase in MWBE participation.

D. Eligibility for MWBE Participation Credit

1. To receive MWBE participation credit, Contractors or Subcontractors performing work that have been identified in an approved MWBE Utilization Plan must be certified as an MBE or WBE by ESD.
2. Prime Contractors may also include second or lower tier Subcontractors (Subcontractors hired by Subcontractors) on their MWBE Utilization Plan.
3. Credit for MWBE participation shall be granted only for MWBE firms performing a commercially useful business function according to custom and practice in the industry.
 - a. Factors to be used in assessing whether an MWBE is performing a commercially useful function include:
 - i. The amount of work subcontracted;
 - ii. Industry practices;
 - iii. Whether the amount the MWBE is to be paid under the contract is commensurate with the work it is to perform;
 - iv. The credit claimed towards MWBE utilization goals for the performance of the work by the MWBE; and,
 - v. Any other relevant factors.
 - b. "Commercially useful functions" normally include:
 - i. Providing technical assistance to a purchaser prior to a purchase, during installation, and after the supplies or equipment are placed in service;
 - ii. Manufacturing or being the first tier below the manufacturer of supplies or equipment;
 - iii. Providing functions other than merely accepting and referring requests for supplies or equipment to another party for direct shipment to a Contractor; or,
 - iv. Being responsible for ordering, negotiating price, and determining quality and quantity of materials and supplies.
4. No credit will be granted for MWBEs that do not perform a commercially useful function. An MWBE does not perform a commercially useful function if its role adds no substantive value and is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of participation.

E. Requests for Waiver

1. If the Contractor's application of good faith efforts does not result in the utilization of MWBE firms to achieve the aforementioned goals or a specialty equipment/service waiver is requested, the Contractor may request a full or partial waiver of MWBE participation goals by completing a Request for Waiver form, attaching appropriate documentation of good faith efforts, and submitting same to the MBO. See also Required Contract Language, Section 1(III)(C). Even if an MWBE waiver is granted, EEO information must still be submitted.
2. The MBO and EFC will review each waiver request based on the good faith effort criteria presented above and the documentation submitted with the waiver request. EFC will not issue any automatic waivers from MWBE responsibilities.
3. In cases where EFC accepts a full or partial waiver of MWBE participation goals, the waiver request will be posted to EFC's website.
4. Specialty Equipment/Service Waiver: A specialty equipment/service waiver may be granted in cases where:
 - a. equipment is made by only one non-MWBE manufacturer,
 - b. the technical specifications call for equipment that is not available through an MWBE supplier;
 - c. the equipment is constructed on site by specially trained non-MWBE labor;
 - d. the service is not available through an MWBE (such as work done by National Grid);
 - e. the service is proprietary in nature (such as use of certain computer software necessary for control systems); or,
 - f. the service cannot be subcontracted (such as litigation services).

If the contract includes specialty equipment or services, and documentation is submitted demonstrating that there are no MWBE firms capable of completing this portion of the contract, the specialty amount of the contract may be deducted from the total contract amount to determine the MWBE Eligible Amount and the goals will be applied to the MWBE Eligible Amount. This determination is made at the discretion of the MBO and EFC.

Example:

\$200,000	-	\$50,000	=	\$150,000
(Contract)		(Specialty equipment/service)		(MWBE Eligible Amount)

The MWBE goal is applied to the MWBE Eligible Amount.

A request for this specialty equipment/service deduction can be completed by filling out a Request for Waiver form and submitting it to the MBO. The request must include a copy of the page from the contract where the equipment/ service is described and the cost of each item. Additional documentation may be requested by the MBO or EFC.

III. Subcontractor's Responsibilities

Subcontractors should:

1. Maintain their MWBE certifications, and notify the Contractor and MBO of any change in their certification status.
2. Notify the Contractor of any MWBE Subcontractors they hire so they may be included on the Contractor's Utilization Plan.
3. Respond promptly to solicitation requests by completing and submitting bid information in a timely manner.
4. Maintain business records that should include, but not be limited to, contracts/agreements, records of receipts, correspondence, purchase orders, and canceled checks.
5. Complete and submit the EPA Form 6100-3 - DBE Subcontractor Performance Form to the Contractor prior to submission of the Contractor's bid to the Recipient.

6. Complete and return EPA Form 6100-2 - DBE Subcontractor Participation Form to the Recipient prior to Contractor's execution of the contract.
7. Ensure that a required EEO Policy Statement and applicable MWBE requirements are included in each subcontract.
8. Notify the MBO and EFC when contract problems arise, such as non-payment for services or when the Subcontractor is not employed as described in the MWBE Utilization Plan.

IV. Protests/Complaints

Contractors or Subcontractors who have any concerns, issues, or complaints regarding the implementation of the SRF MWBE & EEO Program, or wish to protest should do so in writing to the MBO and EFC. The MBO, in consultation with EFC, will review the circumstances described in the submission, investigate to develop additional information, if warranted, and determine whether action is required. If the Contractor or Subcontractor believes the issue has not been resolved to their satisfaction, they may appeal in writing to EFC for consideration.

V. Waste, Fraud and Abuse

Subcontractors, Contractors, or Recipients who know of or suspect any instances of waste, fraud, or abuse within the MWBE & EEO Program should notify the project MBO and EFC immediately. Additionally, suspected fraud activity should be reported to the USEPA – Office of Inspector General Hotline at (888) 546-8740, the New York State Office of Inspector General at (800) 367-4448, or the ESD Compliance Office at (212) 803-3266.

SECTION 2 GUIDANCE FOR REQUIREMENTS REGARDING SUSPENSION AND DEBARMENT

A list of debarred and suspended contractors, pursuant to 2 CFR Parts 180 and 1532 and 29 CFR § 5.12, is available on the US Department of Labor's website at <https://www.sam.gov/portal/public/SAM/>.

A list of contractors and subcontractors deemed ineligible to submit a bid on or be awarded a public contract or subcontract, pursuant to Article 8 of the State Labor Law, is available on the New York State Department of Labor's website at <http://labor.ny.gov/workerprotection/publicwork/PDFs/debarred.pdf>

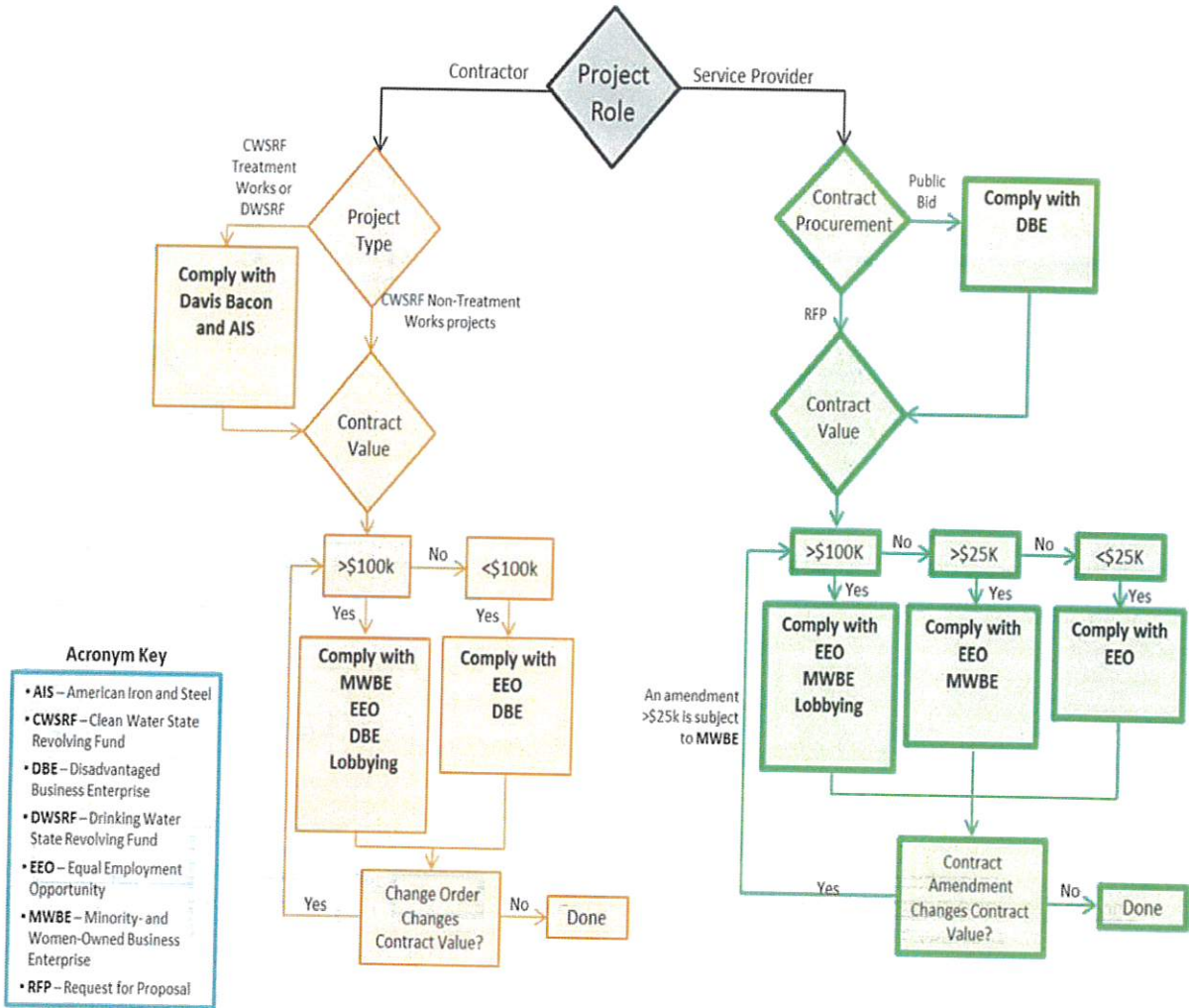
A list of contractors deemed ineligible to submit a bid is maintained by Empire State Development's Division of Minority and Women's Business Development.

SECTION 3 GUIDANCE FOR RESTRICTIONS ON LOBBYING

Each Contractor and any Subcontractor that has a Contract or Subcontract exceeding \$100,000 shall provide to the Recipient a completed Certification Regarding Lobbying pursuant to 40 CFR Part 34 ("Lobbying Certification") in the form attached hereto as Attachment 10 consistent with the prescribed form provided in Appendix A to 40 CFR Part 34. The form provides a certification that the Contractor or Subcontractor will not expend appropriated federal funds to pay any person for influencing or attempting to influence an officer or employee of any agency, Member of Congress, officer or employee of Congress or any employee of any Member of Congress in accordance with the provisions of 40 CFR Part 34, and to maintain such certification for their own records. It is noted that disbursement of funds may be withheld until the Lobbying Certification form has been received by the Recipient.

