

# ALBANY COUNTY SHERIFF'S OFFICE

CRAIG D. APPLE, SR.  
SHERIFF



MICHAEL S. MONTELEONE  
EXECUTIVE UNDERSHERIFF

County Court House  
Albany, New York 12207 (518) 487-5400  
[WWW.ALBANYCOUNTYSHERIFF.COM](http://WWW.ALBANYCOUNTYSHERIFF.COM)

April 26, 2024

Honorable Joanne Cunningham  
Legislative Chairwoman  
112 State Street, Room 710  
Albany, New York 12207

Dear Chairwoman Cunningham:

The attached correspondence is forwarded for presentation to the Albany County Legislature.

Legislative approval is required in order to allow Albany County to apply for and enter into a Grant Contract with the State of New York, Division of Homeland Security and Emergency Services, as a recipient of FY2022 Hazmat Grant and to amend the budget as shown below.

The grant award for the Capital Region Hazardous Materials Committee is \$171,750.00. The period of performance for the grant is April 1, 2024 through August 31, 2025. These grant funds will be utilized to cover training, equipment acquisition, equipment calibration and maintenance for the Hazmat Teams in Albany, Rensselaer, Saratoga and Schenectady Counties. We have attached the required budget amendment.

Should there be any questions, do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig D. Apple, Sr.', is written over the typed name and title.

Craig D. Apple, Sr.  
Sheriff

Cc: Hon. Daniel P. McCoy, County Executive  
Hon. Wanda F. Willingham, Deputy Chairman

REQUEST FOR LEGISLATIVE ACTION

|                      |                      |
|----------------------|----------------------|
| FOR COUNSEL USE ONLY |                      |
| DATE:                | _____                |
| RECEIVED:            | _____                |
| RECEIVED BY:         | _____                |
| METHOD:              | <u>HAND</u> _____    |
|                      | <u>COURIER</u> _____ |
|                      | <u>MAIL</u> _____    |

DATE : April 25, 2024

DEPARTMENT: ALBANY COUNTY SHERIFF'S OFFICE

CONTACT PERSON: SHERIFF CRAIG D APPLE SR  
TELEPHONE: 518-447-5440  
DEPT. REPRESENTATIVE ATTENDING SHERIFF CRAIG D APPLE SR  
COMMITTEE MEETING: \_\_\_\_\_

PURPOSE OF REQUEST:

- ADOPTION OF LOCAL LAW \_\_\_\_\_
  - AMENDMENT OF PRIOR LEGISLATION \_\_\_\_\_
  - APPROVAL/ADOPTION OF PLAN/PROCEDURE \_\_\_\_\_
  - BOND APPROVAL \_\_\_\_\_
  - BUDGET AMENDMENT (SEE BELOW) X
  - CONTRACT AUTHORIZATION (SEE BELOW) X
  - ENVIRONMENTAL IMPACT \_\_\_\_\_
  - HOME RULE REQUEST \_\_\_\_\_
  - PROPERTY CONVEYANCE \_\_\_\_\_
  - OTHER: (STATE BRIEFLY IF NOT LISTED ABOVE) \_\_\_\_\_
- SEEKING LEGISLATIVE APPROVAL TO ACCEPT THE HAZMAT22 GRANT FROM DHSES AND  
THE CORRESPONDING BUDGET AMENDMENT

CONCERNING BUDGET AMENDMENTS

STATE THE FOLLOWING

INCREASE ACCOUNT/LINE NO. A33110.03306.HAZ22  
SOURCE OF FUNDS: NYS OFFICE OF HOMELAND SECURITY - HAZMAT 22  
TITLE CHANGE: \_\_\_\_\_

CONCERNING CONTRACT AUTHORIZATION,

STATE THE FOLLOWING:

TYPE OF CONTRACT

- CHANGE ORDER/CONTRACT AMENDMENT \_\_\_\_\_
- PURCHASE (EQUIPMENT/ SUPPLIES) \_\_\_\_\_
- LEASE (EQUIPMENT/SUPPLIES) \_\_\_\_\_
- REQUIREMENTS \_\_\_\_\_
- PROFESSIONAL SERVICES \_\_\_\_\_
- EDUCATIONAL/TRAINING \_\_\_\_\_
- GRANT: NEW \_\_\_\_\_
- RENEWAL \_\_\_\_\_
- SUBMISSION DEADLINE DATE \_\_\_\_\_
- SETTLEMENT OF A CLAIM \_\_\_\_\_
- RELEASE OF LIABILITY \_\_\_\_\_
- OTHER: (STATE BRIEFLY) \_\_\_\_\_

**CONCERNING CONTRACT AUTHORIZATION (CONT'D)**

**STATE THE FOLLOWING:**

**CONTRACT TERMS/CONDITIONS:** \_\_\_\_\_ **PARTY (NAME/ADDRESS):**  
NYS DIVISION OF HOMELAND SECURITY & EMERGENCY SERVICES  
1220 WASHINGTON AVE  
BUILDING 7A SUITE 710, ALBANY NY 12242  
**AMOUNT/RATE SCHEDULE/FEE:**  
\$ 171,750.00 ALBANY COUNTY SHERIFFS OFFICE  
**TERM:** 04/01/24-8/31/2025  
**SCOPE OF SERVICES:** FUNDS TO BE USED TO PURCHASE EQUIPMENT,  
TRAINING, AND EQUIPMENT CALIBRATION FOR OUR HAZMAT TEAMS

**CONTRACT FUNDING:**  
ANTICIPATED IN CURRENT BUDGET: YES \_\_\_\_\_ NO X  
FUNDING SOURCE: NYS DEPT. OF HOMELAND SECURITY  
**COUNTY BUDGET ACCOUNTS:**  
REVENUE: A33110.03306.HAZ22  
APPROPRIATION: A93110.22750HAZ22  
BOND(RES. NO. & DATE OF ADOPTION) \_\_\_\_\_

**CONCERNING ALL REQUESTS:**  
MANDATED PROGRAM/SERVICE: \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_  
IF MANDATED CITE: AUTHORITY \_\_\_\_\_  
ANTICIPATED IN CURRENT ADOPTED BUDGET: YES \_\_\_\_\_ NO X  
IF YES, INDICATE REVENUE APPROPRIATION ACCOUNTS: \_\_\_\_\_

**FISCAL IMPACT - FUNDING:** \_\_\_\_\_ (DOLLARS OR PERCENTAGES)  
FEDERAL \_\_\_\_\_  
STATE \_\_\_\_\_ 100%  
COUNTY \_\_\_\_\_  
TERM/LENGTH OF FUNDING \_\_\_\_\_

**PREVIOUS REQUESTS FOR IDENTICAL OR SIMILAR ACTION:**  
RESOLUTION/LAW NUMBER: \_\_\_\_\_  
DATE OF ADOPTION: \_\_\_\_\_

