



DOCUMENTARY HERITAGE PROGRAM • 9C71 Cultural Education Center • Albany, NY 12230 • (518) 474-6926

DOCUMENTARY HERITAGE PROGRAM (DHP)

Grant Application Guidelines and Resources 2020-2021

Application Deadline
Tuesday, January 14, 2020

All applications must be submitted electronically.
If you have difficulty completing the online application, contact the DHP Office at 518-474-3229.



The University of the State of New York
The State Education Department
New York State Archives
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Section I, DHP Grant Application Information

Introduction

Documentary Heritage Program (DHP) grants are designed to build a more comprehensive and equitable documentation of New York State's history and culture by supporting projects that identify, survey, collect, arrange, describe, and make available records that relate to groups and topics traditionally under-represented in the State's historical record.

Background

The Documentary Heritage Program is a statewide program established in 1988 by the New York Documentary Heritage Act (Education Law, Section 140) to provide financial support and guidance to not-for-profit organizations that hold, collect, and make available New York State's **historical records**. Funding is available to support projects that relate to groups and topics traditionally under-represented in New York's historical record.

The New York State Education Department's (NYSED) 2020-2021 appropriation for DHP includes \$92,000 for DHP Grants. There are two DHP Grant Project Types: "Documentation" and "Arrangement & Description." DHP is administered by the New York State Archives, a unit of the New York State Education Department.

Application Deadline and DHP Contact Information

Application Submission Deadline: Tuesday, January 14, 2020

Applications submitted after 5pm January 14, 2020 will not be considered.

All original signatures must be in blue ink!

The grant application is electronic and must be submitted online; however, select forms must also be printed, signed in blue ink, and postmarked by January 14, 2020 and mailed to the DHP Office:

Documentary Heritage Program
New York State Archives
9C71 Cultural Education Center
222 Madison Avenue
Albany, NY 12230

Need help? Contact Us

John Diefenderfer or Heather Carroll
Documentary Heritage Program
New York State Archives
(518) 474-6926

archdhp@nysed.gov

http://www.archives.nysed.gov/grants/grants_dhp.shtml

Abbreviations Used in These Guidelines

CAU	Contract Administration Unit
DHP	Documentary Heritage Program
FTE	Full-Time Equivalent [employee]
MARC Record	Machine Readable Cataloging Record
M/WBE	Minority and Women Owned Business Enterprise
NOI	Notice of Intent
NYSA	New York State Archives
NYSED	New York State Education Department
OSC	Office of the State Comptroller
WCL	Workers' Compensation Law

Timetable for DHP Grant Projects

- | | |
|--------------------------|--|
| December 21, 2019 | <ul style="list-style-type: none">▪ Due date for submitting the Notice of Intent (NOI) to apply for a DHP Grant for the 2020-2021 grant year. NOI is recommended, not required.▪ Send the NOI to dhs@nysed.gov |
| December 28, 2019 | <ul style="list-style-type: none">▪ Deadline for questions about the grant application▪ Prior to this date, FAQs will be posted online on a rolling basis. Send questions to archdhp@nysed.gov |
| January 14, 2020 | <ul style="list-style-type: none">▪ Grant applications must be submitted electronically on or by this date at 5pm. Also, the paper signature forms required for all applications must be mailed to DHP Office and postmarked by this date. |
| July 1, 2020 | <ul style="list-style-type: none">▪ Grant projects may start contingent on final administrative approval. |
| February, 2021 | <ul style="list-style-type: none">▪ Midterm report due: send a simple status report via email to dhs@nysed.gov. |
| June 30, 2021 | <ul style="list-style-type: none">▪ All work on grant projects must be completed. |
| July 31, 2021 | <ul style="list-style-type: none">▪ Final narrative and final expenditure reports due; forms will be available in the online application portal; completed forms must be submitted by this date. |

Amount of Grant Awards

Grants will be made in amounts up to \$25,000. A maximum of \$92,000 total is available for all grants combined in this cycle.

Eligibility Criteria

1) Prequalification Requirement

The State of New York has implemented a statewide prequalification process to facilitate prompt contracting for not-for-profit applicants. All DHP Grant applicants are required to prequalify prior to grant application. All applicants must register in [Grants Gateway](#) and complete the Vendor Prequalification process (see Appendix 1 and <https://grantsmanagement.ny.gov/get-prequalified>).

2) Minority and Women-Owned Business Enterprises (M/WBE)

New York State Education Department is committed to promoting the participation of certified M/WBE to the greatest extent possible (see Appendix 2).

3) Not-for-Profit Organizations

Eligible applicants include not-for-profit organizations, archives, libraries, historical societies, and similar institutions within New York State and consortia or partnerships of such agencies. Historical service agencies, colleges, universities, professional associations, and other not-for-profit institutions or systems that provide public access to historical records are also eligible. Consortia must meet the requirements outlined in the NYSED Consortium Policy for State and Federal Discretionary Grant Programs (see item 6 below).

To be eligible to apply for a DHP Grant, applicants must have not-for-profit status under Part 501(c)(3) of the United States Internal Revenue Code unless they are a SUNY/CUNY institution as described below. A copy of the determination document proving certification of not-for-profit status as described above must be included with your application. Note: a Tax Exemption Certificate is not proof of not-for-profit status.

4) SUNY/CUNY Institutions

An institution of State University of New York (SUNY) or City University of New York (CUNY) may apply for DHP Grants for projects to arrange and describe **external records** in their possession, and for documentation projects.

An institution of SUNY may apply for DHP Grants for projects to arrange and describe **internal records** generated by the institution before July 1, 1948, or before the subsequent date on which the institution became a component of SUNY.

An institution of CUNY may apply for DHP Grants for projects to arrange and describe internal records generated by the institution before July 1, 1979, or before the subsequent date on which the institution became a component of CUNY.

