

**VILLAGE OF SARANAC LAKE BOARD OF TRUSTEES
REGULAR MEETING AGENDA 5:30PM
Monday April 23, 2018
Roberts Rules of Order will be in Effect for this Meeting**

A. CALL TO ORDER PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. AUDITING

- a. Pay Vouchers
- b. Approve Minutes 4-9-2018

D. SPECIAL GUESTS: Grace Clark, Edina Cecunjanin, Tyler Martin,
Micah McCulley and Adam Hesseltine

E. PUBLIC COMMENT PERIOD

F. CORRESPONDENCE: Letter D. Billy Jones, Franklin County IDA Flyer,
National Grid, Independent Audit 2016-2017, Letter NCCC

G. ITEMS FOR BOARD ACTION

- BILL 40 2018 Authorize LDC Agreement**
- BILL 41 2018 Re-Levy Unpaid Water and Sewer to Village Tax Bills**
- BILL 42 2018 Support of Saranac River Whitewater Park**
- BILL 43 2018 Retirement Standard Workday**
- BILL 44 2018 Contract Roemer, Wallens Gold and Mineaux**
- BILL 45 2018 Annexation Town of North Elba**
- BILL 46 2018 SEQR Annexation**
- BILL 47 2018 Call for a Public Hearing**
- BILL 48 2018 Accept resignation from CJ Hagmann**
- BILL 49 2018 Appoint as a Member of Development Board Elias Pelletieri**
- BILL 50 2018 Appoint as an Alternate Member Board Member Development Board CJ Hagmann**
- BILL 51 2018 Appraisal for 400 Broadway**
- BILL 52 2018 RFQ for Engineering Service**

H. OLD BUSINESS

Update NYSDEC Remediation
Core & Main Meter
ANZAC Day Wednesday 25 at 11:00

I. NEW BUSINESS

July 4th Fireworks

J. ITEMS FOR DISCUSSION

K. MOTION TO ADJOURN

**RULES FOR PUBLIC HEARING COMMENTS AND
PUBLIC COMMENT
PERIOD OF MEETINGS**

- 1. Anyone may speak to the Village Board of Trustees during the public comment period of a public hearing or the public comment period of the meeting.**
- 2. As a courtesy we ask each speaker to give their name and address.**
- 3. Each speaker must be recognized by the chairperson before speaking.**
- 4. Individual public comment is limited to 5 minutes and may be shortened by the meeting chairperson.**
- 5. When a meeting is attended by a group of people who share the same or opposing views on a public comment topic, the chair may require that the group(s) designate not more than two spokespersons and limit the total time public comment to 5 minutes for each point of view or side of an issue.**
- 6. Individual time may not be assigned/given to another.**
- 7. A public hearing is meant to encourage resident comment and the expression of opinion, not a direct debate, nor should a commenter be intimidated by a village board rebuttal, therefore public hearings are limited to public comment and should a village response be asked by individuals the response shall be generally given after the public hearing during the village board regular meeting, or subsequently, by telephone or letter, unless factual in nature where the facts are fully known by staff, in which case a village official may respond.**
- 8. All remarks shall be addressed to the board as a body and not to any individual member thereof.**
- 9. Interested parties or their representatives may address the board at any time by written or electronic communications.**
- 10. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.**

Please note- During the course of regular business, discussion and commentary is limited to board members and village staff only. We ask for this courtesy, for the board and staff to conduct their business and discussion without interruption. All village board members and staff are available after the conclusion of a meeting for one on one discussion.

REGULAR MEETING OF THE BOARD OF TRUSTEES
April 9, 2018

ROLL CALL FOR REGULAR MEETING: Present: Mayor Clyde Rabideau
Trustees: Melinda Little, Richard Shapiro, Paul Van Cott and Patrick Murphy.
Also present: Village Manager, John Sweeney, Village Treasurer, Elizabeth Benson,
Community Development Director, Jamie Konkowski, Chief WWTP Plant Chief
Operator, Kevin Pratt, and Chief of Police Charles Potthast, and Village Clerk Kareen
Tyler.

Everyone stood for the pledge of allegiance.

AUDITING:

Chair Rabideau called for a motion to approve payment for the 2018 budget
\$ 110,513.89 voucher number 11038523 to 11038621 complete detail of these
vouchers is attached and made part of these minutes.

Motion: Rabideau Second: Van Cott

Roll Call: Little yes Murphy yes Shapiro yes Van Cott yes

Chair Mayor Rabideau called for a motion to approve minute of March 26, 2018,
April 2, 2018 and the Annual Meeting.

Motion: Van Cott Second: Little

Roll Call: Little yes Murphy yes Shapiro yes Van Cott yes

PUBLIC COMMENT PERIOD

No one made public comment

CORRESPONDENCE: Letter Charter Communications and an email from Village
Manager, John Sweeney

Chair Rabideau called for motion to accept and place on file the above referenced
correspondence.

Motion: Murphy Second: Shapiro

Roll Call: Little yes Murphy yes Shapiro yes Van Cott yes

ITEMS FOR BOARD ACTION:

Bill 37-2018 Approve Travel and Training New York Rural Water

A copy of the bill is attached and made part of these minutes

Chair Mayor Rabideau called for a motion.

Motion: Van Cott Second: Shapiro

Roll Call: Little yes Murphy yes Shapiro yes Van Cott yes

Bill 38-2018 Award Bid for Woodruff Street Siphon

A copy of the bill is attached and made part of these minutes

Chair Mayor Rabideau called for a motion.

Motion: Murphy Second: Little

Roll Call: Little yes Murphy yes Shapiro yes Van Cott yes

Bill 39-2018 Administrative Increase

A copy of the bill is attached and made part of these minutes

Chair Mayor Rabideau called for a motion.

Motion: Little Second: Murphy

Roll Call: Little yes Murphy yes Shapiro yes Van Cott yes

OLD BUSINESS:

Mayor Rabideau: parking of boat trailers and regular parking, regarding the closure of the boat launch was discussed

Trustee Van Cott: NYSDEC proposed restrooms at boat launch, offering village water and sewer.

MOTION TO ADJOURN

Chair Mayor Rabideau called for a motion to adjourn

Motion: Little Second: Shapiro

Roll Call: Little yes Murphy yes Shapiro yes Van Cott yes

Respectfully submitted,
Kareen Tyler, Village Clerk



BILLY JONES
Assemblyman 115th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

COMMITTEES
Aging
Agriculture
Economic Development, Job Creation,
Commerce and Industry
Tourism, Parks, Arts & Sports
Development
Small Business

cc: VB

March 30, 2018

Clyde Rabideau, Mayor
Village of Saranac Lake
39 Main Street, 2nd Floor Suite 9
Saranac Lake, NY 12983

Dear Mayor Rabideau,

I have received and read with interest your correspondence concerning Assembly bill A-3907, which would establish the safe water infrastructure program for the purpose of making payments towards the replacement and rehabilitation of existing local municipally-owned systems.

I am a co-sponsor for this legislation and look forward to supporting it both in the various committees and on the floor. Assembly bill A-3907a is currently under review in the Assembly environmental conservation committee.

I have thoroughly reviewed the details you have provided, and will incorporate your feedback into my efforts moving forward. Thank you for sharing your thoughts with me. Please feel free to contact my office at any time, my door is always open.

Sincerely,

D. Billy Jones
Member of Assembly

DWJ/sel



Interconnection: Local Planning and Review for Large-scale Solar

A workshop and forum for local government officials

When: Thursday, May 10, 2018
8:30 am - 3:45 pm

Where: Clinton Community College
Institute for Advanced Manufacturing
Plattsburgh, New York

The Adirondack North Country Association in collaboration with the Town of Plattsburgh and Franklin County Industrial Development Agency will host a daylong workshop and forum for municipal officials seeking to update local policies and planning for commercial solar projects as well as review and/or develop proposals for large scale solar installations. Our aim is to provision attendees with appropriate tools, information, and support necessary to accomplish these pursuits with confidence.



Aerial view of the Lewis County Solar Project, Lowville, NY. Photo by Frank Pace, Director of Planning, Lewis County

Through interactive discussions, local case studies and presentations on key topics, attendees will acquire insights and operational knowledge to better:

- Adopt local zoning and ordinance laws for commercial solar that encourage investments compatible with community interests and aspirations
- Make informed choices and decisions for siting review and permitting of commercial solar projects
- Distinguish procedural steps, regulatory requirements, and municipal responsibilities associated with larger solar installations, including potential environmental and economic impacts.
- Negotiate taxation, PILOTS, and hosting agreements for large scale projects
- Procure or host solar farms designed to offset electrical costs for municipal buildings and operations
- Create unique options for community benefit while working with solar developers and other project stakeholders to minimize potential impacts of development
- Address the public's need for information with credible resources, data, and findings
- Solicit guidance and assistance from appropriate partners, peers, and programs when questions arise around commercial solar project proposals

Thank you to our partners:

COUNTY OF FRANKLIN
INDUSTRIAL DEVELOPMENT AGENCY



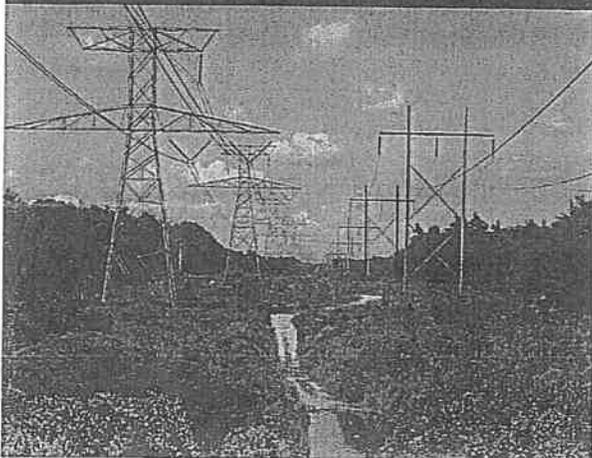
Visit our website for more information and to register:
adirondack.org/Interconnection_Workshop

Contact Sean Connin with questions at (518) 891-6200 or
sconnin@adirondack.org

nationalgrid

HERE WITH YOU. HERE FOR YOU.

Notification of Vegetation Work



On behalf of National Grid's Vegetation Management department, Ironwood Heavy Highway, LLC will soon conduct scheduled maintenance on the electric transmission right-of-way on or adjacent to your property.

The type of work to be done is indicated below:

- Integrated Vegetation Management**
(floor work—see back for details)
- Sideline Maintenance** (see back for details)

Description of work:

If you have questions regarding this work, or a private water supply well on or within 100 feet of the right-of-way, please contact:

Name

Company

Phone

If this box is checked, a call back is needed

Date:

 ROW #:

nationalgrid

HERE WITH YOU. HERE FOR YOU.

Program Descriptions

Integrated Vegetation Management (IVM)

IVM focuses on the removal of tall-growing trees and shrubs to encourage the establishment of a low-growing shrub population on the right-of-way.

Methods used include:

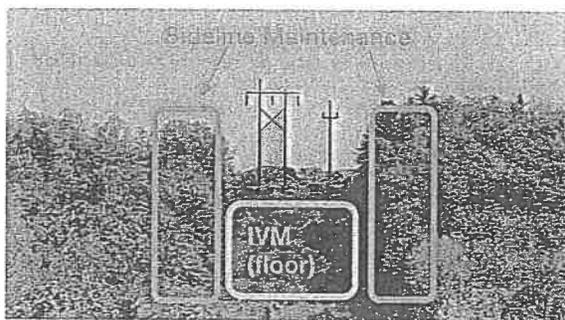
- Hand cutting with chain saws
- Mowing
- Selective herbicide application (applied to foliage or cut stump surface)

Herbicide use is regulated by federal and state statutes and regulations, which protect sensitive areas, such as:

- Surface Water Supplies
- Wetlands
- Public & Private Wells

Sideline Maintenance

This work consists of removing or pruning danger trees along the sides or edges of transmission line corridors.



Methods used include:

- Skidder bucket or street bucket
- Climbers (for areas inaccessible by equipment)

For more information about our programs and work scheduled for the current year, click on "Operations Documentation" in the following link:

www.nationalgridus.com/transmission/index.asp



RAPOF

IRONWOOD HEAVY HIGHWAY, LLC

755 Jefferson Road, Suite 200 Rochester, NY 14623-1907

Phone (585) 235-1125 • Fax (585) 783-1209

Re: National Grid Vegetation Management Project **Bloomington-Lk Colby**

Dear Sir/Madam:

Ironwood Heavy Highway, LLC will be working on behalf of National Grid performing an integrated vegetation management (IVM) / sideline maintenance project on the transmission circuit adjacent to your property. We are a certified tree care and vegetation maintenance company whose professionals take pride in their work.

Please see the attached information as it provides information regarding the work that will take place. Product labels are available at <https://www.ironwoodheavyhighway.com/services/vegetation-management-land-clearing>

If you have any questions about the project, feel free to contact the representative listed below.

If needed, a site visit can be scheduled to discuss specific details of the work on your property and/or the adjacent properties of National Grid.

Sincerely

Ironwood Heavy Highway, LLC

Raymond Halter,
Planning Officer
(585) 435-1944

Encl.: National Grid Notification of Vegetation Work Information

LAW OFFICE OF
JAMES M. BROOKS
72 OLYMPIC DRIVE
LAKE PLACID, NEW YORK 12946

518-523-1555
+ FAX: 518-523-4486

+ NOT FOR SERVICE OF PAPERS

+EMAIL: jamesmbrooks@CentralNY.TWCBC.com

April 20, 2018

Via Email Only

Village of Saranac Lake, Inc.
Attn: John Sweeney, Village Manager
39 Main Street
Saranac Lake, NY 12983

Re: Village Boat Launch Parking

Dear John:

College President Tyrell has discussed the boat launching site parking problems with me as College Attorney and I spoke with Bob Stegegmann of DEC and he promptly advised that DEC had made a deal with Nonna Fina restaurant and that was all the parking required. The College has its parking area in that location and the Board would make it available for public use if needed by the Village for public parking. As it is lands owned by the Sponsors of the College we need to do a license agreement and provide for insurance, maintenance, policing and repairs and some modest license fee, SUNY not giving anything away these days. I have a form License we use for the Malone Fair and the Malone NCCC Campus. Please advise if the Village wants this parking for the summer of 2018 while the State cleans up the lake.

Yours very truly,



James M. Brooks
College Attorney

JMB:kam

VILLAGE OF SARANAC LAKE, NEW YORK
ANNUAL FINANCIAL REPORT

Fiscal Year Ended May 31, 2017

Richard H. Dinolfo
Certified Public Accountant
Queensbury, New York

VILLAGE OF SARANAC LAKE, NEW YORK
ANNUAL FINANCIAL REPORT

Fiscal Year Ended May 31, 2017

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Richard H. Dinolfo

Certified Public Accountant

15 Willow Road
Queensbury, New York 12804-1240
518-793-9331
518-798-0904 FAX
rdinolfo@gmail.com

REPORT ON THE REGULATORY BASIS FINANCIAL STATEMENTS

Independent Auditor's Report

Mayor and Members of Board of Trustees
Village of Saranac Lake, New York

Report on the Financial Statements

We have audited the accompanying combined regulatory basis financial statements as reported in the Annual Financial Report Update Document of the Village of Saranac Lake, New York (Village), as of and for the year ended May 31, 2017, and the related notes to the regulatory basis financial statements, which collectively comprise the Village's regulatory basis financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

The Mayor and Board of Trustees and other management of the Village are responsible for the preparation and fair presentation of these financial statements in accordance with the regulatory basis of accounting and reporting prescribed by the Office of the State Comptroller of the State of New York; this includes the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

As more fully described in Note A to the Regulatory Basis Financial Statements, the Village prepared these financial statements using the regulatory basis of accounting and reporting prescribed by the Office of the State Comptroller of the State of New York for submitting annual financial reports to that office. This regulatory basis of accounting and reporting is a special purpose framework other than accounting principles generally accepted in the United States of America. The effects on the financial statements of the variances between the regulatory basis of accounting and reporting described in Note A and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the regulatory basis financial statements reported are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's

judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Village's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Village's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of the significant estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Auditor's Opinion

In our opinion, the accompanying combined regulatory basis financial statements referred to above present fairly, in all material respects, the financial position of the Village of Saranac Lake, New York as of May 31, 2017, and the results of its operations for the year then ended, in accordance with the regulatory basis of accounting and reporting described in Note A.

Report on Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated April 15, 2018 on our consideration of the Village's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion of internal control over financial reporting and on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

Intended Use of This Report

As there are differences between financial statements prepared in accordance with accounting principles generally accepted in the United States of America and financial statements prepared in accordance with the regulatory basis of accounting and reporting prescribed by the Office of the State Comptroller of the State of New York, this report is not intended to be used by anyone not understanding those differences. Accordingly, this report is intended solely for the information and use of the Mayor and Board of Trustees and management of the Village of Saranac Lake, New York, and for filing with the applicable agencies of the State of New York and is not intended to be used for any other purpose.

Richard H Dinolfo CPA

Richard H. Dinolfo CPA
Queensbury, New York
April 15, 2018

**VILLAGE OF SARANAC LAKE, NEW YORK
COMBINED BALANCE SHEET
ALL FUND TYPES AND SCHEDULES
May 31, 2017**

	Governmental Fund Types			Fiduciary		Schedules		Total (Memorandum Only)
	General	Special Revenue Funds	Capital Projects	Agency	Private Purpose Trust	Non-Current Governmental Assets	Non-Current Governmental Liabilities	
ASSETS AND OTHER DEBITS								
ASSETS								
Cash and cash equivalents	\$ 2,478,271	\$ 2,013,920	\$ 2,942,269	\$ 67,021	\$ 3,477	\$ -	\$ -	\$ 7,504,958
Real property tax receivables	129	-	-	-	-	-	-	129
State and federal receivables	-	-	-	-	-	-	-	-
Due from other governments	-	287	-	-	-	-	-	287
Due from other funds	1,033,588	512,148	-	-	-	-	-	1,545,736
Other receivables	343,740	1,259,210	-	-	-	-	-	1,602,950
Prepaid expenses	-	-	-	-	-	-	-	-
Inventory	-	-	-	-	-	-	-	-
Restricted assets:								
Cash and cash equivalents	606,236	2,184,904	-	-	-	-	-	2,791,140
Capital assets	-	-	-	-	-	38,793,804	-	38,793,804
Total assets	4,461,964	5,970,469	2,942,269	67,021	3,477	38,793,804	-	52,239,004
OTHER DEBITS								
Amount to be provided for retirement of non-current governmental liabilities	-	-	-	-	-	-	17,077,706	17,077,706
Total assets and other debits	\$ 4,461,964	\$ 5,970,469	\$ 2,942,269	\$ 67,021	\$ 3,477	\$ 38,793,804	\$ 17,077,706	\$ 69,316,710

The accompanying Notes to Regulatory Basis Financial Statements are an integral part of these statements.

**VILLAGE OF SARANAC LAKE, NEW YORK
COMBINED BALANCE SHEET
ALL FUND TYPES AND SCHEDULES
May 31, 2017**

	<u>Governmental Fund Types</u>			<u>Fiduciary Funds</u>		<u>Schedules</u>		<u>Total (Memorandum Only)</u>
	<u>General</u>	<u>Special Revenue Funds</u>	<u>Capital Projects</u>	<u>Agency</u>	<u>Private Purpose Trust</u>	<u>Non-Current Governmental Assets</u>	<u>Non-Current Governmental Liabilities</u>	
LIABILITIES, OTHER CREDITS, AND FUND BALANCES:								
LIABILITIES								
Accounts payable	\$ 194,053	\$ 106,515	\$ 40	\$ 66,916	\$ -	\$ -	\$ -	\$ 367,524
Accrued liabilities	-	-	-	-	-	-	-	-
Retained percentages, contracts payable	-	-	-	-	-	-	-	-
Bond anticipation notes payable	-	-	3,911,043	-	-	-	-	3,911,043
Due to other governments	-	-	-	-	-	-	-	-
Due to other funds	-	730,000	815,631	105	-	-	-	1,545,736
Other current liabilities	4,100	-	-	-	-	-	-	4,100
Deferred inflows of resources	227,412	370,873	-	-	-	-	-	598,285
Bonds payable	-	-	-	-	-	-	15,830,200	15,830,200
Installment purchase debt	-	-	-	-	-	-	-	-
Net Pension Liability - Proportionate Share	-	-	-	-	-	-	1,065,280	1,065,280
Landfill closure and post closure costs	-	-	-	-	-	-	50,000	50,000
Compensated absences	-	-	-	-	-	-	132,226	132,226
Total liabilities	<u>425,565</u>	<u>1,207,388</u>	<u>4,726,714</u>	<u>67,021</u>	<u>-</u>	<u>-</u>	<u>17,077,706</u>	<u>23,504,394</u>
OTHER CREDITS								
Investment in non-current governmental assets	-	-	-	-	-	38,793,804	-	38,793,804
FUND BALANCES (DEFICIT)								
Fund balances (deficit)								
Restricted for:								
Capital reserves	606,236	2,184,904	-	-	-	-	-	2,791,140
Assigned:								
Appropriated for 2017-2018	227,000	321,750	-	-	-	-	-	548,750
Unappropriated	-	2,256,427	-	-	3,477	-	-	2,259,904
Unassigned	3,203,163	-	(1,784,445)	-	-	-	-	1,418,718
Total fund balances (deficit)	<u>4,036,399</u>	<u>4,763,081</u>	<u>(1,784,445)</u>	<u>-</u>	<u>3,477</u>	<u>-</u>	<u>-</u>	<u>7,018,512</u>
Total liabilities, other credits and fund balances	<u>\$ 4,461,964</u>	<u>\$ 5,970,469</u>	<u>\$ 2,942,269</u>	<u>\$ 67,021</u>	<u>\$ 3,477</u>	<u>\$ 38,793,804</u>	<u>\$ 17,077,706</u>	<u>\$ 69,316,710</u>

The accompanying Notes to Regulatory Basis Financial Statements are an integral part of these statements.

VILLAGE OF SARANAC LAKE, NEW YORK
COMBINED STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
ALL GOVERNMENTAL FUND TYPES AND PRIVATE PURPOSE TRUST
For the Fiscal Year Ended May 31, 2017

	<u>Governmental Fund Types</u>			<u>Fiduciary</u>	<u>Total (Memorandum Only)</u>
	<u>General</u>	<u>Special Revenue Funds</u>	<u>Capital Projects</u>	<u>Private Purpose Trust</u>	
REVENUES					
Real property taxes	\$ 3,616,761	\$ -	\$ -	\$ -	\$ 3,616,761
Real property tax items	60,886			-	60,886
Nonproperty taxes	153,131	-	-	-	153,131
Departmental income	358,619	2,962,594	-	-	3,321,213
Intergovernmental charges	358,599	808,461	-	-	1,167,060
Use of money and property	46,629	37,026	46	-	83,701
Licenses and permits	25,490	-	-	-	25,490
Fines and forfeitures	-	-	-	-	-
Sale of property and compensation for loss	5,380	-	-	-	5,380
Miscellaneous local sources	11,678	30,830	-	814	43,322
State aid	394,044	-	-	-	394,044
Federal aid	-	-	-	-	-
Total revenues	<u>5,031,217</u>	<u>3,838,911</u>	<u>46</u>	<u>814</u>	<u>8,870,988</u>
OTHER FINANCING SOURCES					
Bond anticipation notes redeemed from appropriations	-	-	33,500	-	33,500
Proceeds of long-term debt	-	-	350,000	-	350,000
Interfund transfers in	-	-	223,931	-	223,931
Total revenues and other sources	<u>5,031,217</u>	<u>3,838,911</u>	<u>607,477</u>	<u>814</u>	<u>9,478,419</u>
EXPENDITURES					
General government support	390,801	217,978	-	-	608,779
Public safety	1,904,090	-	350,598	-	2,254,688
Health	5,996	-	-	-	5,996
Transportation	1,099,220	-	-	-	1,099,220
Economic opportunity and development	35,230	23,380	-	-	58,610
Culture and recreation	375,715	-	310	-	376,025
Home and community services	182,486	1,737,468	689,708	-	2,609,662
Employee benefits	262,412	460,399	-	-	722,811
Debt service	115,413	841,688	-	-	957,101
Total expenditures	<u>4,371,363</u>	<u>3,280,913</u>	<u>1,040,616</u>	<u>-</u>	<u>8,692,892</u>
OTHER USES					
Interfund transfers out	81,931	142,000	-	-	223,931
Total expenditures and other uses	<u>4,453,294</u>	<u>3,422,913</u>	<u>1,040,616</u>	<u>-</u>	<u>8,916,823</u>
Net change in fund balances	577,923	415,998	(433,139)	814	561,596
FUND BALANCE, <i>beginning of year</i>	3,458,476	4,347,083	(1,351,306)	2,663	6,456,916
FUND BALANCE, <i>end of year</i>	<u>\$ 4,036,399</u>	<u>\$ 4,763,081</u>	<u>\$ (1,784,445)</u>	<u>\$ 3,477</u>	<u>\$ 7,018,512</u>

The accompanying Notes to Regulatory Basis Financial Statements are an integral part of these statements.

VILLAGE OF SARANAC LAKE, NEW YORK
COMBINING BALANCE SHEET
SPECIAL REVENUE FUNDS
May 31, 2017

	<u>Water</u>	<u>Sewer</u>	<u>Community Development</u>	<u>Total</u>
ASSETS				
Cash and cash equivalents	\$ 870,904	\$ 496,055	\$ 646,961	\$ 2,013,920
State and federal receivables	-	-	-	-
Due from other governments	287	-	-	287
Due from other funds	50,002	407,146	55,000	512,148
Other receivables, net	389,024	499,313	370,873	1,259,210
Prepaid expenses	-	-	-	-
Inventory	-	-	-	-
Restricted assets				
Cash and cash equivalents	1,164,337	1,020,567	-	2,184,904
Capital assets	-	-	-	-
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total assets	<u>\$ 2,474,554</u>	<u>\$ 2,423,081</u>	<u>\$ 1,072,834</u>	<u>\$ 5,970,469</u>
 LIABILITIES AND FUND BALANCES				
Liabilities				
Accounts payable	\$ 27,218	\$ 79,297	\$ -	\$ 106,515
Accrued liabilities	-	-	-	-
Retained percentages, contracts payable	-	-	-	-
Bond anticipation notes payable	-	-	-	-
Due to other governments	-	-	-	-
Due to other funds	-	675,000	55,000	730,000
Deferred revenue	-	-	370,873	370,873
Compensated absences	-	-	-	-
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total liabilities	<u>27,218</u>	<u>754,297</u>	<u>425,873</u>	<u>1,207,388</u>
Fund balances				
Restricted for:				
Capital reserves	1,164,337	1,020,567	-	2,184,904
Assigned:				
Appropriated for 2016-2017	140,000	181,750	-	321,750
Unappropriated	1,142,999	466,467	646,961	2,256,427
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total fund balances	<u>2,447,336</u>	<u>1,668,784</u>	<u>646,961</u>	<u>4,763,081</u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total liabilities and fund balances	<u>\$ 2,474,554</u>	<u>\$ 2,423,081</u>	<u>\$ 1,072,834</u>	<u>\$ 5,970,469</u>

The accompanying Notes to Regulatory Basis Financial Statements are an integral part of these statements.

