



Department of  
Environmental  
Conservation



## **GUIDELINES AND BID INSTRUCTIONS**

**New York State**

**Department of Environmental Conservation**

**Municipal Waste Reduction and Recycling Program**

Recycling Coordination, Education, Planning, and Promotion  
Projects Only

NYS SFS Grants Management Bid Event ID No.:

**DEC01-MWRC-2026**

**Apply through the [SFS Vendor Portal](#)**

Bid Due Date: 3:00 pm ET, October 30, 2026

**Timetable of Key Events:**

|                                     |                              |
|-------------------------------------|------------------------------|
| Bidding Period Begins               | August 3, 2026               |
| Question & Answer Period Ends       | October 23, 2026             |
| Bids Due                            | October 30, 2026, 3:00 pm ET |
| Award(s) Announced By (anticipated) | January 30, 2027             |

# Table of Contents

## Contents

|                                                                              |           |
|------------------------------------------------------------------------------|-----------|
| <b>1. Grant Information .....</b>                                            | <b>3</b>  |
| a. Funding .....                                                             | 3         |
| b. Proposed Project Timeframes .....                                         | 3         |
| c. Minimum and Maximum Award Amounts .....                                   | 3         |
| d. Bid Limit/Award limit.....                                                | 4         |
| e. Eligible Project Locations .....                                          | 4         |
| <b>2. Eligible Bidders.....</b>                                              | <b>4</b>  |
| <b>3. Inquiries &amp; Designated Contact Information .....</b>               | <b>4</b>  |
| <b>4. Bid Submission .....</b>                                               | <b>4</b>  |
| <b>5. Grant Opportunity General Information and Conditions.....</b>          | <b>5</b>  |
| a. Grant Bid Requirements and Conditions.....                                | 5         |
| b. Expenditure Based Budget.....                                             | 5         |
| c. Match Requirement and Expenditures.....                                   | 5         |
| d. Work Plan .....                                                           | 5         |
| e. Attachments.....                                                          | 6         |
| f. Debriefing Request .....                                                  | 6         |
| g. Protest Procedure .....                                                   | 6         |
| h. Department of Environmental Conservation Oversight.....                   | 6         |
| i. Sexual Harassment Prevention Certification .....                          | 7         |
| j. Executive Order 16 .....                                                  | 8         |
| k. Attachment G: Gender-Based Violence and the Workplace Certification ..... | 8         |
| l. Secular Purpose .....                                                     | 9         |
| <b>6. Bidder Evaluation, Scoring and Selection .....</b>                     | <b>9</b>  |
| <b>7. Method of Award.....</b>                                               | <b>10</b> |
| <b>8. Grant Program Payment.....</b>                                         | <b>10</b> |
| <b>9. Eligible and Ineligible Expenditures .....</b>                         | <b>10</b> |
| a. Eligible Project Expenditures .....                                       | 10        |
| b. Ineligible Project Expenditures.....                                      | 11        |
| c. Match Requirement and Expenditures.....                                   | 11        |
| d. Eligible Forms of Match.....                                              | 11        |
| e. Ineligible Forms of Match.....                                            | 11        |

|                                                                                                           |           |
|-----------------------------------------------------------------------------------------------------------|-----------|
| <b>10. Grant Program Reporting .....</b>                                                                  | <b>12</b> |
| <b>11. What to Expect If You Receive an Award .....</b>                                                   | <b>12</b> |
| a. Notification of Award .....                                                                            | 12        |
| b. State of New York Contract for Grants .....                                                            | 12        |
| c. Vendor Responsibility Questionnaire .....                                                              | 13        |
| d. Iran Divestment Act.....                                                                               | 13        |
| e. Minority and Women Business Enterprise (MWBE) and Equal Employment Opportunity (EEO) Requirements..... | 14        |
| f. Service-Disabled Veteran-Owned Business (SDVOB) Participation Requirements.....                        | 15        |
| g. Procurement of Contractors/Subcontractors .....                                                        | 15        |
| h. Americans With Disabilities Act .....                                                                  | 15        |
| i. Signage.....                                                                                           | 16        |
| j. Diesel Emissions Reduction Act 2006 .....                                                              | 16        |

## 1. Grant Information

The New York State Department of Environmental Conservation (the Department) is pleased to announce funding for projects that will implement Municipal Waste Reduction and Recycling Education, Promotion, Planning and Coordination (MWRC) Projects.