**JUSTIFICATION:** (STATE BRIEFLY WHY LEGISLATIVE ACTION IS REQUESTED)  
**ACCEPTANCE OF GRANT AND BUDGET AMENDMENT -**  
**THESE FUNDS WILL BE USED FOR SUSTAINMENT OF HAZMAT EQUIPMENT AND HAZARDOUS**  
**MATERIAL TRAINING FOR LOCAL RESPONDERS**

**BACK-UP MATERIAL SUBMITTED** \_\_\_\_\_ (I.E. APPLICATION/APPROVAL NOTICES FROM FUNDING SOURCE,  
BID TABULATION SHEET, CIVIL SERVICE APPROVAL NOTICE, PROGRAM ANNOUNCEMENT, CONTRACTS  
AND/OR ANY MATERIALS WHICH EXPLAIN OR SUPPORT THE REQUEST FOR LEGISLATIVE ACTION.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SUBMITTED BY:** CRAIG D APPLE SR  
**TITLE:** SHERIFF



## Homeland Security and Emergency Services

KATHY HOCHUL  
Governor

JACKIE BRAY  
Commissioner

April 1, 2024

The Honorable Daniel P. McCoy  
Albany County Executive  
Harold L. Joyce Albany County Office Building  
112 State Street, Room 900  
Albany, NY 12207

Dear Mr. McCoy:

I am pleased to announce that Albany County has been awarded \$171,750 in federal funding under the FY2022 HazMat Grant Program. Funding for this initiative is provided by the U.S. Department of Homeland Security's (DHS) State Homeland Security Grant Program (SHSP) and is administered by the New York State Division of Homeland Security and Emergency Services (DHSES). The performance period for this award is April 1, 2024, through August 31, 2025.

As outlined in your application, this funding is provided for local emergency response teams that provide HazMat services through equipment, training, exercise, and planning projects

Additionally, all capabilities developed through federal FY2022 SHSP funding are required to be deployable regionally and nationally per the federal guidelines. All funding through this grant program is subject to both New York State and federal guidelines and regulations. Finally, all training that is funded through this grant program must be submitted to DHSES within six (6) months of the date of this letter for review and approval.

In order to ensure these funds are made available as quickly as possible, a representative from the Grants Program Administration Unit of DHSES will be reaching out to your grant point of contact. If you have any questions about this program, please contact Eric Abramson, Director of Grants Program Administration at (518) 402-2123.

Congratulations on your award and I look forward to working with you to administer this program.

Sincerely,

A handwritten signature in cursive script that reads "Jackie Bray".

Jackie Bray  
Commissioner



# **Homeland Security and Emergency Services**

## **FY2021 and FY2022 Hazardous Materials Targeted Grant Program: Combined Request for Applications (RFA)**

**Application Deadline: November 1, 2023 by 5:00 pm**

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## I. Introduction

The purpose of this Request for Applications (RFA) is to solicit applications for State Homeland Security Program (SHSP) funding made available by the NYS Division of Homeland Security and Emergency Services (DHSES) for New York State's regional Hazardous Materials (HazMat) response teams. There is \$2,000,000 in funding available under this program for FY2021 and \$2,000,000 in funding available for FY2022, for a total of \$4,000,000. Funding will be allocated to HazMat regions via a Risk Formula.

**The State is releasing the funding opportunities for the FY2021 and FY2022 HazMat Targeted Grant Program in a single Request for Applications (RFA), however, funds for each fiscal year must be managed and accounted for separately. Applicants will be required to submit two separate application worksheets, one worksheet for FY2021 and a second worksheet for FY2022. Funds for each fiscal year will be made available through separate reimbursement contracts for FY2021 and FY2022 to maintain appropriate mechanisms for the separate administration of each year's funding.**

This grant opportunity builds on progress made by New York State through the FY2008-FY2020 iterations of the HazMat Grant Program. Through an investment of \$19,600,000, the State was able to provide an incentive for local HazMat Teams to build and enhance their regional partnerships. Through a collaborative, locally-driven process, HazMat Teams across New York developed 18 regional HazMat response teams.

The funding formula was updated in FY2020 to reflect the 2020 census data for New York State and the addition of chemical facilities subject to Risk Management Plans (RMPs) under section 112(r) of the Clean Air Act amendments. For the FY2021 and FY2022 cycles, the State will continue to provide funds to all 18 regional HazMat Teams that provide coverage across the State outside of New York City<sup>1</sup> via a non-competitive process. The FY2021 and FY2022 HazMat Grants will serve as a resource for regional HazMat Teams to maintain the existing equipment on their WMD Trailers, implement the HazMat Team Accreditation Program, and/or to build new capabilities.

Through this grant, DHSES continues its commitment to a regional approach of building and sustaining HazMat response capabilities in New York State. In this austere budget era, working collaboratively on a regional basis remains critical. The formalization of HazMat partnerships that were developed by local HazMat Teams represented the next crucial step in our efforts to regionalize capabilities in the State. The effort of the State's HazMat community to build these sustainable regional partnerships is a model for other disciplines to emulate in New York State.

Counties are once again encouraged to leverage all available funding for hazardous materials preparedness activities, including funding available through the Hazardous Materials Emergency Preparedness (HMEP) grant program provided by the U.S. Department of Transportation through DHSES.

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<sup>1</sup> New York City is not eligible to participate in the FY2021 and FY2022 HazMat Grant Programs.



#### IV. HazMat Grant Program Objectives

DHSES has identified four primary objectives for the FY2021 and FY2022 HazMat Grant Programs:

- A. **Continue Implementation of the HazMat Team Accreditation Program:** An annual update of the regional team's status under the HazMat Team Accreditation Program is an annual requirement of the HazMat Grant Program, and teams are requested to highlight changes in their accreditation forms when submitting updated forms each year as part of the application process. Regional partnerships should use the accreditation process to help guide investments to close gaps and build regional HazMat capabilities. Submission of the documents required to complete the HazMat Team Accreditation Program will be used to measure progress towards closing identified gaps and building capabilities for each regional partnership. **In order to be considered for HazMat Targeted Grant Program funding, each region must update and submit to DHSES at [Grant.Info@dhes.ny.gov](mailto:Grant.Info@dhes.ny.gov) by the application deadline, 5:00 p.m. on November 1, 2023, both application worksheets (one for FY2021 and one for FY2022) and all forms required by OFPC to complete the accreditation self-assessment process.**
- B. **Sustain Existing HazMat Response Capabilities:** DHSES once again is offering the FY2021 and FY2022 HazMat Grant Programs as a resource to local HazMat Teams, working together regionally, to maintain and calibrate the equipment on their WMD Trailers. Regions are also encouraged to allocate funds to sustain other HazMat resources, including equipment previously acquired through previous iterations of the HazMat Grant. **The sustainment of existing capabilities must be prioritized before the development of new capabilities.**
- C. **Develop New, Advanced HazMat Response Capabilities:** Program funds can be used to build new capabilities on a regional basis. New capabilities that will be developed must be justified through an After-Action Review (AAR) from an exercise, real-life incident, identified as a gap in a recent Capability Assessment (such as CEPA), or identified in the Regional HazMat Team Accreditation program assessment.
- D. **Update County Hazardous Materials Response Plans:** As indicated in the local FY2021 and FY2022 SHSP guidance released by DHSES, each county should update its county Hazardous Materials (HazMat) Response Plan that was developed in accordance with General Municipal Law 204-f on a triennial (every three years) basis. Following the review and update, such plans shall be submitted to the DHSES Office of Fire Prevention and Control (OFPC) by email to [OFPC.Fire@dhes.ny.gov](mailto:OFPC.Fire@dhes.ny.gov) for review and comment. With the funding available, counties are reminded that the hiring of full or part time staff to conduct HazMat planning activities is an allowable expense of the FY2021 and FY2022 HazMat Grant Program, subject to a 50% overall personnel cost cap.

