



NEW YORK STATEWIDE INVESTMENT IN MORE SWIMMING INITIATIVE (NY SWIMS)
Frequently Asked Questions

This list is designed to answer many of the questions that Applicants may have about the New York Statewide Investment in More Swimming Initiative (NY SWIMS), overseen by New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP) and administered by the Dormitory Authority State of New York (DASNY). If, after reviewing this list, the Applicant has additional questions, please call us at (518) 257-3177 or email NYSWIMS@dasny.org.

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Definitions:

See Section Two of the NY SWIMS RFA for a full list of the NY SWIMS relevant terms and their definitions.

I. Process Questions

A. Questions Regarding DASNY's Role in Administering NY SWIMS

Q.A1: What is DASNY's role in administering NY SWIMS?

A.A1: DASNY and New York Office of Parks, Recreation and Historic Preservation (NYS OPRHP) will jointly administer the NY SWIMS program, with both entities involved in the scoring of Applications under the competitive funding round. DASNY undertakes a review of each project receiving a NY SWIMS Grant to be certain that the funding may be financed with the proceeds of DASNY bonds, the project is bondable, and the Grantee is otherwise eligible to receive the NY SWIMS Grant. Once approved by the necessary parties for processing and funds having been made available, DASNY will enter into a GDA with each Grantee. Once the GDA is fully executed, DASNY will process requisitions for eligible costs upon submission of certified requisitions by the Grantee. DASNY is committed to completing the necessary reviews as soon as possible.

In addition, DASNY issues bonds and uses the proceeds of the bonds to finance NY SWIMS Grants. In some instances, the bond proceeds are used to reimburse the State of New York for funds previously transferred to DASNY for the purpose of financing the Grants.

B. Questions Regarding Information Needed Prior to Submitting a NY SWIMS Application:

Q.B1: What should a potential Applicant do first when applying for an opportunity?

A.B1: Each Applicant will need to read and follow the information provided in the Request for Applications. A question period will be available, and all questions and answers will be posted for the benefit of all Applicants. An instructional webinar will be available, which should also be viewed in advance of submitting an Application.

Q.B2: As an eligible entity, we have several swimming projects and wish to submit multiple Applications. Is that allowed?

A.B2: No. Only one Application can be submitted for each organization.

Q.B3: Why must we provide a cost estimate?

A.B3: Applicants must demonstrate that they have a complete understanding of their project's total current cost and the funds that will be needed to complete the project. NY SWIMS funds will only be awarded for a project if it can be demonstrated that the project can be fully completed as proposed.

C. Grant Process Prior to Final Approval

Q.C1: What happens now that our organization has been awarded a NY SWIMS Grant?

- A.C1: The Call Center at DASNY's Grants Administration Unit will communicate to each Grantee via email what the next steps will be in order to obtain a GDA. Additional documentation may be sent to the Grantee for completion. Once all the documents requested have been returned, a DASNY processor will be assigned to follow-up and coordinate all required reviews. Generally, DASNY will undertake the following reviews for each NY SWIMS Grant awarded. Depending upon the complexity of the project, DASNY may request additional information or call the Grantee to discuss the project in more detail.

DASNY recommends that Grantees do not start their projects until a fully executed GDA has been returned to the Grantee.

General Overview:

DASNY reviews each Application for compliance with NY SWIMS enabling legislation and applicable tax laws. DASNY will also review documentation evidencing site control, corporate authority, evidence of committed funding to pay for the entire project as described, environmental reviews, and other matters. During this review process, the Grantee will be asked to complete certain forms electronically and return them electronically to DASNY. Please do so promptly, as delays in returning these forms will delay the process and, ultimately, the disbursement of funds to the Grantee.

Site Control:

DASNY will need documentation to establish that the Grantee has appropriate site control of the premises where the NY SWIMS Project will happen and where NY SWIMS funds will be spent. If the eligible entity owns the facility, DASNY will need to review the deed or complete a municipal site control certification. The organization must own the property for a period of 10 years after NY SWIMS Grant has been disbursed.

If the organization leases the facility, DASNY will need to review the lease, which must be executed in the legal name of the Grantee. The term of the lease must be for at least ten (10) years from the date the Application is submitted. Documentation of support of the property owner for the Project must be submitted with the Application.