SECTION 4

PROGRAM CONTRACT REQUIREMENT DECISION TREE



SECTION 5 SUMMARY OF CONTRACTOR REQUIREMENTS FOR SRF-FUNDED PROJECTS

Forms can be found as attachments to this document or online at www.efc.ny.gov/MWBE

Forms should be submitted electronically via email or through EFC's [dropbox](#)

To be submitted with this bid:

- EEO Policy Statement
- Documented Proof that EPA Form 6100-2 - DBE Subcontractor Participation Form was given to MWBE Subcontractors
- EPA Form 6100-3 - DBE Subcontractor Performance Form
- EPA Form 6100-4 - DBE Subcontractor Utilization Form
- Lobbying Certification

**Refer to Part 3
Guidance Section**
Section 1
Section 1
Section 1
Section 1
Section 3

To be submitted prior to or upon Contract award:

- Executed Contracts, Subcontracts, agreements, and purchase orders
- MWBE Utilization Plan and/or Waiver Request
- EEO Staffing Plan

Section 1
Section 1

Ongoing documentation & tasks:

- EEO Workforce Utilization Report
- Submit Monthly MWBE Reports to MBO
- Maintain proof of payments for MWBE Subcontractors
- Ensure that all Subcontracts contain Part 2: Required Contract Language

Section 1
Section 1
Section 1

Attachment 1
New York State Environmental Facilities Corporation
EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT
NEW YORK STATE REVOLVING FUND (SRF)

I, _____, am the authorized representative of _____.
Name of Representative Name of Contractor/Service Provider
I hereby certify that _____ will abide by the equal employment
Name of Contractor/Service Provider
opportunity (EEO) policy statement provisions outlined below.

- (i) The Contractor will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, or marital status against any employee or applicant for employment, will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination and will make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on Contracts relating to SRF projects.
- (ii) The Contractor shall state in all solicitations or advertisements for employees that, in the performance of the Contract relating to this SRF project, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.
- (iii) The Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status, and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein.
- (iv) The Contractor shall comply with the provisions of the Human Rights Law (Article 15 of the Executive Law), including those relating to non-discrimination on the basis of prior criminal conviction and prior arrest, and with all other State and federal statutory and constitutional non-discrimination provisions, including Titles VI and VII of the Civil Rights Act of 1964, 40 CFR Part 7, 41 CFR Part 60-1 Subpart A, and 41 CFR Part 60-4. The Contractor and Subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status.
- (v) The Contractor will include the provisions of subdivisions (i) through (iv) in every Subcontract in such a manner that the requirements of these subdivisions will be binding upon each Subcontractor as to work in connection with the Contract.

X

Contractor/Service Provider Representative

**Attachment 2
New York State Environmental Facilities Corporation
Equal Employment Opportunity (EEO) Staffing Plan**

Municipality:	County:	SRF Project No.:	Contract ID:
Service Provider Name:		Date:	

Report Includes – Please select one from the options below:

- Workforce utilized on this contract
 Contractor/subcontractor's total workforce

Reporting Entity – Please select one from the options below:

- Prime Service Provider
 Subcontractor

Job Categories	Hispanic/Latino		Not Hispanic or Latino												
	Male	Female	Male						Female						
			White	Black/African American	Native Hawaiian/Other Pacific Islander	Asian	Native American/Alaska Native	Two or More Races	White	Black/African American	Native Hawaiian/Other Pacific Islander	Asian	Native American/Alaska Native	Two or More Races	
Senior Level Officials/Managers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mid-Level Officials/Managers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Professionals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Technicians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sales Workers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Administrative Support Workers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Skilled Craftsmen	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Operatives Semi-Skilled	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Laborers & Helpers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Service Workers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Journeypersons															
Apprentices															
Trainees															

Electronic Signature of Service Provider: <input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge. Name (Please Type):	Date:
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Attachment 2
New York State Environmental Facilities Corporation
Equal Employment Opportunity (EEO) Staffing Plan
INSTRUCTIONS

All Service Providers (including legal, engineering, financial advisory or other professional services, and labor) and each subcontractor identified in the bid or proposal must complete an EEO Staffing Plan and submit it no later than the date of execution of the contract to the Recipient's Minority Business Officer (MBO). Where the work force to be utilized in the performance of the contract can be separated out from the contractor's or subcontractors' total work force, the contractor shall complete this form *only for the anticipated work force to be utilized on the contract*. Where the work force to be utilized in the performance of the contract cannot be separated out from the contractor's or subcontractors' total work force, the contractor shall complete this form for the contractor's or subcontractors' total work force.

RACE/ETHNIC IDENTIFICATION: Definitions of race and ethnicity for purposes of completion of this form are as follows:

- **Hispanic or Latino** - A person having origins in Cuba, Mexico, Puerto Rico, South or Central America.
- **White** - A person having origins of Europe, the Middle East, or North Africa.
- **Black or African-American** - A person having origins in any of the black racial groups of Africa.
- **Native Hawaiian or Other Pacific Islander** - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **Asian** - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent
- **American Indian or Alaska Native** - A person having origins in any of the original peoples of North, Central, and South America and who maintain tribal affiliation or community attachment.
- **Two or More Races** - All persons who identify with more than one of the above (Non-Hispanic or Latino) five races.

DESCRIPTION OF JOB CATEGORIES: The major job categories used in EEO Staffing Plan are as follows:

- **Senior Level Officials and Managers** - Individuals residing in the highest levels of organizations who plan, direct and formulate policies, set strategy and provide the overall direction of enterprises/organizations for the development and delivery of products or services.
- **Mid-Level Officials and Managers** - Individuals who receive directions from the Senior Level management and serve as managers, other than those who serve as Senior Level Officials and Managers, including those who oversee and direct the delivery of products, services or functions at group, regional or divisional levels of organizations.
- **Professionals** - Most jobs in this category require bachelor and graduate degrees, and/or professional certification. In some instances, comparable experience may establish a person's qualifications.
- **Technicians** - Jobs in this category include activities that require applied scientific skills, usually obtained by post-secondary education of varying lengths, depending on the particular occupation, recognizing that in some instances additional training, certification, or comparable experience is required.
- **Sales Workers** - These jobs include non-managerial activities that wholly and primarily involve direct sales.
- **Administrative Support Workers** - These jobs involve non-managerial tasks providing administrative and support assistance, primarily in office settings.
- **Skilled Craftsmen** - Includes higher skilled occupations in construction (building trades craft workers and their formal apprentices) and natural resource extraction workers. Examples of these types of positions include: boilermakers; brick and stone masons; carpenters; electricians; painters.
- **Operatives Semi-Skilled** - Most jobs in this category include intermediate skilled occupations and include workers who operate machines or factory-related processing equipment. Most of these occupations do not usually require more than several months of training. Examples include: textile machine workers.
- **Laborers & Helpers** - Jobs in this category include workers with more limited skills who require only brief training to perform tasks that require little or no independent judgment.
- **Service Workers** - Jobs in this category include food service, cleaning service, personal service, and protective service activities.

See the bid packet at www.efc.ny.gov/mwbe or your designated MBO for further guidance.

Attachment 3
NYS Environmental Facilities Corporation
Equal Employment Opportunity (EEO) Workforce Employment Utilization Report

Municipality:	County:	SRF Project No.:	Contract ID:
Contractor/Service Provider:		Date:	

Report Includes – Please select one from the options below:

- Construction Contracts** - Report the hours of contractor's and ALL subcontractor's employees who worked on contract activities during the month
- Service Provider Contracts** - Report the Actual Contractor/subcontractor's workforce (# of personnel) utilized on this contract.

Job Categories	Hispanic/Latino		Non-Hispanic / Latino												
	Male	Female	Male						Female						
			White	Black/African American	Native Hawaiian/Other Pacific Islander	Asian	Native American/Alaska Native	Two or More Races	White	Black/African American	Native Hawaiian/Other Pacific Islander	Asian	Native American/Alaska Native	Two or More Races	
Senior Level Officials/Managers															
Mid-Level Officials/Managers															
Professionals															
Technicians															
Sales Workers															
Administrative Support Workers															
Skilled Craftsmen															
Operatives Semi-Skilled															
Laborers & Helpers															
Service Workers															
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Journeypersons															
Apprentices															
Trainees															

Service Provider Contracts Only: There are no changes to the workforce utilized on this contract since the last EEO Workforce Utilization Report

Electronic Signature of Contractor: I certify that the information submitted herein is true, accurate and complete to the best of my knowledge.

Name (Please Type): _____ Date: _____

Attachment 3
NYS Environmental Facilities Corporation
Equal Employment Opportunity (EEO) Workforce Employment Utilization Report

INSTRUCTIONS

All Contractors and each Subcontractor identified in the approved MWBE Utilization Plan must complete an EEO Workforce Utilization Report and submit it to the MBO on a monthly basis for construction contracts and on a quarterly basis for service provider contracts. Separate forms shall be completed by the Contractor and any Subcontractor. Where the work force to be utilized in the performance of the contract can be separated out from the contractor's or subcontractors' total workforce, the contractors shall *complete this form only for the actual work force utilized on the contract*. Where the workforce utilized in the performance of the contract cannot be separated out from the contractor's or subcontractors' total workforce, the contractors shall *complete this form for the contractor's or subcontractors' total workforce*.

Construction Contracts: Report the hours of contractor's and ALL subcontractors' employees who worked on contract activities for each month.

RACE/ETHNIC IDENTIFICATION: Definitions of race and ethnicity for purposes of completion of this form are as follows:

- **Hispanic or Latino** - A person having origins in Cuba, Mexico, Puerto Rico, South or Central America.
- **White** - A person having origins of Europe, the Middle East, or North Africa.
- **Black or African-American** - A person having origins in any of the black racial groups of Africa.
- **Native Hawaiian or Other Pacific Islander** - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **Asian** - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent
- **American Indian or Alaska Native** - Origins in any of the original peoples of North, Central, and South America and who maintain tribal affiliation or community attachment
- **Two or More Races** - All persons who identify with more than one of the above five races.