## V. Role of the Fiduciary Agent (FA)

As part of the FY2021 and FY2022 application process, each of the HazMat regions outlined in Section II is required to identify a Fiduciary Agent (FA). The HazMat Team serving as the FA for each region is the only entity eligible to apply on behalf of the entire region.

- **Nationwide Cyber Security Review (NCSR) Requirement:** All applicants that receive funding through the FY2021 and FY2022 HazMat Grant Program will be required to participate in the Nationwide Cyber Security Review (NCSR) as a condition of receiving federal homeland security funding. Details concerning accessing and registering for the Nationwide Cyber Security Review (NCSR) can be found at: <https://www.cisecurity.org/ms-isac/services/ncsr/>. It is advised that you coordinate closely with your Information Security Officer (ISO) to determine if your jurisdiction has already completed this requirement – please note that you are only required to submit once for your specific jurisdiction.

The HazMat Team serving as the FA must be a county, city, town, village, or fire district that operates a HazMat Team in New York State.

The responsibilities of the Fiduciary Agent (FA) include:

- Serving as the primary Point of Contact (POC) for DHSES on the grant.
- Conducting regular meetings (e.g., monthly, bi-monthly) of HazMat Teams within the region.
- Ensuring that all recognized HazMat Teams within the region are included in regional efforts.
- Submitting budgets for HazMat Grant funds in coordination with and on behalf of the region.
- Coordinating the purchasing process to ensure sustainment of existing WMD Trailers and their associated response equipment on behalf of the entire region.
- Coordinating purchasing and other efforts related to the HazMat Grant on behalf of the region.
- Completing all required grant reporting forms in coordination with and on behalf of the region.

## VI. Authorized Program Expenditures

**A. Permissible Costs:** Grant funding may be used for certain planning, equipment, training, exercise, and management and administrative costs allowable under the State Homeland Security Program (SHSP). Due to the specialized nature of this program, applications must focus on building regional HazMat Response and Decontamination capabilities. Please refer only to “Exhibit A”, “Allowable Costs Matrix” for detailed information on this program’s allowable costs. Please note that there is a 5% cap on management and administrative costs.

- **Grants Programs Directorate Information Bulletin (IB) 426:** This bulletin is in support of Executive Order 13809 and rescinds restrictions placed on certain controlled equipment that was previously articulated in Information Bulletins 407 and 407a issued by DHS/FEMA. In addition, IB#426 outlines specific policy and documentation requirements for some equipment which continue to require DHS/FEMA approval. If

your agency requests equipment under this grant program that requires pre-approval and that equipment does not receive DHS/FEMA approval, you will be allowed to reprogram those funds towards other approved equipment. Please refer to "Exhibit A" for the specific category of equipment.

- B. Costs Not Permissible:** Construction and Organizational costs are not allowable under this program. *Vehicles and biological detection equipment are NOT eligible expenses under this program.* Applicants (also referred to herein as "Subrecipients" and "Contractors") should refer specifically to "Exhibit A" to obtain clear guidance on allowable costs. Supplanting is not allowable. If you have any questions regarding supplanting, please send them to [Grant.Info@dhses.ny.gov](mailto:Grant.Info@dhses.ny.gov).

## VII. Regional Allocations

Each region will receive a defined allocation for each fiscal year. To determine these allocations, DHSES used the following methodology:

- Each county within a given region receives a base award of \$20,000.
- The remaining funds were allocated based on a formula that considers population and the presence of chemical facilities.<sup>2</sup>
- Within each region, each county's award (base + formula) was summed together to produce a final regional allocation.

Regional allocations for the FY2021 and FY2022 HazMat Grant Program are listed in the following chart.

| HazMat Grant Program Regional Allocations     |                 |  |                   |                   |
|---|-----------------|--|-------------------|-------------------|
| Region  | Fiduciary Agent | Counties/Participating Teams   | FY2021 Allocation | FY2022 Allocation |
| Capital Region HazMat Group                   | Albany County   | Albany, Rensselaer, Saratoga, and Schenectady counties   | \$171,750         | \$171,750         |
| Southern Tier Consortium                      | Broome County   | Broome, Chenango, Delaware, Otsego counties and the Binghamton Fire Department   | \$107,900         | \$107,900         |
| Cayuga-Cortland-Tompkins Regional HazMat Team | Cayuga County   | Cayuga County/City of Auburn HazMat Team, Cortland County/City of Cortland HazMat Team, Tompkins County/City of Ithaca HazMat Team | \$81,900          | \$81,900          |

<sup>2</sup> Chemical facilities were identified based on the Risk Management Plan (RMP) rule under Section 112(r) of the Clean Air Act amendments and the Chemical Facility Anti-Terrorism Standards (CFATS) released by the federal Department of Homeland Security (DHS). The formula for the HazMat Grant includes Tier 1, 2, and 3 chemical facilities (based on CFATS standards).