5) Religious Institutions

Religious institutions are eligible to apply for DHP Grants if they can certify not-for-profit status under Part 501(c)(3) of the United States Internal Revenue Code, and if their records are made available to the public.

6) Partnerships and Consortia: NYSED Consortium Policy for State and Federal Discretionary Grant Programs

Applicants/participants may form a partnership or consortium to apply for one grant. Those intending to do so must contact the DHP office for guidance.

- The applicant agency must be eligible for DHP grants according to criteria listed above
- All consortium members must be eligible grant recipients, according to criteria listed above
- The partnership/consortium must designate one of the applicants/participants to serve as the applicant and fiscal agent for the grant
- For Arrangement & Description projects involving more than one institution, a statement of participation is required from each institution
- In the event a grant is awarded to a partnership/consortium, the grant will be prepared in the name of the applicant agency/fiscal agent, not the partnership/consortium, since the latter is not a legal entity
- The applicant agency/fiscal agent must meet the following requirements:
 - Must be an eligible grant recipient as defined by statute
 - Must receive and administer the grant funds and submit the required reports
 - Must require consortium partners to sign an agreement with the fiscal agent that specifically outlines all services each partner agrees to provide
 - Must be an active member of the partnership/consortium, except where SUNY or CUNY Research Foundations are the fiscal agent
 - Cannot act as a flow-through for grant funds to pass to other recipients
 - Is prohibited from sub-granting funds to other recipients
 - Is permitted to contract for services with other consortium partners or consultants to provide services that the fiscal agent cannot provide itself
 - Must be responsible for the performance of any services provided by the partners, consultants, or other organizations, and must coordinate the contributions of all participants

Not Eligible: Government Agencies

Government agencies are not eligible for DHP Grants, except for SUNY/CUNY institutions as specified above. This restriction applies to institutions operated by local, state, and/or federal government agencies, and local government archives. NOTE: For information about the New York State Archives Local Government Records Management Improvement Fund Grants, visit http://www.archives.nysed.gov/grants/grants_lgrmif.shtml or contact archgrants@nysed.gov.

Grant Project Types

DHP supports two types of projects: Documentation, and Arrangement & Description. Most applicants apply for one type, but those who intend to request funding for a project that combines these two project types must contact DHP staff while planning the application.

I. Documentation Projects

Community by community, topic by topic, DHP **Documentation projects** build a comprehensive record that more fully and fairly represents all New Yorkers and their history. These projects identify and collect unique, original source materials about the people, groups, events, and/or on the political, economic, and social conditions in New York, to pave the way toward making these materials accessible to all. Historically, most source materials have been paper-based. Today, born-digital records are quickly becoming the norm. Applications relating to identifying and collecting historically valuable born-digital materials as well as paper-based materials are encouraged.

A DHP Documentation project typically consists of three phases (each phase typically requiring one year) — planning, surveying, and collecting—and usually takes at least two years to complete. The outline below describes the three phases and the work each typically entails. The phases often correspond to the years of a project—phase one in year one, etc.—but your work plan and timing should reflect the particular requirements of your project. Because DHP grant projects must be completed within one year, a multi-phase documentation project would require at least two grant applications.

Institutions interested in conducting Documentation projects should contact the DHP office to discuss their plans before starting their application: dhs@nysed.gov or 518-474-6926.

Phase 1: Planning

- Define the chosen topic: its scope, limits, components, and historical context
- Identify and assign project personnel and/or any consultants
- Establish an **Advisory Committee** to provide context, guidance, and oversight of the project
- Publicize your documentation effort
- Develop a contact list that identifies individuals and organizations that are or have been involved in the topic being documented and are likely to have created records
- Develop and test a survey instrument to gather significant details about the groups of records held by individuals or organizations
- Begin planning for the eventual placement of the valuable historical records surveyed in this project in an appropriate **New York repository** with the capacity to preserve and provide access to the records
- Create a work plan for Phase 2

Phase 2: Surveying

- Conduct the survey

- Assess the survey results
- Continue to work closely with your Advisory Committee
- Determine which groups of records surveyed have long-term historical value
- Prepare archival descriptions of the records that have long-term historical value; descriptions should meet archival standards
- Foster relationships between likely donors of records and an appropriate New York repository to which the valuable historical records surveyed in this phase will eventually be transferred
- Publicize your documentation effort

Phase 3: Collecting

- Working with each donor and the selected New York repository(ies), conduct an appraisal to determine which records to save
- Continue to work closely with your Advisory Committee
- Negotiate the terms for a **deed of gift** agreement and prepare for the transfer of records; this will involve gaining the approval of the individual donors and the management and/or boards of the donor organizations and/or the repository(ies)
- Transfer records to the selected New York repository(ies)
- Post descriptions online
- Publicize the availability of the records

Documentation projects involving born-digital materials may require you to modify this three-phased approach. If you find this phased work plan does not fit your proposed project or you have questions about Documentation projects, please contact the DHP office: dhs@nysed.gov

The documentation process, starting with identifying potential donors of records and ending with transfer to an appropriate repository, can take a long time. We recommend the negotiations for the placement of the records in an appropriate New York repository begin in Phase 1. For some projects, the collecting phase may be straightforward and brief. For projects that involve born-digital materials with specific infrastructure requirements, multiple donors (both individuals and organizations), and multiple repositories, the collecting phase may take a year or longer.

Note: Multi-year projects will require annual, competitive applications for funding.

Please see Section III, Resources for a list of publications that provide detailed guidance in carrying out documentation projects and documentation involving born-digital materials.

Requirements

- **Cost Sharing** of at least 20% of the Total Project Cost is required for Documentation projects. All cost sharing contributions must directly support grant-funded project activities and outcomes. See the Cost Sharing Instructions and Form for more information.
- All descriptive work must conform to archival standards and be made available online, such as through the collecting repository's online catalog, ArchiveGrid, Empire Archival Discovery Cooperative, or New York State Archives **Historical Documents Inventory** (HDI). Please contact the DHP office with any questions about MARC, EAD, HDI, or if you wish to receive a sample descriptive record: dhs@nysed.gov or 518-474-6926.