### a. Funding

Approximately \$5,000,000.00 is available for MWRC Grants. Funding for this grant opportunity is through the Environmental Protection Fund.

### b. Proposed Project Timeframes

All projects must have defined objectives, tasks, and deliverables accounted for in performance measures that can be completed and invoiced within a January 1, 2027 to December 31, 2027 contract period/term. Costs outside of the contract period/term are ineligible. The New York State Contract for Grants must be fully approved by the Department, and, if applicable, approved by the Attorney General and the State Comptroller. Time extensions beyond the contract term end date are not allowed. Bidders should not submit a bid if they do not anticipate their project can be completed within the specified contract term.

### c. Minimum and Maximum Award Amounts

Minimum grant amount is \$10,000.00; Maximum grant amount is \$2,000,000.00.

d. Bid Limit/Award limit

Bidders may submit only one bid. Multiple bids may not be for the same project or project location. If multiple bids are submitted by a single bidder, the Department will only review the last bid received.

e. Eligible Project Locations

Eligible projects for grant funding must be located within New York State.

## 2. Eligible Bidders

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

- Counties, Cities, Towns or Villages
- Local Public Authorities
- Local Public Benefit Corporations (organizations established by State Law)
- School Districts, Supervisory Districts & Improvement Districts
- Native American Tribes or Nations residing in New York State.

## 3. Inquiries & Designated Contact Information

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

Recycling Grants Program

Contact Information: [RecyclingGrants@dec.ny.gov](mailto:RecyclingGrants@dec.ny.gov) or 518-402-8678.

For technical information regarding the Grants Management Bid Event, direct questions to: NYS SFS Grants Management

Contact Information: [helpdesk@sfs.ny.gov](mailto:helpdesk@sfs.ny.gov) | 877-737-4185 toll-free | 518-457-7717

Include “MWRC-2026” in the subject line of the email. Questions regarding this grant opportunity will be accepted by the Department until C.O.B. October 23, 2026. All questions, and answers, will be uploaded to the Grants Management System bid event for all bidders to view.

## 4. Bid Submission

Bids must be submitted through the NYS [SFS Grants Management System](#) using **Google Chrome** to access the SFS Grants Management System (GM) is recommended. Using other browsers may cause errors.

If you do not have access to the SFS Vendor Portal and if your organization is already established within the SFS Vendor portal, an SFS Delegated Administrator has been authorized within your organization to provision user login credentials, unlock accounts, or reset passwords. Please reach out to your SFS Delegated Administrator directly. If you don't know who your Delegated Administrator is, please call SFS Help Desk at 518-457-7717.

If you do not have a login and you are new to the SFS Vendor portal and would like to establish an account for the purposes of doing business with the State of New York, contact the SFS Help Desk at 518-457-7717, or [HelpDesk@sfs.ny.gov](mailto:HelpDesk@sfs.ny.gov) for more information.

Paper bids will NOT be accepted. Bidders are strongly encouraged to submit their bids prior to the bid deadline. Late bids will not be accepted. Please note staff with a Bid Response Initiator role can begin a bid, but only staff with the Bid Response Submitter role can submit the bid response.

All Bidders must be Registered with SFS Grants Management to apply. Please visit the NYS <https://grantsmanagement.ny.gov/register-your-organization-sfs> to register.

## **5. Grant Opportunity General Information and Conditions**

### **a. Grant Bid Requirements and Conditions**

Please be sure to include with your bid, information on the following requirements, if applicable to your project.

Bid must meet the following minimum requirements to be eligible:

- Applicant must be an eligible entity.
- Applicant must have a recycling law adopted in compliance with General Municipal Law (GML) Section 120-aa.
- Applicant must have a DEC-approved Local Solid Waste Management Plan or Comprehensive Recycling Analysis
- All project funding sources are eligible and minimum match requirement is met.

### **b. Expenditure Based Budget**

Bidders must complete an itemized budget in the SFS Grants Management that provides details of the proposed project-related expenses. Budget detail must clearly distinguish between expenses to be claimed under the State grant share and expenses comprising the match. The itemized budget should also include appropriate level of information for the breakdown of costs for each budget item (depending on the budget category this information is provided in the budget detail and/or budget narrative). Eligible and ineligible costs are identified in this RFA.

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

Match is the portion of project expenditure not paid for with grant funds. Match must be from local funds.

