

Higher Education Capital Matching Grant (HECap) Program

KEY DATES

Eligible Project Dates

Issuance of RGA

Deadline for RGA Questions

Post Responses to RGA Questions (not earlier than)
DASNY Webinar (application process/Q&A Summary)

Application Due By

Awards Expected (not earlier than)

September 1, 2020 - September 1, 2024

January 29, 2020

February 21, 2020

March 6, 2020

July 22, 2020

August 28, 2020

December 2, 2020

Webinar: Overview of a HECap Grant Application

Thursday, July 23, 2020

Opportunity Posting

Grants Reform Gateway Portal

https://grantsgateway.ny.gov/IntelliGrants NYSGG/module/nysgg/goportal.aspx?NavItem1=3

Dormitory Authority of the State of New York (DASNY) Website

https://www.dasny.org/about-us/what-we-do/grants-administration/hecap-request-grant-applications-rfp-5545



Tab 1: Application

Completeness of Application Maximum Points Available

10

- HECap Grant Program Standard Application for the Competitive Round ("Application")
 - All questions reviewed and responded to including whether the HECap Project has received all necessary regulatory approvals or can demonstrate a reasonable expectation that such approvals will be secured in sufficient time to complete the HECap Project; and
 - All applicable information/documentation provided; and
 - Signed by an individual authorized to bind the Institution contractually (include title or position the signer holds within the Institution).



Tab 1: Application (continued)

Grants Reform Gateway

In 2013, the State put forward a key initiative to streamline the State grants process as well as improve compliance with State and Federal legal and audit requirements. Prequalification through the Grants Reform Gateway is a way for not-for-profits to interact more directly with State agencies *before* they compete for State contracts, enabling them to make adjustments and answer concerns prior to entering a competitive bid process.

Maintain prequalified status throughout the process, including payment by the State Comptroller.

SFS Vendor ID Numbers

(located on the Organizational Information page of the document vault)

- Assigned by the Office of the State Comptroller through the State Comptroller's Office directly; or
- By submitting a substitute W9 form when registering with Grants Reform Gateway.



Tab 2: Eligible Project

Eligible Project
Maximum Points Available

50

Project Description/Narrative

Provide a **robust** project description/narrative that:

- States the goals that are expected to be achieved as a result of undertaking the Project;
- Confirms the timeframe of the project; and
- States how the proposed Project would accomplish one or more of the following objectives:
 - > enhance the programmatic offerings at the Institution;
 - provide economic development benefits to the surrounding area; or
 - enhance the student life at the Institution; and
- describes the extent to which the project will provide benefits in any or all of the above three categories.

Tab 3: Financial Review

Financial Review (Tab 3, 4 and 5)

Maximum Points Available

40

Project Budget

SECTION 3: PROJECT BUDGET, DISBURSEMEN	NT SCHEDULE, & OPERAT	ING COSTS		
1. Use of Funds				
Complete the following Project Budget detail	ling the proposed source	s and uses of funds (attach a	dditional sheets if necessary).	
		SOURCES		TOTAL
USE OF FUNDS				
Uses (Attach additional pages if necessary)	HECap Grant	Non-state Matching Funds (3:1)	Other financing sources to complete project as described	
	\$	\$	\$	\$
Acquisition				
Construction/ Renovation				
Architect/Engineer Fees				
Purchase and Installation of Furniture and/or Equipment				
T-4-1				
Total:	\$	\$	\$	\$

- 3:1 match is on the project as a whole and not each task listed in the Use of Funds column.
- HECap grant amount requested to be utilized for capital costs only.
- The sources and uses of funds and funds necessary at each stage of project completion.



Tab 4: ESTIMATE

- Provide a professional estimate describing the HECap Project to be funded with the HECap
 Grant and setting forth the cost to complete such Project.
 - Architect
 - Experienced facility personnel
 - Contractor
 - Vendor

A formal bid is not required, but can be provided as an estimate if the Institute has one.



Tab 5: Funding Source(s)

 Provide a detailed description of the type or types of Matching Funds to be utilized to complete the HECap Project, including the source of such funds, and documentation of each committed funding source. This may include:

- Bank account and investment account statements
- Donor pledges, agreements and receipts
- Grant award letters, agreements and contracts
- Loan agreements, commitment letters, terms and conditions
- Bond documents
- Personal service contracts
- Bills of sale and paid invoices evidencing payment by the Institution for an eligible cost. In order to qualify as a matching cost, the payment must have been in furtherance of a component of the HECap Project that complied in all respects with the requirements of the statute (prevailing wage, MWBE, etc.)
- If the Institution will be using institution funds for any part of the Non-State match at he most recent audited financial statement should be provided with the Application.