VILLAGE OF SARANAC LAKE, NEW YORK
COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES
IN FUND BALANCES
SPECIAL REVENUE FUNDS
For the Fiscal Year Ended May 31, 2017

	<u>Water</u>	<u>Sewer</u>	<u>Community Development</u>	<u>Total Special Revenue Funds</u>
REVENUES				
Departmental income	\$ 1,665,473	\$ 1,146,739	\$ 150,382	\$ 2,962,594
Intergovernmental charges	-	808,461	-	808,461
Use of money and property	30,038	917	6,071	37,026
Miscellaneous	-	25,280	5,550	30,830
Federal aid	-	-	-	-
Total revenues	<u>1,695,511</u>	<u>1,981,397</u>	<u>162,003</u>	<u>3,838,911</u>
OTHER FINANCING SOURCES				
Bond anticipation notes redeemed from appropriations	-	-	-	-
Proceeds of long-term debt	-	-	-	-
Interfund transfers in	-	-	-	-
Total revenues and other sources	<u>1,695,511</u>	<u>1,981,397</u>	<u>162,003</u>	<u>3,838,911</u>
EXPENDITURES				
General government support	91,858	126,120	-	217,978
Transportation	-	-	-	-
Economic opportunity and development	-	-	23,380	23,380
Culture and recreation	-	-	-	-
Home and community service	675,459	1,062,009	-	1,737,468
Employee benefits	216,769	243,630	-	460,399
Debt service	<u>362,400</u>	<u>479,288</u>	-	<u>841,688</u>
Total expenditures	<u>1,346,486</u>	<u>1,911,047</u>	<u>23,380</u>	<u>3,280,913</u>
OTHER USES				
Interfund transfers out	<u>101,000</u>	<u>41,000</u>	-	<u>142,000</u>
Total expenditures and other uses	<u>1,447,486</u>	<u>1,952,047</u>	<u>23,380</u>	<u>3,422,913</u>
Net change in fund balances	248,025	29,350	138,623	415,998
FUND BALANCE, beginning of year	<u>2,199,311</u>	<u>1,639,434</u>	<u>508,338</u>	<u>4,347,083</u>
FUND BALANCE, end of year	<u>\$ 2,447,336</u>	<u>\$ 1,668,784</u>	<u>\$ 646,961</u>	<u>\$ 4,763,081</u>

The accompanying Notes to Regulatory Basis Financial Statements are an integral part of these statements.

VILLAGE OF SARANAC LAKE, NEW YORK
SUMMARY OF ADOPTED BUDGETS FOR THE NEXT FISCAL YEAR
GENERAL FUND, WATER FUND AND SEWER FUND
Reported For the Fiscal Year Ending May 31, 2017

	<u>General</u>	<u>Water</u>	<u>Sewer</u>
ESTIMATED REVENUES			
Real property taxes	\$ 3,671,597	\$ -	\$ -
Real property tax items	56,356	-	-
Non-property taxes	136,800	-	-
Departmental income	288,789	1,771,837	1,245,119
Intergovernmental charges	190,966	-	813,500
Use of money and property	101,630	28,800	-
Licenses and permits	-	-	-
Fines and forfeitures	-	-	-
Sale of property and compensation for loss	-	-	-
Miscellaneous	92,550	-	30,000
Interfund revenue	90,000	-	-
State aid	481,394	-	-
Total estimated revenues	<u>5,110,082</u>	<u>1,800,637</u>	<u>2,088,619</u>
APPROPRIATED FUND BALANCE	<u>227,000</u>	<u>140,000</u>	<u>181,750</u>
Total estimated revenues and other sources	<u><u>5,337,082</u></u>	<u><u>1,940,637</u></u>	<u><u>2,270,369</u></u>
 APPROPRIATIONS			
General government support	600,203	199,379	222,019
Education	-	-	-
Public safety	2,404,793	-	-
Health	7,275	-	-
Transportation	1,082,863	-	-
Economic opportunity and development	43,000	-	-
Culture and recreation	318,548	-	-
Home and community service	127,319	964,156	1,190,859
Employee benefits	503,450	222,775	241,775
Debt service	118,169	410,800	449,500
Total appropriations	<u>5,286,953</u>	<u>1,823,110</u>	<u>2,130,153</u>
OTHER USES	<u>50,129</u>	<u>117,527</u>	<u>140,216</u>
Total appropriations and other uses	<u><u>\$ 5,337,082</u></u>	<u><u>\$ 1,940,637</u></u>	<u><u>\$ 2,270,369</u></u>

The accompanying Notes to Regulatory Basis Financial Statements are an integral part of these statements.

VILLAGE OF SARANAC LAKE, NEW YORK
NOTES TO REGULATORY FINANCIAL STATEMENTS
For the Fiscal Year Ended May 31, 2017

NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The Village of Saranac Lake, New York (Village) was established in 1892 and is governed by the Village Law and other general laws of the State of New York, and various local laws and ordinances. The Board of Trustees is the legislative body responsible for the overall operation of the Village and is comprised of the Mayor and four Trustees. The Mayor serves as chief executive officer and the Treasurer serves as chief fiscal officer. The corporate boundaries of the Village are situated in portions of the Towns of North Elba and St. Armand, in Essex County, and the Town of Harrietstown, in Franklin County.

The Village provides general government services, police and fire protection, public works including streets and bridges, culture and recreation, water, sewer, community development, and other home and community services to the residents of the Village and certain local area communities.

The Office of the State Comptroller of the State of New York (OSC) has the basic responsibility to provide oversight to local governments and other applicable governmental agencies in the State of New York in accordance with provisions of the State Constitution and Article 3 of the General Municipal Law of the State of New York. OSC has established the Accounting and Reporting Manual for local governments pursuant to Section 36 of the General Municipal Law of the State of New York. OSC has established the required presentation of the Annual Financial Report Update Document (AUD), which generally includes a balance sheet, statements of revenues, expenditures and changes in fund balances, and budget information for each major governmental fund reported. The required presentation also includes schedules of non-current governmental assets and liabilities, and statements for proprietary funds and fiduciary funds, if applicable. OSC provides prior year data in the AUD submitted to each local government, generally as a guide to preparing the current year report and not for comparative financial statement purposes.

The Village has elected to prepare its financial statements in conformity with the regulatory basis of accounting and reporting prescribed by the OSC. The Village has elected to present combined regulatory basis financial statements in this report. The financial statement presentation in this report presents all fund types and schedules in combined statements, with additional combining statements for the special revenue funds. A summary of the adopted budgets for the next fiscal year is also presented for the general fund, water fund and sewer fund.

The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The prescribed regulatory basis of accounting and reporting is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America (GAAP). The regulatory basis of accounting and reporting varies from accounting principles generally accepted in the United States of America primarily because it does not require the implementation of GASB Statements number 34, 45 and other applicable statements, and does not require reporting the government-wide statements of net position and activities in the AUD. Consequently, the resulting combined regulatory basis financial statements are not intended to be presented in accordance with accounting principles generally accepted in the United States of America.

In preparing financial statements in conformity with the regulatory basis of accounting and reporting referred to above, Village management may be required to make estimates and assumptions that affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities at the date of the regulatory basis financial statements, and

VILLAGE OF SARANAC LAKE, NEW YORK
NOTES TO REGULATORY FINANCIAL STATEMENTS
For the Fiscal Year Ended May 31, 2017

the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

A summary of the significant accounting policies consistently applied in the preparation of the accompanying regulatory basis financial statements follows.

1. Financial Reporting Entity

In evaluating how to define the Village for financial reporting purposes, management has considered all potential component units. The decision to include a potential component unit in the reporting entity was made by applying the criteria set forth in the regulatory basis of accounting and reporting prescribed by OSC, which is like GAAP. The basic, but not the only, criterion for including a potential component unit within the reporting entity is the governing body's ability to exercise oversight responsibility. The most significant manifestation of this ability is financial interdependence. Other manifestations of the ability to exercise oversight responsibility include, but are not limited to, the selection of governing authority, the designation of management, the ability to influence operations significantly, and accountability for fiscal matters. A second criterion used in evaluating potential component units is the scope of public service. Application of this criterion involves considering whether the activity benefits the Village and/or its citizens, or whether the activity is conducted within geographic boundaries of the Village and is generally available to its citizens. A third criterion used to evaluate potential component units for inclusion or exclusion from the reporting entity is the existence of special financing relationships, regardless of whether the Village can exercise oversight responsibilities. Based on the application of these criteria, the Village is not considered a component unit of any other government or organization. Also, the Village does not consider any other governments or organizations to be component units to be reported as part of the Village's reporting entity.

Although the following organization, function, or activity is related to the Village, it is *not* included in the Village reporting entity because of the reasons noted:

Saranac Lake Local Development Corporation: The Saranac Lake Local Development Corporation was incorporated in 2010 under the Not-for-Profit Corporation Law of the State of New York and is required to comply with applicable provisions of the Public Authorities Law of the State of New York. The Corporation, as a supporting organization of the Village, shall comply with the provisions affecting local authorities contained within the Public Authorities Accountability Act of 2005. The by-laws of the Corporation indicate its main purpose is to relieve and reduce unemployment; promote and provide additional and maximum employment; improve and maintain job opportunities; attract new industry; retain existing industries; and lessen the burdens of government. The public objectives of the corporation are to apply for grants and loans to achieve its purposes; to acquire real or personal property, or interests therein, for use by others as industrial or manufacturing plants or commercial enterprises; to foster and encourage the location or expansion of industrial or manufacturing plants and other commercial enterprises in the Village of Saranac Lake.

2. Fund Accounting

The Village uses funds and schedules to report its financial position and the results of its operations. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fund is a separate accounting entity with a self-balancing set of accounts. A schedule, on the other hand, is a financial reporting device designed to provide accountability for non-

VILLAGE OF SARANAC LAKE, NEW YORK
NOTES TO REGULATORY FINANCIAL STATEMENTS
For the Fiscal Year Ended May 31, 2017

current governmental assets and liabilities that are not recorded in funds because they do not directly affect net expendable available financial resources.

Funds are classified into three categories: governmental, proprietary, and fiduciary. Each category, in turn, is divided into separate "fund types." For the year ended May 31, 2017, the Village reported no proprietary funds.

Governmental fund types are used to account for all or most of a government's activities, including the collection and disbursement of monies generated for specific purposes (Special Revenue Funds) and monies generated for the acquisition or construction of capital assets (Capital Projects Funds). The General Fund is used to account for all governmental activities not required to be accounted for in other funds.

The following are the Village's governmental fund types:

a. General Fund

The General Fund is the Village's principal fund and includes general government operations, police, fire protection, transportation, culture and recreation, and various other Village-wide activities not required to be accounted for in other funds.

b. Special Revenue Funds

Special Revenue Funds are used to account for the proceeds of specific revenue resources (other than those generated for major capital projects) that are legally restricted to expenditures for specific purposes. The Village uses the following special revenue funds:

Water Fund - Used to account for revenues generated to finance operations of the Village's water treatment and supply facilities that provide drinking water to all Village residents and organizations, as well as to certain other local communities outside the Village's corporate boundaries.

Sewer Fund - Used to account for revenues generated to finance operations of the Village's wastewater treatment facilities and sanitary sewer system that is provided to all Village residents and organizations and certain outside communities.

Community Development Fund - Used to account for federal Community Development Block Grants and other special aid received by the Village for specific programs.

c. Capital Projects Funds

Capital Project Funds are used to account for financial resources to be used for the acquisition or construction of major capital facilities and equipment.

d. Fiduciary Funds

Fiduciary Funds are used to account for assets held by the Village on behalf of outside parties, including other governments, or on behalf of other Village funds. Fiduciary funds can include pension trust funds, investment trust funds, private purpose trust funds, and agency funds. The Village currently reports agency funds and a private purpose trust. Agency funds are used to account for assets temporarily held by Village as agent for others pending disposition to the applicable parties. The private purpose trust fund is used to account for private contributions for special events.

VILLAGE OF SARANAC LAKE, NEW YORK
NOTES TO REGULATORY FINANCIAL STATEMENTS
For the Fiscal Year Ended May 31, 2017

e. Schedules

Non-Current Governmental Assets - The schedule of non-current governmental assets is used to account for capital assets used in governmental activities. No depreciation is recorded in this schedule.

Non-Current Governmental Liabilities - The schedule of non-current governmental liabilities is used to account for bonds payable, state loans, capital leases, and other long-term liabilities to be redeemed from governmental activities.

3. Measurement Focus and Basis of Accounting

The accounting and financial reporting treatment applied to a fund is determined by its measurement focus and basis of accounting. The measurement focus used for the governmental funds is the current financial resources measurement focus. With this measurement focus, only current assets and current liabilities are measured and reported on the balance sheet of the various funds. Operating statements of these funds present increases (i.e., revenues and other financing sources) and decreases (i.e., expenditures and other financial uses) in net current assets.

The modified accrual basis of accounting is used by all governmental funds. Under the modified accrual basis of accounting, revenues are recognized when susceptible to accrual (i.e., when they become both measurable and available). "Measurable" means the amount of the transaction can be reasonably determined, and "available" means the assets are collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. The Village considers real property taxes available if they are collected within 60 days after year end. A similar availability period is used for revenue recognition for most other governmental revenues. However, for certain revenues generated on a reimbursement basis, the Village may use a longer availability period extending up to one year.

Those revenues susceptible to accrual include real property taxes, non-property taxes, water rents, sewer rents, state aid, and federal aid. Fees from licenses, permits, fines and forfeitures and other similar revenues generally are not measurable until received and are recognized on a cash receipt basis.

Governmental fund expenditures are recorded when the fund liability is incurred except that:

- Purchase of inventory type items are recorded as expenditures when the related amounts are due and payable. This method is generally referred to as the "purchase" method rather than the "consumption" method.
- Principal and interest on indebtedness are recorded as expenditures when the related debt service amounts are due and payable, which normally approximates the date the debt is paid.
- Compensated absences, such as vacation leave and other authorized leave time, which vest or accumulate with eligible employees, are recorded as expenditures in the payroll period that the leave credits are used by employees.
- Current pension costs payable to the New York State Retirement Systems are recorded as expenditures when billed by the Systems, in accordance with accounting guidance provided by the Office of the State Comptroller of the State of New York.

VILLAGE OF SARANAC LAKE, NEW YORK
NOTES TO REGULATORY FINANCIAL STATEMENTS
For the Fiscal Year Ended May 31, 2017

- Costs of acquiring capital assets are recorded as expenditures when the related acquisition amounts are due and payable.

The Village reports deferred inflow of resources on its combined balance sheet. Deferred inflows arise when potential revenue does not meet both of the “measurable” and “available” criteria for recognition in the current period. Deferred revenues also arise when resources are received by the Village before it has a legal claim to them, or for those revenues intended to be allocated over a period different from the Village’s fiscal year. In subsequent periods, when both revenue recognition criteria are met, or when the Village has a legal claim to the resources, the liability for deferred revenue is removed from the combined balance sheet and revenue is recognized.

4. Budgets

Budgets are adopted on a basis consistent with the regulatory basis of accounting and reporting referred to above. Annual budgets are adopted for the General Fund and all Special Revenue Funds, except the Community Development Fund. Budgets for the Community Development Fund are adopted in accordance with the applicable grant and program requirements, which may involve a fiscal year or period different from the Village’s fiscal year.

Budgets for the Capital Project Funds are adopted on an as needed basis for each individual project.

5. Cash and Cash Equivalents

Cash and cash equivalents include amounts in demand deposits and time deposits at the Village’s designated depositories.

6. Short-Term Interfund Receivables/Payables

During operations, numerous transactions occur between individual funds for goods provided or services rendered. These receivables and payables are classified as “due from other funds” or “due to other funds” on the balance sheet.

7. Receivables:

The Village reports receivables from state and federal sources, and for water rents, sewer rents, community development loans, amounts due from other governments and other miscellaneous amounts. Generally, receivables for rents and other services provided by the Village are recorded as of the period in which the services were provided. Receivables from state, federal and other governmental sources generally involve claims for reimbursement of expenditures and are recorded when the related claims and/or drawdown requests are submitted to grantor agencies, which approximates the period during which the related expenditures were incurred. Community development loans are recorded when the loan is made to eligible recipients.

Unpaid water and sewer rents for customers within the Village can be relieved on the subsequent year’s real property tax levy. Similar unpaid water and sewer rents for customers located outside the Village but within town special districts can be relieved on the applicable town’s subsequent year’s real property tax levy for the calendar year beginning January 1. Relieved rents are collected during the applicable tax collection periods.

VILLAGE OF SARANAC LAKE, NEW YORK
NOTES TO REGULATORY FINANCIAL STATEMENTS
For the Fiscal Year Ended May 31, 2017

8. Capital Assets

Capital assets include land, buildings, improvements other than buildings and equipment. These assets are not capitalized in the governmental funds used to acquire or construct them. Instead, acquisitions of capital assets are reported as expenditures in governmental funds, and the related assets are reported collectively in the schedule of non-current governmental assets. No depreciation is recorded in the schedule of non-current governmental assets or in the governmental funds.

The regulatory basis of accounting and reporting described above require that capital assets be recorded at historical cost. Donated capital assets are required to be reported at their estimated fair value as of the date of donation. No depreciation is required to be reported. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. Improvements are capitalized as applicable.

Infrastructure assets consisting of roads, bridges, sidewalks, water systems, sewer systems, drainage systems, and lighting systems have not yet been capitalized and reported by the Village since the prescribed accounting principles described above do not currently require reporting infrastructure assets.

9. Compensated Absences

Village employees are granted vacation, personal, and sick leave, and earn compensatory absences in varying amounts. Vested vacation, sick leave, personal leave and compensatory leave are recorded as expenditures in the governmental funds during the payroll periods that the leave credits are used by employees. Those leave credits expected to be paid from future resources are recorded as liabilities in the schedule of non-current governmental liabilities.

10. Long-Term Debt

Long-term debt for bonds payable, landfill post closure costs and other obligations are not recognized as liabilities of the governmental funds until the related payments are due. These liabilities are reported in the schedule of non-current governmental liabilities.

11. Total (Memorandum Only) Columns

Included in the combined Regulatory basis financial statements are columns captioned "Total (Memorandum Only)" to indicate that they are presented only for information purposes. Adjustments to eliminate interfund transactions have not been recorded in arriving at such amounts, and the memorandum totals are not intended to fairly present the financial position or results of operations of the Village taken as a whole.

NOTE B - STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY

1. Budgetary Information

The Village's budgetary practices are governed by the Village Law of the State of New York. Each year, no later than March 20, the budget officer submits a tentative budget to the Board of Trustees for the fiscal year commencing the following June 1. The tentative budget includes proposed expenditures and the proposed means of financing for the General, Water and Sewer Funds. After public hearings are conducted to obtain taxpayer comments, no later

VILLAGE OF SARANAC LAKE, NEW YORK
NOTES TO REGULATORY FINANCIAL STATEMENTS
For the Fiscal Year Ended May 31, 2017

than May 1, the Board of Trustees adopts the annual budget for the General, Water and Sewer Funds.

Budget estimates for the Community Development Fund are established in accordance with the applicable grant agreements, which generally involve state and federally funded grants with program years different from the Village's fiscal year. Capital project budgets are adopted for each applicable project and do not lapse at the end of a fiscal year but continue until the applicable projects are completed.

During the year, budget modifications may be necessary. Expenditures may not legally exceed budgeted appropriations at the activity level. Budget modifications, that increase or decrease appropriations for all governmental funds, must be approved by the Board of Trustees. Accordingly, the Board of Trustees takes actions during the year to amend budget estimates and provide supplementary appropriations as needed.

2. Encumbrances

Encumbrance accounting, under which purchase orders, contracts and other commitments for expenditures of monies are recorded for budgetary control purposes to reserve that portion of the applicable appropriations, is employed in the governmental funds. Encumbrances are reported as part of assigned unappropriated fund balances since they do not constitute expenditures or liabilities. Expenditures for such commitments are recorded in the period in which the applicable liabilities are incurred.

3. Deficit Fund Balance

The Capital Projects Fund reported an unassigned fund balance deficit of \$800,102 which resulted from the temporary financing of capital improvements with short-term bond anticipation notes. This deficit will be eliminated when the Village issues permanent financing or pays off the notes from appropriations.

NOTE C – DETAILED NOTES ON ALL FUNDS AND ACCOUNTS

1. Deposits and Investments

The Village's deposit and investment practices are governed by various statutes of the State of New York. In addition, the Board of Trustees has adopted its own investment policy as required by these state statutes. Accordingly, Village monies generally must be deposited in banks or trust companies authorized to do business in the State of New York, and in demand and/or time deposit accounts that are insured by the Federal Deposit Insurance Corporation (FDIC). In addition to demand and time deposit accounts at designated depositories, state statutes and the Village's investment policy allow for temporary investments in eligible securities issued by the federal government and applicable federal agencies, the State of New York and local governments within the State of New York.

The following are the cash assets in bank accounts reported in the financial statements;

Cash for general operating purposes	\$ 7,501,481
Cash restricted for reserves	2,791,140
Cash for the private purpose trust	<u>3,477</u>
Total cash and cash equivalents	<u>\$ 10,296,098</u>

VILLAGE OF SARANAC LAKE, NEW YORK
NOTES TO REGULATORY FINANCIAL STATEMENTS
For the Fiscal Year Ended May 31, 2017

Cash and cash equivalents reported in the financial statements consist of the following:

Petty cash on hand	\$ 900
Cash in checking and savings accounts	<u>10,295,198</u>
Total cash and cash equivalents	<u>\$ 10,296,098</u>

2. Concentration of Credit Risk and Custodial Risk

As indicated above, New York State statutes significantly restrict the type of investments that generally can be made by the Village to eligible federal, New York State and New York local government securities. New York State statutes also require that demand deposits and time deposits in excess of FDIC insured amounts must be secured by a pledge of obligations by depositories consisting of eligible securities or other types of authorized collateral. The Village's demand and time deposits were fully insured and collateralized as of May 31, 2017.

3. Real Property Taxes

Real property taxes attach as an enforceable lien on Village property as of June 1 each year. Real property taxes, which may include delinquent water and sewer rents that are relieved on the real property tax rolls, are levied on June 1 and are payable by June 30 without penalty. The Village bills and collects its own real property taxes generally through November 15 of each year. At that time, uncollected taxes on Village properties located in the three towns are returned to the Counties of Franklin and Essex, as applicable, for subsequent enforcement and collection. Any taxes remaining uncollected at December 31 each year are relieved by the Counties as county tax liens. The full amount of the uncollected taxes returned to the Counties is paid to the Village on or before the following April 1. Since the Village receives the total amount of its annual tax levy during the applicable fiscal year, no real property tax receivables are reported at the end of the fiscal year.

4. Receivables

The Village reports receivables from state and federal sources, and for water rents, sewer rents, community development loans, amounts due from other governments and miscellaneous amounts.

5. Capital Assets

Capital assets are used for the Village's governmental activities and are reported in the schedule of non-current governmental assets. The following capital assets were reported in the financial statements for the year ended May 31, 2017:

VILLAGE OF SARANAC LAKE, NEW YORK
NOTES TO REGULATORY FINANCIAL STATEMENTS
For the Fiscal Year Ended May 31, 2017

<u>Asset Category</u>	<u>Balance</u> <u>5/31/2017</u>
Land	\$ 1,250,000
Buildings	30,328,670
Improvements other than buildings	862,329
Machinery and equipment	6,352,805
Totals	<u>\$ 38,793,804</u>

6. Interfund Transactions

The following is a summary of interfund receivables and payables reported in the financial statements as amounts due to and due from other funds at May 31, 2017:

<u>Fund</u>	<u>Due from</u> <u>other Funds</u>	<u>Due to</u> <u>other funds</u>
General	\$ 1,033,588	\$ -
Community Development	55,000	55,000
Water	50,002	-
Sewer	407,146	675,000
Capital Projects	-	815,631
Agency	-	105
Totals	<u>\$ 1,545,736</u>	<u>\$ 1,545,736</u>

During the year, the following transfers were made between the various funds:

<u>Fund</u>	<u>Transfers in</u>	<u>Transfers out</u>
General	\$ -	\$ 81,931
Community Development	-	-
Water	-	101,000
Sewer	-	41,000
Capital Projects	223,931	-
Totals	<u>\$ 223,931</u>	<u>\$ 223,931</u>

7. Deferred Inflows of Resources

Deferred inflows of resources are recognized in the general fund and the community development fund. In the general fund, the Village recognizes revenues from fire protection and emergency service contracts with certain surrounding towns based on the contract period January 1 to December 31. Such contracts require the towns to make payment of the annual amounts in February of each year. Deferred inflows of \$227,412 reported in the general fund include allocation of the contract payments due in February 2017 to the period June 1, 2017 to December 31, 2017.

VILLAGE OF SARANAC LAKE, NEW YORK
NOTES TO REGULATORY FINANCIAL STATEMENTS
For the Fiscal Year Ended May 31, 2017

In the community development fund, deferred inflows of \$370,873 are reported for the amount of outstanding principal on rehabilitation loans and economic development loans from the Community Development Block Grants that are expected to be repaid and become available for additional loans. When the loan payments are received, revenue is recognized to the extent of both principal and interest received. When repaid funds are reloaned, a corresponding expenditure will be recorded for the amount of the new loans. When a loan is written off or determined to be uncollectible, a corresponding decrease in the amount of deferred revenue is made in the same period, the effect of which is to reduce the overall amount of funds available for future loans.

8. Compensated Absences

Village employees are granted vacation, personal, and sick leave, and earn compensatory absences in varying amounts. Subject to contractual agreements, in the event of termination or upon retirement, an employee may be entitled to payment for accumulated vacation, sick leave and unused compensatory time at various rates subject to certain maximum limitations. Vested vacation, sick leave, personal leave and compensatory leave credits to be paid from future resources amounted to \$132,226 at May 31, 2017 and are recorded as long-term liabilities in the schedule of non-current governmental liabilities.

9. Indebtedness

Bond Anticipation Notes:

The Village issues bond anticipation notes to temporarily finance capital improvements and other authorized acquisitions before permanent, long-term financing is obtained. The following is a summary of the Village's bond anticipation notes recorded in the Capital Project Funds for the year ended May 31, 2017:

Bond anticipation notes payable - beginning of year	\$	2,926,700
Notes issued during year		1,017,843
Notes redeemed during year		<u>(33,500)</u>
Bond anticipation notes payable - end of year	\$	<u>3,911,043</u>

The following bond anticipation notes were outstanding at May 31, 2017:

<u>Purpose</u>	<u>Issue Date</u>	<u>Due Date</u>	<u>Interest Rate</u>	<u>Principal Balance</u>
EFC STIFF - LWCS Sewer	6/11/2015	6/20/2019	0.00%	\$ 1,627,197
EFC STIFF - Final Clarifier	3/3/2016	4/9/2020	0.00%	<u>2,283,846</u>
Total Bond Anticipation Notes Payable				<u>\$ 3,911,043</u>

Bonds:

The Village issues bonds and other types of long-term debt to provide permanent financing for capital improvements and other authorized acquisitions for its governmental activities. A summary of the Village's bonds payable recorded in the schedule of non-current governmental liabilities for the year ended May 31, 2017 is as follows:

VILLAGE OF SARANAC LAKE, NEW YORK
NOTES TO REGULATORY FINANCIAL STATEMENTS
For the Fiscal Year Ended May 31, 2017

Bonds payable - beginning of year		\$ 16,422,600
Bond principal issued during year		350,000
Bond principal paid during year		<u>(892,400)</u>
Bonds payable - end of year		<u>\$ 15,880,200</u>

The following bonds were outstanding as of May 31, 2017:

<u>Bonds</u>	<u>Issue Date</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>Balance</u> <u>5/31/2017</u>
Sewer project EFC CW SIB	9/28/2006	4/1/2036	0.000%	\$ 3,895,000
Public improvement serial bonds	2/1/2001	8/1/2021	1.500%	930,000
Public improvement serial bonds	11/15/2011	11/15/2021	2.390%	560,000
Alternate Water Source - EFC SIB	9/24/2015	2/19/2045	0.000%	10,145,200
Fire Truck Purchase	7/5/2016	7/1/2021	1.625%	<u>350,000</u>
Total bonds payable				<u>\$ 15,880,200</u>

Aggregate minimum annual maturities of bonds payable are as follows:

<u>Fiscal Years Ending</u>	<u>Total</u>	<u>Principal</u>	<u>Interest</u>
May 31, 2018	\$ 993,406	\$ 962,400	\$ 31,006
May 31, 2019	989,369	965,400	23,969
May 31, 2020	979,131	962,400	16,731
May 31, 2021	976,625	967,400	9,225
May 31, 2022	755,419	752,400	3,019
May 31, 2023 to 2027	2,807,000	2,807,000	-
May 31, 2028 to 2032	2,867,000	2,867,000	-
May 31, 2033 to 2037	2,697,000	2,697,000	-
May 31, 2038 to 2042	1,812,000	1,812,000	-
May 31, 2043 to 2045	<u>1,087,200</u>	<u>1,087,200</u>	-
Total Payable to Maturity	<u>\$ 15,964,150</u>	<u>\$ 15,880,200</u>	<u>\$ 83,950</u>

10. Landfill Post Closure Monitoring Costs

The Village landfill was closed at the end of the fiscal year ending May 31, 1997. Under current regulations, the Village is responsible for monitoring the closed landfill for a 30-year period after the closing date. The Village has contracted with a firm to conduct landfill sample collection, testing and monitoring. The firm uses Village equipment to do other testing and reimburses the Village for that use. Village officials have estimated that monitoring costs will be approximately \$5,000 per year for the remaining 10 years. This estimated liability of \$50,000 is recorded as a long-term liability in the schedule of non-current governmental liabilities.