Eligible sources of match funds cannot come from other New York State or federal funding sources. Bidders will be required to provide the sources of all matching funds using the Match Worksheet in the GM.

Grant funds are available for up to 50% of the requested budget. Bidders must match at least 100% of the grant funding amount.

### **d. Work Plan**

Bidders must complete a work plan in the SFS GM that provides a clear overview of the project. Bids must include proposed project objectives, tasks associated with meeting each objective, and the performance measures associated with each task (performance measures can include

desired project outcomes or deliverables). The work plan may include anticipated time frames in meeting project objectives, tasks and deliverables.

e. Attachments

Bidders must download the following attachments from the Event Comments and Attachments page in SFS, complete the attachments and upload them to the appropriate question:

- Budget Worksheet
- Recyclables Worksheet.

f. Debriefing Request

In accordance with section 163 of the NY State Finance Law, the Department must, upon request, provide a debriefing to any unsuccessful offeror that responded to the Program Overview, regarding the reasons that the proposal or bid submitted by the unsuccessful offeror was not selected for an award. An unsuccessful offeror wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that their proposal did not result in an award. Debriefings requested after fifteen calendar days may be denied.

g. Protest Procedure

The Department does not have a formal protest procedure; therefore, a bidder may file an initial protest with OSC's Bureau of Contracts (BOC) after the Department has made a contract award. The protest must be in writing and filed with BOC within ten business days of notice of the contract award or if a debriefing has been requested by the interested party, within five business days of the debriefing (whichever is later). If the interested party is not provided with notice of the contract award, the interested party may file a protest with BOC at any time after the contract award and prior to the Comptroller's final action on the contract.

Formal protests concerning a pending contract award must be received within five (5) business days after the protesting party knows or should have known of the facts that constitute the basis of the formal protest.

The protest must be filed with:

Bureau Director  
at [bidprotests@osc.ny.gov](mailto:bidprotests@osc.ny.gov) or  
Bureau of Contracts  
New York State Office of the State Comptroller  
110 State Street, 11th Floor.  
Albany, NY 12236

h. Department of Environmental Conservation Oversight

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- Award an agreement for any or all parts of the RFA in accordance with the method of award or withdraw the RFA at any time at the sole discretion of the Department.
- Award only one bid for funding in the event there are multiple bid submissions for a single project or for pieces of a single project.

- Monitor the progress of all grant awards and withdraw grant funding if the bidder fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.
- Deny funding for projects that are determined not to be consistent with NYS's Smart Growth Public Infrastructure Policy Act.
- Deny funding for projects that are determined not to be consistent with the Climate Change Leadership and Community Protection Act or its' implementing regulations.
- Reject any or all bids in response to the RFA at the agency's sole discretion.
- Partially fund an application if the partially funded portion can be demonstrated to meet the criteria for this RFA.
- Combine applications from municipalities in overlapping jurisdictions.
- Notify an applicant if an application is determined by the Department to be incomplete. The application may be revised, or missing components added and resubmitted at the discretion of the Department. The Department, at its own discretion, will establish a deadline for resubmission of the application, which in no instance will exceed 30 calendar days after notification that an application is incomplete.

i. Sexual Harassment Prevention Certification

State Finance Law §139-l requires all bidders of grant funding to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees.

Where applying for grant funding is required pursuant to statute, rule or regulation, every bid submitted to the state or any public department or agency of the state must contain the following statement: "By submission of this bid, each bidder and each person signing on behalf of the bidder certifies, and in the case of a partnering bid each party thereto certifies as to its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one g of the labor law."

Bids that do not contain the certification will not be considered for award; provided however, that if the bidder cannot make the certification, the bidder may provide a signed statement with their bid detailing the reasons why the certification cannot be made. After review and consideration of such statement, the Department may reject the bid or may decide there are sufficient reasons to accept the bid without such certification.

Bidders are required to sign and upload the Sexual Harassment Prevention Certification form or upload a signed statement with their bid detailing the reasons why the certification cannot be provided. The certification form or statement must be signed by an authorized staff of the contractor and dated after the application start date.

Please download this form from the Event Comments and Attachments page for this bid event in SFS.

j. Executive Order 16

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

ALL bidders must download, complete, and save the Executive Order No. 16 Certification form, prior to uploading the completed form back into the GM. The certification form must be signed by authorized staff of the contractor and dated after the application period’s start date.