Financial Review:

DASNY must verify the existence of committed funding resources sufficient to complete the project as described. For this program, acceptable proof of such funding commitments may include the following: commitment letters from a bank or other lending institution; evidence of other Grant awards; a board resolution committing funds to complete the project accompanied by recent audited financial statements; or other documentation acceptable to DASNY that confirms that funding exists to complete the project as proposed in the professional contractor's estimate, quote or contract.

The NY SWIMS Program requires Applicants to contribute matching funds towards the NY SWIMS Project in a 1:4 ratio. Therefore, the grant is expected to cover 80% of the

maximum project cost and the Applicant will contribute at least the remaining 20% (“Matching Funds”). Applicants must also demonstrate the ability to provide the remainder of the funds necessary to complete the Project. There is no requirement that matching funds be fully secured by the date of application, but Applications will be scored based upon the amount of funds secured and/or the timing of additional funds expected. No Grant Disbursement Agreement will be entered into until all matching funds and funds necessary to complete the project have been secured.

Office of Environmental Affairs (OEA) Review

All NY SWIMS projects are subject to the State Environmental Quality Review Act (SEQRA) and State Historic Preservation Act (SHPA). As needed, DASNY’s Office of Environmental Affairs will reach out to coordinate and ensure these legislative requirements are met. **NOTE: reviews for certain NY SWIMS projects can be completed internally by DASNY and would not require further action or documentation by the Grantee.**

Coordination with the State Historic Preservation Office (SHPO) is required if the project building(s) or site(s) are eligible for, or listed on, the State and National Registers of Historic Places; if the building(s) or site(s) are considered a contributing element to a defined historic district; or are located in an area of archaeological sensitivity. The Grantee can find this information on the SHPO and NYS Department of Environmental Conservation (DEC) websites: <https://parks.ny.gov/shpo/online-tools/> and <http://www.dec.ny.gov/eafmapper/>. **NOTE: consultation with SHPO may also be required for structures approaching 50 years old, and/or if the project involves ground disturbance/demolition.**

If the project does meet the requirements of being actionable under SHPA, then a Grantee must provide DASNY with a copy of the determination letter from the Office of Parks, Recreation and Historic Preservation (OPRHP) once the consultation has been completed. **NOTE: the project must be filed in SHPO’s Cultural Resource Information System (CRIS) to receive a determination letter.** SHPO will not issue a determination letter upon receipt of a Lead Agency Letter or email. The CRIS system can be found at: <https://parks.ny.gov/shpo/online-tools/cris/>

If there are any questions regarding SEQR or SHPA requirements, please direct these questions to grantsseqr@dasny.org.

Bond Counsel Review/Final Approvals:

Once all documentation has been returned to DASNY, the Processor may have to review the documentation in consultation with our bond and tax counsel. DASNY will reach out to the Grantee if further information/documentation is needed. The timing of bond counsel reviews varies and is dependent upon the complexity of the project.

Once it has been determined that the Grantee’s project complies with relevant statutory provisions and all paperwork is in order, DASNY will send a GDA to the Grantee. The timing of the final approval could vary from a few days to a few weeks. When DASNY is notified that the requisite final approvals have been obtained and funds are made available to DASNY, a GDA will be forwarded through DocuSign to the Grantee for execution.

Q.C2: Once a NY SWIMS Grant is awarded, is there a deadline for returning required documentation to DASNY?

A.C2: The Grant may be withdrawn if: (i) the grant administration process is delayed in excess of twelve (12) months due to non-responsiveness; (ii) inability of the Awardee to provide the documentation required for the successful administration of the Grant Award (e.g., site control documentation, financial documentation, etc.); and (iii) Awardee fails to provide documentation required to prepare a grant contract or fails to execute a grant contract within twelve (12) months from date of award. No Applicant will have any rights against NYS OPRHP or DASNY arising from such actions

D. Processing of the GDA

The GDA is the contract between DASNY and the Grantee setting forth the terms pursuant to which the NY SWIMS Grant funding will be disbursed.

Grantees will be attesting in the GDA that:

All contractors and vendors retained to perform services in connection with the Project shall be authorized to do business in the State of New York and/or have filed such documentation, certifications, or other information with the State or County as required in order to lawfully provide such services in the State of New York. In addition, said contractors/vendors shall possess and maintain all professional licenses and/or certifications required to perform the tasks undertaken in connection with the Project.