DESCRIPTION OF JOB CATEGORIES: The major job categories used in EEO Workforce Utilization Report are as follows:

- **Senior Level Officials and Managers** - Individuals residing in the highest levels of organizations who plan, direct and formulate policies, set strategy and provide the overall direction of enterprises/organizations for the development and delivery of products or services.
- **Mid-Level Officials and Managers** - Individuals who receive directions from the Senior Level management and serve as managers, other than those who serve as Senior Level Officials and Managers, including those who oversee and direct the delivery of products, services or functions at group, regional or divisional levels of organizations.
- **Professionals** - Most jobs in this category require bachelor and graduate degrees, and/or professional certification. In some instances, comparable experience may establish a person's qualifications.
- **Technicians** - Jobs in this category include activities that require applied scientific skills, usually obtained by post-secondary education of varying lengths, depending on the particular occupation, recognizing that in some instances additional training, certification, or comparable experience is required.
- **Sales Workers** - These jobs include non-managerial activities that wholly and primarily involve direct sales.
- **Administrative Support Workers** - These jobs involve non-managerial tasks providing administrative and support assistance, primarily in office settings.
- **Skilled Craftsmen** - Includes higher skilled occupations in construction (building trades craft workers and their formal apprentices) and natural resource extraction workers. Examples of these types of positions include: boilermakers; brick and stone masons; carpenters; electricians; painters.
- **Operatives Semi-Skilled** - Most jobs in this category include intermediate skilled occupations and include workers who operate machines or factory-related processing equipment. Most of these occupations do not usually require more than several months of training. Examples include: textile machine workers.
- **Laborers & Helpers** - Jobs in this category include workers with more limited skills who require only brief training to perform tasks that require little or no independent judgment.
- **Service Workers** - Jobs in this category include food service, cleaning service, personal service, and protective service activities.

Attachment 4
New York State Environmental Facilities Corporation
Monthly Minority- & Women- Owned Business Enterprise (MWBE) Contractor Compliance Report
("Monthly MWBE Report")

Instructions:

- Contractors are to complete the report in Word version and email to the SRF Recipient's Minority Business Officer ("MBO") on a monthly basis.
- If you require additional pages, you may find them on EFC's MWBE web page at www.efc.ny.gov/mwbe.
- **All MWBE Subcontractors for this contract MUST be listed on the form regardless of whether they were paid this month.**
- Please save Report as "MReport - (Project No.) - (Municipality) - (Firm Name) - (Date)" and send the Word version of this document.
- Proofs of payment in the amounts shown below must be transmitted to the MBO with the report.

Municipality:		County:		Contract ID:		Month:		Year:	
SRF Project No.:			G/GP/EPG No.:		Registration No. (NYC only):				
Prime Contractor/Service Provider:				Award Date:		Start Date:		Date all MWBE subs paid in full:	
Signature of Contractor: <input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and belief.									Date:
Last Month's Contract Amt: \$		MWBE Eligible Amt: \$ (Goals are applied to this amount and includes eligible change orders, amendments & waivers)		EFC MWBE Goals			Total Paid to Prime		
Revised Contract Amt: \$				MBE: %	WBE: %	Total: %	MBE Amt: \$	WBE Amt: \$	Total Amt: \$
							Total Paid this Month: \$	Total Paid to Date: \$	
NYS Certified MWBE Contractor & Subcontractor		Please Specify Any Revisions this Month:			Subcontractor Total Amount		Payments this Month	Previous Payments	Total Payments Made to Date
Name:		<input type="checkbox"/> Subcontractor is REMOVED			Original	Revised			
Fed. Employer ID#:		<input type="checkbox"/> NEW Subcontractor							
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE		<input type="checkbox"/> Subcontract Amt. INCREASED							
<input type="checkbox"/> Other:		<input type="checkbox"/> Subcontract Amt. DECREASED							
Name:		<input type="checkbox"/> Subcontractor is REMOVED							
Fed. Employer ID#:		<input type="checkbox"/> NEW Subcontractor							
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE		<input type="checkbox"/> Subcontract Amt. INCREASED							
Supplier <input type="checkbox"/> Other:		<input type="checkbox"/> Subcontract Amt. DECREASED							
Name:		<input type="checkbox"/> Subcontractor is REMOVED							
Fed. Employer ID#:		<input type="checkbox"/> NEW Subcontractor							
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE		<input type="checkbox"/> Subcontract Amt. INCREASED							
<input type="checkbox"/> Other:		<input type="checkbox"/> Subcontract Amt. DECREASED							
Name:		<input type="checkbox"/> Subcontractor is REMOVED							
Fed. Employer ID#:		<input type="checkbox"/> NEW Subcontractor							
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE		<input type="checkbox"/> Subcontract Amt. INCREASED							
<input type="checkbox"/> Other:		<input type="checkbox"/> Subcontract Amt. DECREASED							

Attachment 4
New York State Environmental Facilities Corporation
Monthly Minority- & Women- Owned Business Enterprise (MWBE) Contractor Compliance Report
("Monthly MWBE Report")

NYS Certified M/WBE Contractor & Subcontractor	Please Specify Any Revisions this Month:	Subcontractor Contract Amount		Payments this Month	Previous Payments	Total Payments Made to Date
		Original	Revised			
Name: Fed. Employer ID#: Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					

Attachment 4
New York State Environmental Facilities Corporation
Monthly Minority- & Women- Owned Business Enterprise (MWBE) Contractor Compliance Report
("Monthly MWBE Report")

NYS Certified M/WBE Contractor & Subcontractor	Please Specify Any Revisions this Month.	Subcontractor Total Amount		Payments this Month	Previous Payments	Total Payments Made to Date
		Original	Revised			
Name: Fed. Employer ID#: Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Additional Pages can be found at www.efc.ny.gov TOTAL						
PLEASE EXPLAIN ANY REVISIONS (Change orders over \$25K may require that good faith efforts be made to obtain additional MWBE participation) :						

Attachment 5
New York State Environmental Facilities Corporation
Minority- & Women- Owned Business Enterprise (MWBE) Utilization Plan

Instructions for Contractors & Service Providers:

Contractors and Service Providers must complete Sections 2 and 3. **Submit the completed, signed (electronic signature box checked and dated) form in Microsoft Word format to the SRF Recipient's designated Minority Business Officer (MBO) no later than the date of contract execution.** Incomplete forms will be found deficient. If more than 10 subcontractors are used, additional pages for Section 3 can be found in the form Additional Utilization Plan Section 3.

If the prime contract is being performed by the parties to a Joint Venture, Teaming Agreement, or Mentor-Protégé Agreement that includes a certified MWBE, please contact EFC for assistance.

MWBE firms must be certified by the NYS Empire State Development Corporation (ESD) in order to be counted towards satisfaction of MWBE participation goals. The utilization of certified MWBEs for non-commercially useful functions may not be counted towards utilization of certified MWBEs in the Utilization Plan.

See the Bid Packet at www.efc.ny.gov/mwbe or consult your designated MBO for further guidance.

Instructions for Minority Business Officers (MBO):

The MBO must complete Section 1. The MBO may designate an Authorized Representative to complete and submit quarterly payment reports on its behalf, and, if so designated, the MBO's Authorized Representative must also complete Section 1. The Authorized Representative may only submit quarterly payment reports on behalf of the MBO and may not submit any other required forms or reports for the MBO. The MBO must complete Section 1 even if designating an Authorized Representative. **Submit the completed, signed (electronic signature box checked and dated) form in Microsoft Word format via e-mail to your EFC MWBE Representative.**

The subject heading of the e-mail to the EFC MWBE Representative should follow the format "UP, SRF Number, Contractor." EFC will review the Utilization Plan and notify the MBO via e-mail of its acceptance or denial.

Within 10 days of EFC's acceptance of a Utilization Plan, EFC will post the approved Utilization Plan on the EFC website.

Attachment 5
New York State Environmental Facilities Corporation
Minority- & Women- Owned Business Enterprise (MWBE) Utilization Plan

SECTION 1: MUNICIPAL INFORMATION			
Recipient/Municipality:		County:	
SRF Project No.:	GIGP/EPG No.:	Contract ID:	Registration No. (NYC only):
Minority Business Officer:		Email:	Phone #:
Address of MBO:			
Electronic Signature of MBO: <input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and belief.			Date:
<i>Complete if applicable:</i>			
Authorized Representative:		Title:	
Authorized Rep. Company:		Email:	Phone #:
Electronic Signature of Authorized Rep.: <input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and belief.			Date:

SECTION 2: PRIME CONTRACTOR / SERVICE PROVIDER INFORMATION			
Firm Name:		Contract Type: <input type="checkbox"/> Construction <input type="checkbox"/> Other Services	
Prime Firm is Certified as: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> N/A <input type="checkbox"/> Other: Please repeat information in the Utilization Plan below (Section 3). If dual certified, you must select either MBE or WBE.			
Address:		Phone #:	Fed. Employer ID #:
Description of Work:			
Award Date:	Start Date:	Completion Date:	
Total Contract Amount: \$		MWBE GOAL Total	
MWBE Eligible Contract Amount: \$		PROPOSED MWBE Participation	
(MWBE Goals are applied to this amount and includes all change orders, amendments, & waivers)		MBE: % \$	MBE: % \$
		WBE: % \$	WBE: % \$
		Total: % \$	Total: % \$

Attachment 5
 New York State Environmental Facilities Corporation
 Minority- & Women- Owned Business Enterprise (MWBE) Utilization Plan

SECTION 3: M/WBE SUBCONTRACTOR INFORMATION				
This Submittal Is:		<input type="checkbox"/> The First/Original Utilization Plan <input type="checkbox"/> Revised Utilization Plan #:		
NYS Certified M/WBE Subcontractor Info		Contract Amount:		For EFC Use:
		MBE (\$)	WBE (\$)	
Name:	Fed. Employer ID#:			
Address:	Phone #:			
Scope of Work:	Email:			
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	Start Date:			
Full Contract Amount: \$	Completion Date:			
Name:	Fed. Employer ID#:			
Address:	Phone #:			
Scope of Work:	Email:			
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	Start Date:			
Full Contract Amount: \$	Completion Date:			
Name:	Fed. Employer ID#:			
Address:	Phone #:			
Scope of Work:	Email:			
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	Start Date:			
Full Contract Amount: \$	Completion Date:			
Name:	Fed. Employer ID#:			
Address:	Phone #:			
Scope of Work:	Email:			
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	Start Date:			
Full Contract Amount: \$	Completion Date:			

Attachment 5
New York State Environmental Facilities Corporation
Minority- & Women- Owned Business Enterprise (MWBE) Utilization Plan

SECTION 3: MWBE SUBCONTRACTOR INFORMATION continued				
Name:	Fed. Employer ID#:			
Address:	Phone #:			
Scope of Work:	Email:			
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	Start Date:			
Full Contract Amount: \$	Completion Date:			
Name:	Fed. Employer ID#:			
Address:	Phone #:			
Scope of Work:	Email:			
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	Start Date:			
Full Contract Amount: \$	Completion Date:			
Name:	Fed. Employer ID#:			
Address:	Phone #:			
Scope of Work:	Email:			
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	Start Date:			
Full Contract Amount: \$	Completion Date:			
Name:	Fed. Employer ID#:			
Address:	Phone #:			
Scope of Work:	Email:			
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	Start Date:			
Full Contract Amount: \$	Completion Date:			

SIGNATURE	
Electronic Signature of Contractor: <input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and that all MWBE subcontractors will perform a commercially useful function.	
Name (Please Type):	Date:

Attachment 6
New York State Environmental Facilities Corporation
Minority & Women Owned Business Enterprise (MWBE) Waiver Request Form

Instructions for Contractors & Service Providers:

Contractors and Service Providers must complete Sections 2, 3, and 4. **Submit the completed, signed (electronic signature box checked and dated) form in Microsoft Word format to the SRF Recipient's designated Minority Business Officer (MBO).** Incomplete forms will be found deficient.