- Documentation projects and their results should be publicized. Use the DHP credit line provided in the Publicity/Credit Line section of these Guidelines in all descriptive and publicity material relating to the project.
- Because records placed in a repository through a DHP Grant project must be accessible to the public, records that are restricted may not be included in a Documentation Project. In your Project Narrative, discuss any potential intellectual property or privacy issues that might affect the accessibility of records or the dissemination of access tools.
- The repository in which records are placed must be in New York State.

II. Arrangement & Description Projects

Arrangement and **description** are the processes used to gain physical and intellectual control over materials held in historical records repositories. Arrangement is the process of analyzing and then organizing materials with respect to their **provenance** and **original order**, to protect their context and to achieve physical control over the materials. Description is the process of recording details about the formal elements of a record or collection of records, such as creator, title, dates, extent, and contents, to facilitate the collection's identification, management, and understanding. The objective of archival description is the creation of access tools (typically finding aids) to assist users in discovering desired records.

The goal of Arrangement & Description projects is to make publicly available the unique, original records of traditionally under-represented groups and topics of New York State. Historically, most source materials have been paper-based. Today, born-digital records are quickly becoming the norm. Applications to arrange and describe historically valuable born-digital materials as well as paper-based materials are encouraged.

All access tools (such as MARC records and finding aids) created as a result of an Arrangement & Description project must conform to archival standards. Contact the DHP office for sample descriptive records and finding aid templates.

If you are considering an Arrangement & Description project that involves born-digital materials, please contact the DHP office to discuss your proposed plan of work and technical approach.

Applications are also invited for **circuit rider projects**. Instead of applying individually, several organizations would collaborate to submit a single Arrangement & Description application to DHP. If you are considering a circuit rider project, contact the DHP office for further details. See the Partnerships and Consortia policies on page 8.

Requirements

- Cost Sharing of at least 50% of the Total Project Cost is required for Arrangement & Description projects. All cost sharing contributions must directly support grant-funded project activities and outcomes. See the Cost Sharing Instructions and Form for more information.
- The records in an Arrangement & Description project must be held in a New York repository or be transferred to a New York repository by the end of the project. The records should fit within the repository's **Collection Policy**.

- Records processed with DHP funds must be accessible to the public. In your Project Narrative, discuss any potential intellectual property or privacy issues that might affect the accessibility of records or the dissemination of access tools (such as finding aids).
 - If your proposed project includes records with potential access **restrictions**, please contact the DHP office to discuss your proposal.
 - The electronic versions of MARC records and/or finding aids created in Arrangement & Description projects must be posted online. Please contact the DHP office with any questions about MARC, HDI, EAD, or if you wish to receive a sample MARC record: dhs@nysed.gov.
 - Arrangement & Description projects and their results should be publicized. Use the DHP credit line provided in this section (Publicity/Credit Line) in all access tools (such as finding aids) and publicity material related to the project.
-

Ineligible Project Types

Types of projects that are not eligible for funding through the DHP are listed below. Additionally, specific expenditures may not be eligible (See Appendix 1a). If you have questions regarding eligibility, please contact the DHP office: dhs@nysed.gov, 518-474-6926.

1. Focus Outside of New York State

Projects involving records that do not illustrate a New York State focus are ineligible for funding within the DHP law. For instance, the records of an organization based in New York but whose primary focus is national or international would be determined to lack a New York focus.

2. Books and other Published Materials

The DHP does not support the documentation or arrangement and description of books and other published materials unless the applicant can demonstrate that these materials are unique and not readily accessible elsewhere in New York State.

3. Digitization

The DHP does not normally support projects to create digital surrogates of paper records, photographic or motion picture film, or analog audio and video recordings. However, projects that involve the documentation or arrangement and description of born-digital records are eligible for funding. Please contact DHP to discuss your potential project.

4. Government Records

The DHP does not support projects to document or arrange and describe federal, state, or local government records except for selected records of SUNY and CUNY schools as described in the Eligibility Criteria above.

5. Item-Level Description

The DHP does not normally support projects that involve the **item-level description** of historical **records**. Applicants proposing this approach must contact the DHP office to discuss their project and be prepared to fully justify their decision in their Project Narrative.

6. Oral Histories and Audio/Video Recording

The DHP does not normally support projects to create oral histories or other audio or video recordings, or to transcribe oral history recordings. However, projects that include the documentation or arrangement and description of such materials are eligible for consideration. Please contact DHP to discuss your potential project.

7. Newspapers

Newspapers are not considered unique historical records. Thus, projects that include only modest quantities of newspapers or clipping files as part of a broader collection of historical records may be supported.

8. Preservation

The DHP does not fund **preservation** (activities to conserve, restore, or repair original records) or reproduction of records for preservation purposes.

NOTE: The *New York State Program for the Conservation and Preservation of Library Research Materials* provides support for libraries, archives, historical societies, and similar agencies within the State to encourage the proper care and accessibility of research materials in the State; to promote the use and development of guidelines and standards for conservation/preservation work; to support the growth of local and cooperative preservation programs; and for other eligible preservation activities. For further information, visit the [New York State Library website](#).

9. Applicants Who Have Failed to Submit the Required Reports for Previous DHP Grant Awards

Applicants who have failed to submit required DHP reports for grants received over the past five years (i.e. 2014/2015 - 2019/2020) are not eligible to apply for funds.

Topical Priorities

The New York State Archives has identified and prioritized four specific topical areas for DHP funding in order to ensure that the DHP addresses the New York State Historical Records Advisory Board's mandate to identify, survey, collect, and make available historical records that relate to **under-documented** groups or subjects. These topics are listed in Priority Level 1 below.