VILLAGE OF SARANAC LAKE, NEW YORK
NOTES TO REGULATORY FINANCIAL STATEMENTS
For the Fiscal Year Ended May 31, 2017

11. Restricted Assets and Restricted Fund Balances

The Village reports restricted assets and restricted fund balances in the combined regulatory basis balance sheet. Restricted assets and resultant restricted fund balances generally represent assets set aside in reserves to be used for specific future purposes. Generally, these restricted assets and restricted fund balances result from actions taken by the Board of Trustees to set aside and restrict cash assets for future capital improvements and debt service payments.

The following is an analysis of the restricted assets reported as of May 31, 2017:

<u>Cash restricted for reserves</u>	
Capital reserves	2,791,140
Total restricted cash and fund balances	<u>\$ 2,791,140</u>

NOTE D – OTHER INFORMATION

1. Pension Plans - New York State Retirement System

Plan Description:

The Village participates in the New York State and Local Employees' Retirement System (ERS), the New York State and Local Police and Fire Retirement System (PFRS) and the Public Employees Group Life Insurance Plan (collectively, the NYSLRS). These are cost-sharing multi-employer retirement systems. The NYSLRS provide retirement benefits as well as death and disability benefits. Obligations of employers and employees to contribute and benefits to employees are governed by the New York State Retirement and Social Security Law (NYSRSSL). As set forth in the NYSRSSL, the Comptroller of the State of New York (Comptroller) serves as sole trustee and administrative head of the NYSLRS. The Comptroller shall adopt and may amend rules and regulations for the administration and transaction of the business of the NYSLRS and for the custody and control of their funds. The NYSLRS issue a publicly available financial report that includes financial statements and required supplementary information. That report may be found at www.osc.state.ny.us/retire/publications/index.php or obtained by writing to the New York State and Local Retirement Systems, 110 State Street, Albany, New York 12244.

Funding Policy:

The NYSLRS are noncontributory except for employees who joined the ERS after July 27, 1976, who contribute 3% of their salary for the first ten years of membership, and employees who joined on or after January 1, 2010 (ERS) and January 9, 2010 (PFRS) who contribute 3% of their salary for their entire length of service. Under the authority of the NYSRSSL, the Comptroller annually certifies the actuarially determined rates expressly used in computing the employers' contributions based on salaries paid during the NYSLRS' fiscal year ended March 31. Employers are billed for contributions based on the NYSLRS' fiscal year April 1 to March 31, with the payment becoming due on the December 15 prior to the end of the NYSLRS' plan year. Recent legislation allowed employers to delay payment until the following February 1 with additional interest costs. The Village opted to pay the billings as of December 15 rather than delay the payment to February 1 and incur additional interest costs.

VILLAGE OF SARANAC LAKE, NEW YORK
NOTES TO REGULATORY FINANCIAL STATEMENTS
For the Fiscal Year Ended May 31, 2017

The required contributions billed to and paid by the Village for the current year and the two preceding years were:

<u>Billing Due Date</u>	<u>Total</u>	<u>ERS</u>	<u>PFRS</u>
December 15, 2016	\$ 406,818	\$ 278,735	\$ 128,083
December 15, 2015	366,636	304,631	62,005
December 15, 2014	540,810	350,100	190,710
Totals	<u>\$ 1,314,264</u>	<u>\$ 933,466</u>	<u>\$ 380,798</u>

Contributions made to the NYSLRS were equal to 100% of the contributions required for each year.

Chapter 49 of the Laws of 2003 of the State of New York was enacted which made the following changes to the System:

- Requires minimum contributions by employers of 4.5 percent of covered payroll every year, including years in which the investment performance of the pension fund would make a lower contribution possible;
- Changed the cycle of annual billing such that the contribution for a given plan fiscal year ending March 31 will be based on the value of the pension fund on the prior April 1.

Chapter 260 of the Laws of 2004 of the State of New York was enacted that allows local employers to bond or amortize a portion of their retirement billings for prior plan fiscal years ending March 31, 2005 through 2009 for up to ten years. Chapter 57 of the Laws of 2010 of the State of New York was enacted that allows local employers to amortize a portion of their current retirement billings for up to ten years.

The Village chose not to bond or amortize applicable retirement billings, but to pay all required contributions on a current basis.

Effective for the Village's fiscal year ended May 31, 2017, OSC required participating local governments to report their proportionate share of the net pension liability calculated annually by NYSLRS. The Village's proportionate share was calculated to be \$1,065,280 and is reported in the schedule of non-current governmental liabilities.

2. Post-Employment Benefits

In addition to providing pension benefits, the Village provides health insurance coverage benefits for retired employees, subject to contractual agreements. If granted through a collective bargaining agreement or employment contract, employees may become eligible for these benefits if they reach normal retirement age while working for the Village. Health care benefits are provided through an insurance company whose premiums are based on the benefits paid during the year or community ratings. Except for existing retirees and police officers, the Village no longer provides paid health insurance as a post-employment benefit.

The Village recognizes the cost of providing benefits by recording its share of the insurance premiums as expenditures in the year paid. During the year ended May 31, 2017, \$133,026 was paid on behalf of 19 retirees, and this cost was allocated as expenditures of the General, Water and Sewer funds.

VILLAGE OF SARANAC LAKE, NEW YORK
NOTES TO REGULATORY FINANCIAL STATEMENTS
For the Fiscal Year Ended May 31, 2017

3. Deferred Compensation Plan

The Village participates in the New York State Deferred Compensation Plan (Plan) and offers its employees the option to participate in the Plan. In October 1997, The New York State Deferred Compensation Board (Board) created a Trust and Custody agreement with Chase Manhattan Bank to serve as trustee and custodian of the Plan. Since the Board no longer serves as Trustee of the Plan, the OSC advised participating municipalities that they are no longer required to record the value of Plan assets in their regulatory basis financial statements

4. Risk Management and Insurance

The Village assumes the liability for most risk, including, but not limited to, property damage and personal injury liability, for which it obtains insurance coverage. Judgments and claims are recorded when it is probable that an asset has been impaired, or a liability has been incurred and the amount of loss can be reasonably estimated.

5. Commitments and Contingencies

State and federal grant programs:

The Village participates in a number of grant programs and has received funding from various state and federal agencies. These programs are subject to financial and compliance audits by the grantors or their representatives. Such audits may result in disallowances and requests for return of funds to the applicable state and federal agencies. Based on past audit experiences, Village management believes disallowances, if any, will be immaterial.

6. Subsequent Events

- A. Landfill Use: The Village is contracting with the Town of North Elba to convert the prior landfill that was closed many years ago into an athletic field. The financing for this project will be covered by a NYS Parks and Recreation Grant.
- B. Mt. Pisgah/NYS Parks Project: The project has been concluded and final reimbursement has been submitted. NYS issued payment, less \$60,000 which is a 10% retainage on the grant. The Village has not yet received its final payment from NYS Parks.
- C. Hydro Power: The Village is continuing to explore the costs and benefits of hydro-electric power generation at both its 3 Main and 17 Main Street locations. The Village started working on getting its facilities approved for Net-Metering.
- D. Union Contracts: The PBA contract expired on May 31, 2012. Negotiations restarted following the selection of a new PBA attorney. The PBA contract remains open at this time. The contract with the Service Employees International Union ended May 31, 2017 and is being renegotiated at this time.
- E. Sewer Projects: The Village has substantially completed two major projects funded via Environmental Facilities Corporation (EFC), replacement of damaged final clarifiers and upgrades to Lake Flower Lift Station. Wastewater final clarifiers one and two were damaged during the 2011 floods, the project was substantially completed August of 2016, few punch list items remain open as of June 1, 2017. Short-term financing has been made available to the Village from EFC for this project, funding of 87.5% of the total project

VILLAGE OF SARANAC LAKE, NEW YORK
NOTES TO REGULATORY FINANCIAL STATEMENTS
For the Fiscal Year Ended May 31, 2017

will be provided by FEMA, final closeout for the project funding will be determined for long-term financing or immediate payment of the balance from sewer debt reserves. Lake Flower Lift Station was completely rebuilt including; installation of new electrical generator, controls and screening of the facility completed May of 2017. Both projects were funded via EFC funding, which the village did receive hardship designation as determined by the Governor's Office. EFC has also funded engineering of two additional projects listed on the IUP, Brandy Brook Sewer line replacement and Woodruff St. siphon line replacements.

- F. Lake Flower Sidewalk Project: The contracts let by NYS DOT for this project came in significantly under budget. The Village had to make a \$190,000 contribution based on the original estimates. Based on the final contract amounts, the Village is due a refund of approximately \$52,000 that has been outstanding since January 2015. The amount of \$53,066.72 was received in late August 2017.

- G. Village Treasurer: The Village Treasurer resigned her position in August 2017 to move to another state. The position remained open for several months and the responsibilities were performed by an Interim Village Treasurer, a former Village Treasurer. The position was advertised, and an individual was appointed in October 2017.

Richard H. Dinolfo
Certified Public Accountant

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Queensbury, New York 12804-1240
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518-798-0904 FAX
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**REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH
GOVERNMENT AUDITING STANDARDS**

Independent Auditor's Report

Mayor and Board of Trustees
Village of Saranac Lake, New York

We were engaged to audit, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the regulatory basis financial statements as reported in the Annual Financial Report Update Document of the Village of Saranac Lake, New York (Village) as of and for the fiscal year ended May 31, 2017, and the related notes to the financial statements, which collectively comprise the Village's regulatory basis financial statements and have issued our report thereon dated April 15, 2018.

Internal Control over Financial Reporting

The Mayor, Board of Trustees and other management of the Village are responsible for establishing and maintaining effective internal control over financial reporting. In connection with our engagement to audit the financial statements of the Village, we considered the Village's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements as reported in the Annual Financial Report Update Document, but not for the purpose of expressing an opinion on the effectiveness of the Village's internal control. Accordingly, we do not express an opinion on the effectiveness of the Village's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses and significant deficiencies may exist that were not identified. However, as described below, we identified a deficiency in internal control, item #2017-001, that we consider to be a significant deficiency.

A ***deficiency in internal control*** exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A ***material weakness*** is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Village's financial statements will not be

prevented or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by the Mayor and Board of Trustees who are charged with governance.

Compliance and Other Matters

In connection with our engagement to audit the financial statements of the Village, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed that the deficiency referred to above, item #2017-001, was also an instance of noncompliance or other matters that is required to be reported under *Government Auditing Standards*.

Village's Response to Findings

The Village Officials generally agreed with this finding and will develop a process to make needed improvements. The Village's response was not subjected to the auditing procedures applied in the engagement to the audit of the financial statements and, accordingly, we express no opinion on it.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Village's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Village's internal control and compliance. Accordingly, this communication is intended for the information and use of the Mayor, Board of Trustees, other management of the Village, and for filing with the federal audit clearinghouse and applicable agencies of the State of New York and is not intended for any other purpose.

Richard H Dinolfo CPA

Richard H. Dinolfo CPA
Queensbury, New York
April 15, 2018

VILLAGE OF SARANAC LAKE, NEW YORK

**SCHEDULE OF FINDINGS
For the Year Ended May 31, 2017**

2017-001 Need for Improvements in the Accounting System and Financial Reporting

Criteria: The Village is required by applicable provisions of the General Municipal Law of the State of New York to file an Annual Financial Report Update Document (AUD) with the Office of the State Comptroller of the State of New York (OSC) that has been prepared in accordance with the regulatory basis of accounting and reporting prescribed by OSC.

Condition: The Village's accounting system did not accurately identify certain required accounts. The fixed asset records appeared to include building assets based in part on insurable values rather than historical cost and may have included fire fighting vehicles owned by the volunteer fire department and not the Village.

Context: The Village's accounting system and records are the primary source of information needed to prepare annual financial statements.

Effect: The Village's AUD filed with OSC was not complete, and not in accordance with the accounting and reporting practices prescribed by OSC. The AUD needed to be amended at various times in 2018. Because of the need to correct the financial statements and other matters, the audit report for the year ended May 31, 2017 was not completed promptly.

Cause: The former Village Treasurer left office and the next Village Treasurer resigned in August 2017. A new individual was appointed in October 2017. Turnover in that key office contributed to the conditions noted above. Village officials have not yet developed a process to take an inventory count of property and equipment assets and record such assets in their accounting records.

Recommendation: Village officials should attempt to improve the accounting system and supporting documentation for reporting in the next annual AUD.

**Business of the Village Board
Village of Saranac Lake**

SUBJECT: Saranac Lake LDC Contract

Date: 4-23-18

DEPT OF ORIGIN: Trustee VanCott

Bill # 40-2018

DATE SUBMITTED 4-18-18

EXHIBITS: Yes _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED: \$5000.00

AMOUNT
BUDGETED: \$5000.00

APPROPRIATION
REQUIRED:

SUMMARY STATEMENT

Resolution authorizing the Village Manager to sign Saranac Lake LDC and provide payment as budgeted 2017-2018 from Contingency Funding.

RECOMMENDED ACTION

Approval of Resolution

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR RABIDEAU

TRUSTEE LITTLE

TRUSTEE MURPHY

TRUSTEE SHAPIRO

TRUSTEE VANCOTT

**CONTRACT BETWEEN THE VILLAGE OF SARANAC LAKE
AND
SARANAC LAKE LOCAL DEVELOPMENT CORPORATION
FOR
ECONOMIC DEVELOPMENT SERVICES**

THIS CONTRACT, entered this _____ day of _____, 20____ by and between the **Village of Saranac Lake** (herein called the "Village") and the **Saranac Lake Local Development Corporation** (herein called "SLLDC").

WHEREAS, the Village created the Saranac Lake Local Development Corporation to relieve and reduce unemployment; promote and provide additional and maximum employment; improve and maintain job opportunities; attract new industry; retain existing industries; and lessen the burdens of government; and

WHEREAS, the public objectives of the corporation are to apply for grants and loans to achieve its purposes; to acquire real or personal property, or interests therein, for use by others as industrial or manufacturing plants or commercial enterprises; and to foster and encourage the location or expansion of industrial or manufacturing plants and other commercial enterprises in the Village of Saranac Lake; and

WHEREAS, the Village has identified the need for revitalization of Saranac Lake commercial properties to enhance the visitor experience and promote Village businesses; and

WHEREAS, the Village seeks to support small businesses within the Village through loans and grants that will assist small businesses and provide incentives for the improvement of business properties within the Village; and

WHEREAS, funding and the commitment of voluntary time and effort will be necessary for the development and implementation of such a program; and

WHEREAS, the Village wishes to engage the SLLDC to seek funding for and to provide voluntary efforts in support of these economic development services in the interest of the people and businesses of Saranac Lake.

NOW, THEREFORE, it is agreed between the parties hereto that:

I. SCOPE OF SERVICE

SLLDC will be responsible for providing economic development services for the Village of Saranac Lake as follows:

1. The SLLDC shall implement the New York Main Street (NYMS) grant program for revitalization of downtown buildings, including the \$300,000 2015 NYMS grant and the \$300,000 2017 NYMS grant. The SLLDC shall also consider applications for the 2018 NYMS grant.
2. The SLLDC will continue to participate in implementation of the New York State Council for the Arts grant for an arts master plan for Saranac Lake.
3. The SLLDC shall consider making other grant applications and will support and contribute to the Village's efforts to obtain economic and community development grants and to promote economic development in the Village.

II. TERM OF CONTRACT

The period covered by this contract began on the 1st day of June, 2017 and shall end on the 31st day of May, 2019.

III. PAYMENT

It is expressly agreed and understood that the total amount to be paid by the Village to the SLLDC under this contract for the specified services shall be \$5,000, which amount shall be payable on or before May 15, 2018.

IV. COMMUNICATIONS

All communication and details concerning this contract shall be directed to the following contract representatives:

Village	SLLDC
Jamie Konkoski Community Development Director Village of Saranac Lake 3 Main Street Saranac Lake, NY 12983 Tel: (518) 891-4150 Fax: (518) 891-5928 Email: comdev@saranaclakeny.gov	Paul Van Cott Chairman Saranac Lake Local Development Corporation 3 Main Street Saranac Lake, NY 12983 Tel: (518) 637-3612 Fax: Email: paulvancott@hotmail.com

V. SEVERABILITY

If any provision of this contract is held invalid, the remainder of the contract shall not be affected thereby and all other parts of this contract shall nevertheless be in full force and effect.

VI. ENTIRE AGREEMENT

This contract constitutes the entire agreement between the Village and SLLDC for the use of funds received under this contract and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written between the Village and SLLDC with respect to this contract.

Date _____

IN WITNESS WHEREOF, the Parties have executed this contract as of the date first written above.

Village

SLLDC

By _____
Village Manager

By _____
Title _____

BUDGET & FINANCIAL PLAN

BUDGETED REVENUES, EXPENDITURES, AND CHANGES IN CURRENT NET ASSETS

	Last Year (Actual) 2017	Current Year (Adopted) 2018	Next Year (Proposed) 2019
<u>REVENUE & FINANCIAL SOURCES</u>			
Operating Revenues			
Charges for services	\$2,500.00	\$2,500.00	\$2,500.00
Rental & financing income	0.00	0.00	0.00
Other operating revenues	0.00	0.00	0.00
Nonoperating Revenues			
Investment earnings	0.00	0.00	0.00
State subsidies/grants	300,000.00	588,421.00	300,000.00
Federal subsidies/grants	0.00	0.00	0.00
Municipal subsidies/grants	0.00	0.00	0.00
Public authority subsidies	0.00	0.00	0.00
Other nonoperating revenues	40,177.77	51,416.51	0.00
Proceeds from the issuance of debt	\$0.00	\$0.00	\$0.00
Total Revenues & Financing Sources	\$342,677.77	\$642,337.51	\$302,500.00
 <u>EXPENDITURES</u>			
Operating Expenditures			
Salaries and wages	0.00	0.00	0.00
Other employee benefits	0.00	0.00	0.00
Professional services contracts	2,161.31	2,161.31	2,161.31
Supplies and materials	0.00	0.00	0.00
Other operating expenditures	39.45	338.69	338.69
Nonoperating Expenditures			
Payment of principal on bonds and financing arrangements	0.00	0.00	0.00
Interest and other financing charges	0.00	0.00	0.00

Subsidies to other public authorities	0.00	0.00	0.00
Capital asset outlay	0.00	0.00	0.00
Grants and donations	40,639.50	326,337.51	280,000.00
Other nonoperating expenditures	9,000.00	13,500.00	20,000.00
Total Expenditures	\$51,840.26	\$342,337.51	\$302,500.00
Capital Contributions	\$0.00	\$0.00	\$0.00
Excess (deficiency) of revenues and capital contributions over expenditures	\$290,837.51	\$300,000.00	\$0.00

**VILLAGE OF SARANAC LAKE
BOARD OF TRUSTEES
APPROVING THE RE-LEVY OF
UNPAID (INSIDE VILLAGE) WATER/SEWER BILLINGS
TO THE VILLAGE TAX BILLS**

SUBJECT: RE-LEVY INSIDE VILLAGE WATER/SEWER FOR AGENDA OF 4/23/2018

DEPT OF ORIGIN: JOHN SWEENEY BILL # 41-2018

DATE SUBMITTED: 4/23/2018 EXHIBITS: _____

APPROVED AS TO FORM:

Village Attorney

Elizabeth Benson
Village Administration

EXPENDITURE REQUIRED: \$0	AMOUNT BUDGETED: \$0	APPROPRIATION REQUIRED: \$0
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SUMMARY STATEMENT

Authorization to re-levy unpaid water and sewer bills to the Village tax bills.

RECOMMENDED ACTION

APPROVAL OF RESOLUTION

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR RABIDEAU _____

TRUSTEE LITTLE _____

TRUSTEE MURPHY _____

TRUSTEE SHAPIRO _____

TRUSTEE VANCOTT _____

**RESOLUTION AUTHORIZING THE RE-LEVY OF UNPAID
WATER/SEWER BILLINGS
TO VILLAGE TAX BILL**

WHEREAS, the Village of Saranac Lake has unpaid water and sewer bills at the end of the current quarterly billing; and,

WHEREAS, the Village of Saranac Lake may re-levy these outstanding amounts on the Village tax bills to be issued in June 2018,

NOW, THEREFORE BE IT RESOLVED, the Saranac Lake Village Board of Trustees authorizes the re-levy of unpaid water/sewer bills to the Village Tax bills to be issued for June 1, 2018.

**Village of Saranac Lake
Business of the Board of Trustees**

BILL NUMBER: 42-2018
SUBJECT: Saranac River Whitewater Park Letter of Support
FOR AGENDA OF: 4/23/2015
SPONSOR(S): Trustee Melinda Little
DATE SUBMITTED: 4/9/2018
EXHIBITS: None

BUDGET INFORMATION

EXPENDITURE REQUIRED: \$0
AMOUNT BUDGETED: \$0
APPROPRIATION REQUIRED: \$0

SUMMARY STATEMENT

Resolution by the Village Board in support of the Saranac River Whitewater Park's pursuit of a feasibility study to examine the creation of an engineered whitewater "play" area on the Saranac River in the vicinity of the Lapan bridge within the village of Saranac Lake.

RECOMMENDED ACTION

APPROVAL OF RESOLUTION

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR RABIDEAU _____
TRUSTEE LITTLE _____
TRUSTEE VAN COTT _____
TRUSTEE SHAPIRO _____
TRUSTEE MURPHY _____

RESOLUTION SUPPORTING THE PURSUIT OF A FEASIBILITY STUDY BY THE SARANAC RIVER WHITEWATER PARK PROJECT TO DETERMINE THE VIABILITY OF CREATING A WHITEWATER PADDLING AREA ON THE SARANAC RIVER IN THE VICINITY OF THE LAPAN BRIDGE

WHEREAS, the Saranac River Whitewater Park is a project fiscally supported by ADKAction.org, a non-profit based in Saranac Lake; and

WHEREAS, the creation of the Saranac River Whitewater Park has the potential to enrich the Saranac Lake brand as a paddling and outdoor recreation destination; and

WHEREAS, the Saranac River Whitewater Park can contribute to the revitalization of the downtown area of Saranac Lake; and

WHEREAS, the Saranac River Whitewater Park will not affect the creation of power at the Village's hydroelectric dam, nor adversely affect the health of the river or its corridor; and

WHEREAS, the Saranac River Whitewater Park will seek outside funding for all aspects of the creation of this asset, to include but not limited to a feasibility study and construction phase of the project;

NOW, THEREFORE BE IT RESOLVED, the Village of Saranac Lake Board of Trustees supports the Saranac River Whitewater Park Project's pursuit of a feasibility study to determine the viability of creating a whitewater paddling are on the Saranac River in the vicinity of the LaPan Bridge.

VILLAGE OF SARANAC LAKE
BOARD OF TRUSTEES

SUBJECT: Retirement System Standard Workday AGENDA OF 4/23/18

DEPT OF ORIGIN: JOHN SWEENEY BILL # 43-2018

DATE SUBMITTED: 4/13/18 EXHIBITS: Reporting Form RS 2417-A&B

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED: \$0

AMOUNT
BUDGETED: \$0

APPROPRIATION
REQUIRED: \$0.00

SUMMARY STATEMENT

RESOLUTION ESTABLISHES A STANDARD WORKDAY FOR ELECTED AND APPOINTED OFFICIALS AS REQUIRED BY AND REPORTED TO THE NYS RETIREMENT SYSTEM.

RECOMMENDED ACTION

APPROVAL OF RESOLUTION

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR RABIDEAU _____

TRUSTEE LITTLE _____

TRUSTEE MURPHY _____

TRUSTEE SHAPRIO _____

TRUSTEE VAN COTT _____

**RESOLUTION ESTABLISHING STANDARD WORKDAYS
FOR ELECTED AND APPOINTED OFFICIALS
FOR RETIREMENT SYSTEM REPORTING**

WHEREAS, the Village of Saranac Lake is required to establish standard workdays for elected and appointed officials; and

WHEREAS, if any elected or appointed official is not included in the employer's time keeping system, they must submit a "Record of Activities" to be used for reporting purposes; and

WHEREAS, the Village of Saranac Lake is required to complete and post a "Standard Work Day and Reporting Resolution" form after adopting the form,

NOW, THEREFORE BE IT RESOLVED, The Village of Saranac Lake Board of Trustees hereby establishes the following form as the standard work days for elected and appointed officials; and

BE IT FURTHER RESOLVED, The Village of Saranac Lake Board of Trustees will report the work days to the NYS Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of the Village of Saranac Lake.



Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A

(Rev. 8/15)

BE IT RESOLVED, that the Village of Saranac Lake / 40012 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:
(Name of Employer) (Location Code)

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials								
Mayor	6	Clyde Rabideau	0742	1470495-1	<input checked="" type="checkbox"/>	4/2/18-4/4/22		<input type="checkbox"/>
Trustee	6	Paul Van Cott	6388	3937046-5	<input type="checkbox"/>	4/1/18-4/1/20	16.53	<input type="checkbox"/>
Appointed Officials								
Manager	8	John Sweeney	2613	4042505-0	<input type="checkbox"/>	4/2/18-4/4/22	23.33	<input type="checkbox"/>
Treasurer	8	Elizabeth Benson	8026	6215023-0	<input type="checkbox"/>	4/2/18-4/4/22	23.33	<input type="checkbox"/>
Clerk	8	Kareen Tyler	6233	3840676-5	<input type="checkbox"/>	4/2/18-4/4/22	23.33	<input type="checkbox"/>

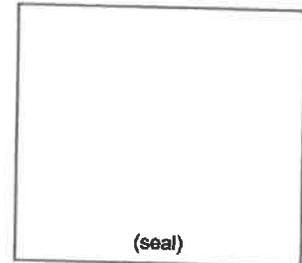
SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, Kareen Tyler, secretary/clerk of the governing board of the Village of Saranac Lake, of the State of New York,
(Name of secretary or clerk) (Circle one) (Name of Employer)
 do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 23 day of April, 2018 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Village of Saranac Lake on this 23 day of April, 2018,
(Signature of the secretary or clerk) (Name of Employer)

Affidavit of Posting: I, Kareen Tyler, being duly sworn, deposes and says that the posting of the Resolution began on 4/23/18 and continued for at least 30 days. That the Resolution was available to the public on the (Date)

- Employer's website at www.saranadakeny.gov
- Official sign board at 39 Main Street, Suite 9, Saranac Lake, NY 12983
- Main entrance secretary or clerk's office at 39 Main Street, Suite 9, Saranac Lake, NY 12983



**Business of the Village Board
Village of Saranac Lake**

SUBJECT: Contract Labor Attorneys

Date: 4-23-2018

DEPT OF ORIGIN: Village Manager

Bill # 44-2018

DATE SUBMITTED: 4-12-2018

EXHIBITS: _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$21,600	BUDGETED:\$21,600	\$21,600

Authorize Mayor to sign agreement with Roemer, Wallens, Gold and Mineaux for labor relations services.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR RABIDEAU _____

TRUSTEE SHAPIRO _____

TRUSTEE LITTLE _____

TRUSTEE VAN COTT _____

TRUSTEE MURPHY _____

AGREEMENT

Made and entered into this ____ day of May, 2018, by and between the **VILLAGE OF SARANAC LAKE**, by and through its Village Board, with its offices located at 39 Main Street, Suite 9, Saranac Lake, New York 12983 hereinafter referred to as the "**VILLAGE**," and **ROEMER WALLENS GOLD & MINEAUX LLP**, Labor Relations Attorneys and Consultants, with its principal place of business located at 13 Columbia Circle, Albany, New York 12203, hereinafter referred to as "**ROEMER WALLENS GOLD & MINEAUX**."