If the Grantee is uncertain if the contractor or vendor being retained to perform services is authorized to do business in the State, the Grantee is encouraged to consult its attorney or reach out to the New York State Department of State at:

- https://www.dos.ny.gov/corps/bus_entity_search.html; or
- by calling (518) 473-2492; or
- by submitting a question through the portal at [Contact Us | Department of State \(ny.gov\)](#)

Q.D1: When will I receive a GDA from DASNY?

A.D1: DASNY must complete all necessary reviews before a GDA can be issued. Once the authorized officer and attorney (needing to opine to the existence of the Grantee) is identified by the Grantee, a GDA will be forwarded to the Grantee through DocuSign for execution.

Q.D2: When will we receive the money for the project?

A.D2: Grant programs administered by DASNY are typically reimbursement programs; that is, the Grantee must actually incur project costs and have paid those expenses. Once expenses have been incurred and paid, the Grantee will submit one or more requisitions to DASNY, using the forms included with the Grantee's GDA, along with such supporting documentation as may be required by DASNY. See section below regarding the requisition process for more information.

II. Reimbursable Costs

A. Deposits, Retainers, Professional Service Fees, and Storage of Materials

Q.A1: May a NY SWIMS Grant be used towards a down payment or a deposit to a contractor or vendor; or for a retainer fee to a professional such as an architect or an engineer?

A.A1: No. NY SWIMS Grant funds cannot be advanced as a deposit or retainer fee for a contractor or vendor. NY SWIMS Grant funds may only be used to pay for work undertaken and completed (or materials received at the project site) specifically for the approved project at the project location. However, the Grantee will be able to submit for reimbursement of a down payment or deposit once documentation has been received from the Grantee's contractor that the payment has been applied to the value of the work completed to date and is no longer being held as a deposit, or once the job has been completed and the contractor bills the Grantee for the balance of the job.

Q.A2: May a NY SWIMS Grant be used to make a payment to the Grantee's attorney or other service professional for work related to the project or to assist with the NY SWIMS Administration process on the Grantee's behalf?

A.A2: Generally, no. Attorney's fees or other professional service fees incurred to assist with documentation and administrative requirements do not qualify as a capital work or purpose pursuant to Federal and State laws.

Q.A3: May the NY SWIMS Grant be used towards the purchase of real property to expand or relocate?

A.A 3: Yes. The purchase of real property is an acceptable NY SWIMS eligible expense.

Q.A 4: The contractor has ordered materials for the project early so they wouldn't be delayed when it was time to install them. The ordered materials and supplies were recently delivered to the contractor but can't be installed until another portion of the project has been completed in another month or so. The costs show up on my latest invoice from the contractor. May the Grantee be reimbursed for these materials now that the contractor has them in hand?

A.A 4: No. All materials are required to be received at the approved project location(s) prior to submission for reimbursement.

B. Payment for Internal Labor

Q.B 1: In order to save money, the Grantee used internal labor to undertake the project described in the Application. May the Grantee be reimbursed for these costs?

A.B 1: Generally, costs associated with internal labor (volunteer or paid) are not reimbursable through NY SWIMS. Therefore, costs incurred by the Grantee for custodial services, maintenance of equipment, salaries of facilities management personnel, security personnel, project oversight, or other similar expenditures may not be reimbursed with NY SWIMS funds.

C. Payments on a Lease, Mortgage, or to Pay Existing Debt

Q.C 1: May the Grantee use their NY SWIMS Grant to make mortgage payments, pay off an existing mortgage or make other debt service payments?

A.C 1: No. As explained above, this would be considered working capital, as opposed to a capital cost, therefore, the NY SWIMS Grant may not be used to make mortgage payments or pay off an

existing mortgage or pay down long-term debt.

D. Costs Constituting Working Capital

Q.D 1: Our organization runs on a very tight budget and would like to use the NY SWIMS Grant to assist in making our rent payments or in paying the utility bills at our site. Is this an allowable use of the NY SWIMS Grant?

A.D 1: No. Such costs would be considered working capital, or operating costs, as opposed to a capital cost. Federal and State laws mandate that the NY SWIMS Grant be spent on capital work only.

Q.D2: May an organization use a NY SWIMS Grant to pay for certain maintenance or repair costs?