Applications are scored, in part, based on the priority level of the topic they choose and on how effectively the project and/or records support their chosen topical priority. There is a possibility of a higher score if a project effectively addresses a topic in Priority Level 1 than Priority Level 2.

Applicants who have questions about whether a particular topic fits within a category should contact the DHP office before beginning work on an application: dhs@nysed.gov.

Priority Level 1

A. Economic Change

New York has experienced vast and sometimes turbulent changes in the economic life of the state, such as the decline of heavy industry, innovations in agricultural technology and practice, and the explosion of tourism. Economic change, whether in individual towns and cities, regions, or the state as a whole is one of the defining themes of New York's history.

Projects in this topical area should focus on changes in New York State's economic base; in de-industrialization; in the production, processing, promotion, and distribution of agricultural commodities; in medical and health sciences, public health, and the provision of medical and mental health services; or on efforts at economic revitalization including the development of new industries and businesses in the State.

Projects may involve businesses that have been dissolved or absorbed by other businesses, as well as businesses that are currently operating, provided these records are, or are intended to be, accessioned and made available in a publicly accessible New York repository. Examples of records that document economic change in New York State include but are not limited to: ledgers, business records, research data, existing oral history recordings, and photographs.

B. Military History

New York State's military forces and military history have had a major impact on New York since the Colonial era, in times of both war and peace. Military records shed light on the lives of soldiers, the struggles of the forces, as well as war's impact on the home front, and they offer researchers a unique view of our past.

Projects in this topical area should focus on issues related to the military and military service including New York's soldiers, veterans and veterans' organizations; organizations formed to support military action and soldiers; civilian participation in wartime activities; professionally supported war efforts such as war industry workers, medical volunteers, and defense contractors; military sites; peacetime military enterprise; and organizations that protest the military and military actions.

Examples of records which document New York's military history include but are not limited to: **personal papers**, manuscripts, diaries, scrapbooks, existing oral history recordings, email and text messages, written correspondence, websites and social media, photographs, regimental histories, civilian defense records, and local history, business, union, and organization records.

C. New York Communities

New York's history has been shaped substantially by the emergence and growth of a great diversity of peoples united in varying degrees by shared culture, beliefs, values, experience, geography or place of origin; ethnic, religious or racial identity or background; and social or economic status. Communities can include concentrations of individuals in specific locations as well as individuals spread throughout the state. Most will also share and nurture particular ways of life or other cultural expressions that help define the community and shape its contributions to New York's history.

Projects should focus primarily on records that document the social, cultural, political, and economic lives of these communities and their engagement with the broader history and culture of the state. Examples of records that document New York's communities include but are not limited to: organization records, planning documents, business records, photographs, existing oral histories, personal papers, websites, written correspondence, email and text messages, and diaries.

D. Social Reform and Activism

Efforts to achieve or oppose social, economic, cultural, environmental, religious, and political change have been central to New York's history. Many movements that began in New York have spread across the nation: women's equality, child labor laws, industrial safety, environmental protection, LGBTQ+ rights, and Occupy Wall Street.

Projects to document social reform and activism should focus primarily on the records of individuals, organizations, and activities while addressing issues such as civil rights and discrimination, environmental affairs, war and peace, abortion/reproductive rights, public safety, welfare reform, animal rights, or trade and globalization. Examples of records, both paper-based and/or born-digital, that document social reform and activism in New York include but are not limited to: organizational records, planning documents, manuscripts, photographs, existing oral histories, written correspondence, email and text messages, diaries, websites, blogs, and personal papers.

Priority Level 2

Other Under-Documented Topics in New York State History

Projects in Priority Level 2 address topics that are of significance to the history of New York and which focus on the people, groups, events, or changing conditions that are under-represented in New York's historical record.

A Priority Level 2 topic should meet one or more of the following criteria; it should:

- Represent a contribution by New York that is distinctive, seminal, or precedent-setting
- Have had a major impact or influence, whether local, regional, or statewide
- Reflect the beginning of a trend or an important milestone in the history of New York
- Be illustrative of common experience statewide
- Have been significant over a considerable period of time

Research may be needed to determine whether a topic is under-documented. This research would establish what documentation already exists related to the topic, and where relevant records are located. If the applicant finds that the topic is significant and under-represented in the historical record, they should describe the topic and their research in their Project Narrative.

Grant Award Notification

Grant award notifications will be emailed to all applicants in Spring 2020. These notifications will be issued once the review of all applications is completed and all necessary approvals are in place. If the applicant receives modified or no funding, a summary of reviewers' decision notes will be included with the notification letter.

Applicants interested in receiving a debriefing letter on the selection process must submit a written request within fifteen (15) calendar days of award notifications to the DHP office. Program staff will provide a written summary of the proposal's strengths and weaknesses, as well as recommendations for improvement. Debriefing letters are sent within ten (10) business days of the request.

Award Protest Procedures

Applicants who receive a notice of non-award may protest the NYSED award decision subject to the following:

1. The protest must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the contract award by NYSED.
2. The protest must be filed within ten (10) business days of receipt of a debriefing or disqualification letter. The protest letter must be filed with the NYS Education Department, Contract Administration Unit, 89 Washington Avenue, Room 501W EB, Albany, NY 12234.
3. The NYSED Contract Administration Unit (CAU) will convene a review team that will include at least one staff member from each of NYSED's Office of Counsel, CAU, and the Program Office. The review team will review and consider the merits of the protest and will decide whether the protest is approved or denied. Counsel's Office will provide the applicant with written notification of the review team's decision within seven (7) business days of the receipt of the protest. The original protest and decision will be filed with the Office of the State Comptroller (OSC) when the contract procurement record is submitted for approval and CAU will advise OSC that a protest was filed.
4. The NYSED CAU may summarily deny a protest that fails to contain specific factual or legal allegations, or where the protest only raises issues of law that have already been decided by the courts.