Construction Contracts: Appendix B (Standard Clauses)

- ➤ The Grant Disbursement Agreement states that "Consistent with the requirements of the Program, the Grantee has attached to and made a part of each Contract all of the terms and conditions set forth in the Standard Clauses for Higher Education Capital Matching Grant Program Contracts (Appendix B) attached hereto and made a part hereof, so as to make such terms and conditions legally binding upon both the Grantee and the party with which the Grantee has contracted (the "Contractor")."
- ➤ Grantees are advised to incorporate the entire Appendix B into their Construction Contract(s).
- ➤ If contracts have already been entered into, it is advised that the Grantee incorporate the Appendix B as an amendment to the previously signed construction contract(s).

APPENDIX B

STANDARD CLAUSES FOR HIGHER EDUCATION CAPITAL MATCHING GRANT PROGRAM CONTRACTS

The parties, the Contractor and the College, to the attached agreement (the "Contract") acknowledge that the performance of their obligations under the Contract must comply with the requirements of Part U of chapter 63 of the Laws of 2005, as amended, including, by reference, the applicable provisions of Article 9 of the State Finance Law, Article 15-A of the Executive Law and Articles 8, 9 and 10 of the Labor Law. In order to insure such compliance, the Contractor and the College hereby agree to be bound by all such requirements. The following clauses, which are intended to either explain such requirements or to add additional requirements, are hereby made part of the Contract. The numbered clauses which follow are not intended to be a complete listing of the requirements referenced above:

- GOVERNING LAW. The Contract shall be governed by the laws of the State of New York.
- APPROVAL BY THE STATE. In accordance with Part U of Chapter 63 of the Laws of 2005, as amended, the Contract is subject to the approval of the Comptroller of the State of New York, and, as to form, by the Attorney General of the State of New York.
- 3. NON-ASSIGNMENT CLAUSE. In accordance with Section 138 of the State Finance Law, the Contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, subjet or otherwise disposed of without the previous consent, in writing, of the College and any attempts to assign the Contract without the College's written consent are null and void.
- 4. RECORDS. The Contractor and the College shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under the Contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, shall have access to the Records during normal business hours at an office of the Contractor or at the College within the State of New York or, if no such office is available, at a mutually agreeable venue within the State, for the term specified above for the purposes of inspection, auditing and copying.
- 5. INDEMNIFICATION. Neither the HECap Board, DASNY, nor the State of New York shall in any event whatsoever be liable for any injury or damage, cost or expense of any nature whatsoever that occurs as a result of or in any way in connection with the Project and the Grantee hereby agrees to indemnify and hold harmless the HECap Board, DASNY, and the State and their respective agents, officers, employees and directors (collectively, the "Indemnitees") from and against any and all such liability and any other liability for injury or damage, cost or expense resulting from the payment of the Grant by the HECap Board to the Grantee or use of the Project in any manner, including in a manner which, if the bonds are issued on a tax-exempt basis. (i) results in the interest on the bonds issued by DASNY the

Page two – Appendix B Standard Clauses For Higher Education Capital Matching Grant Contract

proceeds of which were used to fund the Grant (the "Bonds") to be includable in gross income for federal income tax purposes or (ii) gives rise to an allegation against DASNY by a governmental agency or authority, which DASNY defends that the interest on the Bonds is includable in gross income for federal income tax purposes, other than that caused by the gross neeligence or the willful misconduct of the Indemnitees.

- CONFLICTING TERMS. In the event of a conflict between the terms of the Contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix B, the terms of Appendix A: Standard Clauses for NYS Contracts (attached), shall control
- 7. WAGE AND HOURS PROVISIONS. In accordance with Part U of Chapter 63 of the Laws of 2005, as amended, the Contractor and the College agree to comply with the requirements of Articles 8, 9 and 10 of the New York State Labor Law. Neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law.
- MINORITY AND WOMEN OWNED BUSINESS REQUIREMENTS. In accordance
 with Part U of Chapter 63 of the Laws of 2005, as amended, the Contractor and the College
 agree to comply with the requirements of Article 15-A of the New York Executive Law.



HECap MWBE Document Completion Assistance

MWBE Goals

MWBE Goals:

- 18% Minority-owned Business Enterprise participation;
- □ 12% Women-owned Business participation; and

on any grant award in excess of \$25,000 for commodities and services and \$100,000 for construction.