A.D2: No. As explained above, this would be considered working capital. Please note that routine maintenance and minor repair costs are not reimbursable. For example, instead of replacing a facility's cracked pool deck, the Grantee only wants to patch certain sections, this would be considered maintenance and would not be reimbursable.

Q.D3: What is the difference between maintenance and capital work? We would like to apply for a NY SWIMS Grant for our community aquatic center but aren't sure what is eligible?

A.D3: It depends on the nature of the work to be done. In general capital work consists of construction or reconstruction – i.e. building a new swimming pool or replacing a concrete deck of an existing pool facility. Work would be considered maintenance if it is primarily cosmetic or repairs, even if the work to be done has a higher cost, if it can be classified as maintenance, it is not eligible for capital reimbursement.

Q.D4: May an organization use a NY SWIMS Grant to purchase supplies such as paper, pens, postage, and similar items if they would be used in connection with advertising a learn to swim program associated with the Project?

A.D4: No. Such costs would be considered working capital, or operating costs, as opposed to a capital cost. As explained above, a NY SWIMS Grant may only be used for capital costs.

Q.D5: May an organization use a NY SWIMS Grant to purchase a maintenance plan, service agreement or extended warranty for the Project?

A.D5: No. Such costs would be considered working capital, or operating costs, as opposed to a capital cost. As explained above, a NY SWIMS Grant may only be spent on capital costs. A NY SWIMS Grant may not be used to pay for service agreements or extended warranties unless they were required by the terms of the contract with the vendor to be purchased at the time of equipment purchase and are reflected as such on the equipment invoice.

Q.D6: May we use a NY SWIMS Grant to pay for recurring costs such as recurring licensing fees, or to renew work permits?

A.D6: No. A NY SWIMS Grant may not be used to pay any recurring costs such as recurring software licensing fees, or costs incurred to renew work permits.

E. Project Costs Allowed under NY SWIMS

Q.E1: We are an organization with an existing swimming facility. We intend to apply for funds to build a splash pad area and new concession stand. Is this allowed under the NY SWIMS program?

A.E1: Ancillary facilities are allowed under NY SWIMS; however, costs associated with these features cannot make up more than 10% of the total grant amount. Examples include splash pads, concession stands, picnic areas, and playgrounds. A grant application cannot be for only ancillary facilities.

Q.E2: We are an organization with an existing swimming facility. We intend to apply for funds to create a pavilion and renovate the public restrooms / changing rooms. Is this allowed under the NY SWIMS program?

A.E2 Amenities are allowed under NY SWIMS. Examples include public restrooms, bathhouses, showers, shade structures, pavilions, etc.

III. The Requisition Process

A. Timing Questions

Q.A1: Our organization started work on the project before submitting the Application. May we submit a requisition for work undertaken before the Application date?

A.A1: Any cost incurred prior to April 1, 2025 are not reimbursable costs.

Q.A2: How often may we submit a requisition for payment?

A.A2: There is no limit on the number or frequency of submissions. DASNY typically has two payment dates per month, and Grantees may receive payment twice a month so long as the requisition meets all of the requirements.

Q.A3: Is there a time limit as to when the Grantee can submit a requisition?

A.A3: Yes. There will be an expiration date on the GDA once it is fully executed. Grantees must have all requisitions submitted, in a form satisfactory to DASNY, prior to the GDA termination date in order to be reimbursed.

The Grantee may submit its first requisition once the GDA is fully executed. Please do not submit a requisition before the fully executed GDA is returned to the Grantee.

Q.A4: How long will it take to receive payment after a requisition is submitted?

A.A4: DASNY attempts to pay all requisitions submitted with the proper supporting documentation within six (6) weeks from the date the requisition is submitted. Please note that if insufficient

documentation is provided, or if DASNY requires additional documentation to support a requisition, it could take longer. In addition, DASNY must voucher for the NY SWIMS funds from the State in order to make payment on a requisition. Typically, such funds are received in time to make a payment within six (6) weeks of submission, but please be advised that DASNY will only be able to make payment on the requisitions once funds are received from the State.

A. Submission of Requisitions

Q.B1: What backup documentation must be submitted with a requisition?