Required Reports and Schedule of Payments

A mid-term progress report (due in February via email) and final narrative and fiscal reports (due by July 31) are required from grant recipients. Reports should be submitted in a timely fashion since they

trigger award payments. Failure to submit reports may hinder the applicant's eligibility for future DHP Grants.

Payments are made as follows: a first payment of 50% of the approved project budget amount is made when the budget is processed and the Grant Award Notice is sent via email, Spring 2020. Grants above \$15,000 will also require the completion of a grant contract prior to processing the first payment. Additional payments, up to 40% of the approved project budget, are made based on project expenditures and the project's immediate cash needs as documented on the Interim Report FS-25 form. The remaining 10% of an approved project budget is paid at the end of the project following receipt by DHP of satisfactory final reports (narrative and fiscal). The narrative report and cost-share forms will be available as part of the online DHP application portal.

Contract Terms and Conditions

Grant awards above \$15,000 will require that the awardee enter into a grant contract (see Appendix 5). The grant contract will be signed by the awardee and NYSED Counsel. All provisions of these guidelines are subordinate to the terms and conditions of the grant contract. The contents of these guidelines, any subsequent correspondence related to final contract negotiations, and such other stipulations as agreed upon may be made a part of the final contract developed by NYSED.

Publicity/Credit Line

In all publicly available **grant products** (such as finding aids) that result from your DHP-funded project, recipients must credit the New York State Archives Documentary Heritage Program as a source of funding. In MARC records, "General Note field 500" or "Funding Information Note field 536" can be used for credit information. The <sponsor> element is most appropriate for encoded archival description. The New York State Archives logo will be provided for use with appropriate grant products. For help with marketing your project, and to receive the NY State Archives logo, please contact the DHP office: dhs@nysed.gov, 518-474-6926.

The credit line required on all grant products should read:

"This project [or supply the project name] was made possible in part by a grant from the Documentary Heritage Program of the New York State Archives, a program of the State Education Department."

Responsibilities of the Award Recipient

Projects must operate under an appropriate governing body and are subject to at least the same degree of accountability as all other expenditures of the local agency. (Note: A "governing body" may be a not-for-profit organization's board of trustees, board of directors, executive council, etc.) The governing body is responsible for the proper disbursement of, and accounting for project funds. Written policy concerning wages, mileage and travel allowances, overtime compensation, or fringe benefits, as well as State rules pertaining to competitive bidding, safety regulations and inventory control must be

followed. Supporting or source documents are required for all grant-related transactions entered into the local agency's recordkeeping systems. Source documents that authorize the disbursement of grant funds consist of purchase orders, contracts, time and effort records, delivery receipts, vendor invoices, travel documentation, and payment documents.

Supporting documentation for grants and grant contracts must be kept for at least six years after the last payment was made unless otherwise specified by program requirements. Additionally, audit or litigation will "freeze the clock" for records retention purposes until the issue is resolved. All records and documentation must be available for inspection by NYSED officials or its representatives. For additional information about grants, please refer to the [Fiscal Guidelines for Federal and State Grants](#).

Accessibility of Web-Based Information and Applications

Any documents, web-based information and applications development, or programming delivered pursuant to the contract or procurement, will comply with New York State Education Department IT Policy NYSED-WEBACC-001, Web Accessibility Policy as such policy may be amended, modified or superseded, which requires that state agency web-based information, including documents, and applications are accessible to persons with disabilities. Documents, web-based information and applications must conform to NYSED-WEBACC-001 as determined by quality assurance testing. Such quality assurance testing will be conducted by NYSED employee or contractor and the results of such testing must be satisfactory to NYSED before web-based information and applications will be considered a qualified deliverable under the contract or procurement.

See Appendix 3 for New York State Education Department's Reservation of Rights.

See Appendix 4 for New York State Workers' Compensation Coverage and Debarment.

See Appendices 5 and 6 for Standard Clauses for New York State Contracts.

Section II, Preparing an Application

Assistance

Questions about the DHP Grant Guidelines and application should be emailed to archdhp@nysed.gov. Inquiries are invited and will be answered until December 28, 2019.

Three Grant Writing Tip Sheets (#1 Developing Your Project, #2 Writing Your Application, #3 The Final Check) are available by request from the Documentary Heritage Program office to help with all stages of the grant writing process.

Additional resources are available on our website, including DHP Grant FAQs (Frequently Asked Questions): http://www.archives.nysed.gov/grants/grants_dhp.shtml These pages will be updated throughout the application period until December 28, 2019, when the final version will be posted.

Finally, a list of publications that may be useful in preparing your application can be found below in Section III, Resources, Archives Publications.

The DHP Grant Application

The online DHP Grant Application is located on the Documentary Heritage Program Grants webpage: http://www.archives.nysed.gov/grants/grants_dhp.shtml.

While the application is completed electronically online, there are several forms that must also be printed, signed, and returned by mail as indicated below.

All original signatures must be signed in blue ink; do not staple forms.

Application Checklist:

1. Application Cover Sheet (online application portal + signed and mailed)
2. Payee Information Form and NYSED Substitute W-9 Form and Standard Data Capture Form (online application portal + signed and mailed)
3. Project Narrative (online application portal upload)
4. Cost Sharing Instructions and Project Budget Narratives and Worksheets (online application)
5. Proposed Budget for a Federal or State Project FS-10 (generated by online application worksheets + signed and mailed)
6. Supplemental Material Attachments (online application portal upload)

Original signatures in blue ink are required on the **Application Cover Sheet**, on the **Payee Information Form**, and on the Proposed Budget for a Federal or State Project **FS-10**. Please mail these to the DHP Office, Cultural Education Center, Suite 9C71, 222 Madison Avenue, Albany, NY, 12230.

Grant Application Instructions

It is important that your grant application information is entered into the appropriate sections of your proposal. Failure to do so may negatively affect the scoring of the application.