|  |                   |   |           |           |
|--|-------------------|---|-----------|-----------|
| Southwest Southern Tier                          | Chautauqua County | Allegany, Cattaraugus, Chautauqua counties and the Seneca Nation of Indians   | \$90,700  | \$90,700  |
| Columbia Greene Regional HazMat Team             | Columbia County   | Columbia and Greene counties  | \$44,300  | \$44,300  |
| Buffalo Erie Niagara (BEN) Partnership           | Erie County       | Erie County Hazardous Materials Response Team, Buffalo Fire Department, and Niagara County Hazardous Materials Team   | \$189,800 | \$189,800 |
| Adirondack Regional HazMat Consortium            | Essex County      | Clinton, Essex, Franklin, Hamilton, St. Lawrence, Warren, and Washington counties   | \$179,800 | \$179,800 |
| Western Region HazMat                            | Genesee County    | Genesee, Monroe, Livingston, Orleans, Wyoming counties and the City of Rochester  | \$184,250 | \$184,250 |
| Jefferson/Lewis                                  | Jefferson County  | Jefferson and Lewis counties  | \$56,300  | \$56,300  |
| Nassau County HazMat-WMD Task Force              | Nassau County     | Nassau County Fire Marshal, Nassau County Police, Hicksville Fire Department HazMat Team, Wantagh Fire Department HazMat Team, and the Franklin Square & Munson Fire Department HazMat Team | \$76,900  | \$76,900  |
| Herkimer/Oneida County HazMat Team               | Oneida County     | City of Utica and the City of Rome HazMat teams   | \$63,400  | \$63,400  |
| Central Region Special Emergency Response        | Onondaga County   | Onondaga, Oswego, Madison counties and the City of Syracuse Fire Department   | \$104,800 | \$104,800 |
| Upper Hudson Valley Hazmat Partnership           | Orange County     | Orange, Rockland, Sullivan, and Ulster counties   | \$141,200 | \$141,200 |
| Fulton-Montgomery-Schoharie Regional HazMat Team | Schoharie County  | Fulton, Montgomery, and Schoharie Counties  | \$67,500  | \$67,500  |
| Southern Tier HazMat Group                       | Schuyler County   | Chemung, Schuyler, Steuben, and Tioga counties  | \$114,900 | \$114,900 |
| Finger Lakes Regional Consortium                 | Seneca County     | Ontario, Seneca, Wayne, and Yates counties  | \$110,600 | \$110,600 |

|  |                    |  |                    |                    |
|--|--------------------|--|--------------------|--------------------|
| Suffolk County                         | Suffolk County     | Suffolk County Fire Rescue & Emergency Services, Suffolk County Police Department Emergency Services Unit, Stony Brook University Fire Marshals, Brookhaven National Laboratory, Brookhaven Town Fire Marshal, Town of Babylon, Town of Islip, Town of Southampton | \$91,500           | \$91,500           |
| Lower Hudson Valley HazMat Partnership | Westchester County | Dutchess County HazMat Team, Putnam County HazMat Team, and Westchester County HazMat Team   | \$122,500          | \$122,500          |
| <b>Total</b>                           |                    |  | <b>\$2,000,000</b> | <b>\$2,000,000</b> |

Each region is required to develop a Regional Spending Plan for their allocation. The spending plan must be developed via an inclusive process, with representatives from all known (and interested) HazMat Teams within the region. It will be the responsibility of the Fiduciary Agent (FA) to oversee this process within the region. As part of each grant application, the County Fire Coordinator(s) from each region must provide his/her signature to certify that consensus was reached and that the proposed plan best meets the needs of the entire region. Please refer to Section VIII for additional details.

### VIII. Application Format and Content

Each region's proposed Regional Spending Plan will be submitted to DHSES via a Microsoft Excel template as part of the Application Worksheets. **A separate Application Worksheet must be submitted for FY2021 and FY2022.** The Application Worksheet includes additional questions regarding the region's structure, activities, and proposed Regional Spending Plan. This Application Worksheet includes a section where each County Fire Coordinator<sup>3</sup> in a given region will be required to provide their signature to certify that consensus was reached on the Regional Spending Plan and that the plan best meets the needs of the entire region. Additionally, each partnership must also submit the appropriate HazMat Team Accreditation Program forms to DHSES/OFPC with their application in order to be eligible for funding.

All application documents must be submitted via email to DHSES ([Grant.Info@dhses.ny.gov](mailto:Grant.Info@dhses.ny.gov)) by 5:00 p.m. on November 1, 2023.

### IX. Application Review and Evaluation Process

The following criteria will be used by DHSES to evaluate each application and to determine grant awards. Staff from the DHSES Office of Fire Prevention and Control (OFPC) and the DHSES Grants

<sup>3</sup> In the event that the responsibility for HazMat operations falls under the County Emergency Manager (and not the County Fire Coordinator), then the County Emergency Manager is authorized to sign off on the regional spending plan for his/her county.

Program Administration unit will evaluate applications. All grant awards are approved by the Commissioner of DHSES.

#### **A. Tier 1 Criteria**

Tier 1 criteria are rated either “yes” or “no” and serve as a baseline review by DHSES to determine if applicants are eligible and have appropriately submitted all of the required application materials prior to review by the multi-agency review committee. If any of the answers to the criteria below is “no,” the application may be disqualified without further review and consideration for an award.

1. Was the application submitted on time?
2. Is the application complete? The required attachments must be provided by email by the submission due date.
  - Were separate FY2021 and FY2022 HazMat Grant Program Application Worksheets submitted?
  - Is the HazMat Regional Consensus (second tab of application worksheet) completed, signed, and submitted for each fiscal year?
  - Were completed forms for the HazMat Accreditation program submitted with the application (one submission will cover both FY2021 and FY2022)?
3. Did the application meet the eligibility requirements?

DHSES reserves the right to contact applicants to request clarification and/or additional information to substantiate their request. In the event that any eligible applicants fail to apply for their allocated funding, DHSES reserves the right to reallocate any unapplied funds evenly amongst all eligible applicants that successfully applied for HazMat Grant Program funds by the application deadline. Revised budgets will be requested from applicants should additional funding become available.

#### **X. Timeline and Checklist of Required Documents**

Applications are due to DHSES by **5:00 p.m. on November 1, 2023**. Applications must be submitted to DHSES via email ([Grant.Info@dhses.ny.gov](mailto:Grant.Info@dhses.ny.gov)). As a reminder, applications that are not received by the due date may not be considered for funding.

Complete applications must include:

- Regional Spending Plan and application worksheet (in Excel), including signatures from each County Fire Coordinator in a given region certifying their consensus with, and approval of, the Regional Spending Plan. The Regional Consensus tab of the application worksheet may be printed for signatures and a scanned copy of the required form with signatures may be included along with the Excel copy of the worksheet.
- HazMat Team Accreditation forms (submitted with your grant application to [Grant.Info@dhses.ny.gov](mailto:Grant.Info@dhses.ny.gov)).

## **XI. Approval and Notification of Award**

The Commissioner of DHSES will provide oversight of the grant review process. The Commissioner will announce the final grant award decisions based on the review panel's rating of applications and recommendations. DHSES will notify all applicants in writing as to final grant award determinations. Nothing herein requires or prohibits DHSES to approve grant funding for any one applicant, certain applicants, all applicants or no applicants. Any disbursement of an award is contingent upon entering into a contract with DHSES, as explained in further detail below.

Pursuant to Section 163(9)(c) of the State Finance Law, any unsuccessful Bidder may submit a written request for a debriefing regarding the reasons that the Bid submitted by the Bidder was not selected for award. Requests for a debriefing must be made within 15 calendar days of notification by DHSES that the Bid submitted by the Bidder was not selected for award. An unsuccessful Bidder's written request for a debriefing shall be submitted to DHSES Director of Grants Program Administration. The debriefing shall be scheduled within 10 business days of receipt of the written request by DHSES or as soon as practicable under the circumstances.