A.B1: Certain exhibits to the GDA must be returned to DASNY in connection with each requisition for reimbursement. Please note that two (2) Authorized Officers of the Grantee must sign the Dual Certification in support of each requisition. In addition, copies of **invoices** provided by the contractor must be provided to the Grantee for work completed. **NOTE: *Quotes, proposals, estimates, purchase orders, and other such documentation do NOT qualify as invoices.***

In addition, readable copies of both the front and back of canceled checks or other satisfactory proof of payment **MUST** be included with the request for reimbursement. Please see A.B2, below, for more information.

All checks must be drawn on an account of the Grantee and not an affiliate, subsidiary, or parent organization. If a check is drawn on an account with a name that is different from the Grantee, it will delay the reimbursement process. Please note that for payment on invoice, checks must be drawn on the segregated account as discussed below in Section III.C.

Q.B2: Our financial institution does not provide copies of canceled checks, so I can't provide them. Does this pose any problems?

A.B2: If the Grantee cannot get copies of canceled checks, please provide a copy of the front of the signed check along with a copy of a bank statement clearly showing that payment was made by the Grantee to the contractor. In addition, DASNY requires the Grantee to certify that documents submitted in support of the requisition are accurate copies of the original documents as presented to, and cashed by, the contractor or vendor.

Q.B3: What backup documentation must be provided when payment is made by credit card, PayPal, Venmo or other form of electronic payment?

A.B3: If the credit card used was a corporate credit card, we require a copy of the statement showing the charge, the invoice for the materials purchased, and a copy of the canceled check paying the statement in full. We do not recommend using a personal credit card to pay for NY SWIMS project-related costs; this may require additional processing time and could delay payment. If, however, payments have been made using a personal credit card, we will need to see the individual's credit card statement, the invoice for the materials purchased, and a copy of the canceled check showing the Grantee reimbursed the appropriate party for the NY SWIMS project-related items.

DASNY does not recommend using PayPal, Venmo or other virtual payment methods to pay costs for which the Grantee will seek reimbursement from NY SWIMS. If, however, this is unavoidable, then DASNY must see funds drawn directly on the bank account of the named Grantee and DASNY must also see that the appropriate party is in receipt of the funds.

Note: Project expenses that have been incurred by a Grantee using a credit card are NOT eligible for payment on invoice.

Q.B4: The contractor was paid in cash for work related to the project. Does this pose any problems?

A.B4: Yes. DASNY must receive adequate proof of payment prior to releasing funds pursuant to NY SWIMS Grant, and we will not reimburse the Grantee for costs paid in cash. The preferred method of payment is by check as evidenced by a copy of a Grantee's canceled check made payable directly to the contractor or vendor.

Q.B5: The contractor did not give us an invoice, so we cannot provide one with the requisition. Is this a problem?

A.B5: Yes. An invoice from the contractor along with proof of payment must be provided in order to be reimbursed for project expenditures. Please ask each contractor for an invoice made out to the Grantee when work is completed in connection with the Project.

Q.B6: The contractor requested that the check be made payable to him personally, and not to the corporate entity. Is this acceptable?

A.B6: No. Payment should be made to the corporate entity that performed the work and provided the invoice. For example, if an invoice is received from "Jack's Contracting, Inc.," the check should be payable to "Jack's Contracting, Inc." and not to "Jack Smith."

Q.B7: Another entity has actually paid for the construction costs relating to the project and is looking to the Grantee for reimbursement. Does this pose any problems?

A.B7: Yes. A NY SWIMS Grant may only be used to reimburse a Grantee for costs related to their project that were actually incurred by the Grantee and not another entity. The Grantee is the entity that should be incurring project costs, paying those costs from their own bank or checking account, and then requesting reimbursement. If another entity paid for the project costs and the Grantee is seeking reimbursement for those costs, there will likely be a delay in processing the requisition.

Please contact DASNY for more information if the Grantee has a specific question regarding project payments made by another entity.

Q.B8: What if the wrong documentation is submitted with the requisition?

A.B8: If the wrong documentation is included with the Grantee's requisition request, DASNY will not make payment. The Grantee will be informed, in writing, of the portions of the requisition for which DASNY is unable to make payment and the reason(s) why payment was denied. Please note that it is the Grantee's responsibility to submit requisitions that are properly assembled and clearly delineate allowable costs to be paid for with their NY SWIMS Grant; it is not the responsibility of DASNY staff to make sense of a disorganized submission. If the requisition is not readily understandable, the entire requisition package will be returned to the Grantee for resubmission prior to payment.