See the Bid Packet at www.efc.ny.gov/mwbe or consult your designated MBO for further guidance.

Instructions for Minority Business Officers (MBO):

The MBO must complete Section 1. **Submit the completed, signed (electronic signature box checked and dated) form in Microsoft Word format via e-mail to your EFC MWBE Representative.** The subject heading of the e-mail to the EFC MWBE Representative should follow the format "Waiver Request, SRF Number, Contractor." EFC will review and notify the MBO via e-mail of its acceptance or denial.

If a partial MWBE waiver is requested, an MWBE Utilization Plan must also be submitted for the amount of proposed MWBE participation.

SECTION 1: MUNICIPAL INFORMATION			
Recipient/Municipality:		County:	
SRF Project No.:	GIGP/EPG No.:	Contract ID:	Registration No. (NYC only):
Minority Business Officer (MBO):		Email:	Phone #:
Address of MBO:			
Signature of MBO: <input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and belief.			Date:

SECTION 2: PRIME CONTRACTOR / SERVICE PROVIDER INFORMATION			
Firm Name:		Contract Type: <input type="checkbox"/> Construction <input type="checkbox"/> Other Services	
Prime Firm is Certified as: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> N/A <input type="checkbox"/> Other:			
Address:		Phone #:	Fed. Employer ID #:
Contact Information of Firm Representative Authorized to Discuss Waiver Request:			
Name:	Title:	Phone #:	E-mail:
Description of Work:		EFC MWBE GOAL Total	
Award Date:	Start Date:	Completion Date:	MBE: % \$
Total Contract Amount: \$		WBE: % \$	
MWBE Eligible Contract Amount: \$ (MWBE Goals are applied to this amount and includes all change orders, amendments, & waivers)		Total: % \$	

Attachment 6
New York State Environmental Facilities Corporation
Minority & Women Owned Business Enterprise (MWBE) Waiver Request Form

SECTION 3: TYPE OF MWBE WAIVER REQUESTED

1. **Full Waiver** (No MWBE participation)
2. **Partial Waiver** (Less than the MWBE goals; indicate below the proposed MWBE participation)

PROPOSED MWBE Participation

MBE:	%	\$
WBE:	%	\$
Total:	%	\$
3. **Specialty Equipment/Services Waiver** (Must be of SIGNIFICANT cost - list of equipment and cost must be attached in addition to the supporting documentation outlined below)

SECTION 4: SUPPORTING DOCUMENTATION

To be considered, the Request for Waiver Form must be accompanied by the documentation requested in items 1 – 9, as listed below. If a Specialty Equipment Waiver is requested, it must be accompanied by the documentation requested in items 1 - 13. If a Specialty Services Waiver is requested, it must be accompanied by the items requested in items 1 – 9 and item 14. Copies of the following information and all relevant supporting documentation must be submitted along with the request. Please contact EFC for assistance, including sample documentation.

1. A letter of explanation setting forth your basis for requesting a partial or total waiver and detailing the good faith efforts that were made.
2. Copies of advertisements in any general circulation, trade association, and minority- and women-oriented publications in which you solicited MWBEs for the purposes of complying with your participation goals, with the dates of publication.
3. Screenshots of search results (by business description or commodity code) from Empire State Development Corporation's (ESD) MWBE Directory of all certified MWBEs that were solicited for purposes of complying with your MWBE participation goals.
4. Copies of faxes, letters, or e-mails sent to MWBE firms to solicit participation and their responses.
5. A log of solicitation results, consisting of the list of MWBE firms solicited for the contract and the outcome of the solicitations. The log should be broken out into separate areas for each task that is solicited (e.g., trucking, materials, electricians) and clearly provide a rationale for firms included on the completed Utilization Plan as well as for those not chosen. The log should show: that each MWBE firm was contacted twice by two different methods (e.g., fax and phone); who was spoken to; what was said; and the final outcome of the solicitation.
6. A description of any contract documents, plans, or specifications made available to MWBEs for purposes of soliciting their bids and the date and manner in which these documents were made available. Specifically, include information on the scope of work in the contract and a breakout of tasks or equipment, such as

Attachment 6
New York State Environmental Facilities Corporation
Minority & Women Owned Business Enterprise (MWBE) Waiver Request Form

a schedule of values for a construction contract or a proposal or excerpt from a professional services agreement.

7. Documentation of any negotiations between you, the Contractor, and the MWBEs undertaken for purposes of complying with your MWBE participation goals.
8. Any other information you deem relevant which may help us in evaluating your request for a waiver. Examples may include sign-in sheets from any pre-bid meetings where MWBE firms were invited, attendance at MWBE forums, etc.
9. EFC and the MBO reserve the right to request additional information and/or documentation.

Additional Documentation for Requests for Specialty Equipment Waivers:

10. Copies of the appropriate pages of the technical specification related to the equipment showing the choices for manufacturers or other information that limits the choice of vendor.
11. Letter, e-mail or screenshot of website from the manufacturer listing their distributors in NYS and the locations.
12. Screenshots of ESD's MWBE Directory searches for the manufacturer and distributor showing that they are not found in the Directory.
13. An invoice or purchase order showing the value of the equipment.

Additional Documentation for Requests for Specialty Service Waivers:

14. A letter of explanation containing information about the scope of work and why no MWBE firms could be subcontracted to provide that service.

Note: Unless a Total Waiver has been granted, Firms will be required to submit all reports and documents pursuant to the provisions set forth in the procurement and/or contract, as deemed appropriate by EFC, to determine MWBE compliance. In cases where EFC accepts a full or partial waiver of MWBE participation goals, the waiver request will be posted to EFC's website.

SIGNATURE

Electronic Signature of Contractor:

I certify that the information submitted herein is true, accurate and complete to the best of my knowledge.

Name: (Please Type):

Date:

Attachment 7
United States Environmental Protection Agency
Form 6100-2
DBE Subcontractor Participation Form

**Disadvantaged Business Enterprise (DBE) Program
DBE Subcontractor Participation Form**

An EPA Financial Assistance Agreement Recipient must require its prime contractors to provide this form to its DBE subcontractors. This form gives a DBE¹ subcontractor² the opportunity to describe work received and/or report any concerns regarding the EPA-funded project (e.g., in areas such as termination by prime contractor, late payments, etc.). The DBE subcontractor can, as an option, complete and submit this form to the EPA DBE Coordinator at any time during the project period of performance.

Subcontractor Name		Project Name	
Bid/ Proposal No.	Assistance Agreement ID No. (if known)	Point of Contact	
Address			
Telephone No.		Email Address	
Prime Contractor Name		Issuing/Funding Entity:	

Contract Item Number	Description of Work Received from the Prime Contractor Involving Construction, Services, Equipment or Supplies	Amount Received by Prime Contractor

¹ A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certifications as described in 40 CFR 33.204-33.205 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202.

² Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.

Attachment 8
United States Environmental Protection Agency
Form 6100-3
DBE Subcontractor Performance Form



OMB Control No: 2090-0030
 Approved: 8/13/2013
 Approval Expires: 8/31/2015

**Disadvantaged Business Enterprise (DBE) Program
 DBE Subcontractor Performance Form**

This form is intended to capture the DBE¹ subcontractor's² description of work to be performed and the price of the work submitted to the prime contractor. An EPA Financial Assistance Agreement Recipient must require its prime contractor to have its DBE subcontractors complete this form and include all completed forms in the prime contractor's bid or proposal package.

Subcontractor Name		Project Name	
Bid/ Proposal No.	Assistance Agreement ID No. (if known)	Point of Contact	
Address			
Telephone No.		Email Address	
Prime Contractor Name		Issuing/Funding Entity:	

Contract Item Number	Description of Work Submitted to the Prime Contractor Involving Construction, Services, Equipment or Supplies	Price of Work Submitted to the Prime Contractor

DBE Certified By: <input type="radio"/> DOT <input type="radio"/> SBA <input type="radio"/> Other: _____	Meets/ exceeds EPA certification standards? <input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> Unknown
---	---

¹ A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certifications as described in 40 CFR 33.204-33.205 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202.

² Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.



OMB Control No: 2090-0030
Approved: 8/13/2013
Approval Expires: 8/31/2015

**Disadvantaged Business Enterprise (DBE) Program
DBE Subcontractor Performance Form**

I certify under penalty of perjury that the forgoing statements are true and correct. Signing this form does not signify a commitment to utilize the subcontractors above. I am aware of that in the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302 (c).

Prime Contractor Signature	Print Name
Title	Date

Subcontractor Signature	Print Name
Title	Date

The public reporting and recordkeeping burden for this collection of information is estimated to average three (3) hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

Attachment 9
United States Environmental Protection Agency
Form 6100-4
DBE Subcontractor Utilization Form

Disadvantaged Business Enterprise (DBE) Program DBE Subcontractor Utilization Form

This form is intended to capture the prime contractor's actual and/or anticipated use of identified certified DBE¹ subcontractors² and the estimated dollar amount of each subcontract. An EPA Financial Assistance Agreement Recipient must require its prime contractors to complete this form and include it in the bid or proposal package. Prime contractors should also maintain a copy of this form on file.

Prime Contractor Name		Project Name	
Bid/ Proposal No.	Assistance Agreement ID No. (if known)	Point of Contact	
Address			
Telephone No.		Email Address	
Issuing/Funding Entity:			

I have identified potential DBE certified subcontractors	<input type="radio"/> YES	<input checked="" type="radio"/> NO
--	---------------------------	-------------------------------------

If yes, please complete the table below. If no, please explain:

Subcontractor Name/ Company Name	Company Address/ Phone/ Email	Est. Dollar Amt	Currently DBE Certified?