## **XII. Administration of Grant Contracts**

DHSES will negotiate and develop a grant contract with the applicant or the submitting partner of successful regional partnerships based on the contents of the submitted application and intent of the grant program as outlined in this RFA. The grant contract is subject to approval by the NYS Office of the Attorney General and the Office of the State Comptroller before grant funding may actually be disbursed to reimburse project expenses.

The period of performance for contracts supported by the FY2021 HazMat Grant Program funds will be determined once awards have been approved but cannot extend beyond **August 31, 2024**. The period of performance for contracts supported by the FY2022 HazMat Grant Program funds will be determined once awards have been approved but cannot extend beyond **August 31, 2025**. Although the contract format may vary, the contract will include such standard terms and conditions included in DHSES grant contracts available for review on the DHSES website: <https://www.dhSES.ny.gov/grant-reporting-forms>.

Applicants agree to adhere to all applicable state and federal regulations.

### **A. Issuing Agency**

This RFA is issued by DHSES, which is responsible for the requirements specified herein and for the evaluation of all applications.

## **B. Filing an Application**

Grant applications must be submitted via electronic mail (e-mail) to the Grants Program Administration unit of DHSES. Completed applications, along with any required documentation, must be submitted to [Grant.Info@dhses.ny.gov](mailto:Grant.Info@dhses.ny.gov) by the application deadline, 5:00 p.m. on November 1, 2023.

Completed applications must include:

1. A separate Spending Plan and Application Worksheet (in Excel) for each fiscal year (FY2021 and FY2022).
2. Applications must include signatures from each county Emergency Manager or County Fire Coordinator in a given region certifying their consensus with, and approval of, the Regional Spending Plan.

## **C. Reservation of Rights**

The issuance of this RFA and the submission of a response or the acceptance of such response by DHSES does not obligate DHSES in any manner. DHSES reserves the right to:

1. Reject any and all applications received in response to this RFA;
2. Withdraw the RFA at any time at DHSES' sole discretion;
3. Make an award under the RFA in whole or in part;
4. Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA;
5. Seek clarifications and revisions of the applications;
6. Use application information obtained through site visits, management interviews and the State's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or information submitted by the applicant in response to DHSES' request for clarifying information in the course of evaluation and/or selection under the RFA;
7. Prior to the application opening, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available;
8. Prior to the application opening, direct applicants to submit application modifications addressing subsequent RFA amendments;
9. Change any of the scheduled dates;
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all the prospective applicants;
11. Waive any requirements that are not material;
12. Negotiate with successful applicants within the scope of the RFA in the best interests of the State;
13. Conduct contract negotiations with the next responsible applicant, should DHSES be unsuccessful in negotiating with the selected applicant;
14. Utilize any and all ideas submitted in the applications received;
15. Unless otherwise specified in the RFA, every offer is firm and not revocable for a period of 60 days from the application opening; and,

16. Communicate with any applicant at any time during the application process to clarify responses and /or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an applicant's proposal and/or to determine an applicant's compliance with the requirements of this RFA.
17. Award grants based on geographic or regional considerations to serve the best interests of the State.
18. Terminate, renew, amend or renegotiate contracts with applicants at the discretion of DHSES.
19. Periodically monitor the applicant's performance in all areas mentioned above, in addition to the activities in the contract.
20. Revoke funds awarded to an applicant, or enforce any available sanction against any applicant, who materially alters the activities or is in material noncompliance under the grant award, or who does not implement an approved project within 60 days of the final contract approval.
21. Consider all applications and documentation submitted as State agency records subject to the New York State Freedom of Information Law (Public Officers Law, Article 6). Any portion of the application that an applicant believes constitutes proprietary or critical infrastructure information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the application.
22. Applicants funded through this program agree to provide DHSES, upon request at any time during the life of the grant contract, such cooperation and information deemed necessary by DHSES to ascertain: (1) the nature and extent of any threats or hazards that may pose a risk to the applicant; and (2) the status of any corresponding applicant or applicant plans, capabilities, or other resources for preventing, protecting against, mitigating, responding to, and recovering from such threats or hazards.
23. Require applicants to attend and participate in any DHSES-sponsored conferences, training, workshops or meetings (excluding those identified by DHSES as voluntary) that may be conducted, by and at the request of DHSES, during the life of the grant contract.
24. In its sole discretion, reserves the sole discretion to increase or decrease the total funding available for this program at any time, resulting in more or fewer applications funded under this RFA.

DHSES may exercise the foregoing rights at any time without notice and without liability to any responding applicant or any other party for its expenses incurred in preparation of responses hereto or otherwise. All costs associated with responding to this RFA will be at the sole cost and expense of the applicant.

#### **D. Term of the Contract**

Any resulting contract or agreement for more than \$50,000 from this RFA will be effective only upon approval by both the NYS Office of the Attorney General and State Comptroller. Any resulting contract for \$50,000 and under from this RFA will be effective upon signature of both parties. For grants valued at \$10,000 or less, a Purchase Order invoking a "Letter of Agreement" between DHSES and the successful applicant will be issued.

## **E. Payment and Reporting Requirements of Grant Awardees**

### **1. Standard Cost Reimbursement Contract**

Each successful applicant must enter into a standard cost reimbursement contract with DHSES. Such contract will include this Request for Applications, the successful applicant's proposal, any attachments or exhibits and the standard clauses required by the NYS Attorney General for all State contracts (available upon request). The contract will be subject to approval by the Attorney General and State Comptroller. Although the contract format may vary, the contract will include such clauses, information, and rights and responsibilities as can be found on the DHSES website, including:

|                |  |
|----------------|--|
| APPENDIX A-1 - | Agency Specific Clauses or a Letter of Agreement (Depending upon Funding Amount) |
| APPENDIX B -   | Budget   |
| APPENDIX C -   | Payment and Reporting Schedule   |
| APPENDIX D -   | Workplan/Special Conditions  |

For purposes of this RFA, these terms and conditions are incorporated by reference and the applicant must agree to the inclusion of all of these terms and conditions in any resulting grant contracts as part of the application submission. Copies of the standard terms and conditions included in DHSES grant contracts are available for review on the DHSES website at <https://www.dhSES.ny.gov/grant-reporting-forms> . Payments will be made subject to proper documentation and compliance with reimbursement procedures and all other contractual requirements.

### **2. Compliance with State and Federal Laws and Regulations, Including Procurement and Audit Requirements**

#### **2 CFR Part 200**

Applicants (also referred to herein as "Subrecipients") are responsible to become familiar with and comply with all state and federal laws and regulations applicable to these funds. Applicants are required to consult with the DHSES standard contract language (referenced above) for more information on specific requirements. Additionally, applicants must comply with all the requirements in 2 CFR Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards). Applicants are required to understand and adhere to all federal requirements. You may access 2 CFR Part 200 at: <https://www.ecfr.gov/cgi-bin/text-idx?SID=1c9afe07b881b32365c2f4ce1db64860&mc=true&node=pt2.1.200&rgn=div5>

#### **Procurements**

Additionally, applicants must follow and comply with all procurement procedures under General Municipal Law 5A and 2 CFR Part 200, Subpart D (see 2 CFR §§200.317-.327), and/or any other state or federal regulations applicable to these funds and will be subject to monitoring by DHSES to ensure compliance.