Application Cover Sheet

- **Institution Name, Institution Address.** Provide the formal name and address of the institution applying for the grant. Should funds be awarded, payments will be made to the institution listed here.
- **Chief Administrative Officer.** The Chief Administrative Officer is the person who has authority to commit the organization to carrying out the project.
- **Project Director.** The Project Director will manage the project and ensure reporting is done in a timely fashion.
- **NYS Vendor ID Number.** All applicants must enter their NYS Vendor Identification Number. This is a 10-digit number assigned by the Office of the State Comptroller (OSC) to your agency for the purpose of doing business with the State of New York. You may request your agency's Vendor ID number via email at VendUpdate@osc.state.ny.us
- **Grant Project Type.** Select only one Project Type. In projects that combine Documentation with Arrangement & Description, select the predominant project type.
- **Grant Project Topical Priority.** Check only one priority topic. If your project also fits within an additional topic, you may point that out in the Project Narrative.
- **Grant Project Title.** Your Grant Project Title should include the type of grant for which you are applying and the subject, records, and/or institution involved (e.g. "Documentation of the Latino/a Population of Franklin County," or "Arrangement & Description of the Evangeline Broderick Family Papers.")
- **Grant Project Summary.** This summary is important because it provides grant reviewers with their first impression of your project. Be sure to succinctly describe the following in your summary: (1) the project type and the records involved; (2) how the work will be carried out, and (3) the outcomes of the project. Limit the summary to the space provided on the form (10 point font, 225-word limit). Do not attach additional pages.
- **Agree to Standard Terms.** I further certify, to the best of my knowledge, that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, application guidelines and instructions, Assurances, Certifications, Appendix A, Appendix A-1G and that the requested budget amounts are necessary for the implementation of this project.

- **Signature of Chief Administrative Officer.** The original signature of the Chief Administrative Officer (CAO) must appear on the grant Application Cover Sheet in blue ink. The CAO's original signature must also appear on the Proposed Budget for a Federal or State Project FS-10. A signature provided "on behalf" of the CAO is acceptable only if a specific designee has been authorized by the organization to sign in the absence of the CAO. If this is the case, the designee should sign his/her own name and the applicant should explain, in an attached Letter of Explanation on organization letterhead, the name and position of the authorized signatory, and why the Chief Administrative Officer is unavailable to sign.

Payee Information Form/NYSED Substitute W-9 Form

The [Payee Information Form](#) consists of five (5) pages: the Payee Information Form and instructions and the NYSED Substitute W-9 Form and instructions. The Payee Information Form is used to establish the identity of applicant organizations and enables them to receive funds from NYSED. An online version is available at www.oms.nysed.gov/cafe/forms/PIform.pdf. Organizations that do not receive funds from the Federal government can disregard the Federal System for Award Management (SAM) expiration date, and the Data Universal Numbering System (DUNS) section of this form. The New York State Vendor Identification Number is a 10-digit number assigned by the Office of State Comptroller (OSC) to your agency for the purpose of doing business with the State of New York. If you do not have, or do not know your agency's VIN, contact OSC at VendUpdate@osc.state.ny.us. Enter the Vendor Identification Number in the proper box on your Payee Information Form.

Standard Data Capture Form

The [Standard Data Capture Form](#) should be completed keeping in mind the definitions below. In the case of applications from SUNYs or CUNYs, applicants should complete this form in their own name and not that of "The Research Foundation."

- **Legal Name of Institution** – as contained on a charter, license, or other such document
- **Physical Address** – the primary address where your institution is located
- **County of Primary Location** – the county where your primary address is located
- **School District of Primary Location** – the name of the school district where your primary address is located. A list of New York school district names can be found at http://www.tax.ny.gov/pit/file/school_district/
- **Date Established** – the date or year that your institution was originally established

Project Narrative

The DHP grant Project Narrative provides the applicant with an opportunity to present a comprehensive description of their proposed project. The narrative should include a description of the records involved, the nature of the project, and how it would be carried out and evaluated. It is to your advantage to be concise and straightforward, and to provide only information that is relevant to your project.

- Limit the Narrative to a maximum of 3000 words, including the content of the form itself. Attachments such as letters of justification, job descriptions, resumes, and sample pages from current finding aids do not contribute to the 3000 maximum word limit.
- Single space all text in the narrative sections. Use a 12-point Times Roman or Arial font.
- In each narrative section, include the title of each sub-section (e.g. “Ia. Records Description”) and double space between sub-sections.

Grant reviewers will evaluate your application and assign points for each component. The highest score assigned will be 100. A maximum of 75 of those points will be allocated to the Project Narratives.

Part I. Project Description (Up to 30 points)

I. a. Description of the Records (10 points)

Provide information about the records and their significance according to the Project Type of your proposal.

For Documentation Projects. The amount of detail you can provide will depend on the phase you are in: planning, surveying, or collecting.

- Describe the focus of the Documentation project.
- Describe the following about the records, or if you don't yet have specific information about the records or the organizations or individuals that created them, indicate what you anticipate finding: Individuals and/or organizations who created the records; **Date span** of the records; Quantity of records: for paper-based records use the table of Cubic Foot Equivalents in Section III, Resources; for born-digital records, indicate formats, quantity, and approximate volume of digital materials including size range of files; Informational content of the records; Scope of collection(s).
- Describe the significance of the records including their **research value**, potential audience, and importance in documenting New York State history.
- Indicate how and where in New York State the records will be made accessible, and the anticipated level of use they will receive as a result of the project.
- Because records placed in a repository through a DHP Grant project must be accessible to the public, records that are restricted may not be included in your project without provisions for

research use of the restricted materials. Discuss any potential intellectual property or privacy issues that might affect the accessibility of records or the dissemination of access tools.