Continue on back if needed

¹ A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certifications as described in 40 CFR 33.204-33.205 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202.

² Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.



OMB Control No: 2090-0030
Approved: 8/13/2013
Approval Expires: 8/31/2015

**Disadvantaged Business Enterprise (DBE) Program
DBE Subcontractor Utilization Form**

I certify under penalty of perjury that the forgoing statements are true and correct. Signing this form does not signify a commitment to utilize the subcontractors above. I am aware of that in the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302 (c).

Prime Contractor Signature	Print Name
Title	Date

The public reporting and recordkeeping burden for this collection of information is estimated to average three (3) hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

Attachment 10
New York State Environmental Facilities Corporation
CERTIFICATION REGARDING LOBBYING
FOR
CONTRACTS, GRANTS, LOANS, AND
COOPERATIVE AGREEMENTS
40 CFR Part 34

SRF Project No.: _____

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with 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.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

By: _____
Name: _____
Title: _____
Date: _____
Contract ID: _____



RL Number: _____

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

Megan J. Heiman
(Name)

Deputy Mayor
(Title)

(607) 772-7001
(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

An Ordinance to amend the 2024 Budget for the demolition of fire-damaged properties at 124 and 126 Henry St.

Executive Summary (Explain why legislation is necessary):

An amendment is needed to pay for the emergency demolition of the fire-damaged properties at 124 and 126 Henry St.

Effective Date (if applicable):

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.

RL related to a grant: RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company: Gorick Construction, Keystone

Total Cost: \$49,482.50

Funds available in Budget Line:

Title:

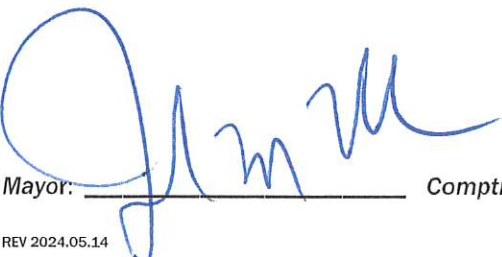
Public Hearing required? Yes Not Applicable

SEQRA required? Yes Not Applicable

Additional information related to this RL attached? Yes No

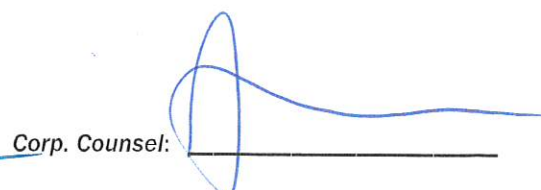
Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

Mayor: 

For Internal Use Only

Comptroller: 

Corp. Counsel: 

GORICK CONSTRUCTION CO., INC.

27 TRACK DRIVE
BINGHAMTON, NEW YORK 13904

PHONE
(607) 775-1765

FAX
(607) 775-1608



INVOICE

INVOICE DATE	CUSTOMER NO.	INVOICE NUMBER
05-20-2024	13550	22995
P. O. NUMBER	JOB NUMBER	
	24-007	

TO:
CITY OF BINGHAMTON
DEPARTMENT OF PURCHASING
38 HAWLEY STREET
BINGHAMTON, NY 13901

JOB LOCATION:
124 & 126 HENRY ST FIRE

ATTN:

DESCRIPTION	UNITS	UNIT PRICE	AMOUNT
124 HENRY ST DEMO	LS		16,244.80
124 HENRY ST TIPPING FEES	LS		8,155.20
126 HENRY ST DEMO	LS		15,674.20
126 HENRY ST TIPPING FEES	LS		7,075.80
		AMOUNT BILLED	\$47,150.00
		TOTAL EXEMPT TAX	
		TOTAL DUE	\$47,150.00

TERMS: NET 1 1/2% INTEREST AFTER 30 DAYS, 18% PER ANNUM.



Keystone Environmental Services

A Division of Keystone Material Testing, LLC
58 Exchange Street Binghamton, NY 13901
Tel: (607) 723-5117 Fax: (607) 729-5154
www.kecompanies.com

Invoice

Mr. Ron Lake, P.E., City Engineer
City of Binghamton
38 Hawley Street
Binghamton, NY 13901

Invoice Date: May 20, 2024
Invoice Num: 0047.07423.14-01
Billing Through: May 20, 2024

Work Authorized by Ron Lake

2023 Environmental Service Term Agreement, Project Monitoring & Air Sampling, 124 Henry St. in Binghamton, NY
(0047.07423.14) - Managed by (Marble, Timothy)

Labor to review bid specification, budgets, coordination with Engineering, changes of Bid Documents, submittal and schedule requests, coordination of monitoring, perform project monitoring & air sampling, chain of custody preparation, lab analysis interpretation, and final report.

<u>Employee</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Lump Sum Report	1.00	\$424.00	\$424.00
Project Monitor/Air Sampling Technician – Half Days	3.00	\$168.00	\$504.00
Project Monitor/Air Sampling Technician – Half Day (Other Half Charged to 0047.07423.15)	1.00	\$84.00	\$84.00
Project Manager	1.00	\$90.00	\$90.00
Total Service Amount:			\$1,102.00

Reimbursable Expenses:

<u>Description</u>	<u>Units</u>	<u>Rate</u>	<u>Amount</u>
PCM Air Samples (24 Hour TAT)	11.00	\$5.75	\$63.25

Total Expenses: **\$63.25**

Amount Due This Invoice: **\$1,165.25**

This invoice is due upon receipt

Thank you for providing us the opportunity to be of service to you.



Keystone Environmental Services

A Division of Keystone Material Testing, LLC
58 Exchange Street Binghamton, NY 13901
Tel: (607) 723-5117 Fax: (607) 729-5154
www.kecompanies.com

Invoice

Mr. Ron Lake, P.E., City Engineer
City of Binghamton
38 Hawley Street
Binghamton, NY 13901

Invoice Date: May 20, 2024
Invoice Num: 0047.07423.15-01
Billing Through: May 20, 2024

Work Authorized by Ron Lake

2023 Environmental Service Term Agreement, Project Monitoring & Air Sampling, 126 Henry St. in Binghamton, NY
(0047.07423.15) - Managed by (Marble, Timothy)

Labor to review bid specification, budgets, coordination with Engineering, changes of Bid Documents, submittal and schedule requests, coordination of monitoring, perform project monitoring & air sampling, chain of custody preparation, lab analysis interpretation, and final report.

<u>Employee</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Lump Sum Report	1.00	\$424.00	\$424.00
Project Monitor/Air Sampling Technician – Half Days	3.00	\$168.00	\$504.00
Project Monitor/Air Sampling Technician – Half Day (Other Half Charged to 0047.07423.14)	1.00	\$84.00	\$84.00
Project Manager	1.00	\$90.00	\$90.00
Total Service Amount:			\$1,102.00

Reimbursable Expenses:

<u>Description</u>	<u>Units</u>	<u>Rate</u>	<u>Amount</u>
PCM Air Samples (24 Hour TAT)	10.00	\$5.75	\$57.50
PCM Air Samples (Immediate TAT)	1.00	\$7.75	\$7.75
Total Expenses:			\$65.25

Amount Due This Invoice: \$1,167.25

This invoice is due upon receipt

Thank you for providing us the opportunity to be of service to you.



RL Number: _____

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

Megan J. Heiman

Deputy Mayor

607-772-7001

(Print Name)

(Title)

(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

A Resolution authorizing the Mayor to enter into an agreement with WPD not to exceed \$18,880

Executive Summary (Explain why legislation is necessary):

A Resolution authorizing the Mayor to enter into an agreement with Whitham Planning Design Landscape Architecture, PLLC (WPD) for development of a Master Plan at Columbus Park not to exceed \$18,880.

Effective Date (if applicable): _____

*Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.
RL related to a grant: RL Grant Worksheet **must** be attached.*

RL related to previously adopted legislation: Perm. Number: _____ Adoption Date: _____

Contract: Person/Company: Whitham Planning Design Landscape Architecture, PLLC Total Cost: \$18,880

Funds available in Budget Line: CD8662.533507.CDY48 Title: PARKS IMPROVEMENTS

Public Hearing required? Yes Not Applicable

SEQRA required? Yes Not Applicable

Additional information related to this RL attached? Yes No

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

For Internal Use Only

Mayor: 

Comptroller: 

Corp. Counsel: 



Columbus Park

5/28/2024

Attn: Jared Kraham
Mayor
City Hall, 38 Hawley Street
Binghamton, NY 13901
jmkraham@cityofbinghamton.gov

Dear Jared,

We are pleased to submit a proposed Scope of Services for Whitham Planning Design Landscape Architecture, PLLC (WPD) to provide The City of Binghamton with Landscape Architecture services for a Master Plan at Columbus Park. We look forward to moving ahead with this project's transformative design.

Based on our current understanding of this project, this scope is expected to run for approximately 4 months, from June 2024 – September 2024. We expect the Landscape Architecture Services scope to have a not-to-exceed fee of **\$18,880** based on hourly design, coordination, and participation rates. This scope comprises the following services:

- Concept Design
- Schematic Design
- Master Plan

A detailed description of the Scope of Services is included in the following pages. Should you have any questions, please do not hesitate to let us know.

We look forward to working with you on this!

A handwritten signature in black ink, appearing to be the initials 'SW' or a similar stylized representation of the name Scott Whitham.

Scott Whitham
RLA, ASLA, APA
Principal,
Whitham Planning Design Landscape Architecture, PLLC

Project Understanding

The project site is located at Columbus Park, Binghamton, New York. WPD understands that at the time of this proposal the City of Binghamton intends to design recreational, educational, and athletic upgrades to the existing park property, to be implemented in phases.

This project will benefit from the extensive community & stakeholder outreach process performed by WPD for the City during previous design efforts. Based on the data collected, feedback received, this scope will focus on the development park improvements including (but not limited to):

- Reconstructed Basketball Courts
- Play Ground Expansion (for ages 5-12)
- Perimeter Trail for walking & exercise
- Multi-purpose Sports & Activity Field(s)
- Connectivity with adjacent existing gymnasium building (29 Columbus Park East)
- Picnic tables, benches, bike racks, and other park amenities

This proposal has been prepared based on our current understanding of the Project Schedule as follows:

- Site Analysis: 1 month
- Concept Design: 1 – 2 months
- Schematic Master Plan: 1 – 2 months

We understand that this project must comply with all applicable local design guidelines and codes.

WPD understands its role as the Project Landscape Architect for this project. We understand that design development will be coordinated between the Client, other project consultants, and subconsultants.

We expect to participate in any value engineering exercises as they relate to drawings included within our scope of services and to be aware of any significant changes that affect the character of these spaces.