1. The **VILLAGE** hereby retains and employs **ROEMER WALLENS GOLD & MINEAUX** as its Labor Relations Attorneys and Consultants to provide to the **VILLAGE** the following professional services for the period of time hereinafter designated.

- (a) Comprehensive negotiating services (including Interest Arbitration for the PBA bargaining unit, if necessary) as exemplified in Exhibit "A" which is attached hereto and made a part hereof for each of the following collective bargaining units in which terms and conditions of employment for the **VILLAGE** and its employees are negotiated:
 - i) SEIU
 - ii) Police Benevolent Association

- (b) Consultations and advice regarding the **VILLAGE'S** rights and liabilities in connection with:
 - i) Civil Service Law
 - ii) Taylor law
 - iii) Fair Labor Standards Act
 - iv) Public Officers Law
 - v) Freedom of Information Law
 - vi) Unemployment Insurance Law
 - vii) Workers' Compensation Law
 - viii) Human Rights/Discrimination
 - ix) Sexual Harassment Investigations
 - x) Disability Benefits
 - xi) Contract Administration and Enforcement
 - xii) Grievances Filed Against Employer
 - xiii) Employee Discipline Matters
 - xiv) Work Rules
 - xv) Layoff Procedures
 - xvi) General Municipal Law
 - xvii) Americans With Disabilities Act
 - xviii) Family and Medical Leave Act
 - xix) Omnibus Transportation Employee Testing Act of 1991 (CDL Drug Testing)
 - xx) Pregnancy Discrimination Act
 - xxi) Appointment of Non-Unionized Employees and related matters

- xxii) Such other laws, rules and regulations as may apply to the field of labor relations and personnel administration
- (c) Advice and representation in connection with:
 - i) Initial steps of contract grievance procedure
 - ii) Pre-hearing matters before the Public Employment Relations Board (Improper Practice Charges, Managerial/Confidential Petitions, and Union representation challenges), including the preparation of pleadings (other than documents prepared in lieu of a hearing) and attendance at all pre-hearing conferences. Hearing preparation and settlement negotiations which lead to a settlement without a hearing are covered by paragraph 2 below.
 - iii) Attendance at relevant Labor/Management meetings and meetings of the Legislative body and committees thereof
- (d) Management and supervisory training in connection with employee corrective action, contract administration and other topics agreed upon by the parties in an amount not to exceed one (1) day per calendar year.
- (e) Periodic printed reports containing relevant information regarding public sector labor relations as obtained from Public Employment Relations Board decisions, New York State Court decisions, relevant Administrative agency decisions and other similar sources.

2. **ROEMER WALLENS GOLD & MINEAUX** hereby agrees that it will provide the **VILLAGE**, as requested by the **VILLAGE**, with those services not specifically covered by this Agreement, such as representation at the final step in administrative disciplinary proceedings against employees, representation at the final step in contract grievance proceedings, representation at hearings before the Public Employment Relations Board, including the preparation of documents prepared in lieu of a hearing, hearing preparation and settlement negotiations, as well as representation in labor related litigation in New York and Federal Courts at the following rates:

Partner and Senior Associate Attorney

In years 2018 and 2019, the hourly rate will be \$240.00.

In years 2020 and 2021, the hourly rate will be \$250.00.

Associate Attorney

In years 2018 and 2019, the hourly rate will be \$200.00.

In years 2020 and 2021, the hourly rate will be \$210.00.

Paralegal

In years 2018 and 2019, the hourly rate will be \$130.00.

In years 2020 and 2021, the hourly rate will be \$135.00.

The foregoing shall be exclusive of normal disbursements.

3. The **VILLAGE** and **ROEMER WALLENS GOLD & MINEAUX** agree that those representatives of **ROEMER WALLENS GOLD & MINEAUX** who perform services pursuant to this Agreement shall be approved in advance by the **VILLAGE**.

4. That in consideration of the foregoing, the **VILLAGE** hereby agrees to compensate **ROEMER WALLENS GOLD & MINEAUX** (inclusive of normal disbursements) as follows:

- One Thousand Eight Hundred Dollars (\$1,800.00) per month from June 1, 2018 through May 31, 2019.
- One Thousand Eight Hundred Fifty Dollars (\$1,850.00) per month from June 1, 2019 through May 31, 2020.
- One Thousand Nine Hundred Dollars (\$1,900.00) per month from June 1, 2020 through May 31, 2021.

5. The term of this Agreement shall be from June 1, 2018 through May 31, 2021. The **VILLAGE** may terminate this Agreement earlier than May 31, 2021, upon thirty (30) days' written notice from the **VILLAGE** to **ROEMER WALLENS GOLD & MINEAUX**, in which case the fee shall be prorated.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first written above.

VILLAGE OF SARANAC LAKE

By: _____
Clyde Rabideau, Mayor

ROEMER WALLENS GOLD & MINEAUX LLP

By:  _____
William M. Wallens, Partner

EXHIBIT "A"

NEGOTIATION SERVICES

A. Preparation for Negotiations

The need for thorough preparation prior to the commencement of actual bargaining is often overlooked. We believe that preparation is a key element in assuring a successful outcome to the negotiation process.

Preparation includes:

- Reviewing the existing contract and offering advice regarding suggested modifications
- Reviewing the existing work rules and practices
- Reviewing grievances filed and arbitration decisions
- Reviewing the demands presented by both Union and Management in the last negotiations
- Reviewing the history of other benefit changes over the past six years
- Reviewing the most recent settlements in similarly situated jurisdictions
- Meeting with first line supervisors to ascertain their needs - both changes to the existing contract, as well as the needed additions to the contract
- Meeting with senior officials to determine their needs and review the findings resulting from meetings with line supervisors

B. Preparation of Demands

This phase of the process is flexible and is adapted to the needs of each jurisdiction. Generally, we recommend that Labor Counsel prepare suggested demands and that those demands be reviewed by you and modified to suit your needs.

C. Selection of Negotiating Team

We recommend that a cross-section of management representatives be appointed to the negotiating team so that the entire negotiating process can be "felt" at all levels of management. Managers appreciate the process to a much greater degree if they know and trust those who were directly involved.

D. Participation in Negotiations

The negotiations are made much easier by careful planning and research as typified in "A", "B", and "C" above. We will participate fully in all phases of negotiations including renegotiation preparatory sessions, face-to-face meetings at the bargaining table, management caucuses, and, if necessary, the impasse process. We will maintain a detailed record of the negotiations for use in future proceedings.

E. Communications

Meetings with key management personnel will be scheduled throughout the negotiating process to inform them of progress in the negotiations and to recommend position modifications.

F. Drafting the Contract

All changes agreed upon in the negotiations process will be reduced to contract language which accurately reflects the agreement and is readily understood by Union and Management representatives, as well as those important persons not present at the bargaining table such as arbitrators.

G. Ratification

After a tentative agreement has been entered into, it must be presented to and approved by the appropriate Legislative body. We will appear before such body and make all necessary presentations to explain the proposed agreement.

H. Conduct Management Information Sessions

At the conclusion of negotiations it is extremely important that all changes be identified and explained to supervisors and managers. General information on reasons for the changes or failure to achieve desired changes must be explained so that managers are fully supportive of the new contract.

**Business of the Village Board
Village of Saranac Lake**

SUBJECT: Annexation of Property

Date: 4-17-18

DEPT OF ORIGIN: Village Manager

Bill # 45-2018

DATE SUBMITTED 4-17-18

EXHIBITS: Yes _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED: \$Unknown

AMOUNT
BUDGETED:

APPROPRIATION
REQUIRED: Unknown

SUMMARY STATEMENT

Resolution authorizing the Village Manager Provide to the Town of North Elba the request for property annexation.

RECOMMENDED ACTION

Approval of Resolution

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR RABIDEAU _____

TRUSTEE LITTLE _____

TRUSTEE MURPHY _____

TRUSTEE SHAPIRO _____

TRUSTEE VANCOTT _____

**RESOLUTION AUTHORIZING THE
VILLAGE MANAGER TO SUBMIT THE PROPER DOCUMENTATION TO THE
TOWN OF NORTH ELBA FOR PROPERTY ANNEXATION**

WHEREAS, The Village of Saranac Lake wishes to annex property into the Village of Saranac Lake for Public Good.

WHEREAS, the Village of Saranac Lake wishes to annex properties as follow: Tax Map No. 32.003-4-17.000 AND 32.003-4-19.000 within the Town of North Elba

NOW, THEREFORE BE IT RESOLVED, The Village of Saranac Lake Board of Trustees authorizes the Village Manager to send the attached letter to the Town of North Elba in reference to annexation of the proposed properties for public good



Capital of the Adirondacks™

Village of Saranac Lake 39 Main Street, 2nd Floor Suite 9 • Saranac Lake, NY 12983-2294 • Phone: (518) 891- 4150 • www.saranaclakeny.gov

4-23-18

Town of North Elba
Supervisor Robert T. Politi
2693 Main Street, Suite 101
Lake Placid, NY 12946

RE : VILLAGE ANNEXATION OF PARCEL's Tax ID #'s 32.003-4-17.000 and 32.003-4-19.000

Dear Supervisor Politi:

The Village of Saranac Lake hereby requests that the Town of North Elba consent to the Village's annexation of the Village owned land referenced above that is located in the Township. The subject land is comprised of two parcels at the end of Willow Way. The Tax Map numbers are 32.003-4-17.000 and 32.003-4-19.000. Both parcels are presently owned outright in fee by the Village. There are no inhabitants on either parcel.

Annexation Generally. The statutes governing annexation are set forth in Article 17 of the General Municipal Law. Under Article 17, an annexation is usually initiated by the submission of a petition to the municipality in which the territory to be acquired is situated. However, there is an exception set out in Section 706(1) of Article 17.

Annexation when a Village owns uninhabited property. Section 706(1) [copy attached] provides that when a village owns the subject property and that property is uninhabited, the Village may annex said property by obtaining the consent of the Town within which said property is located. Submission of a petition is not required, nor must public hearing be held. See Section 706(1). Nor would a village be required to hold a public referendum on said annexation. The State Comptroller had opined that "Since the provisions of the [GML] do not require or permit the holding of a referendum where a village annexes uninhabited territory, no referendum may be held." 1981 Op. State Compt. No. 81-344, p. 376.

Consent by the Town. In giving its consent, the Town must consider the over-all public interest. Section 706(1) states in pertinent part that

The uninhabited territory...may be annexed to the village if the town board...consents thereto on the basis of its determination that such annexation is in the over-all public interest;

Over-all Public Interest. In considering whether the over-all public interest is served, courts have weighed the benefit and/or detriment to the annexing municipality, to the territory to be annexed, and to the governmental units from which the territory would be taken.

The village contends that the proposed annexation is in the over-all public interest. The annexation would potentially benefit both the Town and the Village in that it will allow the Village (i) to further expand the existing recreational park currently being developed thereby benefiting all local citizens and visitors, and (ii) the annexation will enable the Village to expand its local water and sewer system so as to provide service to persons outside the Village who are not currently served.

The Village does not believe that the annexation would cause any detriment to the Town or the Village. The Town would not be deprived of any tax revenues. There would be no detriment to the subject parcel(s).

Mechanics of Giving Consent. Under Section 706, it appears that the consent may be granted in the form of a resolution approved by majority vote of the North Elba Town Council.

Conclusion. The Village believes that all of the requirements of Section 706(1) have been and will be met in regards to the subject property. Accordingly, annexation of the property by consent of the Town appears to be proper and appropriate. The Village respectfully requests that its request for annexation be brought to the Town Council as soon as is practicable.

Please feel free to contact me if there are questions or if you need additional information.

Sincerely,

Janelle LaVigne
Village Attorney

Cc: Village Manager

Enclosures: Section 706, Article 17, GML
Tax Map of Property to be annexed
Survey Map of Property to be annexed

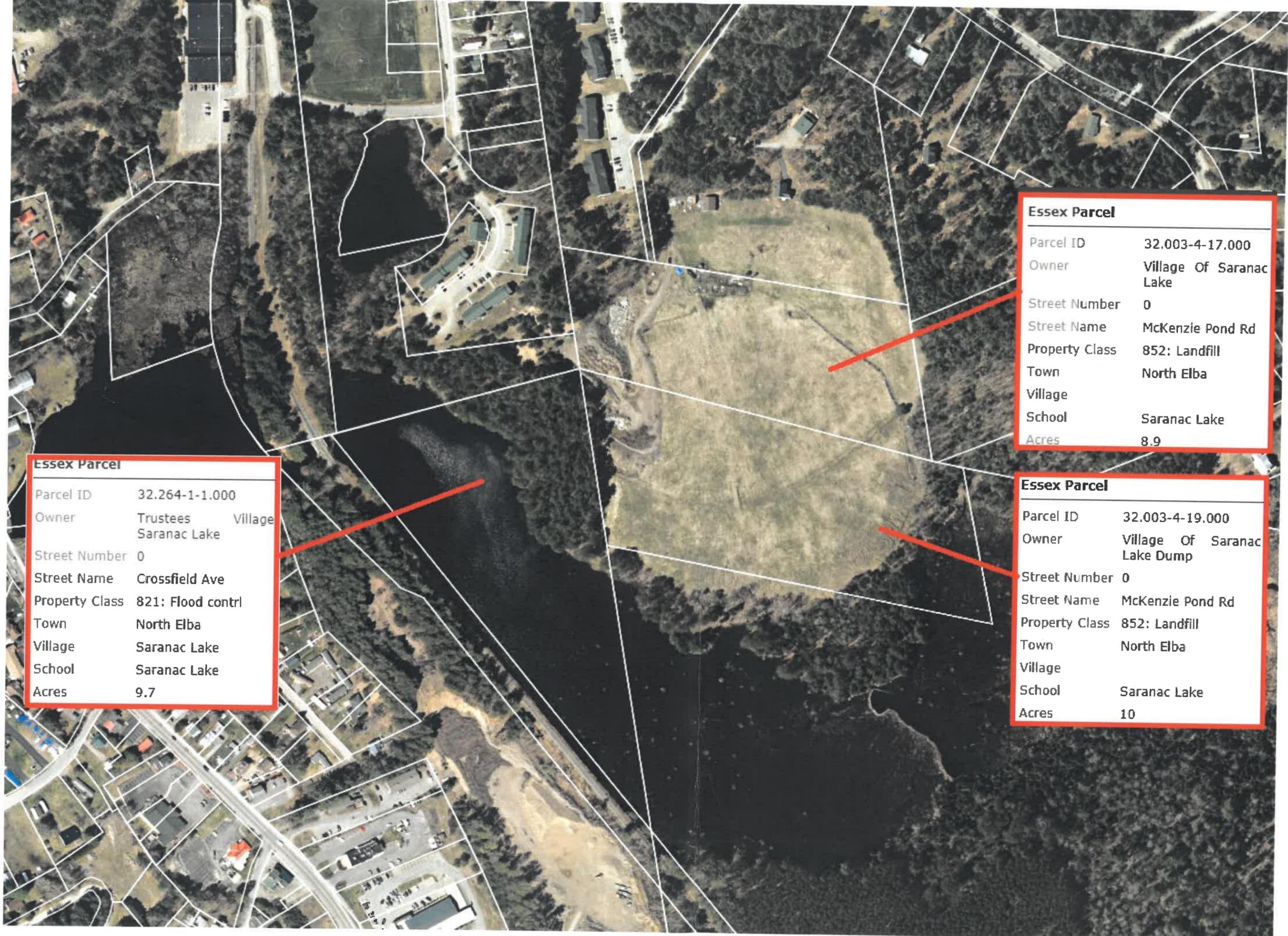
GENERAL MUNICIPAL LAW, ARTICLE 17

§ 706. Annexation of uninhabited territory belonging to a city or a village.

1. Village-owned territory. If a village is the owner of uninhabited territory adjoining the village, such territory may be annexed to the village if the town board of the town in which such territory is situated, by a concurring vote of a majority of its members, consents thereto on the basis of its determination that such annexation is in the over-all public interest; provided, however, that if all or any portion of such uninhabited territory is located in whole or in part in another village in the town, the governing board of such other village by a concurring of a majority of its members shall also consent thereto on the basis of its determination that such annexation is in the over all public interest. Upon the filing of such consent or consents, as the case may be, with, the board of trustees of the village which owns such uninhabited territory, the board of trustees of such village may make a written order determining to annex such territory without the presentation of a petition as prescribed in section seven hundred four of this article and without the holding of the hearing provided in section seven hundred five of this article.

2. City-owned territory. If a city is the owner of uninhabited territory adjoining the city, such territory may be annexed to the city if the town board of the town in which such territory is situated, by a concurring vote of a majority of its members, consents thereto on the basis of its determination that such annexation is in the over-all public interest; provided, however, that if all or any portion of such uninhabited territory is located in whole or in part in a village in such town, the governing board of such village, by a concurring vote of a majority of its members, shall also consent thereto on the basis of its determination that such annexation is in the over-all public interest. The town board shall, prior to granting its consent give thirty days written notice of the meeting of the town board at which the question of such annexation will be discussed to any school district, fire district or other district corporation, public benefit corporation, and town improvement district operated by a separate board of commissioners, situated wholly or partly in the territory to be annexed and which would be affected by such annexation. Any such district or corporation may appear at such meeting or adjournment thereof and present objections to such annexation. Upon the filing of such consent or consents, as the case may be, with the governing board of the city, the governing board of such city may make a written order determining to annex such territory without the presentation of a petition as prescribed in section seven hundred four of this article and without the holding of the hearing provided in section seven hundred five of this article.

3. Except as otherwise provided in this section, all the provisions of this article, including but not limited to those requiring the adoption of a local law as provided in section seven hundred fourteen of this article, shall be applicable to and govern the proceedings to be followed in effectuating any such annexation.



Essex Parcel	
Parcel ID	32.264-1-1.000
Owner	Trustees Village Saranac Lake
Street Number	0
Street Name	Crossfield Ave
Property Class	821: Flood contrl
Town	North Elba
Village	Saranac Lake
School	Saranac Lake
Acres	9.7

Essex Parcel	
Parcel ID	32.003-4-17.000
Owner	Village Of Saranac Lake
Street Number	0
Street Name	McKenzie Pond Rd
Property Class	852: Landfill
Town	North Elba
Village	
School	Saranac Lake
Acres	8.9

Essex Parcel	
Parcel ID	32.003-4-19.000
Owner	Village Of Saranac Lake Dump
Street Number	0
Street Name	McKenzie Pond Rd
Property Class	852: Landfill
Town	North Elba
Village	
School	Saranac Lake
Acres	10

**Business of the Village Board
Village of Saranac Lake**

SUBJECT: SEQRA Approval

Date: 4-23-18

DEPT OF ORIGIN: Village Manager

Bill # 46-2018

DATE SUBMITTED 4-18-18

EXHIBITS: Yes _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED:

AMOUNT
BUDGETED:

APPROPRIATION
REQUIRED:

SUMMARY STATEMENT

Resolution authorizing approval of SEQRA in reference to properties Tax # 32.003-4-17.000 and 32.003-4-19.000 proposed annexation of property.

RECOMMENDED ACTION

Approval of Resolution

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR RABIDEAU _____

TRUSTEE LITTLE _____

TRUSTEE MURPHY _____

TRUSTEE SHAPIRO _____

TRUSTEE VANCOTT _____

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Village of Saranac Lake			
Name of Action or Project: Annexation of Tax Map Parcels 32.003-4-17.000 and 32.003-4-19.000 into the Village of Saranac Lake			
Project Location (describe, and attach a location map): See attached map			
Brief Description of Proposed Action: Annex into the Village of Saranac lake Tax Map Parcels 32.003-4-17.000 and 32.003-4-19.000 from the Town of North Elba. Tax Map Parcel 32.003-4-17.000 contains 9.57 acres and Tax Map Parcel 32.003-4-19.000 contains 10.0 acres.			
Name of Applicant or Sponsor: Village of Saranac Lake		Telephone: 518-891-4150 E-Mail: ceo2@saranaclakeny.gov	
Address: 39 Main st. Suite 9			
City/PO: Saranac Lake		State: New York	Zip Code: 12983
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of North Elba Board approval			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____			19.57 acres
b. Total acreage to be physically disturbed? _____			0.0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____			29.27 acres
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>Closed solid waste facility in mid 1990's. Currently planned for conversion to recreational area.</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Village of Saranac Lake</u></p>		<p>Date: <u>4/16/2018</u></p>
<p>Signature: <u>Paul Blaine, Community Development</u></p>		

Project:

Date: 4/16/2018

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: _____

Date: 4/16/2018

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Village of Saranac Lake Board	4/16/2018
Name of Lead Agency	Date
Clyde Rabideua	Mayor, Village of Saranac Lake
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Paul Blaine, Community Development
	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

**Business of the Village Board
Village of Saranac Lake**

SUBJECT: Call for a Public Hearing

Date: 4-23-2018

DEPT OF ORIGIN: Village Manager

Bill # 47-2018

DATE SUBMITTED: 4-12-2018

EXHIBITS: _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED

AMOUNT
BUDGETED

APPROPRIATION

Call for a Public Hearing May 14, 2018 5:30pm regarding an amendment to the Development Code relating to District H-2 Steep Slope Standards

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR RABIDEAU

TRUSTEE SHAPIRO

TRUSTEE LITTLE

TRUSTEE VAN COTT

TRUSTEE MURPHY

**RESOLUTION OF THE VILLAGE BOARD INTRODUCING AND
PROVIDING FOR PUBLIC NOTICE TO SCHEDULE A PUBLIC HEARING
FOR LOCAL LAW AMENDING DEVELOPMENT CODE RELATING
TO H-2 DISTRICT STEEP SLOPE STANDARDS**

BE IT RESOLVED that the Village Board shall hold a public hearing in the matter of the amending the development code in relating Steep Slope Standards H-2 District on May 14, 2018 at 5:30pm in the Village Board Room at 39 Main Street Saranac Lake, and

BE IT FURTHER RESOLVED, that the Village Clerk give notice of such public hearing by publication in the newspaper so designated by the Village Board of the Village of Saranac Lake for legal and public notices at least seven (7) days before the hearing date of a notice setting forth the time and place and describing the proposed ordinance in summary form.

§ 106-104. A. District H-2 Steep slope standards.

- A. Purpose. The purpose of this Section is to provide for reasonable use of steep slopes in the H-2 District while ensuring development will not induce soil erosion, require excessive grading, increase slope instability, or create sewage disposal problems and shall be in conformance with the following objectives:
- (1) Guard against property damage and personal injury, and minimize the potential for erosion, slope failure, stream siltation, increased runoff, flooding and contamination of surface waters caused by the adverse effects of site preparation and construction on steep slopes;
 - (2) Conserve existing woodlands for air and water quality benefits;
 - (3) Permit land uses by right that are compatible with protection of steep slope areas, and encourage the use of steep slope areas for open space and conservation uses;
 - (4) Require development to avoid steep slope areas wherever possible, and require all land use, clearing, grading, and construction to satisfy development standards;
 - (5) Regulate expansion of land use or development that existed on steep slope areas prior to enactment of these requirements; and
 - (6) Protect adjoining properties from harmful consequences of development permitted under these requirements.
- B. Areas of steep slope shall be further divided into the following two categories;
- (1) Moderately steep slope; and
 - (2) Very steep slope.
- C. Applicability. All land use activities encompassing an area of steep slope are considered to be major projects and shall, prior to the issuance of a building permit or a certificate of occupancy; receive approval of a special use permit from the Development Board pursuant to the standards and procedures set forth in Article XII.
- D. General provisions. For any lot or portion thereof within an area of steep slope the following regulations shall take precedence over the regulations of the district in which the lot is located:
- (1) Moderately steep slopes. No more than 30 percent of moderately steep slopes shall be regraded, cleared, built upon, or otherwise altered or disturbed;
 - (2) Very steep slopes. No more than 15 percent of very steep slopes shall be regraded, cleared, built upon, or otherwise altered or disturbed. In addition, the disturbance permitted on very steep slopes shall be limited to the following activities:
 - [1] Selective tree removal, when conducted in compliance with § 106-97 A. Clear-cutting or grubbing of trees is prohibited on very steep slopes.
 - [2] Grading for the minimum portion of a road or driveway necessary for access to the principal use and sewer, water and other utility lines when it can be demonstrated that no other routing is feasible.

- (3) The dimensional standards for the H-2 District in terms of yard setbacks and building height remain in effect. Lot coverage and minimum lot size standards and limits of disturbance for the underlying District shall be superseded by the standards set forth in this Section;
- (4) The minimum lot size for lots where the disturbance is proposed within areas of steep slope shall be one acre;
- (5) All uses, activities and development occurring within any steep slope area shall be undertaken only in strict compliance with the provisions of this Section, with all federal and state laws, and with all other applicable Village codes and laws;
- (6) Finished slopes of all cuts and fills shall not exceed 33 percent, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the Development Board. The Development Board may consult with the Village Engineer or an engineer of their choice to determine the adequacy of the slope stabilization proposed;
- (7) All cuts shall be supported by retaining walls and comply with the requirements of § 106-91. E. Depending upon the nature of the soil characteristics, such retaining walls are to be reviewed and approved by the Village Engineer or an engineer selected by the Development Board;
- (8) Any fill placed on the lot shall be properly stabilized and, when found necessary depending upon existing slopes and soil types, supported by retaining walls or other appropriate structures as approved by the Village Engineer or an engineer selected by the Development Board;
- (9) Any disturbance of steep slopes shall be completed within one construction season, and stabilization measures (temporary and/or permanent) in disturbed areas shall comply with stormwater control measures as specified in Article XVIII. Stormwater Control;
- (10) No trees with a diameter at breast height (DBH) of eight (8) inches or more shall be removed from steep slope areas and other clearing shall comply with the requirements of § 106-97. A;
- (11) The alignment of roads and driveways shall follow the natural topography, minimize regrading and comply with design specifications of § 106-128;
- (12) The maximum grade of a road or driveway shall not exceed ten percent (10%).

E. Application Standards. To ensure compliance with the resource protection standards in areas of steep slope as specified in this Section, the following information shall be submitted by the applicant when applying for special use permit.