For Arrangement & Description Projects

- Describe the following about the records; Collection Title(s); Names of individuals or organizations that created the records; Date span of the records; Types of records (manuscripts, diaries, correspondence, minutes, agreements, photographs, etc.); Quantity of records (for paper-based records use the table of Cubic Foot Equivalents in Section III, Resources); for born-digital records indicate formats, quantity, and approximate volume of digital materials including size range of files, approximate volume of digital materials including the number of files and bytes to be processed, and type of digital media (e.g., CDs, 3.25-inch floppy disks) and condition of the storage media that houses the records; Informational content of the records; Scope of collection(s).
- Describe the significance of the records including their research value, potential audience, and importance in documenting New York State history.
- Describe the current level of use of the records.
- Indicate how the records will be made accessible to the public.
- If born-digital materials are to be processed, describe your current electronic records program and methods of preserving and providing access to electronic records.
- Because records arranged and described through a DHP Grant must be accessible to the public, records that are restricted may not be included in your project without provisions for research use of the restricted materials. In this section, discuss any potential intellectual property or privacy issues that might affect the accessibility of records or the dissemination of access tools.

Attachments for Arrangement & Description Projects

Provide a sample finding aid, created by your repository or by your project's Archival Consultant. You may either include the URL to a sample finding aid in your Project Description or upload up to five pages of a sample finding aid in your application submission, being sure the sample includes some of the critical elements of a standard finding aid.

Arrangement & Description "Circuit Rider" Projects

- Identify the participating organizations or repositories.
- Describe the collections using the bulleted list in Arrangement & Description Project (just above).
- Describe the significance of the records including their research value, potential audience, and importance in documenting New York State history.

Attachments for Arrangement & Description “Circuit Rider” Projects

Provide a sample finding aid, created by your repository or by your project’s Archival Consultant. You may either include the URL to a sample finding aid in your Project Description or upload up to five pages of a sample finding aid in your application submission, being sure the sample includes some of the critical elements of a standard finding aid.

Provide letters of commitment from all the participants. These letters should express each participant’s intention to contribute and should specify the cost sharing each participant will furnish.

I. b. Topical Priority (up to 15 points)

Make the case that your project and/or historical records fit within the one topical area indicated on your Application. Scoring is based on the priority level of the topical areas as follows: Priority Level 1 (up to 15 points) and Priority Level 2 (up to 10 points).

If your project has a significant impact on a second topical area (for example, a project to document the women’s equality movement in a predominantly Asian-American community), you may indicate this in your Project Narrative, but the points awarded for Topical Priority will be based solely on the case you make for the one topical area you have chosen.

If your project has a Priority Level Two, be sure to describe your topic, why it is significant and how it is under-represented in the historical record. For further details, see the Project Narrative Section.

I. c. Need for Project (5 points)

Briefly explain the importance of the project, how the records will receive broader or more intensive use as a result of the project, why you are applying at this time, why outside funds are needed, why the project cannot be carried out with funding already available, and what will happen if DHP funds are not provided.

Part II. Outcomes and Evaluation (10 points)

Describe how your project will lead to each of the intended and predictable outcomes and how you will monitor and measure your progress in achieving each of those outcomes (see below).

II. a. Project Outcome Statements (5 points)

In Part II of your Project Narrative, develop your own specific versions of the DHP Outcomes listed below. Write outcome statements for DHP Outcomes 1 and 2 as well as for the two specific outcomes

relevant to their project type. Thus, **Documentation projects** must address DHP Outcomes 1, 2, 3 and 4. Arrangement & Description projects must address DHP Outcomes 1, 2, 5 and 6.

Your outcome statements should serve as predictions of how your project will look at its completion. They should show how each DHP Outcome will be expressed in your project and focus on what measurable objectives you intend to achieve. At the end of the project, these predictions will give you and the DHP a systematic method of evaluating the extent to which your project has achieved its intended results.

Outcomes for All DHP Projects

1. Increased awareness of the value of historical records and of the importance of organizations that preserve and make them accessible
2. Access tools (including MARC records and finding aids, as appropriate) conform to archival standards and are consistent with archival best practices and are accessible to remote researchers.

Outcomes for Documentation Projects

3. Records of New York's under-documented population groups and topics not currently in historical records repositories are identified and surveyed
4. Records identified and surveyed during the project are donated to an appropriate New York repository(ies)

Outcomes for Arrangement & Description Projects

5. Access tools created as a result of this project are accessible online
6. Increased use of project records

II. b. Evaluation (5 points)

Project evaluation lets you know whether you have achieved the outcomes you predicted and helps you to improve future projects. It also provides information to the DHP Office about your work and helps to guide future grantees and improve the effectiveness of the program. Be sure that the evaluation activities mentioned in this part are accounted for in your Plan of Work (Part III. a., below).

Part III. Project Implementation (25 points)

III. a. Plan of Work (15 points)

The plan of work is the heart of your Project Narrative. It should describe the work that will be undertaken to complete the project on time (by June 30, 2021) with the personnel, facility, and other resources available.

Plan of Work for All Projects

- Include a timeline to show how the work will progress in a logical way over the course of the project.
- Describe the project activities (who will be doing what, when, and where) and how these will be accomplished.
- Summarize your technical approach to the project by addressing the relevant technologies, standards and best practices that you will use to achieve project outcomes. Note: Digitization and preservation, and in most cases, item-level description are not eligible project activities.
- Describe any innovative approaches or practices you intend to implement and how they will enhance or facilitate your work on the project.

Plan of Work for Arrangement & Description Projects

- For each paper-based collection in your project, provide the number of cubic feet to be processed, the processing rate, and the number of full-time equivalent (FTE) weeks that the processing will take. A worksheet is provided that can be used to calculate the number of FTE weeks it will take to process the records in your proposal. You should also use the number of FTE weeks you will need to schedule your timeline and calculate your budget. Be sure to use *cubic feet* to measure the bulk of your records. See the Processing Rates for Paper-based Records worksheet in Section III for more information on processing rates.
- For each born-digital collection or for born-digital records within otherwise paper-based collections, describe their formats, quantities, and approximate volume, justify processing rate, and calculate the number of FTE weeks the processing will take.
- If you will use archives software in your project, describe it briefly and explain why it is appropriate. If you intend to use another type of software, justify its use and describe how it will be configured to meet archival standards.