### **Single Audit**

Applicants that expend \$750,000 or more from all Federal funding sources during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with the requirements of U.S. Government Accountability Office's (GAO) Government Auditing Standards, located at <http://www.gao.gov>, and the requirements of Subpart F of 2 CFR Part 200 located at: <http://www.ecfr.gov/cgi-bin/text-idx?node=sp2.1.200.f>.

### **Environmental and Historic Preservation (EHP) Compliance**

As a federal agency, DHS/FEMA is required to consider the effects of its actions on the environment and/or historic properties to ensure that all activities and programs funded by DHS/FEMA, including grant-funded projects, comply with Federal EHP regulations, laws and Executive Orders, as applicable. Sub-recipients proposing projects that have the potential to impact the environment, including but not limited to the modification or renovation of existing buildings, structures and facilities, or new construction including replacement of facilities, must participate in the DHS/FEMA EHP review process. The EHP review process involves the submission of a detailed project description along with supporting documentation so that DHS/FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, DHS/FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive order, regulations, and policies.

### **Conflict of Interest**

Pursuant to 2 CFR §200.112, in order to eliminate and reduce the impact of conflicts of interest in the sub-award process, applicants must follow their own policies and procedures regarding the elimination or reduction of conflicts of interest when making sub-awards. Applicants are also required to follow any applicable state, local, or Tribal statutes or regulations governing conflicts of interest in the making of sub-awards.

The applicant must disclose to the respective Contract Representative, in writing, any real or potential conflict of interest as defined by the Federal, state, local, or Tribal statutes or regulations or their own existing policies, which may arise during the administration of the Federal award within five days of learning of the conflict of interest. Similarly, applicants must disclose any real or potential conflict of interest to the pass-through entity (State) as required by the applicant's conflict of interest policies, or any applicable state, local, or Tribal statutes or regulations.

Conflicts of interest may arise during the process of DHS/FEMA making a Federal award in situations where an employee, officer, or agent, any members of his or her immediate family, his or her partner has a close personal relationship, a business relationship, or a professional relationship, with an applicant, sub-applicant, recipient, subrecipient, or DHS/FEMA employees.

Additionally, applicants must disclose, in writing to the Federal Awarding Agency or to the pass-through entity (State) all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in

any of the remedies described in § 200.339. Remedies for noncompliance, including suspension or debarment. (See also 2 CFR part 180 and 31 U.S.C. 3321).

**Contracting with Small and Minority Firms, Women's Business Enterprise and Labor Surplus Area Firms**

Pursuant to New York State Executive Law Article 15-A, the New York State Division of Homeland Security and Emergency Services recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of New York State Division of Homeland Security and Emergency Services contracts. Minority and women-owned business enterprises can be readily identified on the directory of certified businesses at: <https://ny.newnycontracts.com/>.

All qualified applicants shall be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Consistent with 2 CFR §200.321, non-Federal contracting entities must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

For purposes of this solicitation, applicants and subcontractors are hereby notified the State of New York has set an overall goal of **30% for MWBE participation** or more, **15% for Minority-Owned Business Enterprises ("MBE")** participation and **15% for Women-Owned Business Enterprises ("WBE")** participation, based on the current availability of qualified MBEs and WBEs for your project needs.

An applicant on any contract resulting from this procurement ("Contract") must incorporate the affirmative steps above into its grant management policies and procedures.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the applicant and subrecipients will 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 Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

#### **Sexual Harassment Prevention**

By submitting this application, Applicants are certifying that Applicant has a policy addressing sexual harassment prevention and that applicant provides sexual harassment training to all its employees on an annual basis that meets the Department of Labor's model policy and training standards. If Applicant cannot make the certification, the Applicant may provide an explanatory statement with its bids detailing the reasons why the certification cannot be made.

#### **Use of Service-Disabled Veteran-Owned Business Enterprises in Contract Performance**

Article 3 of the Veterans' Services Law acknowledges that Service-Disabled Veteran-Owned Businesses (SDVOBs) strongly contribute to the economics of the State and the nation. As defenders of our nation and in recognition of their economic activity in doing business in New York State, bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles. SDVOBs can be readily identified on the directory of certified businesses at <https://online.ogs.ny.gov/SDVOB/search>

Bidders/proposers need to be aware that all authorized users of this contract will be strongly encouraged to the maximum extent practical and consistent with legal requirements of applicable federal laws and regulations including 2 CFR Part 200, State Finance Law, General Municipal Law and the Executive Law to use responsible and responsive SDVOBs in purchasing and utilizing commodities, services and technology that are of equal quality and functionality to those that may be obtained from non-SDVOBs. Furthermore, bidders/proposers are reminded that they must continue to utilize small, minority and women-owned businesses consistent with current State Law. Utilizing SDVOBs in State contracts will help create more private sector jobs, rebuild New York State's infrastructure, and maximize economic activity to the mutual benefit of the contractor and its SDVOB partners. SDVOBs will promote the contractor's optimal performance under the contract, thereby fully benefiting the public sector programs that are supported by associated public procurements.

Public procurements can drive and improve the State's economic engine through promotion of the use of SDVOBs by its contractors. The State, therefore, expects bidders and proposers to provide maximum assistance to SDVOBs in their contract performance. The potential participation by all kinds of SDVOBs will deliver great value to the State and its taxpayers.

For purposes of this solicitation, applicants and subrecipients are hereby notified the State of New York has set an overall goal of 6% for SDVOB participation or more.

Contractor will report on actual participation by each SDVOB during the term of the contract to the contracting agency/authority according to policies and procedures set by the contracting agency/authority.

### **Worker's Compensation and Disability Benefits Insurance Coverage**

By submitting this application, Applicants are certifying that Applicant has workers' compensation and disability coverage. If Applicant cannot make the certification, the Applicant may provide an exemption statement with its bids detailing the reasons why the certification cannot be made.

### **3. Iran Divestment Act**

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). 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 proposal in response to this RFA, or by assuming the responsibility of a Contract awarded hereunder, the applicant (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, applicants are advised that once the list is posted on the OGS website, any applicant seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to the 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 DHSES receive information that a person is in violation of the above-referenced certification, DHSES will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then DHSES shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default. DHSES reserves the right to reject any bid or request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.