- (1) Delineation of steep slope areas. For the purpose of application of these regulations, slope shall be measured over three or more two-foot contour intervals (six cumulative vertical feet of slope.) All slope measurements shall be determined by a topographic survey signed and sealed by a licensed surveyor or engineer.
- (2) The plan depicting the areas of steep slope and any proposed uses shall be prepared by a professional engineer, landscape architect, and/or surveyor and licensed by the NYS

Department of Education. The plan as submitted shall accurately delineate the areas of moderately steep slope and/or very steep slope, the proposed use(s), and a topographical survey with contour elevations at no greater than 2-foot intervals, where feasible;

- (3) A separate plan depicting and quantifying the proposed modifications to the existing topography and vegetative cover;
- (4) The use of storm water control devices and erosion control measures as specified in Article XVIII;
- (5) Specifications for building construction and materials, including filling, grading, storage of materials, and water supply and sewerage facilities;
- (6) Documentation of any additional engineering and/or conservation techniques designed to alleviate environmental problems that may be created by the proposed activities; in compliance with municipal sedimentation and erosion control regulations;
- (7) Written confirmation from the Saranac Lake Volunteer Fire Department that emergency access is satisfactory to provide adequate fire protection.

§ 106-6 Definitions.

Revised or New Definitions:

COUNTOUR INTERVAL

The change in elevation represented by the space between two adjacent topographic "rings" on a topographic map

DIAMETER AT BREAST HEIGHT (DBH)

The diameter of a tree trunk measured at a point four and one half (4.5) feet above ground level

DISTURBANCE

Any physical activity which results in the modification of topography by cutting or filling, stripping of topsoil, and/or placing of physical structures or improvements thereon.

MODERATELY STEEP SLOPES

Are those areas of land where the grade is 15 percent to 25 percent.

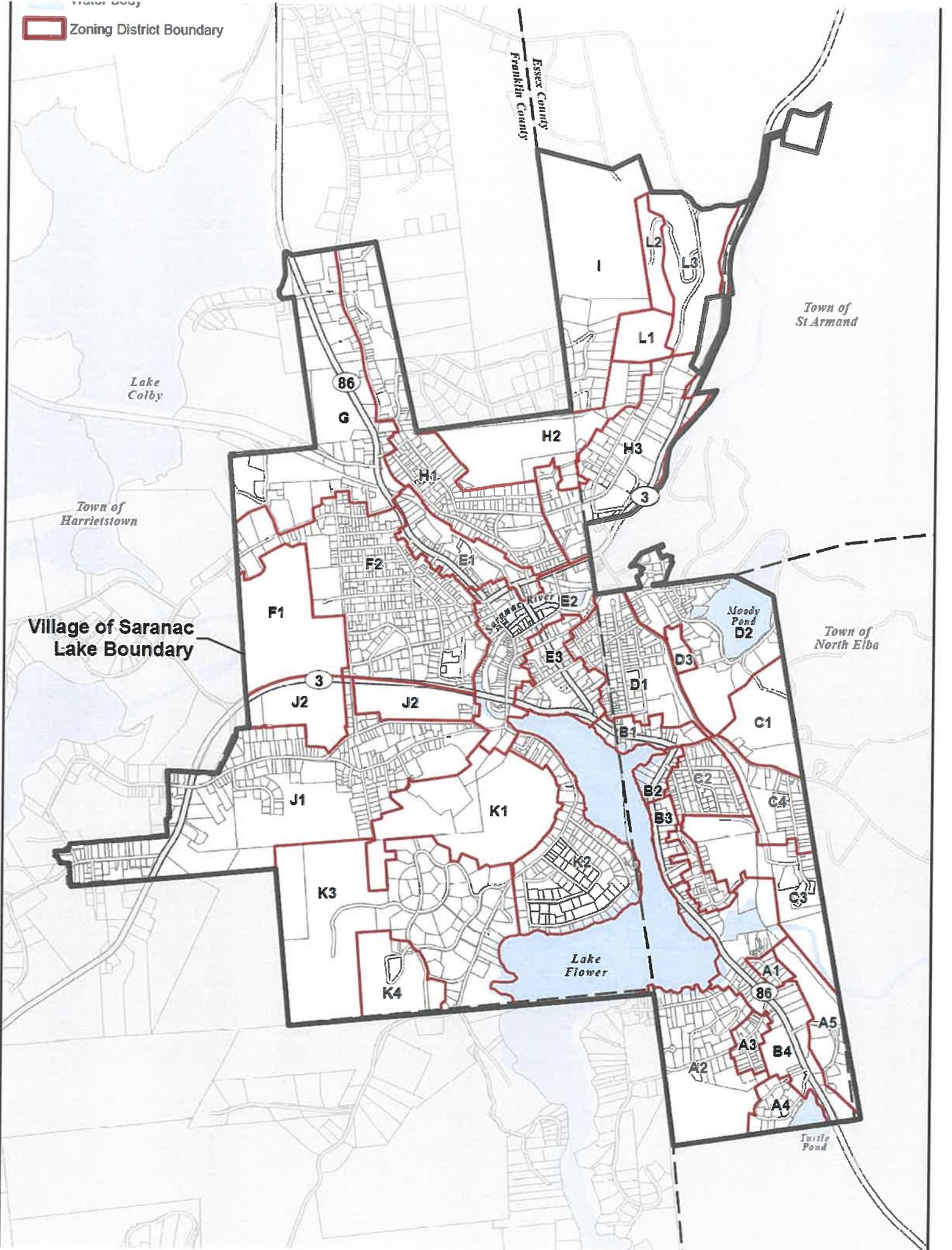
STEEP SLOPES

Are those areas of land where the grade is 15 percent or greater.

VERY STEEP SLOPES

Are those areas of land where the grade is greater than 25 percent.

 Zoning District Boundary



SARANAC LAKE CODE

Village of Saranac Lake - Unified Development Code
 Schedule #1 - Allowed Uses

Land Use Type:	Districts:																																						
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34					
	District A-1	District A-2	District A-3	District A-4	District A-5	District B-1	District B-2	District B-3	District B-4	District C-1	District C-2	District C-3	District C-4	District D-1	District D-2	District D-3	District E-1	District E-2	District E-3	District F-1	District F-2	District G	District H-1	District H-2	District H-3	District I	District J-1	District J-2	District K-1	District K-2	District K-3	District K-4	District L-1	District L-2	District L-3				
Commercial																																							
1 Amusement and Recreation Services						S	S		S								SP	S			S					S										S			
2 Antique Shop						A	A	A	A								A	SP	A			A					S		S							A	A		
3 Agri-Business						SP	S		S													SP															S		
4 Artisan Workshop	SP	SP	SP	SP	SP	A	A	A	A	SP	SP	SP	SP	SP	A	SP		S	S	SP	SP	SP				S	A	A											
5 Arts Spaces	SP	SP	SP	SP	SP	A	A	A	A	SP	SP	SP	SP	A	SP		S	S	SP	S	SP	SP				S	A	A											
6 Automotive Dealer									SP													SP														A	A		
7 Automotive Repair/Service									S													SP															S		
8 Bank						A	A	SP	A								A	SP				A															S		
9 Bank, Drive-Through						SP	SP	SP	SP								SP	S				SP															S		
10 Bed and Breakfast	SP	SP	SP	SP	SP	A	A	A	A	SP	SP	SP	SP	SP	SP		A	SP ¹	A	SP	SP	A	SP		S		SP	S	SP	SP	S			S	SP	SP			
11 Boat Storage, Commercial							SP		SP													S															S		
12 Building Material Supply									SP								S	S	S			SP															S		
13 Car wash									SP								S	S				SP															S		
14 Cinema									SP													SP																S	
15 Driving Range						SP	SP	SP	A								SP	SP	SP			SP															S		
16 Farmer's Market						SP	SP		SP								SP	SP	SP			S																S	
17 Funeral Home						S		S									SP	SP	SP			S						S	S									S	
18 Gasoline Station									SP													S																S	
19 Gasoline Station/Auto Repair/Service									SP													SP																S	
20 Gasoline Station/Retail Sales									SP								S					SP															S		
21 Greenhouse, Commercial						S	S		SP		SP					S	S	S	S			S						S	S								S		
22 Hotel/Motel						SP	SP	S	SP					S			SP	SP	SP			S						S	S									S	
23 Housekeeping Cottage	SP	SP	SP	SP	SP	A	A	A	A	SP	SP	SP	SP	SP	SP		A	SP ¹	A	SP	SP	S	SP		S		SP	SP	SP	SP				S	SP	S			
24 Kennel																	S	SP																				S	
25 Marina, Type I		SP				SP	SP																															S	
26 Marina, Type II		SP				SP	SP	SP	SP																														S
27 Medical Clinic						A	A	S	A								A	SP	A			SP						S	S									S	

Symbol Legend: P Permitted SP Site Plan Review Required A Administrative Permit Required S Special Use Permit Required Note: Blank cells indicate use is not permitted.

**Business of the Village Board
Village of Saranac Lake**

SUBJECT: Accept Resignation from Development Board Date: 4-23-2018

DEPT OF ORIGIN: Village Manager

Bill # 48-2018

DATE SUBMITTED: 4-12-2018

EXHIBITS: _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED

AMOUNT
BUDGETED

APPROPRIATION

Accept resignation of CJ Hagmann from the Development Board

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR RABIDEAU _____

TRUSTEE SHAPIRO _____

TRUSTEE LITTLE _____

TRUSTEE VAN COTT _____

TRUSTEE MURPHY _____

**Resolution Accepting Resignation of CJ Hagmann from the
Village of Saranac Lake Development Board**

Whereas, CJ Hagmann has dutifully served the Village as a member of the Saranac Lake Development ; and,

Whereas, Mr. Hagmann has submitted a letter of resignation:

Now, Therefore Be It Resolved, the Board of Trustees regrettably accepts CJ Hagman's letter of resignation from the Village of Saranac Lake Development Board and expresses deep appreciation for his volunteer service for the betterment of the Village of Saranac Lake.

**Business of the Village Board
Village of Saranac Lake**

SUBJECT: Appointment to Development Board Date: 4-23-2018

DEPT OF ORIGIN: Village Manager Bill # 49-2018

DATE SUBMITTED: 4-12-2018 EXHIBITS: _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE REQUIRED	AMOUNT BUDGETED	APPROPRIATION
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Appoint Elias Pelletieri as a member of the Development Board

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR RABIDEAU _____

TRUSTEE SHAPIRO _____

TRUSTEE LITTLE _____

TRUSTEE VAN COTT _____

TRUSTEE MURPHY _____

Resolution to Appoint Member to the Development Board

Whereas, there is a vacancy on the Development Board;

Now, Therefore Be It Resolved, the Board of Trustees hereby appoints Elias Pelletieri to the Village of Saranac Lake Development Board for the remainder of the term that expires in 2020.

**Business of the Village Board
Village of Saranac Lake**

SUBJECT: Appointment to Development Board Date: 4-23-2018

DEPT OF ORIGIN: Village Manager

Bill # 50 -2018

DATE SUBMITTED: 4-12-2018

EXHIBITS: _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE REQUIRED	AMOUNT BUDGETED	APPROPRIATION
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Appoint CJ Hagmann as an alternate member of the Development Board

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR RABIDEAU	_____
TRUSTEE SHAPIRO	_____
TRUSTEE LITTLE	_____
TRUSTEE VAN COTT	_____
TRUSTEE MURPHY	_____

Resolution to Appoint an Alternate Member to the Development Board

Whereas, there is a vacancy on the Development Board;

Now, Therefore Be It Resolved, the Board of Trustees hereby appoints CJ Hagmann as an alternate member to the Village of Saranac Lake Development Board for the remainder of the term that expires in 2023.

**Business of the Village Board
Village of Saranac Lake**

SUBJECT: Appraisal for 400 Broadway

Date: 04/23/18

DEPT OF ORIGIN: Village Manager

Bill # 51-2018

DATE SUBMITTED: 04/20/18

EXHIBITS: _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED:

AMOUNT
BUDGETED:

APPROPRIATION
REQUIRED:

SUMMARY STATEMENT:

A resolution approving the appraisal of 400 Broadway and the solicitation of quotes from qualified appraisers.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR RABIDEAU _____

TRUSTEE SHAPIRO _____

TRUSTEE LITTLE _____

TRUSTEE VAN COTT _____

TRUSTEE MURPHY _____

**RESOLUTION TO PROPOSE LED STREETLIGHT CONVERSION AS THE PROJECT FOR
THE CLEAN ENERGY COMMUNITIES GRANT**

WHEREAS, the Village of Saranac Lake has completed the environmental remediation at 400 Broadway; and

WHEREAS, the options for redevelopment of 400 Broadway are limited due to the environmental conditions on the property; and

WHEREAS, there is a requirement for ongoing monitoring of the environmental conditions and reporting to the DEC; and

WHEREAS, the Village of Saranac Lake desires to sell the property for a fair market value;

NOW, THEREFORE BE IT RESOLVED, the Board of Trustees authorizes the Village Manager to have the property at 400 Broadway appraised by qualified professionals.

**Business of the Village Board
Village of Saranac Lake**

SUBJECT: RFQ for Engineering Services

Date: 04/23/18

DEPT OF ORIGIN: Village Manager

Bill # _____

DATE SUBMITTED: 04/19/18

EXHIBITS: _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED: \$120,000

AMOUNT
BUDGETED:

APPROPRIATION
REQUIRED: \$20,000

SUMMARY STATEMENT:

A resolution approving the release of a Request for Qualifications (RFQ) in order to hire an engineering firm to complete an Inflow and Infiltration Engineering Study Report. The Village has been awarded an EFC Planning Grant for \$100,000 to complete the study. The Village must supply a \$20,000 match.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR RABIDEAU _____

TRUSTEE SHAPIRO _____

TRUSTEE LITTLE _____

TRUSTEE VAN COTT _____

TRUSTEE MURPHY _____

Village of Saranac Lake, New York

Request for Qualifications/Proposal: Engineering Planning and Reporting

PROJECT NUMBER: P-75106-2017

DATE ISSUED: April 24th 2018

Program Requirements:

- New York State, Environmental Facilities Corporation
 - <https://www.efc.ny.gov/EPG> (EPG Program Overview and 2018 Engineering Planning Grant Outline)
 - <https://www.efc.ny.gov/bid-packets> (Program Requirements and Bid Packet for Non-Construction Contracts)

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REQUEST FOR PROPOSALS – ENGINEERING SERVICES

INTRODUCTION

A. Overview

This Request for Proposals (“RFP”) is being issued by the Village of Saranac Lake (“the Village”) for engineering planning and reporting services to address Inflow and Infiltration into the Village of Saranac Lake sewer collection system. The engineering and reporting will be funded by New York State Environmental Facilities Corporation, Engineering Planning Grant Program, and all aspects must be compliant to their requirements, which are included herein as **Appendix A**.

Companies with demonstrated experience in civil engineering projects and public funding agency administration interested in making their services available to Village of Saranac Lake are invited to respond to this RFP. “Respondents” means the companies or individuals that submit proposals in response to this RFP. It is understood that the selected Respondent acting as an individual, partnership, corporation or other legal entity, is licensed to provide such services in New York State. The Respondent shall be financially solvent and each of its members if a joint venture, its employees, agents or sub-consultants of any tier shall be competent to perform the services required under this RFP document.

The Village of Saranac Lake is seeking to encourage participation by respondents who are MBE/WBE and SDVOSB, business enterprises. For the purposes of the project, the Village of Saranac Lake is requiring a *documented* MBE/WBE (30%) and SDVOSB (6%) participation compliance & good faith effort per the NYS EFC Program requirements listed in **Appendix A** by providing evidence of direct solicitation to M/WBE’s and SDVOSB’s after contract award, but before given Notice to Proceed.

Nothing in this RFP shall be construed to create any legal obligation on the part of the Village of Saranac Lake or any respondents. The Village reserves the right, in its sole discretion, to amend, suspend, terminate, or reissue this RFP in whole or in part, at any stage. In no event shall the Village be liable to respondents for any cost or damages incurred in connection with the RFP process, including but not limited to, any and all costs of preparing a response to this RFP or any other costs incurred in reliance on this RFP. No respondent shall be entitled to repayment from the Village for any costs, expenses or fees related to this RFP. All supporting documentation submitted in response to this RFP will become the property of the Village. Respondents may also withdraw their interest in the RFP, in writing, at any point in time as more information becomes known.

B. Time of Response

Respondents will have approximately Four (4) weeks to provide a response to this RFP. The Village and resources from Essex County will review the proposals and respond within one (1) week of RFP closure, after Village Board Meetings are held, currently anticipated to be on/about **May 29, 2018**.

C. Term of Contract

Any contract awarded pursuant to this RFP solicitation shall be for a contract period of approximately twelve (12) months and will expire upon completion of the projects’ administrative close out. Substantial completion of the project must be completed no later than 5/31/19, and administrative closeout must be complete no later than 8/31/19.

D. Funding Agency Requirements

Award recipients must follow the guidance provided by New York State Environmental Facilities Corporation, which some excerpts are included in this RFP as **Appendix A** for reference. All Respondents must demonstrate capability to adhere to the following Funding Agencies' requirements:

- Minority Women Business Enterprise (MWBE) & Service Disabled Veteran Owned Small Business (SDVOSB) Compliance
- Equal Employment Opportunity (EEO) Compliance
- Anti-Lobbying Policy
- Non-Collusive Bidding Certification (Appendix H)
- Vendor Responsibility Questionnaire (Appendix F)

Respondents are strongly encouraged to read these regulations prior to submitting their response to this RFP. Dates and schedules provided by the above funding agencies will be incorporated into project scope of work and schedule requirements.

PROFESSIONAL SERVICE REQUIREMENTS

A. Scope of Work

The Village of Saranac Lake seeks proposals from qualified respondents to provide engineering, planning and reporting services for the investigation of Inflow and Infiltration into the Village of Saranac Lake sewer collection system.

Recipients will provide a Cost Proposal according to the Tasks listed in the “Consultant Deliverables” Table in **Appendix J**. The majority of all Tasks are Lump Sum, with Reimbursable capped at Cost Plus 10%. A supporting task and fee schedule must be provided, along with a technical description of the project approach.

Failure to provide costs per the attached schedule may result in project scoring reductions. If costs clarifications are needed, please provide explanation of the cost associated with that item, and how that relates to the project deliverable.

An overview of Engineer responsibilities is presented as follows:

- General Requirements:
 - Engineer shall produce and manage the Project Schedule and be responsible for own deliverables to be complete such that reasonable time is allotted for the review of report deliverables with the Village prior to submission to NYS DEC.
 - Engineer shall coordinate at a minimum of (1) project meeting a month to keep the Village up to date on the progress of the investigation and any coordination with Village staff.
 - Four (4) specific areas have been identified by the Village as areas of concern that are herein referred to as the Project Planning Area. This will be the primary concern for reporting, specifically identified as the (1) Swamp Line collector and sub area, (2) Trudeau Collector and sub areas, (3) River Street Collector (NYS Rt 86), LaPan Highway Collector, and (4) Bloomingdale Ave Collector. These are identified in **Appendix B, Project Planning Area**.
 - Include “Mileage” fees in this LS category.
- Engineering Reporting Deliverables: Project planning, background and history in accordance with NYS EFC requirements, with specific emphasis on the following:
 - Site Information: GIS information and layers for soil types, flood plans, APA info, DEC wetland information for the purpose of identifying agencies that would have a specific interest in the project planning area.
 - Ownership and Service area: Identify easements and need for easements in the project planning area, later to be expanded upon for completing report recommendations.
 - Existing facilities and capacity of the planning area to include survey grade mapping of rim and invert as a deliverable in CAD format.
 - Flow monitoring of each of the project areas identified with a description of proposed results.
 - Inspection of manholes as it applies to inflow infiltration and future inspection and maintenance documentation. Each inspection with photos to be saved as a single pdf with the same numbering convention as the Village GIS system.
 - Sewer Main inspection and reporting documenting the deficiencies of the section, saved as individual files, manhole to manhole in accordance with the Village GIS system.

- All reporting requirements for this section per NYS EFC Engineering Planning Grant requirements.
- Engineering Reporting Deliverables: Alternatives Analysis
 - Inflow and infiltration quantification and impact to the entire collection system
 - Cost effective reduction of Inflow and Infiltration, the goal being a projected and measurable result of the proposed project.
 - Costs presentation to include a cost benefit analysis.
 - Design standards, sizing, and supporting calculations included.
 - Alternative analysis must consider funding options available to the specific location, GIGP alternatives included.
 - Cost Estimate: Along with the NYS EFC requirements for alternatives the following elements must be addressed.
 - All reporting requirements for this section per NYS EFC Engineering Planning Grant requirements.
- Engineering Reporting Deliverables: Summary and Comparison of Alternatives
 - Alternatives considered must be technically feasible and financially viable.
 - All reporting requirements for this section per NYS EFC Engineering Planning Grant requirements.
- Engineering Reporting Deliverables: Recommended Alternative
 - Provide basis of design with schematic layouts.
 - Project funding opportunities with details specific to applicable areas.
 - All required appendices, attachments and reporting requirements as a part of the NYS EFC Engineering Planning Grant program.

B. Quality of Work

All work shall follow recognized professional practices and standards and meet the specifications required by local, state and federal approval of the project's plans and specification prior to advertising the project for construction bidding.

C. Records

The design professional is to maintain all books, documents, papers, account records and other evidence pertaining to this work and to make such materials available at their respective offices at all reasonable times during the agreement and for a period up to seven **(7) years** from the date of final payment under the agreement. Throughout the project, the respondent will be required to coordinate with the Village and the Essex County Planning Office via regular project meetings and other electronic project management software.

All reports, documents, information, presentations, electronic drawings, and other materials prepared by the award recipient in connection with this Agreement are the Owner's sole property in which the award recipient has no proprietary or other rights or interests. All

reports, documents, information and any materials or equipment furnished to the award recipient by the Owner shall remain the sole property of the owner and except for the award recipient's limited possession of the purpose of carrying out the Work, shall be returned to the Owner at the conclusion of the Agreement. **Nothing written in this paragraph, however, will be interpreted to forbid the award recipient from retaining a single copy of the information for its files.**

D. Additional Requirements

Professional services shall comply with all codes, standards, regulations, and workers' safety rules that are administered by federal agencies (HUD, EPA, OSHA, and DOT), state agencies (State OSHA, DNR, and DCH), and any other local regulations and standards (i.e. local ordinance and building codes) that may apply.

SUBMITTAL REQUIREMENTS

A. RFP CHECKLIST:

The Village reserves the right to seek additional information to clarify responses to this RFP. Each response must include the following, per the **RFP Response Checklist:**

FOR THE RESPONDENT TO PROVIDE:

- RFP Submittal Requirements Checklist (*Provide Checklist with RFP Response*)
- Letter of Interest
- Qualifications Proposal:
 - Description of Company
 - Capacity of Company
 - State License and or Certification
- Project Management Plan (*Describe your approach in detail*)
- Schedule Proposal (*Provide in a Gantt Chart format*)
- Pricing Proposal (*Also include the "Consultant Deliverables" Table*)
- Experience with and ability to meet grant requirements for MBE/WBE/SDVOSB, Local Hiring, HUD Section 3, if applicable
- Certificate of Good Standing (Corporation) or Certificate of Existence (Limited Liability Company) issued by the Secretary of State (If Respondent is a joint venture, a Certificate of Good Standing or Certificate of Existence, as applicable, must be submitted for each entity comprising the joint venture.)
- Evidence of Insurance

FORMS FROM RFQ PACKAGE TO RETURN:

- References (Minimum 3 related projects)
- Certification of Authority
- W-9 Form
- Vendor Responsibility Questionnaire (if over \$100K in proposed contract value)
- Conflict of Interest Statement & Supporting Documentation
- Non-Collusive Bidding Certification
- Iran Divestment Act Compliance Form

B. Letter of Interest

Submit a Cover Letter of Interest signed by a duly authorized officer or representative of the Respondent, not to exceed two pages in length. The Letter of Interest must also include the following information:

- The principal place of business and the contact person, title, telephone/fax numbers and email address.
- A brief summary of the qualifications of the Respondent and team.
- Description of organization (i.e. Professional Corporation, or Professional Limited Liability Company).
- The names and business addresses of all Principals of the Respondent. For purposes of this RFP "Principals" shall mean persons possessing an ownership interest in the Respondent.
- If the Respondent is a partially owned or fully-owned subsidiary of another organization, identify the parent organization and describe the nature and extent of the parent organization's approval rights, if any, over the activities of the Respondent.
- If the Respondent is a partially owned or fully-owned subsidiary of another organization, identify the parent organization and describe the nature and extent of the parent organization's approval rights, if any, over the activities of the Respondent.
- The Certification attached hereto at the end of this RFP and incorporated herein by reference must be signed by Respondent and attached to the Letter of Interest

C. Other Preliminary Requirements

These documents must be submitted and acceptable before the Village will review the Experience and Capacity proposal:

1. Certificate of Good Standing (Corporation) or Certificate of Existence (Professional Limited Liability Company) issued by the NY Secretary of State
2. Evidence of Insurance: Commercial General Liability with limits not less than \$2,000,000; Workers Compensation and Employers Liability with limits not less than \$500,000; and, Automobile Liability with limits not less than \$1,000,000 per occurrence.
3. References: At least three (3) references of related projects, including date of project, contact person and phone number, and a brief description of the project.
4. Conflict of Interest Statement & Supporting Documentation: Respondent shall disclose any professional or personal financial interests that may be a conflict of interest in representing the Village. In addition, all Respondents shall further disclose arrangement to derive additional compensation from various investment and reinvestment products, including financial contracts.

D. Main Proposal

Please provide the following information in your Proposal:

1. **Qualifications Proposal**: Years of experience and detailed qualifications in performing the range of engineering, design & construction management on various project types in compliance with

applicable standards, including team's resumes. Please provide the number of full-time and part-time employees. Past projects will be reviewed to determine if the respondent has successfully completed projects similar in nature and scope. Respondents should provide narrative examples of three (3) projects that are similar in nature to projects described in the RFQ (see "References").

2. **Project Management Plan:** Provide a plan for engaging the Village's project team and regulatory agencies required.
3. **Schedule Proposal:** Capacity to complete projects within the funding agencies defined period for the Engineering Planning Grant. The successful Respondent will have the project schedule, in a Gantt chart format, for incorporation into the contract.
4. **Cost Proposal:** This should include the lump sum/unit rates for different Tasks, per the table provided in **Appendix J, "Consultant Deliverables"**. Respondents shall provide more information to describe their Cost Proposal, but the **Appendix J** is the Cost Submittal required for evaluation. Labor cost estimates will include payments of prevailing wage rates as determined by the Department of Labor and Industries as applicable. The Respondent will assign hourly rates for all work and services to meet the requirements of this RFP.
5. **Funding Agency Experience:** Respondents should state whether they are an MBE/WBE/SDVOSB. If so, please provide a copy of a current MBE/WBE/SDVOSB certification letter. Respondents may also cite previous project experience & discuss the experience in dealing with these requirements on similar on projects.

EVALUATION CRITERIA AND SCORING

In evaluating responses to this Request for Proposal, the Village will score base on best value taking into consideration the experience, technical approach, and costs that are being proposed by the Respondent. The following Evaluation Criteria will be considered in reviewing submittals:

The point system is to evaluate the experience and capacity of the Respondent.

1. Respondents will be awarded up to **20 points** for **Experience**, including professional qualifications, staffing, and client references.
2. Respondents will be awarded up to **40 points** for a description of services and technical approach for the Engineering Planning Grant.
3. Respondents will be awarded up to **25 points** for **Pricing and proposed Cost Savings**.
4. Respondents will be awarded up to **15 points** for the completeness of the proposal in accordance with the RFP and NYS EFC Engineering Planning Grant requirements.

SELECTION PROCESS

QUESTIONS

Questions regarding this RFP should be submitted in writing via email to **Jamie Konkoski** at comdev@saranaclakeny.gov between the hours of **9am – 5pm *only***. Any RFI responses will in turn be made available to all Respondents as they are received by means of direct emails; RFI's will not be posted publically as typical for conventional Bid Registry's.

Site Visits regarding the project should be submitted via phone call to **Kevin Pratt**, the Village Chief Operator @ **(518) 354-0910** between the hours of **8am – 2pm *only***.