We understand that changes may occur during the course of the project related to this Scope of Services. Any significant change to the project scope and schedule beyond reasonable expectation may result in additional fees in addition to the estimated costs indicated below.

WPD assumes that the fees associated with the respective project phases can be allocated as needed from one phase to another to account for project tasks that may not be described here. Should this occur, the overall sum of fees for all phases will not change.

Landscape Architectural Design Services

Site Analysis

WPD will review the site survey(s) provided by the City to prepare an “existing conditions plan”. It is understood that the (2) surveys provided for Columbus Park and 29 Columbus Park East are accurate to the current conditions, and contain all necessary information for the purposes of this scope.

WPD will review the survey information and perform limited research to review any relevant and available public records and information relating to the site’s context, constraints, and opportunities. We will review previous public outreach data, and previous designs for the project site. This research will be summarized in 1 diagrammatic Site Analysis drawing to be shared with the Owner.

In addition to the meetings noted above, WPD anticipates 1 project site meeting with the Owner to review the Site Analysis.

This phase of work is expected to take place over a 1 month period.

Concept Design

WPD will prepare 2 – 3 concept design options for layout of site features. These concept designs will reflect WPD’s understanding of the City’s goals, and be informed by the Site Analysis.

WPD anticipates reviewing the above noted concept design options with the City at 1 project site meeting (or video conference). WPD will prepare 1 Preferred Concept Design and anticipates 2 – 3 revisions of this drawing through coordinated feedback from the City.

This phase of work is expected to take place over a 1 – 2 month period.

Schematic Master Plan

Using the Preferred Concept Design as a basis – WPD will prepare 1 Preliminary Schematic Master Plan. This plan will be a color-rendered plan-view of the entire site. Graphic & Technical elements to be included:

- Approximate layout dimensions for hardscape elements.
- Site feature labels, callouts, and notes.
- General material selections (i.e. “asphalt trail”, “grass/lawn”, etc.)
- Schematic level grading & drainage study identifying approximate elevations for major hardscape features, 1’ contours, etc.
- Shade tree planting locations and schematic level planting plan.

Because this plan is proposed as a long-term phased approach, WPD expects to provide recommended “Phase 1, Phase 2, (etc.)” project limit lines as a guideline for future implementation.



Schedule and Fees

Whitham Planning Design Landscape Architecture, PLLC will complete the services based on a mutually agreed upon schedule, to be developed as early as possible in the project in the project timeline. The project schedule will be dictated by the complexity of the project's design phase as well as the timetable for municipal approvals. For the purposes of this memo, we anticipate this scope will have a duration of approximately **4 months**. We propose the following not-to-exceed fees for professional services:

Services	Fees
Site Analysis	\$ 3,890
Concept Design	\$ 8,590
Schematic Master Plan	\$ 5,900
Reimbursable Expense	\$ 500
Total	<u>\$18,880</u>

Whitham Planning Design Landscape Architecture, PLLC charges hourly for all services. Staff rates are:

- Principal, \$285/hour
- Senior Associate, \$195/hour
- Associate, \$165/hour
- Landscape Architect, \$150/hour
- Senior Designer, \$135/hour
- Designer II, \$120/hour
- Designer I, \$90/hour

Invoices will be submitted on the first of each month detailing the items worked on and the time spent. They will be due and payable on receipt. Direct expenses such as application fees, printing, etc. will be added to the invoice without any markup. Automobile travel expenses will be billed as direct expenses based on the latest available national average of automobile travel costs. Any invoice remaining unpaid beyond 30 days will accrue interest at the rate of 1-1/2% compounded monthly on the unpaid balance. If WPD is not compensated for invoiced works completed WPD reserves the right to stop work until payments are received.

Additional Services Not Included

Any work mutually agreed upon beyond the Scope of Services defined in this proposal would be deemed "Extra Work" and billed at the hourly rate listed above. Excluded services include:

- Public Outreach
- Site Survey
- Construction-related drawings for bidding
- Environmental Permitting
- All work not expressly agreed upon within this scope of service



General Conditions

Unsigned scope proposals are valid for 30 days, after which proposal conditions may change. Once services are contracted, any changes in scope, budget, and schedule will be issued via scope amendments.

Unless explicitly directed otherwise by the client, Whitham Planning Design Landscape Architecture PLLC reserves the right to utilize designs, drawings, reports, and other visual materials generated by the firm for marketing and promotion. When necessary, we will discreetly omit residential client names, addresses, and other identifying information and private details. Conversely, any use of WPD graphics for marketing or promotional purposes will only be allowed with express permission granted by WPD.

Agreement

Should this proposal for a scope of services be acceptable, please sign the acceptance section below. This will constitute a written agreement between us. Please return a signed copy for our files.

Thank you for the opportunity to provide you with our services. Should you have any questions or concerns, please feel free to contact us. We look forward to working with you on this project.

Sincerely,

Scott Whitham
RLA, ASLA, APA
Principal,
Whitham Planning Design Landscape Architecture, PLLC

Signature

City of Binghamton - Jared Kraham, Mayor
Client

Accepted By: _____

Title: _____

Date: _____



RL Number: RL 24-119

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

Megan J. Heiman

Deputy Mayor

772-7001

(Print Name)

(Title)

(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

A Resolution authorizing the acceptance of a statue from the Rod Serling Memorial Foundation

Executive Summary (Explain why legislation is necessary):

A Resolution authorizing the acceptance of a statue from the Rod Serling Memorial Foundation to be placed at Recreation Park.

Effective Date (if applicable): _____

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.

RL related to a grant: RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number: _____ Adoption Date: _____

Contract: Person/Company: _____ Total Cost: _____

Funds available in Budget Line: _____ Title: _____

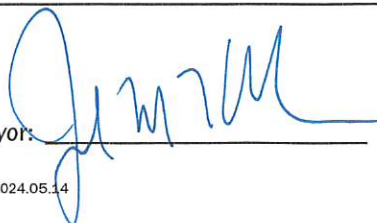
Public Hearing required? Yes Not Applicable

SEQRA required? Yes Not Applicable

Additional information related to this RL attached? Yes No

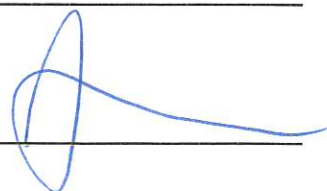
Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

Mayor: 

For Internal Use Only

Comptroller: 

Corp. Counsel: 

BUSINESS ITEM		
ADDRESS: 103 Laurel Avenue		CASE NUMBER: CAUD-2023-16
DESCRIPTION FROM AGENDA: The applicant, Nicholas Parisi, would like to place a six-foot-high bronze statue of Rod Serling standing in front of a doorway engraved with the words, "You unlock this door with the key of imagination." The statue will stand on a base engraved with relevant dates and information from his career.		
Certificate of Appropriateness		
DISCUSSION POINTS & THOSE SPEAKING: <ul style="list-style-type: none"> • Staff presented the application. • Commissioner, "Do we know what the base is at this point?" • Applicant, "It will be 40" wide, 28" deep and 18" tall." • Each side will have a different inscription with different aspects of his life, but the exact language for the base has not been chosen. • The statue will be posed in the middle of a doorframe inscribed with the words, "You open this door with the key of imagination." • The exact material for the base has not been selected yet. • The commission can approve of the statue with the information provided, but pictures and a more complete description must be given for the base of the statue. • Staff asked for considerations about where the statue is to be placed after it is finished. • Commissioner of Parks and Recreation pointed to two locations in the park, one at the top where an old flagpole was removed and in the park within a triangle portion between the bandstand and the carousel. • Commissioner asked if it could be somewhere in the bandstand, but the it would limit the area of the bandstand and ultimately take up too much room. 		
VOTING		
MOTION: To approve of the statue with the open angle doorframe and the reprised face as the "face" of the statue as presented in Recreation Park.		
FIRST: J. Darrow	SECOND: D. Nead	VOTE: (5-0-0)
AYE(S): M.E. Mauro, R. Heary, D. Whalen	NAY(S): None	ABSTENTION(S): None
VOTING		
MOTION: To preliminarily approval of base pending final presentation to the commission of the final rendition of the base of the statue.		
FIRST: J. Darrow	SECOND: D. Whalen	VOTE: (5-0-0)
AYE(S): M.E. Mauro, D. Nead, R. Heary	NAY(S): None	ABSTENTION(S): None
Commissioner: Could I ask for a preliminary vote as to where each of the commissioners would like the statue? <ul style="list-style-type: none"> • M.E. Mauro: Within the Park b/w bandstand and carousel • D. Nead: Above near Johnson statue • R. Heary: Above near Johnson statue • D. Whalen: Above near Johnson statue • J. Darrow: Within the Park b/w bandstand and carousel 		
VOTING		
MOTION: To table placement until we have specifications on final statue, we will pick a final location for the monument at that time.		
FIRST: J. Darrow	SECOND: D. Nead	VOTE: (5-0-0)
AYE(S): M.E. Mauro, R. Heary, D. Whalen	NAY(S): None	ABSTENTION(S): None

BUSINESS ITEM		
ADDRESS: 234-236 Chenango Street		CASE NUMBER: CAUD-2023-32
DESCRIPTION FROM AGENDA: The applicant, Robert Pornbeck, would like to demolish the rear of the structure and construct a new wall for the rear of the building. He also must replace/repair the masonry in the Northeast corner of the building "in kind". Currently, the building is condemned due to the condition of the back wall of the structure.		
Certificate of Appropriateness		
DISCUSSION POINTS & THOSE SPEAKING:		
<ul style="list-style-type: none"> • Staff presented the application. • Staff clarified that in the review process for the case, it was discovered that the building was thought to be on both the State and National Register, and it was in fact, not on either. • Applicant was thinking of doing a gray corrugated metal on the back to match the building next door which had been recently remodeled at 59 Eldredge Street. • Commissioner stated that a rendering of some kind had to be presented for approval. • Applicant showed the commission a photo of the back of the building at 59 Eldredge Street for a rendering. • Commissioner stated that they were comfortable to proceed with a vote. 		
VOTING		
MOTION: To approve of the project as presented for the buildings at 234-236 Chenango Street for the stabilization and renovation of the structures and for the two toned corrugated metal rear facing wall.		
FIRST: J. Darrow	SECOND: D. Whalen	VOTE: (5-0-0)
AYE(S): J. Darrow, D. Nead, D. Whalen, M. E. Mauro, R. Heary	NAY(S): None	ABSTENTION(S): None