### **4. Vendor Responsibility**

State Finance Law §163(9)(f) requires a State Agency to make a determination that an applicant is responsible prior to awarding that applicant a State contract which may be based on numerous factors, including, but not limited to the applicants: (1) financial and organizational capacity; (2) legal authority

to do business in this State; (3) integrity of the owners, officers, principals, members, and contract managers; and (4) past performance of the applicant on prior government contracts. Thereafter, applicants shall at all times during the Contract term remain responsible. The applicant agrees, if requested by the Commissioner of DHSES, or his or her designee, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity. DHSES requires that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System, see the VendRep System Instructions available at: [http://www.osc.state.ny.us/vendrep/info\\_vrsystem.htm](http://www.osc.state.ny.us/vendrep/info_vrsystem.htm) or go directly to the VendRep system online at <https://onlineservices.osc.state.ny.us/Enrollment/login?0> . Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at [ITServiceDesk@osc.state.ny.us](mailto:ITServiceDesk@osc.state.ny.us). Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website [http://www.osc.state.ny.us/vendrep/forms\\_vendor.htm](http://www.osc.state.ny.us/vendrep/forms_vendor.htm) or may contact the Office of the State Comptroller's Help Desk for a copy of the paper form. Applicants will also be required to complete and submit a Vendor Responsibility Questionnaire prior to contracting.

**a) Suspension of Work for Non-Responsibility:**

The Commissioner of DHSES or his or her designee, in his or her sole discretion, reserves the right to suspend any or all activities under the Contract, at any time, when he or she discovers information that calls into question the responsibility of the applicant. In the event of such suspension, the applicant will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the Contractor must comply with the terms of the suspension order. Contract activity may resume at such time as the Commissioner of DHSES or his or her designee issues a written notice authorizing the resumption of performance under the Contract.

**b) Termination for Non-Responsibility:**

Upon written notice to the applicant, and a reasonable opportunity to be heard by appropriate DHSES officials or staff, the Contract may be terminated by the Commissioner of DHSES or his or her designee at the applicant's expense where the applicant is determined by the Commissioner of DHSES or his or her designee to be non-responsible. In such event, the Commissioner of DHSES or his or her designee may complete the contractual requirements in any manner he or she may deem advisable and pursue legal or equitable remedies for breach. Applicants shall at all times during the Contract term remain responsible. The applicant agrees, if requested by the Commissioner of DHSES, or his or her designee, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity.

## **F. Satisfactory Progress**

Satisfactory progress toward implementation includes but is not limited to; executing contracts and submitting payment requests in a timely fashion, retaining consultants, completing plans, designs, reports, or other tasks identified in the work program within the time allocated for their completion. DHSES may recapture awarded funds if satisfactory progress is not being made on the implementation of a grant project.

## **G. General Specifications**

By submitting the application, the applicant attests that:

1. Applicant has express authority to submit on behalf of the applicant's agency.
2. Submission of an application indicates the applicant's acceptance of all conditions and terms contained in this RFA, including Appendices A-1 and C, and all other terms and conditions of the award contract.
3. The application and any resulting grant, if awarded, must adhere to, and be in full compliance with any, resulting contract(s) and relevant federal and states policies and regulations or be subject to termination.
4. Any not-for-profit subrecipients are required to be prequalified, prior to contract execution, by the State of New York upon application submission through the New York State Grants Gateway (<https://grantsgateway.ny.gov>)
5. If your organization is not currently doing business with NYS, you will need to submit a Substitute W-9 form to obtain a NYS Vendor ID. The form is available on the Office of the State Comptroller website at: <http://www.osc.state.ny.us/state-agencies/forms>.
6. Contract Changes - Contracts with applicants/subrecipients may be executed, terminated, renewed, increased, reduced, extended, amended, or renegotiated at the discretion of the Commissioner of DHSES, in light of applicants/subrecipients performance, changes in project conditions, or otherwise.
7. Records – Applicants/subrecipients must keep books, ledgers, receipts, work records, consultant agreements and inventory records pertinent to the project; and in a manner consistent with DHSES contractual provisions and mandated guidelines.
8. Liability - Nothing in the contract between DHSES and the applicant shall impose liability on the State of New York or DHSES for injury incurred during the performance of approved activities or caused by use of equipment purchased with grant funds.
9. Reports - A provider agency shall submit to the DHSES reports in a format and time schedule specified in the grant contract, which shall include a description of the program efforts undertaken during the report period and the current status of the project.
10. Tax Law Section 5-a Certification – In accordance with section 5–a of the Tax Law, subrecipients will be required, prior to the approval of any contract awarded as a result of this RFA, to certify that it and its affiliates, subcontractors, and subcontractors' affiliates have registered with the New York State Tax Department for the purpose of collection and remittance of sales and use taxes. In order to trigger this certification requirement, a subrecipient or its affiliates, subcontractor, or subcontractors' affiliates must have

made more than \$300,000 in sales of tangible personal property or taxable services to location within New York State and the contract must be valued in excess of \$100,000. Certification will take the form of a completed Tax Form ST-220 (1/05).

11. Standard Contract Provisions - Grant contracts executed as a result of this RFA process will be subject to the standard clauses for New York State Contracts as referenced herein and as located at:  
<https://ogs.ny.gov/system/files/documents/2023/06/appendix-a-june-2023.pdf>.
12. Compliance with Procurement Requirements - The applicant shall certify to DHSES that all applicable federal and contractual procurement procedures were followed and complied with for all procurements.

## **H. Special Conditions**

### **New York State Emergency Management Certification and Training Program**

1. Participation in, and successful completion of, the New York State Emergency Management Certification and Training Program (EMC Training Program) is a mandatory requirement under this Contract and a condition of funding. The EMC Training Program will be made available to, and required for, DHSES-specified county and city government officials in order to ensure a consistent emergency management preparedness and response strategy across the State. Attendee substitutions, except as expressly approved by DHSES, shall not be permitted or deemed to be in compliance with this requirement.
2. To fulfill the EMC Training Program requirement of the Contract and in order to be eligible for funding under this Contract, applicants must arrange for DHSES-specified applicant employees to receive and acknowledge receipt of EMC Training no later than 180 days after execution of this Contract. Copies of the training certificates for each required participant must be submitted to DHSES upon execution of the Contract, or, in the event that training is scheduled, but not yet complete, the applicant will be required to submit a signed statement indicating the scheduled future dates of attendance, and no later than thirty (30) days after the training is complete, forward such training certificates to DHSES. Continued compliance with the EMC Training Program also requires an annual refresher training of one day per 365 day-cycle from the date of initial training for previously trained individuals if such person remains employed by the applicant and fulfilling the same functions as he or she fulfilled during the initial training. Should a new employee be designated to serve in the DHSES-specified positions, then he or she must come into compliance with the EMC Training Program requirements not later than 180 days after taking office.
3. Applicants must commit to active participation in a DHSES Annual Capabilities Assessment as a condition of funding. Active participation includes making reasonable staff, records, information, and time resources available to DHSES to perform the Annual Capabilities Assessment and meet the objectives and goals of the program. Applicants must be aware that the process of conducting a DHSES Annual Risk Assessment is an ongoing process and requires a continued commitment on the part of the applicant to ensure that it is effective.