SUBMITTAL DUE DATE

Responses to this RFP are due by 3:00pm on MAY 22, 2018. RFP responses must be submitted via electronic PDF sent to Kareen Tyler at clerk@saranaclakeny.gov.

The Village will not be responsible for correct time and date stamped receipt of proposal. If you run into technical difficulties providing your response to the email above, it is also acceptable to submit your RFP responses in PDF form (**via USB flash-drive**) in the mail to the RFP point of contact:

Kareen Tyler
Village of Saranac Lake
39 Main Street, Suite 9
Saranac Lake, NY 12983

Each Respondent shall receive a confirmation of their submission via email, regardless of manner of RFP response. Respondents are advised to adhere to the Submittal Requirements. Failure to comply with the instructions of this RFP will be cause for rejection of submittals. **NO HARD COPIES WILL BE ACCEPTED.**

RFP SUBMITTAL REQUIREMENTS CHECKLIST

FOR THE RESPONDENT TO PROVIDE:

- RFP Submittal Requirements Checklist (*Provide Checklist with RFP Response*)
- Letter of Interest
- Qualifications Proposal
 - Description of Company
 - Capacity of Company
 - State License and or Certification
- Technical Approach
- Project Management Plan
- Schedule Proposal (*Provide in a Gantt Chart format*)
- Pricing Proposal (*Also include the "Consultant Deliverables" Table*)
- Experience with MBE/WBE/SVDOSB requirements
- Certificate of Good Standing (Corporation) or Certificate of Existence (Limited Liability Company) issued by the Secretary of State (If Respondent is a joint venture, a Certificate of Good Standing or Certificate of Existence, as applicable, must be submitted for each entity comprising the joint venture.)
- Evidence of Insurance

FORMS FROM RFO PACKAGE:

- References (Minimum 3 related projects)
- Certification of Authority
- W-9 Form
- Vendor Responsibility Questionnaire (if over \$100K in proposed contract value)
- Conflict of Interest Statement & Supporting Documentation
- Non-Collusive Bidding Certification
- Iran Divestment Act Compliance Form

APPENDIX A: NYS EFC PROGRAM REQUIREMENTS



**Environmental
Facilities Corporation**

ANDREW M. CUOMO
Governor

SABRINA M. TY
President and CEO

Program Requirements and Bid Packet for Non-Construction Contracts

(For projects funded with NYS financial assistance only)

Effective October 1, 2017

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 - MWBE Utilization Plan
- Attachment 5 - MWBE Waiver Request
- Attachment 6 - Monthly MWBE-SDVOB Contractor Compliance Report
- Attachment 7 - SDVOB Utilization Plan
- Attachment 8 – SDVOB Waiver Request

PART 1:

HOW TO USE THIS DOCUMENT

The New York State Environmental Facilities Corporation (“EFC”) implements various State funded financial assistance programs, including but not limited to the Engineering Planning Grant program, Water Infrastructure Improvement Act (“WIIA”) grant program as well as the Intermunicipal Grant (“IMG”) program.

This Program Requirements and Bid Packet for Non-Construction Contracts document contains (1) a brief description of State program requirements for Contracts and Subcontracts funded by State financial assistance, (2) required language for such Contracts and Subcontracts to satisfy State financial assistance program requirements, including required forms, and (3) guidance materials to assist entities in complying with these requirements.

PROGRAM REQUIREMENTS

The following requirements apply to projects funded with State financial assistance only:

- 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 of Service-Disabled Veteran-Owned Business Enterprises (“SDVOB”) pursuant to New York State Executive Law, Article 17-B and 9 NYCRR Part 252; and,
- Requirements regarding suspension and debarment pursuant to State Labor Law § 220-b and State Executive Law § 316.

EFC or its authorized representatives, and other governmental entities as applicable, reserve the right to conduct occasional site inspections to monitor compliance with State financial assistance 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 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 State financial assistance, in order for State financial assistance Recipients, Contractors, and Subcontractors to comply with the above-listed State financial assistance program requirements.

GUIDANCE MATERIALS

Part 3 of this document sets forth Guidance Materials intended to assist State financial assistance Recipients, Contractors, and Subcontractors in complying with the foregoing State financial assistance 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 financial assistance 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.

PART 2:

REQUIRED CONTRACT LANGUAGE

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

The Minority- and Women- Owned Business Enterprises ("MWBE") and Equal Employment Opportunities 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 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 of real property and improvements thereon.
- B. 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.
- C. If any terms or provisions herein conflict with Executive Law Article 15-A or the MWBE Regulations, such law and regulations shall supersede these requirements.
- D. 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 State financial assistance 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 State financial assistance projects.
 2. The Contractor shall state in all solicitations or advertisements for employees that, in the performance of the Contract relating to this State financial assistance 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), 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*
Clean Water State Revolving Fund, Drinking Water State Revolving Fund, & Green Innovation Grant Program	20%
NYS WIIA Grants (also receiving EFC loan)	Clean Water project 23% Drinking Water project 26%
NYS Intermunicipal Grants (also receiving EFC loan)	Clean Water project 24% Drinking Water project 24%
NYS financial assistance only	30%
Engineering Planning Grant	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. The Contractor understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards achievement of applicable MWBE participation goals. For construction-related services Contracts or Subcontracts, the portion of the Contract or Subcontract with an MWBE serving as a supplier, and so designated in ESD's Directory, that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60% of the total value of the Contract or Subcontract. The portion of a Contract or Subcontract with an MWBE serving as a broker, as denoted by NAICS code 425120, that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE.
4. 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. 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 PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED SERVICE-DISABLED VETERAN-OWNED BUSINESSES

The 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

Contractors and Subcontractors are required to comply with New York State Executive Law Article 17-B and 9 NYCRR Part 252 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, 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.

II. Contract Goals

- A. EFC hereby establishes an overall goal of 6% for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, the Contractor should reference the directory of New York State Certified SDVOBs found at: http://ogs.ny.gov/Core/docs/CertifiedNYS_SDVOB.pdf.
- B. Pursuant to 9 NYCRR § 252.2(n), Contractor must document “good faith efforts” to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the Contract.

III. SDVOB Utilization Plan

- A. In accordance with 9 NYCRR § 252.2(i), Contractor represents and warrants that it has submitted a completed SDVOB Utilization Plan to Recipient prior to the execution of this Contract.
- B. Contractor certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOBs on the Contract pursuant to the prescribed SDVOB contract goals set forth above.
- C. Contractor further agrees that a failure to use SDVOBs as agreed in the 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 of Contractor non-responsibility.
- D. 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 SDVOB Contractor Compliance Report after the changes occurred. At EFC’s discretion, an updated SDVOB 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.
- E. The Contractor shall submit copies of all fully executed subcontracts, agreements, and purchase orders that are referred to in the SDVOB Utilization Plan to the MBO within 30 days of their execution.

IV. Request for Waiver

- A. If Contractor, after making good faith efforts, is unable to comply with the SDVOB Contract goals, Contractor may submit a request for a partial or total waiver to the Recipient, documenting good faith efforts by 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.
- B. Contractor shall attempt to utilize, in good faith, the SDVOBs identified within its SDVOB Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract award may be made at any time during the term of the Contract to the Recipient, but must be made no later than prior to the submission of a request for final payment on the Contract.
 - C. If the Recipient, upon review of the SDVOB Utilization Plan and Monthly SDVOB Contractor Compliance Report determines that Contractor is failing or refusing to comply with the SDVOB Contract goals and no waiver has been issued in regards to such non-compliance, the Recipient may issue a notice of deficiency to Contractor. Contractor must respond to the notice of deficiency within seven business days of receipt. Such response may include a request for partial or total waiver of SDVOB Contract goals.

V. Monthly SDVOB Contractor Compliance Report (“Monthly SDVOB Report”)

In accordance with 9 NYCRR § 252.2(q), Contractor is required to report monthly SDVOB contractor compliance to the Recipient during the term of the Contract for the preceding month’s activity, documenting progress made towards achieving the Contract SDVOB goals. The Contractor agrees to submit a report on to the Recipient by the third business day following the end of each month over the term of this Contract. The Monthly SDVOB 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 SDVOB Report must reflect all Utilization Plan revisions and change orders.

VI. Breach of Contract and Damages

In accordance with 9 NYCRR § 252.2(s), any Contractor found to have willfully and intentionally failed to comply with the SDVOB participation goals set forth in the Contract, shall be found to have breached the contract and Contractor shall pay damages as set forth therein.

SECTION 3 REQUIREMENTS REGARDING SUSPENSION AND DEBARMENT

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

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.

PART 3:

GUIDANCE MATERIALS

APPLICABILITY OF PROGRAM REQUIREMENTS

This chart contains a listing of the State financial assistance 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 Equal Employment Opportunities (EEO)	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
Service-Disabled Veteran-Owned Businesses (SDVOB)	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	2	2
Suspension and Debarment	All Contracts and Subcontracts	3	3

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

I. Summary of EEO and MWBE 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 State financial assistance 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. 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 4. 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. An exemplar form with instructions is attached hereto as Attachment 3. The actual Excel fillable form for Contractors and Subcontractors to complete will be e-mailed to MBOs by EFC at the start of the Contract term. See Required Contract Language, Section 1(II)(F).

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 5. 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 6. 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, 2017. 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 State financial assistance 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 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 State financial assistance 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 State financial assistance projects

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 III(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.
 - c. For construction-related services Contracts or Subcontracts, the following rules apply when calculating MWBE utilization:
 - i. The portion of a Contract or Subcontract with an MWBE serving as a manufacturer that shall be deemed to represent the commercially useful function performed by the MWBE shall be 100% of the total value of the Contract or Subcontract.
 - ii. the portion of a Contract or Subcontract with an MWBE serving as a supplier (as denoted by a NAICS code beginning with 423 or 424, or a NIGP code that does not begin with the number 9), and so designated in ESD's Directory, that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60% of the total value of the Contract or Subcontract.
 - iii. the portion of a Contract or Subcontract with an MWBE serving as a broker (as denoted by NAICS code 425120) that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE.
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. Ensure that a required EEO Policy Statement and applicable MWBE requirements are included in each subcontract.
6. 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 any EFC State financial assistance 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 New York State Office of Inspector General at (800) 367-4448, or the ESD Compliance Office at (212) 803-3266.

SECTION 2 GUIDANCE FOR NEW YORK STATE CERTIFIED SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES (“SDVOB”) PARTICIPATION OPPORTUNITIES

I. Summary of SDVOB Forms

A. Forms to be Submitted Prior to Contract Execution

1. SDVOB 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 7. See Required Contract Language, Section 2(III).

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

1. 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 8. See Required Contract Language, Section 2(IV).

2. Monthly SDVOB Contractor Compliance Report (“Monthly SDVOB 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 6. See Required Contract Language, Section 2(V).

II. SDVOB Participation Opportunities

A. Contract Goals

The goals provided herein (Required Contract Language, Section 2(II)(A)) are effective as of October 1, 2017. SDVOB 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. Following Contract execution, Contractor is encouraged to contact the Office of General Services’ Division of Service-Disabled Veterans’ Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss additional methods of maximizing participation by SDVOBs on the Contract.

B. Good Faith Efforts

The Contractor must make good faith efforts to develop an adequate SDVOB Utilization Plan and must continue such good faith efforts in order to meet applicable SDVOB participation goals. The Contractor shall maintain documentation of good faith efforts to solicit participation of SDVOB firms for State financial assistance projects. If a Contractor is unable to meet contract SDVOB participation goals, and submits a Request for Waiver, documentation of such good faith efforts must accompany the request. See Required Contract Language, Section 2(II)(B).

Contractor should also continue good faith efforts to seek opportunities for SDVOB 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, SDVOBs.
- A list of vendors from the directory of Certified SDVOBs on OGS's website on a Statewide basis, if appropriate, 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 SDVOB firms on OGS's SDVOB to participate in the work, with the responses.
- A log prepared by the Contractor in a sortable spreadsheet documenting the Contractor's solicitation of SDVOBs for participation as Subcontractors or suppliers pursuant to a contract. The log should consist of the list of SDVOB 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	Company	Scope of work	Contact Name	Phone/ Email	Solicitation Format	SDVOBResponse	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-SDVOB firms for the same areas SDVOBs were solicited should also be tracked on the log.

- Copies of any advertisements of sufficient duration to effectively seek participation of certified SDVOBs timely published in appropriate general circulation, trade 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 SDVOB firm solicitation and should include the non-SDVOB firms that responded and the bid prices. Any negotiations should be documented in the log.
- Documents demonstrating that insufficient SDVOBs are reasonably available to perform the work.

- A written demonstration that the Contractor offered to make up any inability to meet the project SDVOB participation goal in other contracts and/or agreements performed by the Contractor on another State financial assistance project.
- The date of pre-bid, pre-award, or other meetings scheduled by the Recipient, if any, and the contact information of any SDVOBs 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 SDVOB participation in their work. For instance, Prime Contractors and MBOs should develop a list of SDVOB firms that have expressed interest in working on State financial assistance projects

C. SDVOB Utilization Plan

1. The SDVOB 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 SDVOB 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. EFC reserves the right to request additional information and/or documentation to support the adequacy of the SDVOB Utilization Plan.
4. Within 10 days of EFC's acceptance of a SDVOB Utilization Plan, EFC will post the approved Utilization Plan on the EFC website.
5. 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 SDVOB participation.

D. Eligibility for SDVOB Participation Credit

1. To receive SDVOB participation credit, Contractors or Subcontractors performing work that have been identified in an approved SDVOB Utilization Plan must be certified as an SDVOB by the Office of General Services' Division of Service-Disabled Veterans' Business Development.
2. Prime Contractors may also include second or lower tier Subcontractors (Subcontractors hired by Subcontractors) on their SDVOB Utilization Plan.
3. Credit for SDVOB participation shall be granted only for SDVOB firms performing a commercially useful business function according to custom and practice in the industry.
 - a. Factors to be used in assessing whether an SDVOB is performing a commercially useful function include:
 - i. The amount of work subcontracted;
 - ii. Industry practices;
 - iii. Whether the amount the SDVOB is to be paid under the contract is commensurate with the work it is to perform;
 - iv. The credit claimed towards SDVOB utilization goals for the performance of the work by the SDVOB; 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 SDVOBs that do not perform a commercially useful function. An SDVOB 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.
 5. A Contractor or subcontractor who is certified as both an SDVOB and MWBE may receive participation credit under both programs for its work on a contract or subcontract.

E. Requests for Waiver

1. If the Contractor's application of good faith efforts does not result in the utilization of SDVOB firms to achieve the aforementioned goals or a specialty equipment/service waiver is requested, the Contractor may request a full or partial waiver of SDVOB 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 2(IV).
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 SDVOB responsibilities.
3. In cases where EFC accepts a full or partial waiver of SDVOB 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- SDVOB manufacturer,
 - b. the technical specifications call for equipment that is not available through an SDVOB supplier;
 - c. the equipment is constructed on site by specially trained non-SDVOB labor;
 - d. the service is not available through an SDVOB (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 SDVOB 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 SDVOB Eligible Amount and the goals will be applied to the SDVOB 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) (SDVOB Eligible Amount)
 The SDVOB goal is applied to the SDVOB 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. For construction contracts, the schedule of values or bid tabulation sheet should also be submitted. Additional documentation may be requested by the MBO or EFC.

III. Subcontractor's Responsibilities

Subcontractors should:

1. Maintain their SDVOB certifications, and notify the Contractor and MBO of any change in their certification status.
2. Notify the Contractor of any SDVOB 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. 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 SDVOB Utilization Plan.

IV. Protests/Complaints

Contractors or Subcontractors who have any concerns, issues, or complaints regarding the implementation of any EFC State financial assistance SDVOB 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 SDVOB Program should notify the project MBO and EFC immediately. Additionally, suspected fraud activity should be reported to the New York State Office of Inspector General at (800) 367-4448.

SECTION 3 GUIDANCE FOR REQUIREMENTS REGARDING SUSPENSION AND DEBARMENT

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 4 SUMMARY OF CONTRACTOR REQUIREMENTS FOR STATE FINANCIAL ASSISTANCE PROJECTS

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

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

To be submitted with this bid:

- EEO Policy Statement

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

To be submitted prior to or upon Contract award:

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

Section 1
Section 2
Section 1

Ongoing documentation & tasks:

- EEO Workforce Utilization Report
- Submit Monthly MWBE Reports to MBO
- Submit Monthly SDVOB Reports to MBO

- Maintain proof of payments for MWBE Subcontractors
- Maintain proof of payments for SDVOB Subcontractors
- Ensure that all Subcontracts contain Part 2: Required Contract Language

Section 1
Section 1
Section 2

Section 1
Section 2

Attachment 1
New York State Environmental Facilities Corporation
EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT
NEW YORK STATE FINANCIAL ASSISTANCE PROGRAMS

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 Water Grant projects.
- (ii) The Contractor shall state in all solicitations or advertisements for employees that, in the performance of the Contract relating to this Water Grant 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. 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:	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: I certify that the information submitted herein is true, accurate and complete to the best of my knowledge.
Name (Please Type): _____ **Date:** _____

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 or your designated MBO for further guidance.

Attachment 3
Instructions for Completing and Submitting the
Equal Employment Opportunity Workforce Utilization Report

The Equal Employment Opportunity (“EEO”) Workforce Utilization Report (“Report”) is used by contractors and subcontractors to report the actual workforce utilized in the performance of the contract broken down by job title for a particular reporting period. When the workforce utilized in the performance of the contract can be separated out from the contractor’s and/or subcontractor’s total workforce, the contractor and/or subcontractor shall submit a Report of the 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, information on the contractor’s and/or subcontractor’s total workforce shall be included in the Report.

Instructions for Completing the Report

1. **Reporting Entity.** Check off the appropriate box to indicate if the entity completing the Report is the contractor or a subcontractor.
2. **Federal Employer Identification Number (“FEIN”).** Enter the FEIN assigned by the Internal Revenue Service (“IRS”) to the contractor or subcontractor for which the Report has been prepared. If the contractor or subcontractor uses a social security number instead of a FEIN, leave this field blank. The contractors and subcontractors for recipients of a grant only (such as an Engineering Planning Grant (EPG), a Water Infrastructure Improvement Act (WIIA) grant, or an Intermunicipal Grant Program (IMG) grant) do not need to fill out this section of the Report.
3. **Name.** Enter the name of the contractor or subcontractor for which the Report has been prepared.
4. **Address.** Enter the address of the contractor or subcontractor for which the Report has been prepared.
5. **Contract Number.** Enter the number of contract that the Report applies to, if applicable.
6. **Reporting Period / Month.** Check off the box that corresponds to the applicable quarterly or monthly (not both) reporting period for this Report. The Report is to be submitted on a monthly basis for construction contracts, and a quarterly basis based on the calendar quarter for all other contracts, during the life of the contract.
7. **Workforce Identified in Report.** Check off the appropriate box to indicate if the workforce being reported is just for the contract or the contractor’s or subcontractor’s total workforce.
8. **Preparer’s Name, Preparer’s Title, Date.** Enter the name and title for the person completing the Report, enter the date upon which the Report was completed, and check the box accepting the name entered into the Report as the digital signature of the preparer.
9. **Occupation Classifications (SOC Major Group) and SOC Job Title.** First, enter the applicable Occupation Classification (SOC Major Group) so a dropdown menu appears under SOC Job Title. Choose the SOC Job Title that best describes the worker.
10. **EEO Job Title and SOC Job Code.** The EEO Job Title and the SOC Job Code will automatically populate in the spreadsheet based upon the Occupation Classifications (SOC Major Group) and SOC Job Title selected. Please do not modify the information populated in these fields.

11. **Race/Ethnic Identification.** Race/ethnic designations do not denote scientific definitions of anthropological origins. For the purposes of this Report, an employee must be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic group. The race/ethnic categories for this Report are:
- **WHITE** (not of Hispanic origin) all persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
 - **BLACK/AFRICAN AMERICAN** a person, not of Hispanic origin, who has origins in any of the black racial groups of the original peoples of Africa.
 - **HISPANIC/LATINO** a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
 - **ASIAN, NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER** a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.
 - **NATIVE AMERICAN/ALASKAN NATIVE** a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.
12. **Number of Employees and Number of Hours.** Enter the number of employees and the total number of hours worked by such employees for each SOC Job Title under the columns corresponding to the gender and racial/ethnic groups with which the employees most closely identify.
13. **Total Compensation.** Enter the total compensation paid to all employees for each SOC Job Title, each gender, and each racial/ethnic group. Contractors and subcontractors should report only compensation for work on the contract paid to employees during the period covered by the Report. Compensation should include only sums which must be reported in Box 1 of IRS Form W-2. The contractors and subcontractors for recipients of a grant only (such as an EPG, a WIIA, or an IMG grant) do not need to fill out this section of the Report.
14. **For EFC Use Only.** This section is for EFC use only and does not need to be filled out by the contractor/subcontractor.

Instructions for Submitting the Report

The Report is to be submitted on a monthly basis for construction contracts, and a quarterly basis based on the calendar quarter for all other contracts, during the life of the contract.

EFC will provide a Report form in Excel format to the Recipient's Minority Business Officer ("MBO"). The Recipient's MBO is responsible for providing the Report form to all contractors. Each contractor is responsible for providing the Report form to all subcontractors.

Reports are to be submitted electronically in Excel format, using the Report form provided, within ten (10) days of the end of each month or quarter, whichever is applicable. For example, the January monthly Report for a construction contract is due by February 10th and the January – March quarterly Report for a non-construction contract is due by April 10th.

Once the Report form has been completed, each contractor/subcontractor must submit the Report form to EFC and the Recipient's MBO. The Report form must be submitted to EFC according to the following instructions:

1. Go to www.efc.ny.gov/eeoreporting.
2. Enter the requested information pursuant to the instructions on the page. Make sure to choose the correct applicable funding program (Clean Water State Revolving Fund (SRF), Drinking Water SRF, non-SRF Grant Only (e.g. EPG, WIIA, IMG)) and the correct reporting period (reporting

quarter for non-construction OR reporting month for construction). Enter the reporting period of the data, not the date it's submitted.

3. Submit your Report(s) pursuant to the instructions on the page.
4. If you are a contractor, use the naming convention provided by EFC (in the "For EFC Use Only" section of the Report form) for naming the file for upload (i.e., Funding Program – Project Number– Contractor short name (up to fifteen characters) – MWBE ID). The funding programs include CW (clean water SRF), DW (drinking water SRF), and GO (non-SRF grant only). If you are a subcontractor, use the naming convention provided by EFC and replace the contractor's short name with the first fifteen characters of the subcontractor's name, omitting any spaces or special characters.

Questions

If you have questions about or require assistance completing or submitting the Report, please contact EFC at mwbe@efc.ny.gov or 518-402-6924.

Attachment 4
NYS 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 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 on EFC's website.

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. Please note whether a firm is serving as a broker or supplier on the contract. A broker is denoted by NAICS code 425120 and is designated as a broker in ESD's MWBE Directory. A supplier is denoted by a NAICS code beginning with 423 or 424, or a NIGP code that does not begin with the number 9, and is designated as a supplier in ESD's MWBE Directory. If a firm is serving as a broker, please additionally provide the percentage of the broker's commission on the contract.

See the Bid Packet at www.efc.ny.gov 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, Project 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 4
NYS Environmental Facilities Corporation
Minority- & Women- Owned Business Enterprise (MWBE) Utilization Plan

SECTION 1: MUNICIPAL INFORMATION			
Recipient/Municipality:		County:	
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 Eligible Contract Amount: \$ (MWBE Goals are applied to this amount and includes all change orders, amendments, & waivers)		MWBE GOAL Total		PROPOSED MWBE Participation	
		MBE:	% \$	MBE:	% \$
		WBE:	% \$	WBE:	% \$
		Total:	% \$	Total:	% \$

Attachment 4
NYS Environmental Facilities Corporation
Minority- & Women- Owned Business Enterprise (MWBE) Utilization Plan

SECTION 3: MWBE SUBCONTRACTOR INFORMATION					
This Submittal is: <input type="checkbox"/> The First/Original Utilization Plan <input type="checkbox"/> Revised Utilization Plan #:					
NYS Certified MWBE 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:				
Select Only One: <input type="checkbox"/> Broker __% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	Completion Date:				
Full Contract Amount: \$					
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:				
Select Only One: <input type="checkbox"/> Broker __% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	Completion Date:				
Full Contract Amount: \$					
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:				
Select Only One: <input type="checkbox"/> Broker __% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	Completion Date:				
Full Contract Amount: \$					
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:				
Select Only One: <input type="checkbox"/> Broker __% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	Completion Date:				
Full Contract Amount: \$					

Attachment 4
NYS 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:			
Select Only One: <input type="checkbox"/> Broker __% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	Completion Date:			
Full Contract Amount: \$				
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:			
Select Only One: <input type="checkbox"/> Broker __% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	Completion Date:			
Full Contract Amount: \$				
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:			
Select Only One: <input type="checkbox"/> Broker __% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	Completion Date:			
Full Contract Amount: \$				
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:			
Select Only One: <input type="checkbox"/> Broker __% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	Completion Date:			
Full Contract Amount: \$				
SIGNATURE				

Attachment 4
NYS Environmental Facilities Corporation
Minority- & Women- Owned Business Enterprise (MWBE) Utilization Plan

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:
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Attachment 5
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 Recipient's designated Minority Business Officer (MBO).** Incomplete forms will be found deficient.

See the Bid Packet at www.efc.ny.gov 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, Project 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:	
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 5
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 5
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 6
New York State Environmental Facilities Corporation
Monthly Minority- & Women- Owned Business Enterprise (MWBE) Contractor Compliance Report
("Monthly MWBE-SDVOB Report")

Instructions:

- Contractors are to complete the report in Word version and email to the Recipient's Minority Business Officer ("MBO") on a monthly basis.
- If you require additional pages, you may find them on EFC's website at www.efc.ny.gov.
- 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:			
Project No.:		GIGP/EPG No:		Registration No. (NYC only):							
Prime Contractor/Service Provider:				Award Date:		Start Date:		Date all MWBE / SDVOB 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: \$ Revised Contract Amt: \$ Change Order Amt: \$	MWBE Eligible Amt: \$ (Goals are applied to this amount and includes eligible change orders, amendments & waivers)		EFC MWBE Goals				Total Paid to Prime				
	SDVOB Eligible Amount \$		MBE: % MBE Amt: \$ WBE: % WBE Amt: \$ Total: % Total Amt: \$		EFC SDVOB Goals SDVOB 6 % SDVOB Amt: \$		Total Paid this Month: \$ Total Paid to Date: \$				
NYS Certified MWBE / SDVOB 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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A		<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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A		<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED									

Attachment 6
New York State Environmental Facilities Corporation
Monthly Minority- & Women- Owned Business Enterprise (MWBE) Contractor Compliance Report
("Monthly MWBE-SDVOB Report")

NYS Certified MWBE / SDVOB 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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					

Attachment 6
New York State Environmental Facilities Corporation
Monthly Minority- & Women- Owned Business Enterprise (MWBE) Contractor Compliance Report
("Monthly MWBE-SDVOB Report")

NYS Certified MWBE / SDVOB 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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					

Attachment 6
New York State Environmental Facilities Corporation
Monthly Minority- & Women- Owned Business Enterprise (MWBE) Contractor Compliance Report
("Monthly MWBE-SDVOB Report")

NYS Certified MWBE / SDVOB 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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<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#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<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 and note the scope of work that new subcontractors will be providing. Please note that change orders over \$25K may require that good faith efforts be made to obtain additional participation:						

Attachment 7
NYS Environmental Facilities Corporation
Service Disabled Veteran-Owned Business (SDVOB) 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 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 on EFC's website.

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

The utilization of certified SDVOBs for non-commercially useful functions may not be counted towards utilization of certified SDVOBs in the Utilization Plan. SDVOB firms must be certified by NYS Office of General Services in order to be counted towards satisfaction of SDVOB participation goals.