Note: MWBE participation may exceed the established goals.



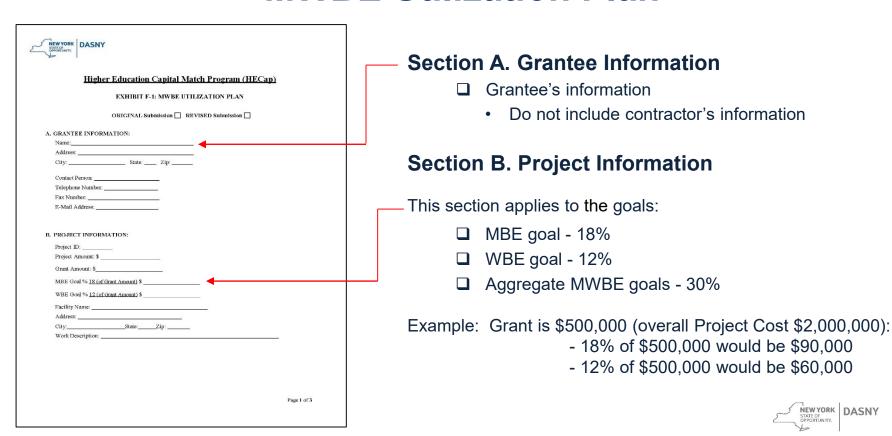
MWBE Exhibits

☐ Exhibit F-1: HECap MWBE Utilization Plan

☐ Exhibit F-2: HECap Request for Waiver



MWBE Utilization Plan



MWBE Utilization Plan

Higher Education Capital Match Program (HECap) EXHIBIT F-1: MWBE UTILIZATION PLAN C. List all MWBE consultants, contractors, subcontractors and suppliers anticipated to be used during the performance of this Agreement: Fed ID No. City: _____ State: ___Zip: ____ Estimated Start Date: Telephone: Email Address: Type of Firm: MBE WBE Work Description: Value of Proposed Award: S City: State: Zip: Estimated Start Date: Telephone: Email Address: Type of Firm: MBE WBE Work Description: Value of Proposed Award: \$_____ Fed ID No. Estimated Start Date: Email Address: Type of Firm: MBE WBE Work Description: Value of Proposed Award: \$ Estimated Start Date: Telephone: Email Address: Type of Firm: MBE WBE Work Description: NOTE: The utilization of certified minority and women-owned business enterprises for non-commercially useful functions may not be counted towards utilization of certified minority and women-owned business enterprises in the Utilization Plan. Page 2 of 3

Section C. Use of MWBEs

- List NYS-certified MWBE consultants, contractors, subcontractors and suppliers
 - Note: No other MWBE consultants, contractors, subcontractors and suppliers will be accepted.
- ☐ If your organization will be requesting a <u>total</u> waiver, leave this section blank, sign, date and return this form with your Request for Waiver form.



NEW YORK DASNY

MWBE Utilization Plan

Please be sure to do the following things before submitting your Utilization Plan to DASNY:

- □ Reference directory of New York State Certified MWBEs: https://ny.newnycontracts.com
- □ Reference New York State Department of State Division of Corporations:

https://appext20.dos.ny.gov/corp public/corpsearch.entity search entry



NORK Services Ne	ws Government Local
	Department of State Division of Corporations Search Our Corporation and Business Entity Database The information contained in this database is correct through July 8, 2020.
Netsage Netigate 7 0 and alove or laterest Explorer 6 0 and alove by the Division of Corporations for cooperations, limited liability participation must be made by a written, faced or centil request to which the entire conducts or transacts business. Every effort has been made to causer that the information contains	and our far goal corporations. United groundlys, Inside Modelly, companies and limited failing prographing, in well as a destructioned belowers. This advantages in a price of sick. Places are the facility of the price of the failing of the price of the failing companies and the price of the failing of the price of the
about performing a wards or the reads you receive, please contact	The NYS Department of State, Decision of Corporations or (S10 +73-500). Mondon - Finite, 9 000 am. to 4.30 pm. Search Celleria Frainty Name * Name Type * (Marc Cory *) Search type * (Marc Cory *) Search type * (Marc Cory *) The Hems marked with * are required.
	Search the Catalogue

MWBE Utilization Plan

Please keep the following in mind when checking your vendors in both New York State Certified MWBE database and NYS Department of State Division of Corporations database:

- Be sure to list the vendors name as it appears in these databases in Section C of the Utilization Plan
- NYC Registered MWBE Firms will not be accepted, must be registered with NYS

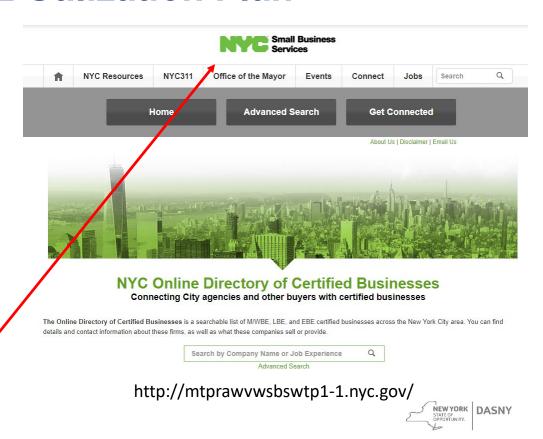


Exhibit F-2: HECap Request for Waiver



Request for Waiver (MWBE)

NEW YORK STATE OF THE STATE OF				
Higher Education Capital Match Program (HECap)				
EXHIBIT F-2: REQUEST FOR WAIVER				
A. GRANTEE INFORMATION:				
Name:				
Address:				
City: State: Zip:				
Contact Person:				
Telephone Number:				
Fax Number:				
E-Mail Address:				
B. PROJECT INFORMATION:				
Project ID:				
Project Amount: \$				
Grant Amount: \$				
MBE Goal % 18 (of Grant Amount) \$				
WBE Goal % 12 (of Grant Amount) \$				
Facility Name:				
Address:				
City:Zip:				
Work Description:				
C. GRANTEE IS REQUESTING THE FOLLOWING:				
 MBE Waiver - A waiver of the MBE Goal is requested. 				
☐ Total Waiver ☐ Partial Waiver (include % requested)				
 WBE Waiver - A waiver of the WBE Goal is requested. 				
☐ Total Waiver ☐ Partial Waiver (include % requested)				
 Provide a statement of justification to support the request for a waiver of the goal req this Agreement. 	nuirements established by			
WBE WAIVER	Page 1 of 2			

Section B. Project Information

- This information should match the MWBE Utilization Plan numbers.
- This section applies to the goals:
 - MBE goal 18%
 - WBE goal 12%
 - Aggregate MWBE goals 30%

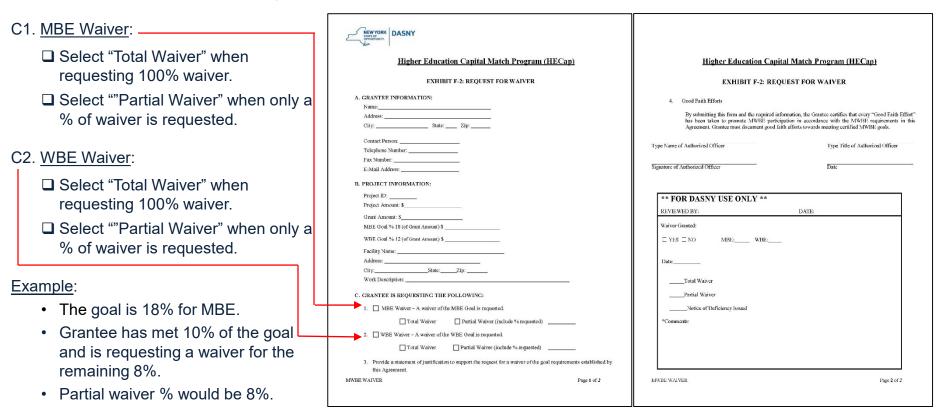
Example: Grant is \$500,000 (overall Project Cost \$2,000,000):

- 18% of \$500,000 would be \$90,000
- 12% of \$500,000 would be \$60,000



Request for Waiver (MWBE)

Section C. Grantee Requesting Waiver for:



Request for Waiver (MWBE)