BUSINESS ITEM		
ADDRESS: 103 Laurel Avenue		CASE NUMBER: CAUD-2023-16
DESCRIPTION FROM AGENDA: The applicant, Nicholas Parisi, would like to place a six-foot-high bronze statue of Rod Serling standing in front of a doorway engraved with the words, "You unlock this door with the key of imagination." The statue will stand on a base engraved with relevant dates and information from his career.		
Certificate of Appropriateness		
DISCUSSION POINTS & THOSE SPEAKING:		
<ul style="list-style-type: none"> • Staff presented the application. • Staff met with interested parties and all agreed on the statue placement in the park approximately where a flagpole once stood. • Staff also indicated it would be accompanied by an inlaid paver base. • Commissioner asked if there was any opposition, no response was given. 		
VOTING		
MOTION: To approve of the Rod Sterling statue project as presented.		
FIRST: D. Whalen	SECOND: D. Nead	VOTE: (5-0-0)
AYE(S): J. Darrow, D. Nead, D. Whalen, M. E. Mauro, R. Heary	NAY(S): None	ABSTENTION(S): None





RL Number: _____

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

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Applicant Presenting RL at Work Session

Megan J. Heiman
(Name)

Deputy Mayor
(Title)

(607) 772-7001
(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

A resolution authorizing the City to apply for and accept entitlement grants from HUD in the amount of \$2,872,045

Executive Summary (Explain why legislation is necessary):

This will allow the Mayor to apply for and accept entitlement grants from HUD for eligible low-income projects and to submit to HUD the required Annual Action Plan for Fiscal Year 50. This plan includes \$1,788,830 in CDBG entitlement, \$375,000 in estimated CDBG program income, \$456,406 in HOME entitlement, \$95,000 in estimated HOME program income, and \$156,809 in ESG entitlement funds.

Effective Date (if applicable): 7/15/24

Budget transfer or amendment: RL Budget Transfer Worksheet must be attached w/ Department. Head signature.
RL related to a grant: RL Grant Worksheet must be attached.

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company: n/a

Total Cost: \$2,872,045.00

Funds available in Budget Line: n/a

Title: n/a

Public Hearing required? Yes Not Applicable

SEQRA required? Yes Not Applicable

Additional information related to this RL attached? Yes No

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

For Internal Use Only

Mayor: _____

Comptroller: _____

Corp. Counsel: _____

NEXT YEAR BUDGET DETAIL REPORT

PROJECTION: 50001 2025 CDBG YEAR 50

ACCOUNTS FOR:
COMMUNITY DEVELOPMENT

CD	COMMUNITY DEVELOPMENT	VENDOR	QUANTITY	UNIT COST	2025 DEPT
CD	42170 - CDY50 COMMUNITY DEVELOPMENT INCOME			-375,000.00	
CD	44910 - CDY50 FED AID -COMMUNITY DEV ACT			-1,788,830.00	
TOTAL COMMUNITY DEVELOPMENT					-2,163,830.00



NEXT YEAR BUDGET DETAIL REPORT

PROJECTION: 50001 2025 CDBG YEAR 50

ACCOUNTS FOR:

COMMUNITY DEVELOPMENT

CD6889 ECONOMIC DEVELOPMENT

CD6889 54000 - CDY50 CONTRACTUAL

SALARIES

VENDOR	QUANTITY	UNIT COST	2025 DEPT
	1.00	38,738.63	38,738.63 *
			38,738.63
TOTAL ECONOMIC DEVELOPMENT			38,738.63

City of Binghamton

NEXT YEAR BUDGET DETAIL REPORT

PROJECTION: 50001 2025 CDBG YEAR 50

ACCOUNTS FOR:
COMMUNITY DEVELOPMENT
CD7310 YOUTH PROGRAMMING

CD7310	533516 - CDY50 YOUTH PROGRAMMING	VENDOR	QUANTITY	UNIT COST	2025 DEPT
	ACHIEVE- SUMMER REC PROGRAM		1.00	20,000.00	176,125.00 *
	BOYS & GIRLS CLUB- AFTER HOURS		1.00	50,000.00	20,000.00
	BOYS & GIRLS CLUB- TEEN CENTER		1.00	20,000.00	50,000.00
	BOYS & GIRLS CLUB- SUMMER PROGRAM FEES		1.00	26,125.00	20,000.00
	B.C. URBAN LEAGUE- AFTER SCHOOL PROGRAM		1.00	20,000.00	26,125.00
	CARES- BACKPACKS		1.00	20,000.00	20,000.00
	VINES- GROW BINGHAMTON		1.00	20,000.00	20,000.00

CD7310 533536 - CDY50 YOUTH CAPITAL PROGRAM .00

TOTAL YOUTH PROGRAMMING 176,125.00

NEXT YEAR BUDGET DETAIL REPORT

PROJECTION: 50001 2025 CDBG YEAR 50

ACCOUNTS FOR:

COMMUNITY DEVELOPMENT
CD8662 CD PUBLIC INFRASTRUCTURE

CD8662 533506 - CDY50 PUBLIC INFRASTRUCTURE
MILL & PAVE: HAYES - CONKLIN TO WEBSTER

CD8662 533507 - CDY50 PARKS IMPROVEMENTS

CD8662 533549 - CDY50 CAPITAL PROGRAM SET ASIDE
AMERICAN CIVIC - BATHROOM REHAB
AVRE FACADE IMPROVEMENTS
DISCOVERY CENTER- PIRATE SHIP
PLAYGROUND
GREATER OPP. BROOME & CHENANGO- CAPITAL
IMPROV.

ACCOUNTS FOR:	VENDOR	QUANTITY	UNIT COST	2025 DEPT
CD8662 533506 - CDY50 PUBLIC INFRASTRUCTURE		1.00	130,000.00	130,000.00 *
CD8662 533506 - CDY50 PUBLIC INFRASTRUCTURE				130,000.00
CD8662 533507 - CDY50 PARKS IMPROVEMENTS				.00
CD8662 533549 - CDY50 CAPITAL PROGRAM SET ASIDE		1.00	50,000.00	295,065.00 *
CD8662 533549 - CDY50 CAPITAL PROGRAM SET ASIDE		1.00	100,000.00	50,000.00
CD8662 533549 - CDY50 CAPITAL PROGRAM SET ASIDE		1.00	40,566.00	100,000.00
CD8662 533549 - CDY50 CAPITAL PROGRAM SET ASIDE		1.00	104,499.00	40,566.00
TOTAL CD PUBLIC INFRASTRUCTURE				425,065.00

NEXT YEAR BUDGET DETAIL REPORT

PROJECTION: 50001 2025 CDBG YEAR 50

ACCOUNTS FOR:
COMMUNITY DEVELOPMENT
CD8664 CD CODE ENFORCEMENT

VENDOR QUANTITY UNIT COST 2025 DEPT

CD8664 53010 - CDY50 CODE ENFORCEMENT SERVICES 214,716.94

TOTAL CD CODE ENFORCEMENT 214,716.94



NEXT YEAR BUDGET DETAIL REPORT

PROJECTION: 50001 2025 CDBG YEAR 50

ACCOUNTS FOR:
COMMUNITY DEVELOPMENT
CD8666 CD DEMOLITION

VENDOR QUANTITY UNIT COST 2025 DEPT

CD8666 533508 - CDY50 DEMOLITION 468,830.99

TOTAL CD DEMOLITION 468,830.99

NEXT YEAR BUDGET DETAIL REPORT

PROJECTION: 50001 2025 CDBG YEAR 50

ACCOUNTS FOR:
COMMUNITY DEVELOPMENT
CD8668 CD HOUSING/REHAB

ACCOUNTS FOR:	VENDOR	QUANTITY	UNIT COST	2025 DEPT
CD8668 533509 - CDY50 HOMEOWNERSHIP/REHAB PURHCASE/ REHAB		1.00	375,000.00	375,000.00 *
CD8668 533526 - CDY50 LEAD RISK ASSESSMENT				.00
CD8668 533529 - CDY50 HOUSING SERVICES				27,259.14
CD8668 533530 - CDY50 BING HOMEOWNERSHIP ACADEMY				20,000.00
CD8668 533531 - CDY50 SENIOR REPAIR PROGRAM				85,000.00
TOTAL CD HOUSING/REHAB				507,259.14

NEXT YEAR BUDGET DETAIL REPORT

PROJECTION: 50001 2025 CDBG YEAR 50

ACCOUNTS FOR:
 COMMUNITY DEVELOPMENT
 CD8676 CD HUMAN SERVICES

ACCOUNTS FOR:	VENDOR	QUANTITY	UNIT COST	2025 DEPT
CD8676 533515 - CDY50 HUMAN SERVICES				88,760.00 *
ACTION FOR OLDER PERSONS		1.00	20,000.00	20,000.00
B.C. URBAN LEAGUE ATTAIN LAB		1.00	8,760.00	8,760.00
MOTHERS & BABIES		1.00	20,000.00	20,000.00
NOMA COMMUNITY CENTER		1.00	20,000.00	20,000.00
TRIPLE CITIES MAKERSPACE- WELCOME TO MAKERSPACE		1.00	20,000.00	20,000.00
CD8676 533554 - CDY50 PUBLIC SERVICE / PARK RANGERS				10,000.00
CD8676 533555 - CDY50 OPIOID ADDICTION RECOVERY				30,000.00
TOTAL CD HUMAN SERVICES				128,760.00



NEXT YEAR BUDGET DETAIL REPORT

PROJECTION: 50001 2025 CDBG YEAR 50

ACCOUNTS FOR:
COMMUNITY DEVELOPMENT
CD8684 CD PLANNING

CD8684 533532 - CDY50 PLANNING SERVICES

CD8684 54448 - CDY50 GIS SERVICES

VENDOR	QUANTITY	UNIT COST	2025 DEPT
			22,103.19
			7,000.00
TOTAL CD PLANNING			29,103.19

NEXT YEAR BUDGET DETAIL REPORT

PROJECTION: 50001 2025 CDBG YEAR 50

ACCOUNTS FOR:
 COMMUNITY DEVELOPMENT
 CD8686 CD ADMINISTRATION

ACCOUNTS FOR:	VENDOR	QUANTITY	UNIT COST	2025 DEPT
CD8686 533528 - CDY50 ADMIN SERVICES		1.00	137,906.11	157,906.11 *
SALARIES		1.00	20,000.00	137,906.11
PROFESSIONAL SERVICES				20,000.00
CD8686 54412 - CDY50 BOARD MEMBER SERVICES				6,325.00
CD8686 54425 - CDY50 AUDITING & FINANCIAL SVCS				11,000.00
CD8686 54755 - CDY50 FAIR HOUSING EDUCATION				.00
TOTAL CD ADMINISTRATION				175,231.11
TOTAL COMMUNITY DEVELOPMENT				.00