Please download this form from the Event Comments and Attachments page for this bid event in SFS.

k. Attachment G: Gender-Based Violence and the Workplace Certification

State Finance Law §139-m requires bidders on state procurements to certify that they have a written policy addressing gender-based violence and the workplace and have provided such policy to all of its employees, directors and board members. Such policy shall, at a minimum, meet the requirements of subdivision 11 of section five hundred seventy-five of the executive law.

Where competitive bidding is required pursuant to statute, rule or regulation, for work or services performed or to be performed or goods sold or to be sold, every bid made to the state or any public department or agency of the state must contain the following statement:

“By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing gender-based violence and the workplace and has provided such policy to all of its employees, directors and board members. Such policy shall, at a minimum, meet the requirements of subdivision 11 of section five hundred seventy-five of the executive law.”

Bids that do not contain the certification will not be considered for award; provided however, that if the bidder cannot make the certification, the bidder shall provide a signed statement with their bid detailing the reasons why the certification cannot be made. After review and consideration of such statement, the Department may reject the bid or may decide that there are sufficient reasons to accept the bid without such certification.

Bidders are required to sign and submit the Gender-Based Violence and the Workplace Certification form, (Attachment G) If the bidder cannot make the certification then a signed statement must be submitted with the bid detailing the reasons why the certification cannot be made. The certification form must be signed by an authorized staff of the contractor and dated after the application period's start date.

Please download this form from the Event Comments and Attachments page for this bid event in SFS.

#### I. Secular Purpose

If services performed pursuant to the New York State Contract for Grants are secular in nature, or are performed by a secular organization, they shall be performed in a manner that does not discriminate on the basis of religious belief or promote or discourage adherence to religion in general or particular religious beliefs.

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

All bids will be reviewed and scored by a review team in accordance with the evaluation and scoring criteria contained in this RFA. Bidders are strongly encouraged to read and address the Bid Review and Scoring Standards in the process of developing a bid. Knowledge of the scoring criteria is valuable for designing and proposing a relevant and quality project.

Scoring consists of:

Step 1: Bid and Project Eligibility Determination

Pass/Fail criteria – Applicant is an eligible entity, as described in Section 2; application completeness.

Step 2: Project Evaluation, Scoring and Selection

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

- a. New municipal recycling program components to be initiated or improvements to an existing program.
- b. The size of project service area or populations served.
- c. A detailed and significant scope of work.
- d. The number of new work products to be created.
- e. A budget with both Recycling Coordination and Education costs, as appropriate.
- f. Consistency with applicant's DEC-approved Local Solid Waste Management Plan, as applicable.

- g. Enactment of a local recycling law consistent with NYS General Municipal Law 120-aa.

All eligible bids will be individually evaluated and scored by a technical reviewer.

## **7. Method of Award**

Complete applications will be reviewed for eligibility by the Department and, if acceptable, will be approved for State assistance for up to 50 percent of eligible costs.

If there are insufficient funds to provide 50 percent reimbursement for all acceptable applications, the Department may either lower the percentage or set a dollar maximum on the level of funding to be provided to each municipality. In the event the Department lowers the maximum reimbursement percentage, the lowered percentage or dollar maximum will be the same for all municipalities that submit an acceptable and approved application.

## **8. Grant Program Payment**

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

## **9. Eligible and Ineligible Expenditures**

### **a. Eligible Project Expenditures**

1. Salary, health insurance, and pension costs paid by the employer for an employee who is responsible for recycling coordination, education, promotion, or outreach. Personnel must be employees of the applicant and assigned to the project for no less than 50 percent of their full-time work schedule.
2. Direct costs necessary to educate the public and increase public awareness of and participation in water reduction and recycling, including
  - i. Recycling guides, mailers, brochures, and webpages
  - ii. Advertising on TV, radio, newspaper, internet, billboard, etc.
  - iii. Recycling signs and displays
  - iv. Giveaway items, children's shows, county fair displays, America Recycles Day items
3. Reasonable costs for consultant services necessary for recycling education, promotion, planning, public relations, or other specialized purposes
4. Costs for supplies and materials specifically acquired and used as part of the municipal waste reduction and recycling education, promotion, planning, and coordination project.