See the Bid Packet at www.efc.ny.gov 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-SDVOB Representative.**

The subject heading of the e-mail to the EFC MWBE-SDVOB Representative should follow the format "UP, Project 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 7
NYS Environmental Facilities Corporation
Service Disabled Veteran-Owned Business (SDVOB) Utilization Plan

SECTION 1: MUNICIPAL INFORMATION				
Recipient/Municipality:			County:	
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:
Complete if applicable:				
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"/> SDVOB Please repeat information in the Utilization Plan below (Section 3).				
Address:		Phone #:	Fed. Employer ID #:	
Description of Work:				
Award Date:	Start Date:	Completion Date:	SDVOB GOAL Total	PROPOSED SDVOB Participation
Total Contract Amount: \$ SDVOB Eligible Contract Amount: \$ (Goals are applied to this amount and includes all change orders, amendments, & waivers)			Total: 6% \$	Total: % \$

Attachment 7
NYS Environmental Facilities Corporation
Service Disabled Veteran-Owned Business (SDVOB) Utilization Plan

SECTION 3: SDVOB SUBCONTRACTOR INFORMATION			
This Submittal is:		<input type="checkbox"/> The First/Original Utilization Plan <input type="checkbox"/> Revised Utilization Plan #:	
NYS Certified SDVOB Subcontractor Info		Participation: SDVOB (\$)	For EFC Use:
Name:	Fed. Employer ID#:		
Address:	DSDVBD Control #:		
Scope of Work:	Phone #:		
Full Subcontract Amount: \$	Email:		
Start Date:	Completion Date:		
Name:	Fed. Employer ID#:		
Address:	DSDVBD Control #:		
Scope of Work:	Phone #:		
Full Subcontract Amount: \$	Email:		
Start Date:	Completion Date:		
Name:	Fed. Employer ID#:		
Address:	DSDVBD Control #:		
Scope of Work:	Phone #:		
Full Subcontract Amount: \$	Email:		
Start Date:	Completion Date:		
Name:	Fed. Employer ID#:		
Address:	DSDVBD Control #:		
Scope of Work:	Phone #:		
Full Subcontract Amount: \$	Email:		
Start Date:	Completion Date:		
Name:	Fed. Employer ID#:		
Address:	DSDVBD Control #:		
Scope of Work:	Phone #:		
Full Subcontract Amount: \$	Email:		
Start Date:	Completion Date:		

**Attachment 7
 NYS Environmental Facilities Corporation
 Service Disabled Veteran-Owned Business (SDVOB) Utilization Plan**

SECTION 3: SDVOB SUBCONTRACTOR INFORMATION continued			
Name:	Fed. Employer ID#:		
Address:	DSDVBD Control #:		
Scope of Work:	Phone #:		
Full Subcontract Amount: \$	Email:		
Start Date:	Completion Date:		
Name:	Fed. Employer ID#:		
Address:	DSDVBD Control #:		
Scope of Work:	Phone #:		
Full Subcontract Amount: \$	Email:		
Start Date:	Completion Date:		
Name:	Fed. Employer ID#:		
Address:	DSDVBD Control #:		
Scope of Work:	Phone #:		
Full Subcontract Amount: \$	Email:		
Start Date:	Completion Date:		
Name:	Fed. Employer ID#:		
Address:	DSDVBD Control #:		
Scope of Work:	Phone #:		
Full Subcontract Amount: \$	Email:		
Start Date:	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 SDVOB subcontractors will perform a commercially useful function. Name (Please Type):	Date:

Attachment 8
NYS Environmental Facilities Corporation
Service Disabled Veteran Owned Business (SDVOB) 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 Recipient's designated Minority Business Officer (MBO).** Incomplete forms will be found deficient.

See the Bid Packet at www.efc.ny.gov 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-SDVOB Representative.** The subject heading of the e-mail to the EFC MWBE-SDVOB Representative should follow the format "Waiver Request, Project Number, Contractor." EFC will review and notify the MBO via e-mail of its acceptance or denial.

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

SECTION 1: MUNICIPAL INFORMATION			
Recipient/Municipality:		County:	
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	
Address:		Phone #:	Fed. Employer ID #:
Contact Information of Firm Representative Authorized to Discuss Waiver Request:			
Name:		Title:	Phone #:
		E-mail:	
Description of Work:			EFC SDVOB GOAL Total
Award Date:	Start Date:	Completion Date:	Total: 6 % \$
Total Contract Amount: \$			
SDVOB Eligible Contract Amount: \$ (SDVOB Goals are applied to this amount and includes all change orders, amendments, & waivers)			

Attachment 8
NYS Environmental Facilities Corporation
Service Disabled Veteran Owned Business (SDVOB) Waiver Request Form

SECTION 3: TYPE OF SDVOB WAIVER REQUESTED

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

PROPOSED SDVOB Participation

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, in which you solicited SDVOBs for the purposes of complying with your participation goal, with the dates of publication.
3. A list of firms found as a result of a search (by business description or commodity code) of OGS's SDVOB Directory and solicited for purposes of complying with your SDVOB participation goal.
4. Copies of faxes, letters, or e-mails sent to SDVOB firms to solicit participation and their responses.
5. A log of solicitation results, consisting of the list of SDVOB 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 SDVOB 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 SDVOBs 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 a schedule of values for a construction contract or a proposal or excerpt from a professional services agreement.

Attachment 8
NYS Environmental Facilities Corporation
Service Disabled Veteran Owned Business (SDVOB) Waiver Request Form

7. Documentation of any negotiations between you, the Contractor, and the SDVOBs undertaken for purposes of complying with your SDVOB participation goal.
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 SDVOB firms were invited, attendance at SDVOB 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. The name and federal employee identification number of the manufacturer and distributor for EFC to search the SDVOB 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 SDVOB 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 SDVOB compliance. In cases where EFC accepts a full or partial waiver of SDVOB 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:

APPENDIX B: PROJECT PLANNING AREA



Essex County Department of Public Works

8053 US Route 9 - Elizabethtown,

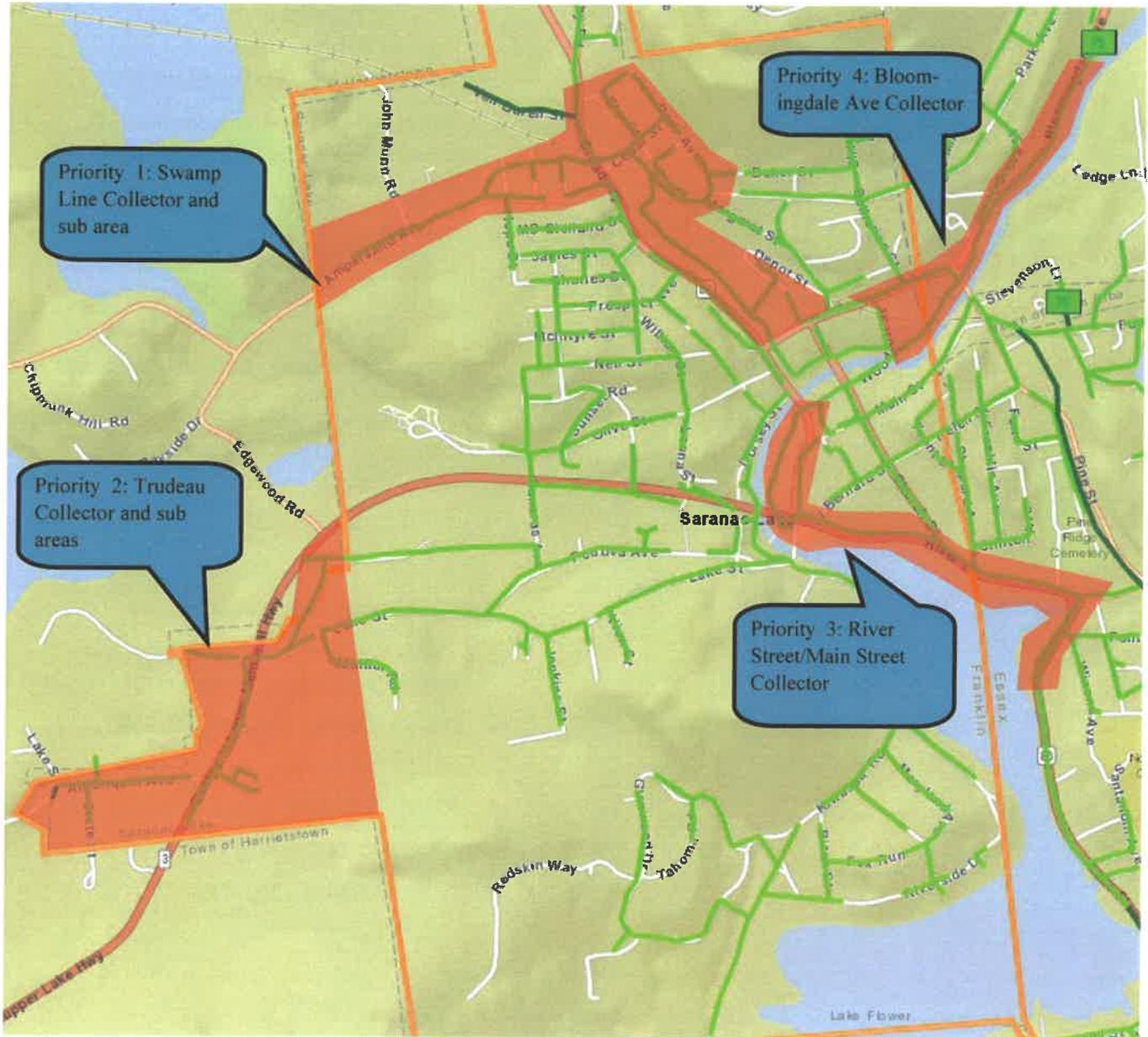
New York 12932

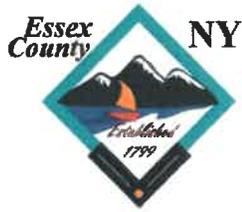
Telephone Office (518)873-3745

Fax (518)873-9195

Superintendent: Christopher M. Garrow

Appendix B: Project Planning Area





Essex County Department of Public Works

8053 US Route 9 - Elizabethtown,

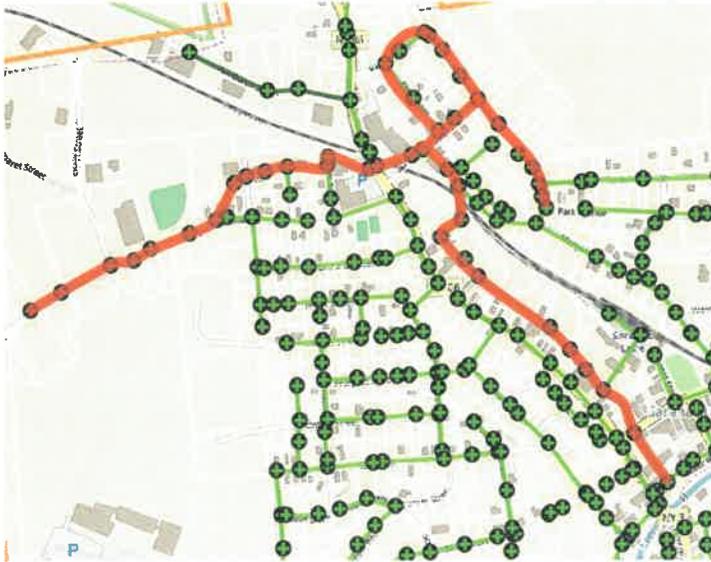
New York 12932

Telephone Office (518)873-3745

Fax (518)873-9195

Superintendent: Christopher M. Garrow

Appendix B: Project Planning Area



Priority 1: Swamp Line Collector and sub areas

- Video inspection of main line identified in accordance with the requirements of the RFP.
- Flow monitor main line and branches for I&I quantification.
- Manhole conditions
- Survey documentation, invert/rim
- Priority concern is pipe condition/capacity with cost evaluation I&I removal.



Priority 2: Trudeau Collector and sub area

- Video inspection of main line identified in accordance with the requirements of the RFP.
- Flow monitor main line and branches for I&I quantification.
- Manhole conditions
- Survey documentation, invert/rim
- Priority concern is pipe condition and location of optimal I&I removal.



Essex County Department of Public Works

8053 US Route 9 - Elizabethtown,

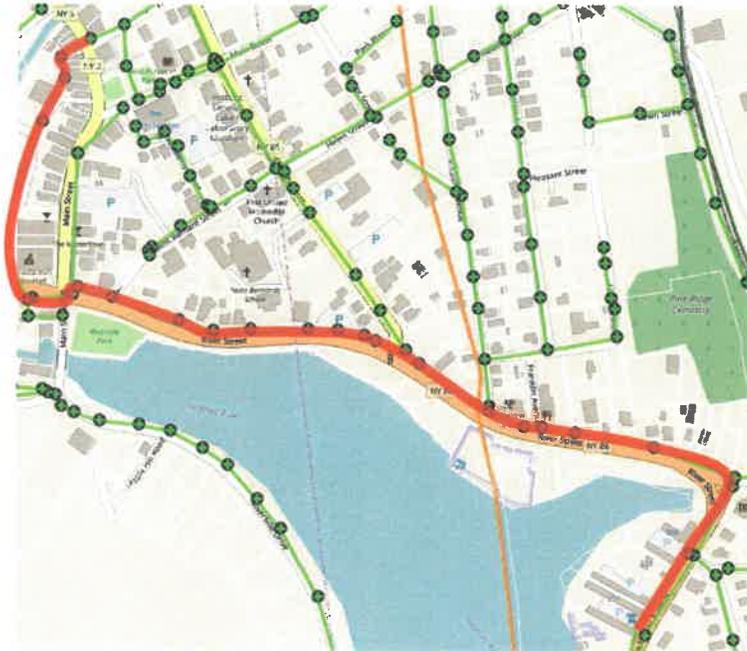
New York 12932

Telephone Office (518)873-3745

Fax (518)873-9195

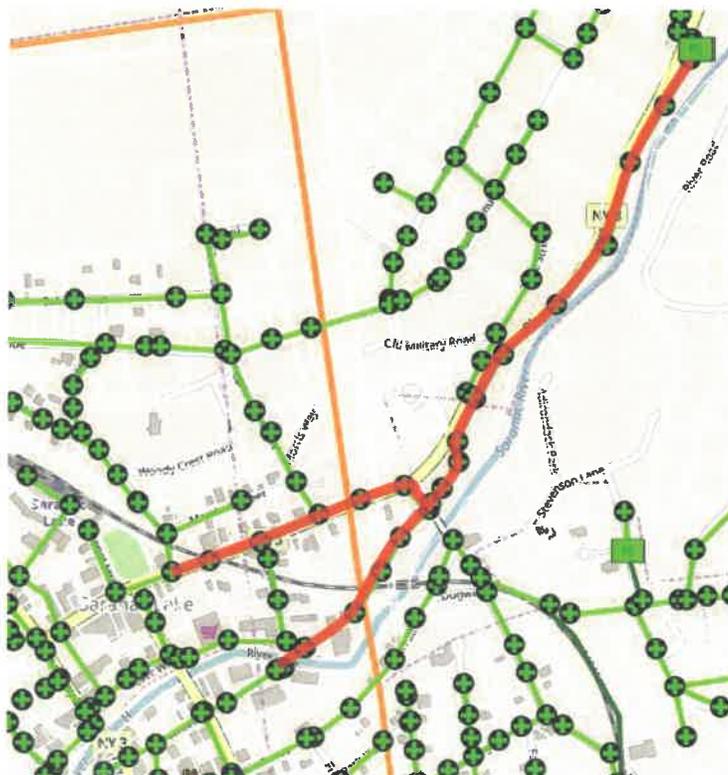
Superintendent: Christopher M. Garrow

Appendix B: Project Planning Area



Priority 3: River Street/Main Street

- Video inspection of main line identified in accordance with the requirements of the RFP.
- Flow monitor main line and branches for I&I quantification.
- Manhole conditions
- Survey documentation, invert/rim
- Smoke Testing
- Priority concern is pipe condition, location of roof drains and other direct inflow as well as overall I&I effects.



Priority 4: Bloomingdale Ave Collector

- Video inspection of main line identified in accordance with the requirements of the RFP.
- Flow monitor main line and branches for I&I quantification.
- Manhole conditions
- Survey documentation, invert/rim
- Priority concern is pipe condition/capacity and location of optimal I&I removal.

APPENDIX C: ENGINEER REFERENCES - NA

APPENDIX D: CONFLICT OF INTEREST STATEMENT

_____ (“Respondent”)

Conflict of Interest Statement

The owner(s), corporate members or employees of [Respondent], shall derive any personal profit or gain, directly or indirectly, by reason of his or her participation with the [the Village of Saranac Lake]. Each individual shall disclose to the [the Village of Saranac Lake] any personal interest or direct relationship which he or she may have and shall refrain from participation in any decision making in related manners.

Any owner, corporate member or employee of [Respondent] who is an officer, board member, a committee member or staff member of a related organization shall identify his or her affiliation with such agency or agencies; further, in connection with any policy committee or board action specifically associated with [the Village of Saranac Lake], he/she shall not participate in the decision affecting that entity and the decision must be made and/or ratified by the full board.

At this time, I am a Board member, a committee member, or an employee of the following organizations/companies:

Now this is to certify that I, except as described below, am not now nor at any time during the past year have been:
1) A participant, directly or indirectly, in any arrangement, agreement, investment, or other activity with any vendor, supplier, or other party; doing business with the [the Village of Saranac Lake] which has resulted or could result in person benefit to me.

2) A recipient, directly or indirectly, of any salary payments or loans or gifts of any kind or any free service or discounts or other fees from or on behalf of any person or organization engaged in any transaction with the [the Village].

Any exceptions to 1 or 2 above are stated below with a full description of the transactions and of the interest, whether direct or indirect, which I have (or have had during the past year) in the persons or organizations having transactions with the [the Village of Saranac Lake].

Respondent: _____

Date: _____

Signature: _____

Printed name: _____

Address: _____

Telephone: _____

APPENDIX E: CERTIFICATE OF AUTHORITY

CERTIFICATE OF AUTHORITY

I, _____
(Officer other than officer executing proposal documents)

certify that I am the _____ of the _____
(Title) (Name of Contractor)

_____ a corporation, duly organized and in good standing under the

(Law under which organized, e.g., the New York Business Corporation Law)

named in the foregoing agreement; that _____
(Person executing proposal documents)

who signed said agreement on behalf of the Contractor was, at the time of execution,
_____ of the Contractor; that said agreement was duly signed for
(Title of such person)

and in behalf of said Contractor by authority of its Board of Directors, thereunto duly authorized, and that
such authority is in full force and effect at the date hereof.

Signature Corporate Seal

STATE OF NEW YORK) SS.:
COUNTY OF ESSEX)

On this _____ day of _____, 20____, before me personally came _____
_____ to me known, and known to me to be the _____

(Title) of _____ the corporation described in
and which executed the above certificate, who being by me duly sworn did depose and say that he, the said _____
_____ resides at _____, and that he is _____
_____ of said corporation and knows the corporate seal of the said corporation; that the
seal affixed to the above certificate is such corporate seal and that it was so affixed by order of the Board of
Directors of said corporation, and that he signed his name thereto by like order.

Notary Public

County

APPENDIX F: VENDOR RESPONSIBILITY QUESTIONNAIRE

**NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT BUSINESS ENTITY**

You have selected the For-Profit Non-Construction questionnaire which may be printed and completed in this format or, for your convenience, may be completed online using the New York State VendRep System.

COMPLETION & CERTIFICATION

The person(s) completing the questionnaire must be knowledgeable about the vendor's business and operations. An owner or officer must certify the questionnaire and the signature must be notarized.

NEW YORK STATE VENDOR IDENTIFICATION NUMBER (VENDOR ID)

The Vendor ID is a ten-digit identifier issued by New York State when the vendor is registered on the Statewide Vendor File. This number must now be included on the questionnaire. If the business entity has not obtained a Vendor ID, contact the IT Service Desk at ITServiceDesk@osc.state.ny.us or call 866-370-4672.

DEFINITIONS

All underlined terms are defined in the "New York State Vendor Responsibility Definitions List," found at www.osc.state.ny.us/vendrep/documents/questionnaire/definitions.pdf. These terms may not have their ordinary, common or traditional meanings. Each vendor is strongly encouraged to read the respective definitions for any and all underlined terms. By submitting this questionnaire, the vendor agrees to be bound by the terms as defined in the "New York State Vendor Responsibility Definitions List" existing at the time of certification.

RESPONSES

Every question must be answered. Each response must provide all relevant information which can be obtained within the limits of the law. However, information regarding a determination or finding made in error which was subsequently corrected is not required. Individuals and Sole Proprietors may use a Social Security Number but are encouraged to obtain and use a federal Employer Identification Number (EIN).

REPORTING ENTITY

Each vendor must indicate if the questionnaire is filed on behalf of the entire Legal Business Entity or an Organizational Unit within or operating under the authority of the Legal Business Entity and having the same EIN. Generally, the Organizational Unit option may be appropriate for a vendor that meets the definition of "Reporting Entity" but due to the size and complexity of the Legal Business Entity, is best able to provide the required information for the Organizational Unit, while providing more limited information for other parts of the Legal Business Entity and Associated Entities.

ASSOCIATED ENTITY

An Associated Entity is one that owns or controls the Reporting Entity or any entity owned or controlled by the Reporting Entity. However, the term Associated Entity does not include "sibling organizations" (i.e., entities owned or controlled by a parent company that owns or controls the Reporting Entity), unless such sibling entity has a direct relationship with or impact on the Reporting Entity.

STRUCTURE OF THE QUESTIONNAIRE

The questionnaire is organized into eleven sections. Section I is to be completed for the Legal Business Entity. Section II requires the vendor to specify the Reporting Entity for the questionnaire. Section III refers to the individuals of the Reporting Entity, while Sections IV-VIII require information about the Reporting Entity. Section IX pertains to any Associated Entities, with one question about their Officials/Owners. Section X relates to disclosure under the Freedom of Information Law (FOIL). Section XI requires an authorized contact for the questionnaire information.

**NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT BUSINESS ENTITY**

I. LEGAL BUSINESS ENTITY INFORMATION			
<u>Legal Business Entity Name*</u>		<u>EIN</u>	
Address of the <u>Principal Place of Business</u> (street, city, state, zip code)		<u>New York State Vendor Identification Number</u>	
		Telephone ext.	Fax
Email		Website	
Additional <u>Legal Business Entity</u> Identities: If applicable, list any other <u>DBA</u> , <u>Trade Name</u> , <u>Former Name</u> , <u>Other Identity</u> , or <u>EIN</u> used in the last five (5) years and the status (active or inactive).			
Type	Name	EIN	Status
1.0 <u>Legal Business Entity</u> Type – Check appropriate box and provide additional information:			
<input type="checkbox"/> <u>Corporation</u> (including <u>PC</u>)		Date of Incorporation	
<input type="checkbox"/> <u>Limited Liability Company</u> (<u>LLC</u> or <u>PLLC</u>)		Date of Organization	
<input type="checkbox"/> <u>Partnership</u> (including <u>LLP</u> , <u>LP</u> or <u>General</u>)		Date of Registration or Establishment	
<input type="checkbox"/> <u>Sole Proprietor</u>		How many years in business?	
<input type="checkbox"/> <u>Other</u>		Date Established	
If Other, explain:			
1.1 Was the <u>Legal Business Entity</u> formed or incorporated in New York State?			<input type="checkbox"/> Yes <input type="checkbox"/> No
If 'No,' indicate jurisdiction where <u>Legal Business Entity</u> was formed or incorporated and attach a <u>Certificate of Good Standing</u> from the applicable jurisdiction or provide an explanation if a <u>Certificate of Good Standing</u> is not available.			
<input type="checkbox"/> United States State _____			
<input type="checkbox"/> Other Country _____			
Explain, if not available:			
1.2 Is the <u>Legal Business Entity</u> publicly traded?			<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes," provide <u>CIK Code</u> or Ticker Symbol			
1.3 Does the <u>Legal Business Entity</u> have a <u>DUNS</u> Number?			<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes," Enter <u>DUNS</u> Number			

* All underlined terms are defined in the "New York State Vendor Responsibility Definitions List," which can be found at www.osc.state.ny.us/vendrep/documents/questionnaire/definitions.pdf.

**NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT BUSINESS ENTITY**

I. LEGAL BUSINESS ENTITY INFORMATION		
<p>1.4 If the <u>Legal Business Entity's Principal Place of Business</u> is not in New York State, does the <u>Legal Business Entity</u> maintain an office in New York State? (Select "N/A," if <u>Principal Place of Business</u> is in New York State.)</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
<p>If "Yes," provide the address and telephone number for one office located in New York State.</p>		
<p>1.5 Is the <u>Legal Business Entity</u> a New York State certified <u>Minority-Owned Business Enterprise (MBE)</u>, <u>Women-Owned Business Enterprise (WBE)</u>, New York State <u>Small Business (SB)</u> or a federally certified <u>Disadvantaged Business Enterprise (DBE)</u>? If "Yes," check all that apply:</p> <p><input type="checkbox"/> New York State certified <u>Minority-Owned Business Enterprise (MBE)</u></p> <p><input type="checkbox"/> New York State certified <u>Women-Owned Business Enterprise (WBE)</u></p> <p><input type="checkbox"/> New York State <u>Small Business (SB)</u></p> <p><input type="checkbox"/> Federally certified <u>Disadvantaged Business Enterprise (DBE)</u></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>1.6 Identify <u>Officials</u> and <u>Principal Owners</u>, if applicable. For each person, include name, title and percentage of ownership. Attach additional pages if necessary. If applicable, reference to relevant SEC filing(s) containing the required information is optional.</p>		
Name	Title	Percentage Ownership <i>(Enter 0% if not applicable)</i>

**NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT BUSINESS ENTITY**

II. REPORTING ENTITY INFORMATION	
2.0 The <u>Reporting Entity</u> for this questionnaire is:	
Note: Select only one.	
<input type="checkbox"/> <u>Legal Business Entity</u> <i>Note: If selecting this option, "Reporting Entity" refers to the entire Legal Business Entity for the remainder of the questionnaire. (SKIP THE REMAINDER OF SECTION II AND PROCEED WITH SECTION III.)</i>	
<input type="checkbox"/> <u>Organizational Unit within and operating under the authority of the Legal Business Entity</u> SEE DEFINITIONS OF " <u>REPORTING ENTITY</u> " AND " <u>ORGANIZATIONAL UNIT</u> " FOR ADDITIONAL INFORMATION ON CRITERIA TO QUALIFY FOR THIS SELECTION. <i>Note: If selecting this option, "Reporting Entity" refers to the Organizational Unit within the Legal Business Entity for the remainder of the questionnaire. (COMPLETE THE REMAINDER OF SECTION II AND ALL REMAINING SECTIONS OF THIS QUESTIONNAIRE.)</i>	
IDENTIFYING INFORMATION	
a) <u>Reporting Entity Name</u>	
Address of the <u>Primary Place of Business</u> (street, city, state, zip code)	Telephone ext.
b) Describe the relationship of the <u>Reporting Entity</u> to the <u>Legal Business Entity</u>	
c) Attach an <u>organizational chart</u>	
d) Does the Reporting Entity have a <u>DUNS</u> Number? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If "Yes," enter <u>DUNS</u> Number	
e) Identify the designated manager(s) responsible for the business of the <u>Reporting Entity</u> . <i>For each person, include name and title. Attach additional pages if necessary.</i>	
Name	Title

**NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT BUSINESS ENTITY**

INSTRUCTIONS FOR SECTIONS III THROUGH VII

For each "Yes," provide an explanation of the issue(s), relevant dates, the government entity involved, any remedial or corrective action(s) taken and the current status of the issue(s). For each "Other," provide an explanation which provides the basis for not definitively responding "Yes" or "No." Provide the explanation at the end of the section or attach additional sheets with numbered responses, including the Reporting Entity name at the top of any attached pages.