	Higher Educa	ation Capita	l Match Prog	ram (HECap)
	EVIII	DIT E 2. DEVAL	EST FOR WAIVI	P.D.	
	EAHI	BIT F-Z: KEQU	EST FOR WAIVE	, K	
A. GRANTEE II	NFORMATION:				
Name:					
City:	State	:: Zip:	_		
Contact Perso	n:				
Telephone Nu	ımber:				
Fax Number:					
E-Mail Addre	88:				
B. PROJECT IN	FORMATION:				
Project ID:					
Project Amon					
	t: \$				
	18 (of Grant Amount) \$				
	12 (of Grant Amount) S				
Facility Name					
	State:_		_		
Work Descrip	tion:				
C. GRANTEE IS	REQUESTING TH	E FOLLOWING	:		
1. MBE	Waiver - A waiver of	the MBE Goal is	requested.		
_	Total Waiver	☐ Dortiol W	aiver (include % req	nostod)	
		_	-	desicci)	_
2. WBE	Waiver - A waiver of				
	☐ Total Waiver	Partial W	niver (include % requ	ested)	_
 Provide a 	statement of justificate	ion to support the	request for a waiver o	of the goal requirem	ents established by

C3. Statement of Justification

Write a statement explaining the basis for a waiver.



Good Faith Efforts



What Constitutes Good Faith Efforts?

A waiver of the goals will only be granted if grantee can demonstrate Good Faith Efforts.

- ☐ Visit ESD website at https://ny.newnycontracts.com/
- ☐ Solicit NYS-certified MBEs and WBEs.
- ☐ Publish advertisements for participation by NYS-certified MBEs and WBEs in appropriate general circulation, trade and minority- or women-oriented publications.
- ☐ Take steps to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified MBEs and WBEs.



Sample Documentation of Good Faith Efforts

- ☐ List and copy of any advertisements.
 - Provide list of places advertisement was published, along with date and copy of advertisement.
- ☐ List all NYS-certified MWBEs appearing in the NYS Directory of Certified Firms that were solicited.
 - Provide list from ESD website https://ny.newnycontracts.com/, as well as copies of emails sent to each MWBE firm.
- □ Description of contract documents, plans, or specifications made available to NYS-certified MWBEs.
 - Date and manner in which documents were made available.



Sample Documentation of Good Faith Efforts

- ☐ Copy of all responses received from NYS-certified MWBE firms.
- ☐ Provide documentation of any negotiations between Grantee and/or contractor and MWBEs.
 - Copies of letters, emails, etc. discussing the negotiations.
- ☐ If responses to the solicitations were received, but an MWBE firm was not selected, explain why.
- ☐ Copy of notice of application receipt issued by ESD, if applicable.
- ☐ Any other information deemed relevant.



How can I complete the utilization plan if my organization has not yet completed specifications and/or bid the contract?

- ☐ Reach out to MWBE/SDVOB firms
- ☐ Explain situation
- ☐ Assess their availability / interest / capability
- Complete Utilization Plan
- Provide a signed letter and documentation stating that you have contacted these firms and that they have expressed interest in bidding



Determination Letters







MWBE Compliance Report

		Cap MWBE Compliance			
	e amounts totaling the an ed by task #. Please use			ursement in this	request. Invoices shoul
Please check here if y	ou were granted a Total \	Naiver of the M/WBE G	oals by receipt	of letter dated:	
	ou were exempted from r		als because the	Grant award f	alls below the statutory
Task #: Task Descr	iption:				
VENDOR/ CONTRACTOR NAME	INVOICE/ APPLICATION#	AMOUNT REQUESTED FROM GRANT FUNDS	VENDOR/CO IDENTIFIED UTILIZATI (CIRCL	ON MWBE	COMMENT
			Y	N	
			Y	N	
			Y	N	
			Y	N	
			Y	N	
			Y	N	
			Y	N	
TOT	AL Requested for Task: (Transfer to Exhibit E)				
Task #: Task Descr				+	
VENDOR/	INVOICE/	AMOUNT	VENDOR/CO		COMMENT
	APPLICATION#	GRANT FUNDS	IDENTIFIED ON MWBE UTILIZATION PLAN (CIRCLE ONE)		
CONTRACTOR NAME		ORANT T UNDS	(CIRCLE	E ONE)	
CONTRACTOR NAME		CRANTTUNDS	Y	N N	
CONTRACTOR NAME		GRANTTUNDS	•		
CONTRACTOR NAME		CHANTIONES	Y	N	
CONTRACTOR NAME		GRANT TUNUS	Y	N N	
CONTRACTOR NAME		GRAFITURDS	Y Y Y	N N N	
CONTRACTOR NAME		CAMITURUS	Y Y Y	N N N	
CONTRACTOR NAME		CAMITURUS	Y Y Y Y	N N N N	



Questions can be directed to:

HECapRFPCoordinator@DASNY.org