b. Ineligible Project Expenditures

1. Costs of any item NOT primarily used for educating, promoting, planning, and coordinating the benefits or methods of waste reduction, reuse, and recycling.
2. Ordinary operating costs for facilities and offices, including, but not limited to, office supplies and equipment, equipment service, office maintenance, internet service, telephone (except for dedicated recycling “hotlines”), utilities, mileage costs, travel expenses, and fuel within an applicant’s service area or other similar costs or expenses, as determined by the Department.
3. Indirect, overhead, or in-kind costs
4. Costs of facility construction, repair, improvement, or recyclables processing equipment.
5. Costs of bins, totes, carts, composters, food scraps buckets, or other recycling or composting containers.
6. Costs incurred in preparing and submitting an application for state assistance.
7. Unnecessary or unreasonable costs as determined by the Department.
8. Costs for hourly employees, contractor-employees or employees who use less than 50% of their work time for recycling coordination and education.
9. Items required by law, such as Worker’s Compensation, Social Security, Medicare, and unemployment insurance.
10. Costs of mobile message signs/devices or costs of affixed signs that are not specifically about recycling.
11. Costs associated with developing and drafting a Local Solid Waste Management Plan
12. Costs of educational materials that describe disposal, such as collection schedules for non-recyclables.

c. Match Requirement and Expenditures

Grant funds are available for up to 50% of the requested budget. Bidders must provide the remaining 50% in match funds.

Formula: Requested Budget x 50% = Required Match

d. Eligible Forms of Match

1. Local funds

e. Ineligible Forms of Match

1. Indirect costs overhead or operating expenses (space, rent, utilities).
2. Other grant funding: project costs paid by other state and/or federal funding sources or other outside funding.
3. Contractual services: The value of services provided by responsible professional and technical personnel and consultants (i.e., engineering, and architectural services, surveys, plans and specifications, research, design and development of a project, consultant and legal services directly related to a project, feasibility study for a facility, archaeological field work, report writing, curation of artifacts and interpretation, etc.).
4. Supplies and materials
5. Volunteer labor

6. Equipment
7. Administrative salaries
8. Other State or Federal funding: project costs paid from other state and/or federal funding sources.

## 10. Grant Program Reporting

When requesting reimbursement, the grantee must include a Progress Report for the project. A final payment request must also include a signed Certificate of Completion.

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

### a. Notification of Award

Bidders selected to receive a grant award will be notified by email in an official Department award letter. The SFS GM will also provide you with an award status.

**IMPORTANT NOTE:** By accepting an award, the bidder agrees to abide by all New York State Contract for Grants or purchase order terms and conditions. Any changes to the terms and conditions will not be accepted and may affect bidder's award.

### b. State of New York Contract for Grants

Bidders selected to receive a grant award will be required to execute a New York State Contract for Grants within 60 - 90 days from the time of their award notification. Failure to submit timely required contract and supporting documents could cause a bidder to lose their grant award. Bidders should review and be prepared to comply with all terms and conditions should grant funding be awarded. The New York State Contract for Grants and attachments include:

- Grants Face Page
- [New York State Contract for Grants](#) - Standard Terms and Conditions
- [Appendix A](#) – Statewide Terms and Conditions
- Attachment A-1 Agency Specific Terms and Conditions
- Attachment A-2 Program Specific Terms and Conditions
- Attachment B-1 Expenditure Based Budget (project expense categories and detail)
- Attachment C Work Plan (project objectives, tasks and performance measures)
- [Attachment D](#) Payment and Reporting Schedule (claims for reimbursement and grant reporting provisions)

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

Bidders (referred to as "Contractor" following award of Grant Contract) should be prepared to comply with the following requirements:

### 1. Insurance Requirements

Contractor will be required to carry appropriate insurance as specified in the NYS Contract for Grants or LOA, Attachment A-2 Program Specific Terms and Conditions, and agree that each project consultant, project contractor and project subcontractor secures and delivers to the contractor appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies must name the contractor as an additional insured, with appropriate limits, covering contractor's public liability and property damage insurance, contractor's contingency liability insurance, "all-risk" insurance and workers compensation/disability benefits coverage for the project.

### 2. Permit Requirements (if applicable)

Contractors agree to obtain all required permits, including but not limited to, local, state and federal permits prior to the commencement of any project-related work. The Contractor agrees that all work performed in relation to the project by the Contractor or its agents, representatives, or contractors will comply with all relevant federal, state and local laws, rules, regulations and standards, zoning and building codes, ordinances, operating certificates for facilities, or licenses for an activity.