Q.B9: Is there someone available to assist with assembling a requisition?

A.B9: As indicated above, it is the Grantee's responsibility to submit requisitions that are properly assembled and clearly delineate allowable costs to be paid by the NY SWIMS Grant. While members of DASNY's Accounts Payable staff are available to answer specific questions about a requisition, DASNY cannot assume the Grantee's responsibility to locate the documentation necessary to support costs to be paid by the NY SWIMS Grant or evidencing proof of payment; matching proof of payment to invoiced costs; inferring the services or materials provided where the documentation does not clearly provide an explanation; and other such tasks.

Q.B10: May we submit a requisition request electronically?

A.B10: Yes. After the Grantee receives an executed GDA, requisitions may be submitted by email to apgrants@dasny.org. Please email the requisition from the organization's email account, and please include the project ID number and Grantee Legal Name in the subject line.

B. Payment on Invoice

Q.C1: The Applicant is a small entity and does not have the funds to make payment in the first instance. Is there a way to access the NY SWIMS Grant to pay the costs as they are incurred?

A.C1: NY SWIMS is intended to be a reimbursement program. However, DASNY does recognize that it may be difficult for some smaller municipalities to pay for project costs upfront. If that is the case, pursuant to the terms of the GDA, the entity will need to provide DASNY with documentation evidencing that a non-interest-bearing, segregated account has been established by the Grantee into which NY SWIMS funds will be deposited, and that an industry standard fraud protection service has been added to the segregated bank account (Positive Pay). Eligible expenses incurred in connection with the project to be financed with the Grantee's NY SWIMS Grant must be paid out of this account. All work being paid on invoice must be completed prior to disbursement of funds. The funds in the segregated account shall not be used for any purpose other than making payments to a contractor or vendor for costs in connection with the NY SWIMS project. The Grantee must provide proof of disbursement of the funds to the respective contractor and/or vendor in a form acceptable to DASNY, within sixty (60) days of the date that funds are disbursed to the Grantee to pay for such costs. DASNY will not make any additional disbursements until such time as proof of payment is provided.

Q.C2: When seeking payment on invoice, what must the Grantee submit to access the NY SWIMS Grant?

A.C2: Submit an invoice from the contractor/vendor for the completed work undertaken on the project along with the appropriate requisition exhibits that are in the executed GDA. All project-related work being paid on invoice must be completed prior to the disbursement of the NY SWIMS Grant. All funds paid on invoice must be deposited into the non-interest-bearing segregated account established by the Grantee (see prior question and answer) and all eligible expenses incurred in connection with the project to be financed with the NY SWIMS Grant must be paid out of this segregated account. The funds in the segregated account shall not be used for any purpose other than making payments to the contractor or vendor for costs incurred in connection with the project. When the Grantee receives payment on invoice, the Grantee must show proof of disbursement of all

funds from the segregated account to the contractor before DASNY will pay any additional payment requests.

The Grantee must provide proof of disbursement of the funds to the respective contractor and/or vendor in a form acceptable to DASNY, within sixty (60) days of the date that funds are disbursed to the Grantee to pay for such costs. DASNY will not make any additional disbursements until such time as proof of payment is provided.

III. Project Changes After the Award

Q.A1: The project is going to take longer than originally estimated. May we get an extension of time to complete the project?

A.A1: By its terms, the GDA automatically terminates without further notice or action on the part of DASNY five (5) years from the date it is executed by DASNY. DASNY, in consultation with NYS OPRHP may consent to an extension of the termination date in certain circumstances. Such extension may be granted upon DASNY's receipt of the request, PRIOR to the date the GDA will terminate. The request should be submitted via email to grants@dasny.org and include the following: 1) an explanation of the circumstances leading to the delay in the Project; 2) the current status of the Project; 3) a new Project completion date; and 4) a timeline for completing the project by new completion date.

Q.A2: What if the Grantee wants to use the NY SWIMS funds to pay for costs other than those described in the Application?

A.A2: Since the NY SWIMS is a competitive program, changes are not permitted. If the project proposed in the Application can no longer go forward, the organization will need to decline the Award.

Please contact DASNY via email at NYSWIMS@dasny.org if the project can no longer proceed as scored.