III. LEADERSHIP INTEGRITY	
<i>Within the past five (5) years, has any current or former reporting entity official or any individual currently or formerly having the authority to sign, execute or approve bids, proposals, contracts or supporting documentation on behalf of the reporting entity with any government entity been:</i>	
3.0 <u>Sanctioned</u> relative to any business or professional permit and/or license?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other
3.1 <u>Suspended, debarred, or disqualified</u> from any <u>government contracting process</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other
3.2 The subject of an <u>investigation</u> , whether open or closed, by any <u>government entity</u> for a civil or criminal violation for any business-related conduct?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other
3.3 Charged with a misdemeanor or felony, indicted, granted immunity, convicted of a crime or subject to a <u>judgment</u> for: a) Any business-related activity; or b) Any crime, whether or not business-related, the underlying conduct of which was related to truthfulness?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other
For each "Yes" or "Other" explain:	

IV. INTEGRITY – CONTRACT BIDDING	
<i>Within the past five (5) years, has the reporting entity:</i>	
4.0 Been <u>suspended</u> or <u>debarred</u> from any <u>government contracting process</u> or been <u>disqualified</u> on any government procurement, permit, license, concession, franchise or lease, including, but not limited to, <u>debarment</u> for a violation of New York State Workers' Compensation or Prevailing Wage laws or New York State Procurement Lobbying Law?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.1 Been subject to a denial or revocation of a government prequalification?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.2 Been denied a contract award or had a bid rejected based upon a <u>non-responsibility finding</u> by a <u>government entity</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.3 Had a low bid rejected on a <u>government contract</u> for failure to <u>make good faith efforts</u> on any <u>Minority-Owned Business Enterprise</u> , <u>Women-Owned Business Enterprise</u> or <u>Disadvantaged Business Enterprise</u> goal or <u>statutory affirmative action requirements</u> on a previously held contract?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.4 Agreed to a voluntary exclusion from bidding/contracting with a <u>government entity</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.5 Initiated a request to withdraw a bid submitted to a <u>government entity</u> in lieu of responding to an information request or subsequent to a formal request to appear before the <u>government entity</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
For each "Yes," explain:	

**NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT BUSINESS ENTITY**

V. INTEGRITY – CONTRACT AWARD	
<i>Within the past five (5) years, has the reporting entity:</i>	
5.0 Been <u>suspended</u> , cancelled or <u>terminated</u> for cause on any <u>government contract</u> including, but not limited to, a <u>non-responsibility finding</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.1 Been subject to an <u>administrative proceeding</u> or civil action seeking specific performance or restitution in connection with any <u>government contract</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.2 Entered into a formal monitoring agreement as a condition of a contract award from a <u>government entity</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
For each "Yes," explain:	
VI. CERTIFICATIONS/LICENSES	
<i>Within the past five (5) years, has the reporting entity:</i>	
6.0 Had a revocation, <u>suspension</u> or <u>disbarment</u> of any business or professional permit and/or license?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.1 Had a denial, decertification, revocation or forfeiture of New York State certification of <u>Minority-Owned Business Enterprise</u> , <u>Women-Owned Business Enterprise</u> or federal certification of <u>Disadvantaged Business Enterprise</u> status for other than a change of ownership?	<input type="checkbox"/> Yes <input type="checkbox"/> No
For each "Yes," explain:	
VII. LEGAL PROCEEDINGS	
<i>Within the past five (5) years, has the reporting entity:</i>	
7.0 Been the subject of an <u>investigation</u> , whether open or closed, by any <u>government entity</u> for a civil or criminal violation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.1 Been the subject of an indictment, grant of immunity, <u>judgment</u> or conviction (including entering into a plea bargain) for conduct constituting a crime?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.2 Received any OSHA citation and Notification of Penalty containing a violation classified as <u>serious or willful</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.3 Had a <u>government entity</u> find a willful prevailing wage or supplemental payment violation or any other willful violation of New York State Labor Law?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.4 Entered into a consent order with the New York State Department of Environmental Conservation, or received an enforcement determination by any <u>government entity</u> involving a violation of federal, state or local environmental laws?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.5 Other than previously disclosed: a) Been subject to fines or penalties imposed by <u>government entities</u> which in the aggregate total \$25,000 or more; or b) Been convicted of a criminal offense pursuant to any administrative and/or regulatory action taken by any <u>government entity</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
For each "Yes," explain:	

NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
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VIII. FINANCIAL AND ORGANIZATIONAL CAPACITY	
8.0 Within the past five (5) years, has the <u>Reporting Entity</u> received any <u>formal unsatisfactory performance assessment(s)</u> from any <u>government entity</u> on any contract?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes," provide an explanation of the issue(s), relevant dates, the <u>government entity</u> involved, any remedial or corrective action(s) taken and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.	
8.1 Within the past five (5) years, has the <u>Reporting Entity</u> had any <u>liquidated damages</u> assessed over \$25,000?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes," provide an explanation of the issue(s), relevant dates, contracting party involved, the amount assessed and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.	
8.2 Within the past five (5) years, have any <u>liens</u> or <u>judgments</u> (not including UCC filings) over \$25,000 been filed against the <u>Reporting Entity</u> which remain undischarged?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes," provide an explanation of the issue(s), relevant dates, the Lien holder or Claimant's name(s), the amount of the <u>lien(s)</u> and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.	
8.3 In the last seven (7) years, has the <u>Reporting Entity</u> initiated or been the subject of any bankruptcy proceedings, whether or not closed, or is any bankruptcy proceeding pending?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes," provide the bankruptcy chapter number, the court name and the docket number. Indicate the current status of the proceedings as "Initiated," "Pending" or "Closed." Provide answer below or attach additional sheets with numbered responses.	
8.4 During the past three (3) years, has the <u>Reporting Entity</u> failed to file or pay any tax returns required by <u>federal</u> , state or local tax laws?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes," provide the taxing jurisdiction, the type of tax, the liability year(s), the tax liability amount the <u>Reporting Entity</u> failed to file/pay and the current status of the tax liability. Provide answer below or attach additional sheets with numbered responses.	
8.5 During the past three (3) years, has the <u>Reporting Entity</u> failed to file or pay any New York State unemployment insurance returns?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes," provide the years the <u>Reporting Entity</u> failed to file/pay the insurance, explain the situation and any remedial or corrective action(s) taken and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.	
8.6 During the past three (3) years, has the <u>Reporting Entity</u> had any <u>government audit(s)</u> completed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a) If "Yes," did any audit of the <u>Reporting Entity</u> identify any reported significant deficiencies in internal control, fraud, illegal acts, significant violations of provisions of contract or grant agreements, significant abuse or any <u>material disallowance</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes" to 8.6 a), provide an explanation of the issue(s), relevant dates, the <u>government entity</u> involved, any remedial or corrective action(s) taken and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.	

**NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT BUSINESS ENTITY**

<p>IX. ASSOCIATED ENTITIES</p> <p><i>This section pertains to any entity(ies) that either controls or is controlled by the <u>reporting entity</u>. (See definition of "<u>associated entity</u>" for additional information to complete this section.)</i></p>	
<p>9.0 Does the <u>Reporting Entity</u> have any <u>Associated Entities</u>?</p> <p>Note: All questions in this section must be answered if the <u>Reporting Entity</u> is either:</p> <ul style="list-style-type: none"> - An <u>Organizational Unit</u>: or - The entire <u>Legal Business Entity</u> which controls, or is controlled by, any other entity(ies). <p>If "No," SKIP THE REMAINDER OF SECTION IX AND PROCEED WITH SECTION X.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>9.1 Within the past five (5) years, has any <u>Associated Entity Official</u> or <u>Principal Owner</u> been charged with a misdemeanor or felony, indicted, granted immunity, convicted of a crime or subject to a <u>judgment</u> for:</p> <p>a) Any business-related activity; or</p> <p>b) Any crime, whether or not business-related, the underlying conduct of which was related to truthfulness?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If "Yes," provide an explanation of the issue(s), the individual involved, his/her title and role in the <u>Associated Entity</u>, his/her relationship to the <u>Reporting Entity</u>, relevant dates, the <u>government entity</u> involved, any remedial or corrective action(s) taken and the current status of the issue(s).</p>	
<p>9.2 Does any <u>Associated Entity</u> have any currently undischarged <u>federal</u>, New York State, New York City or New York local government <u>liens</u> or <u>judgments</u> (not including UCC filings) over \$50,000?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If "Yes," provide an explanation of the issue(s), identify the <u>Associated Entity's</u> name(s), <u>EIN(s)</u>, primary business activity, relationship to the <u>Reporting Entity</u>, relevant dates, the Lien holder or Claimant's name(s), the amount of the <u>lien(s)</u> and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.</p>	
<p>9.3 Within the past five (5) years, has any <u>Associated Entity</u>:</p>	
<p>a) Been <u>disqualified</u>, <u>suspended</u> or <u>debarred</u> from any <u>federal</u>, New York State, New York City or other New York local <u>government contracting process</u>?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>b) Been denied a contract award or had a bid rejected based upon a <u>non-responsibility finding</u> by any <u>federal</u>, New York State, New York City, or New York local <u>government entity</u>?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>c) Been <u>suspended</u>, <u>cancelled</u> or <u>terminated for cause</u> (including for <u>non-responsibility</u>) on any <u>federal</u>, New York State, New York City or New York local <u>government contract</u>?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>d) Been the subject of an <u>investigation</u>, whether open or closed, by any <u>federal</u>, New York State, New York City, or New York local <u>government entity</u> for a civil or criminal violation with a penalty in excess of \$500,000?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>e) Been the subject of an indictment, grant of immunity, <u>judgment</u>, or conviction (including entering into a plea bargain) for conduct constituting a crime?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>f) Been convicted of a criminal offense pursuant to any administrative and/or regulatory action taken by any <u>federal</u>, New York State, New York City, or New York local <u>government entity</u>?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>g) Initiated or been the subject of any bankruptcy proceedings, whether or not closed, or is any bankruptcy proceeding pending?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>For each "Yes," provide an explanation of the issue(s), identify the <u>Associated Entity's</u> name(s), <u>EIN(s)</u>, primary business activity, relationship to the <u>Reporting Entity</u>, relevant dates, the <u>government entity</u> involved, any remedial or corrective action(s) taken and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.</p>	

**NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT BUSINESS ENTITY**

X. FREEDOM OF INFORMATION LAW (FOIL)	
<p>10. Indicate whether any information supplied herein is believed to be exempt from disclosure under the Freedom of Information Law (FOIL).</p> <p>Note: A determination of whether such information is exempt from FOIL will be made at the time of any request for disclosure under FOIL.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If "Yes," indicate the question number(s) and explain the basis for the claim.</p>	

XI. AUTHORIZED CONTACT FOR THIS QUESTIONNAIRE		
Name	Telephone	Fax
	ext.	
Title	Email	

**NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT BUSINESS ENTITY**

Certification

The undersigned: (1) recognizes that this questionnaire is submitted for the express purpose of assisting New York State government entities (including the Office of the State Comptroller (OSC)) in making responsibility determinations regarding award or approval of a contract or subcontract and that such government entities will rely on information disclosed in the questionnaire in making responsibility determinations; (2) acknowledges that the New York State government entities and OSC may, in their discretion, by means which they may choose, verify the truth and accuracy of all statements made herein; and (3) acknowledges that intentional submission of false or misleading information may result in criminal penalties under State and/or Federal Law, as well as a finding of non-responsibility, contract suspension or contract termination.

The undersigned certifies that he/she:

- is knowledgeable about the submitting Business Entity’s business and operations;
- has read and understands all of the questions contained in the questionnaire;
- has not altered the content of the questionnaire in any manner;
- has reviewed and/or supplied full and complete responses to each question;
- to the best of his/her knowledge, information and belief, confirms that the Business Entity’s responses are true, accurate and complete, including all attachments, if applicable;
- understands that New York State government entities will rely on the information disclosed in the questionnaire when entering into a contract with the Business Entity; and
- is under an obligation to update the information provided herein to include any material changes to the Business Entity’s responses at the time of bid/proposal submission through the contract award notification, and may be required to update the information at the request of the New York State government entities or OSC prior to the award and/or approval of a contract, or during the term of the contract.

Signature of Owner/Official _____

Printed Name of Signatory _____

Title _____

Name of Business _____

Address _____

City, State, Zip _____

Sworn to before me this _____ day of _____, 20__;

_____ Notary Public

CERTIFICATION OF COMPLIANCE WITH THE IRAN DIVESTMENT ACT

As a result of the Iran Divestment Act of 2012 (the "Act"), Chapter 1 of the 2012 Laws of New York, a new provision has been added to State Finance Law (SFL) § 165-a and New York General Municipal Law § 103-g, both effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law) (the "Prohibited Entities List"). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date at which time it will be posted on the OGS website.

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, each Bidder/Contractor, any person signing on behalf of any Bidder/Contractor and any assignee or subcontractor and, in the case of a joint bid, each party thereto, certifies, under penalty of perjury, that once the Prohibited Entities List is posted on the OGS website, that to the best of its knowledge and belief, that each Bidder/Contractor and any subcontractor or assignee is not identified on the Prohibited Entities List created pursuant to SFL § 165-a(3)(b).

Additionally, Bidder/Contractor is advised that once the Prohibited Entities List is posted on the OGS Website, any Bidder/Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to this solicitation must certify at the time the Contract is renewed, extended or assigned that it is not included on the Prohibited Entities List.

During the term of the Contract, should the County receive information that a Bidder/Contractor is in violation of the above-referenced certification, the County will offer the person or entity an opportunity to respond. If the person or entity fails to demonstrate that he/she/it has ceased engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the County shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor in default.

The County reserves the right to reject any bid or request for assignment for a Bidder/Contractor that appears on the Prohibited Entities List prior to the award of a contract and to pursue a responsibility review with respect to any Bidder/Contractor that is awarded a contract and subsequently appears on the Prohibited Entities List.

I, _____, being duly sworn, deposes and says that he/she is the _____ of the _____ Corporation and that neither the Bidder/Contractor nor any proposed subcontractor is identified on the Prohibited Entities List.

SIGNED

SWORN to before me this _____
day of _____, 20__

Notary Public

NON-COLLUSIVE BIDDING CERTIFICATION

1. By submission of this bid, the undersigned bidder and each person signing on behalf of such bidder certifies and in the case of a joint bid each party thereto certifies as to its own organization — UNDER PENALTY OF PERJURY, that to the best of the undersigned’s knowledge and belief:

(a) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(b) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(c) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

2. The undersigned acknowledges and agrees that a bid shall not be considered for award nor shall any award be made where any of the above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where one or more of the above has/have not been complied with, the bid shall not be considered for award nor shall any award be made unless the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

3. The undersigned also acknowledges and agrees that the fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of paragraph 1 above.

4. The undersigned further acknowledges and agrees that any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a bidder which is a corporation or a limited liability company for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in paragraph 1 of this certificate, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation or limited liability company.

Name of Bidder: _____
(print full legal name)

Date Signed: _____ Signature: _____

Name of Person Signing Certificate: _____
(print full legal name of signer)

Bidder is (check one): an individual, a limited liability partnership, a limited liability company,
 other entity (specify): _____

APPENDIX G: W-9 FORM

Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

Print or type See Specific instructions on page 2.	<p>1 Name (as shown on your income tax return). Name is required on this line: do not leave this line blank.</p> <hr/> <p>2 Business name/disregarded entity name, if different from above</p> <hr/> <p>3 Check appropriate box for federal tax classification; check only one of the following seven boxes:</p> <p> <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <small>Notes. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.</small> <input type="checkbox"/> Other (see instructions) ▶ _____ </p>	<p>4 Exemptions (codes apply only to certain entities, not individuals; see Instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small></p>
	<p>5 Address (number, street, and apt. or suite no.)</p> <hr/> <p>6 City, state, and ZIP code</p>	<p>Requester's name and address (optional)</p> <hr/>
	<p>7 List account number(s) here (optional)</p>	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number								
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-	-	-	-					
OR								
Employer identification number								
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black;"> </td> </tr> <tr> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> </tr> </table>					-	-	-	-
-	-	-	-					

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here	Signature of U.S. person ▶	Date ▶
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

What is FATCA reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; do not leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.

a. Individual. Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note. ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. Sole proprietor or single-member LLC. Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. Partnership, LLC that is not a single-member LLC, C Corporation, or S Corporation. Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. Other entities. Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. Disregarded entity. For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

Limited Liability Company (LLC). If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 8832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

- A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)
- B—The United States or any of its agencies or instrumentalities
- C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)
- E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)
- F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state
- G—A real estate investment trust
- H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940
- I—A common trust fund as defined in section 584(a)
- J—A bank as defined in section 581
- K—A broker
- L—A trust exempt from tax under section 664 or described in section 4947(a)(1)
- M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note. You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Notes. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code* earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. **Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.
2. **Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.
3. **Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.
4. **Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).
5. **Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ²
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor ⁴
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ⁴
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 2.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4480 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-900-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

APPENDIX H: NON-COLLUSION AFFIDAVIT

NON-COLLUSIVE BIDDING CERTIFICATION

1. By submission of this bid, the undersigned bidder and each person signing on behalf of such bidder certifies and in the case of a joint bid each party thereto certifies as to its own organization — UNDER PENALTY OF PERJURY, that to the best of the undersigned's knowledge and belief:

(a) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(b) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(c) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

2. The undersigned acknowledges and agrees that a bid shall not be considered for award nor shall any award be made where any of the above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where one or more of the above has/have not been complied with, the bid shall not be considered for award nor shall any award be made unless the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

3. The undersigned also acknowledges and agrees that the fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of paragraph 1 above.

4. The undersigned further acknowledges and agrees that any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a bidder which is a corporation or a limited liability company for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in paragraph 1 of this certificate, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation or limited liability company.

Name of Bidder: _____
(print full legal name)

Date Signed: _____ Signature: _____

Name of Person Signing Certificate: _____
(print full legal name of signer)

Bidder is (check one): an individual, a limited liability partnership, a limited liability company,
 other entity (specify): _____

APPENDIX I: IRAN DIVESTMENT ACT COMPLIANCE

CERTIFICATION OF COMPLIANCE WITH THE IRAN DIVESTMENT ACT

As a result of the Iran Divestment Act of 2012 (the "Act"), Chapter 1 of the 2012 Laws of New York, a new provision has been added to State Finance Law (SFL) § 165-a and New York General Municipal Law § 103-g, both effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law) (the "Prohibited Entities List"). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date at which time it will be posted on the OGS website.

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, each Bidder/Contractor, any person signing on behalf of any Bidder/Contractor and any assignee or subcontractor and, in the case of a joint bid, each party thereto, certifies, under penalty of perjury, that once the Prohibited Entities List is posted on the OGS website, that to the best of its knowledge and belief, that each Bidder/Contractor and any subcontractor or assignee is not identified on the Prohibited Entities List created pursuant to SFL § 165-a(3)(b).

Additionally, Bidder/Contractor is advised that once the Prohibited Entities List is posted on the OGS Website, any Bidder/Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to this solicitation must certify at the time the Contract is renewed, extended or assigned that it is not included on the Prohibited Entities List.

During the term of the Contract, should the County receive information that a Bidder/Contractor is in violation of the above-referenced certification, the County will offer the person or entity an opportunity to respond. If the person or entity fails to demonstrate that he/she/it has ceased engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the County shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor in default.

The County reserves the right to reject any bid or request for assignment for a Bidder/Contractor that appears on the Prohibited Entities List prior to the award of a contract and to pursue a responsibility review with respect to any Bidder/Contractor that is awarded a contract and subsequently appears on the Prohibited Entities List.

I, _____, being duly sworn, deposes and says that he/she is the _____ of the _____ Corporation and that neither the Bidder/Contractor nor any proposed subcontractor is identified on the Prohibited Entities List.

SIGNED

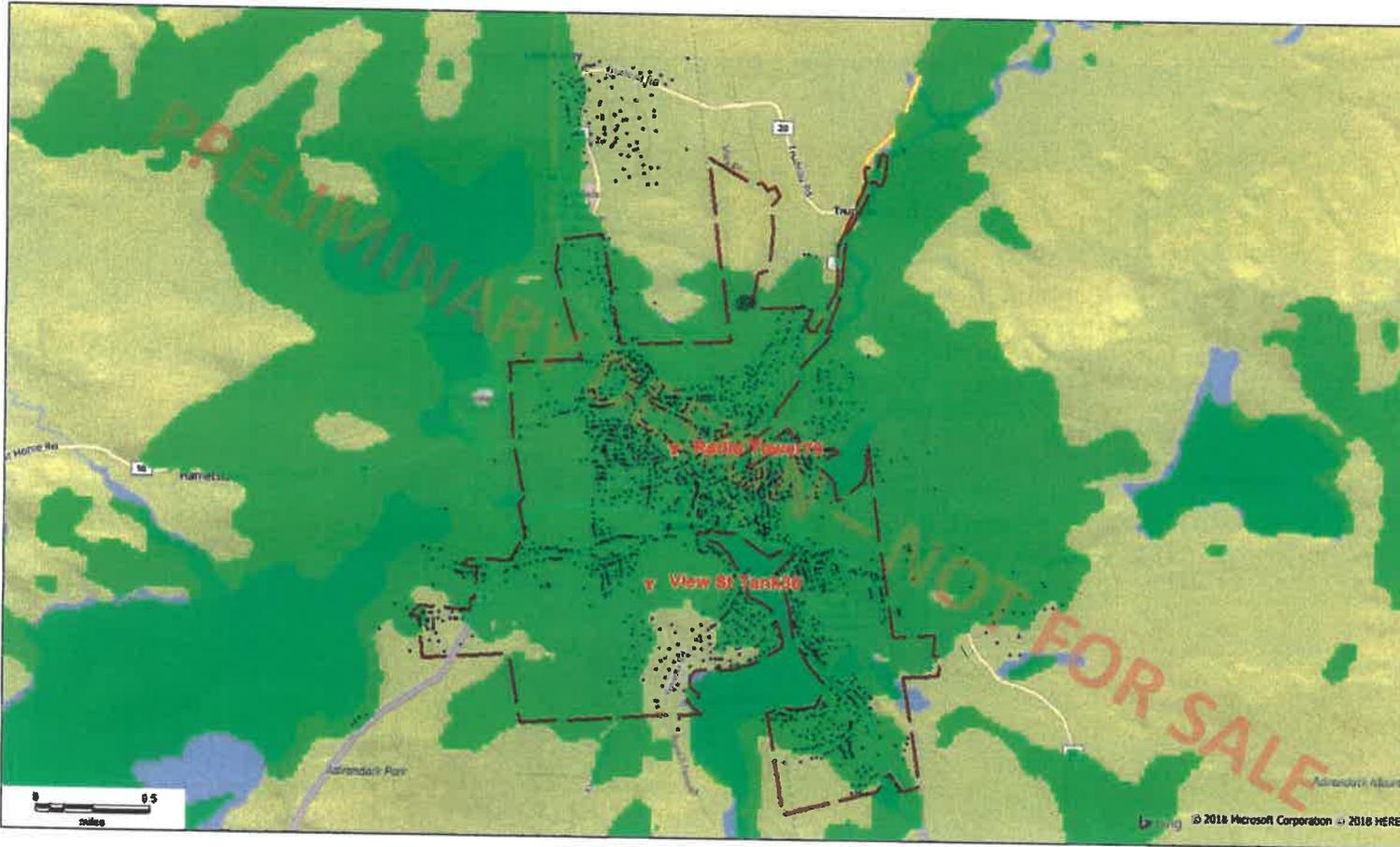
SWORN to before me this _____
day of _____, 20__

Notary Public

APPENDIX J: SCHEDULE OF VALUES FOR COST PROPOSAL

DELIVERABLES	LUMP SUM PROPOSED:	HOURS OF LABOR:
GENERAL REQUIREMENTS		
Task 1) Project Schedule & Project Management		
Task 2) Project Coordination Meetings (<i>incl. MILEAGE</i>)		
Task 3) Consultant EFC Program Requirements & Reporting		
ENGINEERING REPORT		
Project planning, background and history in accordance with NYS EFC requirements.		
Alternatives Analysis		
Summary and Comparison of Alternatives		
Recommended Alternatives		
REIMBURSABLES		
Video Inspection		
Flow Monitoring		

Optimum Design with Current Assets



FlexNet Design

Propagation Analysis
PRELIMINARY
 04/10/2018

6630 - SARANAC LAKE
 VILLAGE OF-AM
 Saranac Lake, NY

RF Engineer: Richard Craig
 Date: 04/10/2018
 Version: 1

View Street Tank (25' Height)
 Radio Tower (70' Height)

Category	Meters
Covered	1,902
Not Covered	197
Meters Read @ Contract RUS Rate	1,875
Total Meters Analyzed	2,099

~90.6% Coverage
 (Target Metric is 98%)

FSK: 13

Meter Type: Water
 Smart point Location:
 Pit set above lid

Attenuation applied due to Smart point Location: 10 db

LEGEND:

 Area of Coverage

 Base Station

 Meter



This propagation study is based on actual information provided by the utility pertaining to meter type, Smart point Location, potential antennae height on structure, structure height, and structure location. Any changes, deletions and/or additions that are not provided to the design engineers during the creation of this design may result in a study that does not correlate to actual field conditions.

Optimum Design with All options



FlexNet Design

Propagation Analysis
PRELIMINARY
 04/10/2018

6630 - SARANAC LAKE
 VILLAGE OF-AM
 Saranac Lake, NY

RF Engineer: Richard Craig
 Date: 04/10/2018
 Version: 1

View Street Tank 60" Height
 R100 35' Height (minimum)

Category	Meters
Covered	2,074
Not_Covered	25
Meters Read @ Contract Rts Rate	2,042
Total Meters Analyzed	2,099

98.80% Coverage
 (Target Metric is 98%)

FSK: 13

Meter Type: Water
 Smart point Location:
 Indoor

Attenuation applied due to Smart point Location: 10 db

LEGEND:

- Area of Coverage
- Base Station
- Meter



This propagation study is based on actual information provided by the utility pertaining to meter type, Smart point Location, potential antennae height on structure, structure height, and structure location. Any changes, deletions and/or additions that are not provided to the design engineers during the creation of this design may result in a study that does not correlate to actual field conditions.

Recommendations

- 1) See if there are any further locations the client has to evaluate.
- 2) Include Third Party site location and apply for 60' tower at the View Street Tank as displayed in 2nd slide of this presentation. Note: Please refer to the Adirondack Park Agency Policy, Procedures & Guidance System: Chapter C: "Consolidation of Visual Intrusion" for guidance.
- 3) Finalize design as-is (not meeting our design threshold) with stipulation that the customer would have to accept reduced performance.

* Redo w/ Pisqah Tower option

PRELIMINARY

FlexNet Design

Propagation Analysis

6630 - SARANAC LAKE

VILLAGE OF-AM

Saranac Lake, NY

RF Engineer: Richard Craig

Date: 04/10/2018

Version: 1


a xylem brand

Design Details

Optimum Design with Current Assets Provided (2 BTS)

StructureName	Latitude	Longitude	Height
Radio Tower	44.32988	-74.133681	70
View St Tank	44.3211814	-74.1357693	30

Optimum Design with All Options Evaluated (1 BTS +1R100)

StructureName	Latitude	Longitude	Height
View St Tank	44.3211814	-74.1357693	60'+
TP_Unknown_Cellsite_R100	44.340838	-74.128255	35'+

PRELIMINARY

FlexNet Design

Propagation Analysis

6630 - SARANAC LAKE

VILLAGE OF-AM

Saranac Lake, NY

RF Engineer: Richard Craig

Date: 04/10/2018

Version: 1