

## Appendix 5 – GDA Prerequisites and Instructions

### I. Overview

The Grant Disbursement Agreement (GDA) is the contract entered into between DASNY and the Grantee. A sample GDA is attached to the RFA as **Appendix 4**. The GDA must be fully executed for Grantees to receive NY SWIMS funds, and the terms and conditions of the GDA are non-negotiable.

Prior to submitting an Application for the NY SWIMS Initiative, Applicants should fully review the GDA (including all terms and conditions) as well as the information set forth in this Appendix, to ensure they will be able to execute and comply with the GDA should they be selected for a NY SWIMS award.

### II. Prerequisites to the Grant Disbursement Agreement

After the issuance of the Award Letter, DASNY will undertake a financial, environmental, bond and tax counsel review. DASNY will determine whether required regulatory approvals have been obtained. DASNY will also verify that sufficient site control is in place. No GDA will be entered into until the following reviews have been completed to the satisfaction of DASNY.

#### Financial Review

DASNY will conduct a financial review in connection with each award in order to verify that sufficient Matching Funds, as well as additional funds, if needed, have been secured in the amount necessary to complete the Project, and that such funds meet all applicable criteria set forth in the RFA, including, but not limited to, the matching requirement set forth in Section 6 of the RFA. Awardees will also be required to submit a W-9.

#### State Environmental Quality Review

If a SEQRA review has been conducted for the Project, the Awardee must provide either the Findings Statement or the Negative Declaration prepared by the SEQRA Lead Agency in connection with the Project. If no SEQRA review has been undertaken in connection with a Project that is currently underway or has not started, DASNY will undertake the necessary review.

If a Section 14.09 of the Historic Preservation Act review was completed in connection with the NY SWIMS Project, please provide documentation.

#### Grantee Questionnaire

DASNY needs to be certain that Grant funds are paid only to entities that are deemed to be responsible. Full and accurate responses on the Grantee Questionnaire (GQ) will help to achieve this goal. A request will be made via email for the names and email addresses of two authorized officers. The GQ will then be sent to the authorized officers through DocuSign. The GQ is required to complete the review process and will be incorporated

into the GDA. The submission of false information on the GQ could be a violation of federal and state penal laws.

**The GQ must be completed under the Legal Name of Organization.** Please use the correct, full name of the Grantee on the GQ, with no abbreviations.

### Certification

Grantees will be asked to certify, at a minimum, the following in connection with the Project to receive NY SWIMS grant funds:

- The Grantee shall take affirmative steps to ensure that information is widely disseminated with respect to the following aspects of the project or program:
  - The Project or program is publicly funded.
  - The Project or program is open to all.
  - The Project or program beneficiaries are not limited to any particular sect or group.
- 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 shall possess and maintain all professional licenses and/or certifications required to perform the tasks undertaken in connection with the Project.
- Other requirements as deemed necessary and/or appropriate by DASNY, its bond and tax counsel, and NYS OPRHP.

### **III. Grant Disbursement Agreement Steps**

The GDA is the contract between the Grantee and DASNY. The GDA execution process will occur via DocuSign. The Awardee must provide the name and valid email address of the Awardee's attorney before the DocuSign process begins.

- First, DASNY will forward a GDA to the Awardee once the aforementioned reviews, as applicable, have been completed.
- Awardees must comply with all terms and conditions set forth in the GDA. The terms and conditions of the GDA are non-negotiable.
- The Awardee will review, complete, and sign the GDA, which will then be forwarded to the Grantee's attorney.
- The Awardee's attorney must provide an "Opinion of Counsel" in the form provided in the GDA in order for the GDA to be executed by DASNY.
- Upon the return of the GDA to DASNY, DASNY will review the GDA for completeness and accuracy, including verification that:
  - The Project budget has not changed (or that a valid rationale is given for the change and the change does not materially affect the approved Project, timeline or budget);
  - An appropriate Opinion of Counsel has been provided as required by Exhibit B of the GDA;
  - The requisite GDA exhibits are properly completed;

- No other issues have arisen that would affect the status of the Grant.
- Once this review is complete, DASNY will arrange for the execution of the GDA by an authorized officer of DASNY.
- The GDA will become effective upon execution of the GDA by both the Grantee and DASNY. The GDA will be dated the date of the execution of the GDA by DASNY.

#### IV. Requisition of Funds

Once the GDA is fully executed, the Grantee may requisition funds for work completed using the forms included as exhibits to the GDA. The Grantee must forward requisitions directly to DASNY's Accounts Payable Unit at [apgrants@dasny.org](mailto:apgrants@dasny.org). **No advances will be made, and Grant funds will not be disbursed to pay deposits.**

DASNY will review each requisition received from the Grantee which will include, but shall not be limited to, verification that proper documentation has been received. DASNY reserves the right to request additional information to verify the representations in the requisition.

The NY SWIMS initiative will provide reimbursement only up to the Grant award amount set forth in the GDA. If a Project goes over budget, it will be the responsibility of the Grantee to cover additional expenses. **If allowable costs for the Project are less than the amount awarded (i.e. "under budget"), any unused funding will revert to the State; it cannot be used for additional purchases, renovations, or any other expense.** Please refer to Section 4.4 of the RFA for additional information regarding Project costs that may not be submitted for reimbursement.

The NY SWIMS GDA allows for a Grantee to utilize DASNY's "Payment on Invoice" option as follows:

- A non-interest-bearing segregated account must be established by the Grantee into which Grant Funds will be deposited after approval of a submitted requisition. An industry standard-fraud protection must be added to the segregated bank account ("Positive Pay").
- Eligible Project Costs incurred and paid to the contractor or vendor via the payment on invoice method must be paid out of this segregated account.
- All work being paid on invoice must be completed prior to disbursement of grant funds. The funds in the segregated account shall not be used for any purpose other than making payments to a contractor or vendor for approved costs in accordance with the requisition submitted in connection with the Project.
- The Grantee must provide proof of disbursement of grant funds to the contractor and/or vendor set forth in the requisition for which payment on invoice was requested, in a form acceptable to DASNY, within sixty (60) days of the date that grant funds are disbursed to the Grantee to pay for such costs. DASNY will not make any additional disbursements from grant funds until such time as proof of payment is provided.

- Failure to comply with these requirements will revoke a Grantee's eligibility to utilize the Payment on Invoice option.

**Important Note:** In order to be reimbursed for Eligible Project Costs, the Grantee **must** include the following documentation with the submitted requisition:

- Paid invoice from a vendor authorized to do business in New York State and issued to the Grantee.
- Cancelled check, bank statement, or corporate credit card statement in the name of the Grantee evidencing payment.
- Completed requisition exhibits included with the GDA.
- Other information as may be requested by DASNY.