NEXT YEAR BUDGET DETAIL REPORT

PROJECTION: 50001 2025 CDBG YEAR 50

ACCOUNTS FOR:
HOME FUND

VENDOR QUANTITY UNIT COST 2025 DEPT

CE HOME
CE 42170 - CEY50 COMMUNITY DEVELOPMENT INCOME -55,140.60

CE 44989 - CEY50 FED AID -OTHER HOME&COMM SVCS -496,265.40

TOTAL HOME -551,406.00

NEXT YEAR BUDGET DETAIL REPORT

PROJECTION: 50001 2025 CDBG YEAR 50

ACCOUNTS FOR:

HOME FUND	HOME REHABILITATION	VENDOR	QUANTITY	UNIT COST	2025 DEPT
CE8668	533528 - CEY50 ADMIN SERVICES				55,140.60
CE8668	533800 - CEY50 REHAB				95,000.00
TOTAL HOME REHABILITATION					150,140.60

NEXT YEAR BUDGET DETAIL REPORT

PROJECTION: 50001 2025 CDBG YEAR 50

ACCOUNTS FOR:

HOME FUND

CE8689 HOME CHDO

CE8689 533802 - CEY50 CHDO

VENDOR	QUANTITY	UNIT COST	2025 DEPT
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			401,265.40
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TOTAL HOME CHDO	
TOTAL HOME FUND	.00

	401,265.40
--	------------

NEXT YEAR BUDGET DETAIL REPORT

PROJECTION: 50001 2025 CDBG YEAR 50

ACCOUNTS FOR:
EMERGENCY SOLUTIONS GRANT

VENDOR QUANTITY UNIT COST 2025 DEPT

CG ESG

CG 44989 - CGY50 FED AID -OTHER HOME&COMM SVCS

-156,809.00

TOTAL ESG

-156,809.00

NEXT YEAR BUDGET DETAIL REPORT

PROJECTION: 50001 2025 CDBG YEAR 50

ACCOUNTS FOR:	VENDOR	QUANTITY	UNIT COST	2025 DEPT
EMERGENCY SOLUTIONS GRANT				
CG6142 EMERGENCY SOLUTIONS GRANT				
CG6142 533550 - CGY50 ESG - PROGRAM FUNDS				
HIMS FEE		1.00	1,720.00	156,809.00 *
YWCA WOMENS SHELTER SALARIES		1.00	11,000.00	1,720.00
CATHOLIC CHARITIES - TTLP SALARIES		1.00	1,500.00	11,000.00
YWCA STREET OUTREACH SALARIES		1.00	15,000.00	1,500.00
VOA SHELTER SALARIES		1.00	10,000.00	15,000.00
FEN CARING HOMES		1.00	61,003.60	10,000.00
ADDITION CENTER OF B.C. UP COMFORT CENTER		1.00	27,000.00	61,003.60
OUTREACH MINISTRIES S. TIER-OM/SHOWERS OF HOPE		1.00	12,000.00	27,000.00
YWCA SOUTHSIDE MANOR		1.00	17,585.40	12,000.00
				17,585.40
TOTAL EMERGENCY SOLUTIONS GRANT				156,809.00
TOTAL EMERGENCY SOLUTIONS GRANT				.00
GRAND TOTAL				.00

** END OF REPORT - Generated by Tiffany Rynearson **



RL Number: _____

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

PUBLIC REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

(Name) (Title) (Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

Executive Summary *(Explain why legislation is necessary):*

Effective Date *(if applicable):*



RL Number: 24-105

Date Submitted: 5/29/24

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

PUBLIC REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

Nate Hotchkiss
(Name)

City Councilmember
(Title)

(607) 772-0000
(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

A Local Law to amend City of Binghamton Charter Chapter 45A, Binghamton Human Rights Commission

Executive Summary (Explain why legislation is necessary):

A Local Law to amend City of Binghamton Charter Chapter 45A, Binghamton Human Rights Commission, § 45A-25. Membership, Rules and Procedures, B) Appointments to read: "The City Council is hereby specified and designated as the body who shall appoint the voting members of the Human Rights Commission." (See full language of section attached)

Effective Date (if applicable): 12/1/20

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

Chapter 45A, BINGHAMTON HUMAN RIGHTS COMMISSION

[HISTORY: Adopted by the City Council of the City of Binghamton 12-7-11 by L.L. No. 11-3; Amended 2016.02.18 by L.L. No. 16-01]

§ 45A-20. Name. Pursuant to General Municipal Law § 239-o, the City of Binghamton hereby establishes the Binghamton Human Rights Commission (the “Commission”).

§ 45A-21. Purpose. The purpose of the Commission is to condemn discrimination in all its forms, to educate the public, and to pursue by all appropriate means and without delay a policy of eliminating discrimination against people as set forth in Chapter 45, Binghamton Human Rights Law, veteran status, or criminal conviction to the extent provided by Correction Law § 752.

§ 45A-22. General duties and powers. It shall be the duty of the Commission:

1. (a) To foster mutual respect and understanding among all groups as set forth in Chapter 45, Binghamton Human Rights Law, veteran status, and those with prior criminal convictions.

(b) To make such studies in any field of human relationship in the community as in the judgment of the commission will aid in effectuating its general purposes and where desirable, to make the results of such studies public.

(c) To inquire into incidents of tension and conflict among or between various groups, and to take such action as may be designed to alleviate such tensions and conflict.

(d) To conduct and recommend such educational programs as, in the judgment of the Commission, will increase goodwill among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants.

2. In addition to all other powers, the City of Binghamton hereby grants these additional powers:

(a) To report complaints to the New York State Division of Human Rights alleging unlawful discriminatory practices under Article Fifteen of the Executive Law or Chapter 45 of the Binghamton Human Rights law.

(b) To receive, accept and use and expend public grants and private gifts, donations or bequests and other payments, goods and services, as may be approved as part of the City’s budget process.

§ 45A-23 General obligations. The Commission shall discharge the following obligations.

(a) To receive complaints of alleged discrimination, to seek the active assistance of the division of human rights in the solution of complaints which fall within the jurisdiction of the division and to prepare its own plans in the case of other complaints with a view to reducing and eliminating such alleged discrimination through the process of conference, conciliation and persuasion.

(b) To hold conferences, and other public meetings in the interest of the constructive resolution of group tensions and the prejudice and discrimination occasioned thereby.

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(c) To issue such publications and reports of investigation as in its judgment will tend to effectuate the purposes of this Chapter.

(d) To enlist the cooperation and participation of the various racial, religious and nationality groups, community organizations, industry and labor organizations media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the community mutual esteem, justice and equity and opening new opportunities into all phases of community life for all individuals.

(e) To encourage and stimulate agencies under the jurisdiction of the City of Binghamton to take such action as will fulfill the purposes of this article.

(f) To submit an annual report of the services performed by March 1 of the following year to City Council and the Mayor and to furnish a copy thereof to the New York State Division of Human Rights.

§ 45A-24. Officers and employees; expenses.

The Commission shall have the power and authority to employ an executive director, a secretary and such attorneys, experts and other employees as may be necessary, and to otherwise expend funds within the amount made available by the City of Binghamton as part of the City's budget process.

§ 45A-25. Membership, Rules and Procedures.

A. Number. The Commission shall consist of seven (7) voting members and two (2) ex-officio, non-voting members.

B. Appointments. ~~The Mayor is hereby specified and designated as the public officer who shall appoint the voting members of the Human Rights Commission.~~ The City Council is hereby specified and designated as the body who shall appoint the voting members of the Human Rights Commission. All members shall reside or work in the City of Binghamton. Such appointment shall be subject to approval of City Council. In appointing the Members, the Mayor and City Council will attempt to recruit members from the community who represent the diversity of the community as set forth in Chapter 45, Binghamton Human Rights Law, veteran status, or those with prior criminal convictions. The Mayor and City Council will each appoint one (1) ex-officio, non-voting Member to the Commission.

D. Term of Membership. All appointments made prior to January 1, 2016, are null and void. Members shall be appointed for two (2) year terms, the initial term of all members will expire on December 31, 2017. Thereafter all terms will expire on December 31 of each odd numbered year. Ex-officio, non-voting members will be appointed to one (1) year terms. The Commission will

vote for a Chairperson for each year. Members, ex-officio non-voting members, and the Chairperson may be re-appointed without term limits.

E. Vacancies. In the case of death, resignation, or removal of a Commission Member, a successor to fill the balance of the unexpired term shall be filled in the same manner as appointments.

F. Membership responsibilities. All Commission members must personally attend at least seventy-five percent (75%) of the scheduled meetings per year. Members will be expected to maintain confidentiality of all cases that come before the Commission to the extent that protects the claimants against legal risk.

G. Removal. Members may be removed from the Commission by the Mayor and City Council for failing to carry out membership responsibilities. To be removed a Commission Member must receive a no confidence vote by a majority of City Council and the Mayor.

H. Rules and procedures. The Commission may adopt such rules and procedures, including the creation of committees, as it may deem necessary and proper to fulfill the purposes of this Chapter. The Commission will meet monthly at City Hall at a date and time determined by the Commission. The City will provide a meeting room and other related services.

I. All correspondence or inquiries to the Commission will be referred to the Chairperson.



RL Number: RL24-118 Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

PUBLIC REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/Incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

Nate Hotchkiss

Councilman, 4th District

(607) 772-7236

(Name)

(Title)

(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

Bad Apples Act

Executive Summary (Explain why legislation is necessary):

Executive Summary Attached.

Effective Date (if applicable):

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

Due to the severity of the report's findings, it is urgent that action be taken as soon as possible.

A resolution demanding that the Mayor of the City of Binghamton follow the recommendations of the New York State Attorney General's office report released on 05/10/24:

1. Impose discipline on Officer Kaczynski, including potential termination, for the unreasonable use of force that was not in accordance with law, policy, or training, as described above.
2. Update the Internal Affairs Policy and Procedures (General Order 627) to provide that all available evidence should be reviewed to gain familiarity with the allegations and facts prior to any interviews of the subject officer, or, if not feasible due to timing considerations, the officer should be recalled after reviewing available evidence.
3. Train all staff about appropriate use of force principles and tactics involving restrained persons, and in particular, that officers should not apply pressure to the neck or back of a prone handcuffed individual; and
4. Train all staff on the duty to intervene and methods for effective intervention, such as those included in the Active Bystandership for Law Enforcement (ABLE) or Integrating Communications, Assessment, and Tactics (ICAT) programs.