4. All applicants funded through this program agree to provide DHSES, upon request at any time during the life of the grant contract, such cooperation and information deemed necessary by DHSES to ascertain: (1) the nature and extent of any threats or hazards that may pose a risk to the recipients or subrecipients; and (2) the status of any corresponding recipients or subrecipients plans, capabilities, or other resources for preventing, protecting against, mitigating, responding to, and recovering from such threats or hazards.
5. Additionally, pursuant to Article 26 of the NYS Executive law, DHSES is authorized to undertake periodic drills and simulations designed to assess and prepare responses to terrorist acts or threats and other natural and man-made disasters. Funded applicants agree to attend and participate in any DHSES-sponsored conferences, training, workshops or meetings (excluding those identified by DHSES as voluntary) that may be conducted, by and at the request of DHSES, during the life of the grant contract.
6. Failure to comply with any of the requirements, as listed above, may result in sanctions up to and including the immediate suspension and/or revocation of the grant award.

### **XIII. Questions**

Questions regarding the FY2021 and FY2022 HazMat Grant Programs should be directed to the following email address: [Grant.Info@dhses.ny.gov](mailto:Grant.Info@dhses.ny.gov). To the degree possible, each inquiry should cite the RFA section and paragraph to which it refers.

## Exhibit A: Allowable Costs Matrix

**Reminder:** Please note that the allowable costs for the FY2021 and FY2022 HazMat Grant Programs are more restrictive than the more general FY2021 and FY2022 State Homeland Security Program (SHSP) because of the specialized nature of this targeted grant program. Accordingly, please refer only to “Exhibit A” of this Request for Applications (RFA) for details on allowable costs. Also see 2 CFR §200.400-.475 (Subpart E) for additional requirements on costs.

**Personnel Cap:** Under the FY2021 and FY2022 HazMat Grant Programs, there is a 50% cap on personnel costs. Personnel Costs include OT/Backfill for Training and Exercises; costs associated with hiring part or full-time staff; and most consultant costs (unless the consultant is developing a defined deliverable or installing equipment).

| Planning Costs  |
|---|
| Develop and enhance plans and protocols   |
| Develop and conduct assessments   |
| Hiring of full or part-time staff or contractors/consultants to assist with planning activities (not for the purpose of hiring public safety personnel fulfilling traditional public safety duties) |
| Conferences to facilitate planning activities   |
| Materials required to conduct planning activities   |
| Travel/per diem related to planning activities  |
| Overtime and backfill costs (IAW operation Cost Guidance)   |
| Equipment Categories  |
| Personal Protective Equipment   |
| CBRNE Operational Search & Rescue Equipment<br>Note: Certain equipment (not all) within this category requires DHS/FEMA approval pursuant to Information Bulletin 426.                              |
| Information Technology  |
| Interoperable Communications Equipment (must be P-25 compliant)   |
| Detection Equipment<br>Note: Biological Detection Equipment is <u>not</u> allowable under the FY2021 and FY2022 HazMat Grants   |
| Decontamination Equipment   |
| Emergency Medical Equipment specifically assigned to HazMat teams   |
| Power Equipment   |
| CBRNE Reference Materials   |
| CBRNE Logistical Support Equipment  |
| Training Related Costs  |
| Overtime & backfill for emergency preparedness & response personnel attending FEMA-sponsored & approved training classes & technical assistance programs  |
| Overtime & backfill expenses for part-time & volunteer emergency response personnel participating in FEMA training  |
| Training workshops & conferences  |
| Part-time staff or contractors/consultants (not full-time)  |
| Travel  |

|  |
|--|
| Supplies   |
| Training props (must provide description of need that links to specific NFPA 472 job performance requirements)   |
| Other Items (with prior approval by DHSES)   |
| <b>Exercise Related Costs</b>  |
| Design, Develop, Conduct & Evaluate an Exercise  |
| Exercise planning workshop   |
| Part-time staff or contractors/consultants (not full-time)   |
| Overtime & backfill costs, including expenses for part-time & volunteer emergency response personnel participating in FEMA exercises   |
| Implementation of HSEEP  |
| Travel   |
| Supplies   |
| Other Items  |
| <b>Management and Administrative (M&amp;A) Costs</b>   |
| Hiring of full or part-time staff or contractors/consultants to assist with the management of the respective grant program, application requirements, compliance with reporting & data collection requirements |
| Development of operating plans for information collection & processing necessary to respond to FEMA data calls   |
| Overtime and backfill costs  |
| Travel   |
| Meeting related expenses   |
| Authorized office equipment  |
| Recurring expenses such as those associated with cell phones & faxes during the period of performance of the grant program   |

## Unallowable Costs

|   |
|---|
| Public Education and Outreach   |
| Develop and implement homeland security support programs & adopt ongoing DHS National Initiatives, including State Preparedness Reports                   |
| Establish, enhance, or evaluate Citizen Corps related volunteer programs  |
| Overtime for information, investigative, & intelligence sharing activities  |
| Hiring of new staff positions/contractors/consultants for participation in information/intelligence analysis & sharing groups or fusion center activities |
| Explosive Device Mitigation & Remediation Equipment   |
| Cyber Security Enhancement Equipment  |
| CBRNE Incident Response Vehicles  |
| Terrorism Incident Prevention Equipment   |
| Physical Security Enhancement Equipment   |
| Inspection & Screening Systems  |
| Agricultural Terrorism Prevention, Response, & Mitigation Equipment   |
| CBRNE Response Watercraft (Requires DHS approval)   |
| CBRNE Aviation Equipment (AEL Category 18)  |
| Intervention Equipment  |
| Other Equipment unless pre-approved by DHSES  |
| Tuition for Higher Education  |
| Construction costs are not allowable  |
| Leasing or renting of space for newly hired personnel during the period of performance of the grant program   |

2024 BUDGET AMENDMENT

APPROPRIATIONS

| RESOLUTION NO. BTCH | ACCOUNT NO. | RESOLUTION DESCRIPTION | INCREASE   | DECREASE |        |
|---------------------|-------------|------------------------|------------|----------|--------|
| A9 3110 2           | 2750 HAZ22  | SECURITY EQUIPMENT     | 100,000.00 |          | CREATE |
| A9 3110 4           | 4046 HAZ22  | FEES FOR SERVICES      | 71,750.00  |          | CREATE |
|                     |             | TOTAL APPROPRIATIONS   | 171,750.00 | 0.00     |        |

REVENUES

| RESOLUTION NO. BTCH | ACCOUNT NO. | RESOLUTION DESCRIPTION | DECREASE   | INCREASE   |        |
|---------------------|-------------|------------------------|------------|------------|--------|
| A3 3110             | 03306 HAZ22 | HOMELAND SECURITY      |            | 171,750.00 | CREATE |
|                     |             | TOTAL REVENUES         | 0.00       | 171,750.00 |        |
|                     |             | GRAND TOTALS           | 171,750.00 | 171,750.00 |        |

Attn: Comptrollers Office - new project code - HAZ22 (Description "HAZMAT 2022 Grant")