### 3. State Environmental Quality Review (SEQR) Documentation

With respect to the project, the Contractor certifies that it has complied, and shall continue to comply, with all requirements of the State Environmental Quality Review Act (SEQRA). The Contractor agrees to provide all environmental documents as may be required by the Department. The Contractor has notified, and shall continue to notify, the Department of all actions proposed for complying with the environmental review requirements imposed by SEQRA.

#### c. Vendor Responsibility Questionnaire

Not-For-Profit contractors, Not-For-Profit subcontractors, and/or For-Profit subcontractors are subject to a vendor responsibility review by the State to ensure public dollars are being spent appropriately with responsible contractors. A vendor responsibility review may include a contractor and/or subcontractor to present evidence of its continuing legal authority to do business in NYS, integrity, experience, ability, prior performance, and organizational and financial capacity. To enroll in and use the NYS VendRep System, see the VendRep System instructions, or log in at <https://onlineservices.osc.state.ny.us>.

#### d. Iran Divestment Act

As a result of the Iran Divestment Act of 2012, Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law, § 165-a, effective April 12, 2012. By entering into a Contract, the Contractor certifies that it is not on the "Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the Office of General Services website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additional detail on the Iran Divestment Act can be found in the NYS Contract for Grants, Attachment A-1 Agency Specific Terms and Conditions.

e. Minority and Women Business Enterprise (MWBE) and Equal Employment Opportunity (EEO) Requirements

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

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

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

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

- The local government is responsible for designating someone to serve as their Affirmative Action representative. The governing body should make this designation through official means.
- A list of certified MWBE enterprises can be obtained via the internet from the NYS Empire State Development at: <https://ny.newnycontracts.com/FrontEnd/searchcertifieddirectory.asp>

All contractors shall complete an Equal Employment Opportunity (EEO) Policy Statement and Staffing Plan form and submit it prior to the execution of the contract.

For more information regarding MWBE compliance and reporting guidelines, and to download required forms, please visit: <https://dec.ny.gov/about/doing-business/minority-women-owned-business-enterprise-mwbe>.

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

Construction/Engineering – up to 0%

Commodities – up to 0%

Services/Technologies –up to 0%

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

f. Service-Disabled Veteran-Owned Business (SDVOB) Participation Requirements

The Department is required to implement the provisions of New York State Veteran's Law Article 3. The contractor must make Good Faith Efforts to subcontract a goal of 6% of the contract amount to New York State Certified Service-Disabled Veteran-Owned Businesses (SDVOBs), for purposes of providing meaningful participation by SDVOBs.

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

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

g. Procurement of Contractors/Subcontractors

Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money. Failure to comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.

h. Americans With Disabilities Act

In the event the monies defined herein are to be used for the development of facilities, outdoor recreation areas, transportation or written or spoken communication with the public, the Contractor shall comply with all requirements for providing access for individuals with disabilities as established by Article 4A of the New York State Public Buildings Law, Americans with Disabilities Act (ADA), and relevant sections of the New York State Uniform Fire Prevention and Building Code. Standards for certain Recreation Facilities are found in the 2010 ADA Standards for Accessible Design while others are found in the Architectural Barriers Act Accessibility

Guidelines for Outdoor Recreation Areas <https://www.access-board.gov/guidelines-and-standards>.

i. Signage

For infrastructure projects, the contractor shall install signage on-site that identifies the site as a clean vehicle charging/refueling facility; promotes public use of the facility; and acknowledges rebate funding from the Department of Environmental Conservation through Title 15 of the New York State Environmental Protection Fund. Signage developed for use at a rebate-funded facility shall be subject to review and approval by the Department prior to installation.

j. Diesel Emissions Reduction Act 2006

In 2007, New York State passed legislation establishing the Diesel Emissions Reduction Act 2006 (DERA). This Act amended the Environmental Conservation Law (ECL) by adding Section 19-0323 which requires the use of best available retrofit technology (BART) and ultra-low sulfur diesel fuel (ULSD) for heavy duty vehicles owned or operated by, including on behalf of, state agencies and state or regional public authorities. The Department has promulgated regulations (6 NYCRR Part 248) to provide guidance on provisions of the law. The regulations may be found on the Department's website at <http://www.dec.ny.gov/regs/2492.html>.

If applicable, the contractor must comply with the specifications and provisions of ECL Section 19-0323 and 6 NYCRR Part 248, which require the use of BART and ULSD, unless specifically waived by the Department. Qualifications for a waiver under this law are the responsibility of the Contractor.