III. b. Key Project Personnel (10 points)

- Describe the relevant qualifications (i.e., education/training and experience) of each individual who will work directly on the project, and their roles and responsibilities as they relate to the project.
- Attach resumes for all **Key Personnel** (Project Director, Project/Consulting Archivist, Archival Assistant, Project Interns, Project Specialists, etc.).
- Note that your project should include a Project Director, and that the same person who fills this position cannot also fill the Project/Consulting Archivist position.
- Attach job descriptions, including project time commitment, for every position that will be supported in whole or in part by grant funds.
- If Key Personnel positions have not been filled at the time of application, applicants should attach a job description that includes role, responsibilities, and qualifications, for each position. Should the DHP approve this application, and prior to hiring of Key Personnel, the applicant must submit the resumes of the new personnel to the DHP office for review and approval.
- Indicate how the individual in each position will be paid (i.e., as cost share by the applicant or with grant funds).

Note: DHP funds shall not provide salary relief for current employees. They cannot be used to replace funds you are already paying an existing staff person. However, you may use DHP funds to pay an existing staff person to carry out project-related activities if the hours spent on this work are above and beyond his/her normal work hours.

If you are proposing to use DHP funds to pay existing staff to carry out project-related activities during their normal work hours, you must use your organization's own funds to hire a substitute to take over that staff person's responsibilities. Paying for this substitute may not be claimed as part of your Cost Sharing.

Attachments for All Projects

- Resumes for all Key Project Personnel. Limit each resume to three (3) pages.
- Job descriptions for every position that will be supported in whole or in part by grant funds.
- If you propose to use DHP funds to pay existing staff to work on grant project-related activities during their normal work hours, attach a letter to your application that justifies the need for such action, and explains how the replacement employee will take over the staff person's responsibilities, and how they will be paid using non-grant funds.

Attachments for Documentation projects

- List of individuals who have agreed to serve on your Advisory Committee. The one-page list should include name of members, their affiliations, and a brief bio of each. Resumes are not required for Advisory Committee members.

If advisors cannot be identified in advance, indicate what skills and knowledge will be represented on the committee. Note that Advisory Committee members must be independent of applicant organization (i.e., they must not be on the applicant organization's staff or board, or be a project consultant).

IV. Organizational Capacity (10 points)

Provide the following information in brief:

- Indicate how the work of the project relates to your organization's mission.
- Briefly describe the institutional strengths of your organization that justify undertaking this project.
- Describe your organization's plan to sustain the work of the project.
- For the historical records repository participating in your project, describe: Archival policies and procedures; descriptive practices; how holdings are made accessible to the public.

Attachments for All Projects

- Mission Statement of the applicant organization.

Attachments for Arrangement & Description Projects

- Collection Policy used by the repository to guide its acquisition efforts
- Brief description (no more than two paragraphs) of the historical records housed in the applicant's repository plus the status of finding aids and published guides for its historical records.

Cost Sharing

Using the online budget form, describe your organization's plan for matching DHP funds with the appropriate percentage of the Total Project Cost. All cost sharing contributions must directly support project activities and outcomes.

Documentation projects require a cost sharing of at least 20% of the Total Project Cost. Arrangement & Description projects require cost sharing of at least 50% of the Total Project Cost. (Total Project Cost = Total Cost Sharing contribution + *total grant request* as shown in the Grand Total row (page 6 on the FS-10)).

Project Budget

The DHP Project Budget form provides the opportunity to present a comprehensive description of the project expenditures for which you are requesting funds. Be concise and straightforward, and provide only information that is applicable to the costs of your project. The Budget Worksheet and Proposed Budget Form FS-10 provide NYSED with a summary of your budget for grant payment purposes.

Grant reviewers will evaluate your application and assign points for each component. The highest score assigned will be 100, with a maximum of 25 points allocated to the Project Budget.

For additional information about the categories of expenditures and general information on allowable costs, applicable cost principles, category codes, and administrative details please see Appendix 1a and review the [Fiscal Guidelines for Federal and State Aided Grants](#).

DHP Project Budget Worksheet (25 points)

Applicants should use the Project Budget Worksheet within the online application to itemize and describe their funding request in the following categories:

- Code 15: Salaries for Professional Staff
- Code 16: Salaries for Support Staff
- Code 40: Purchased Services
- Code 45: Supplies, Materials, and Equipment Costing less than \$5,000
- Code 46: Travel Expenses
- Code 80: Employee Benefits

There are specific instructions for each budget category for DHP Grant projects. See Appendix 1a: Budget Category and Code Instructions and follow these instructions carefully. **Use only the budget categories for which you are requesting funds.**

The Budget Worksheet form is made up of two parts: a table and a field for your narrative. In the table, provide the information required including expenditure amounts. In the narrative fields, describe how the requested funds will be used; why they are appropriate, reasonable, and necessary to support your project activities and outcomes; and how the expenditures and activities support, and do not duplicate, services and resources currently provided by the applicant.

NYSED Proposed Budget Form FS-10

The Proposed Budget Form FS-10 is a standard form used for all projects funded through NYSED and may include items and instructions that do not specifically pertain to DHP Grant Projects. Use the Project Budget Worksheet data to populate the NYSED Proposed Budget Form FS-10. Note: You should *not* use the Proposed Budget Form FS-10 to record your cost sharing contributions. Use the FS-10 form only for the funds you are requesting from the DHP.

In addition to the category tables found on the online worksheet, the Proposed Budget Form FS-10 includes a table for entering **Indirect Costs** (Code 90). Applicants may request coverage of their indirect cost at a rate not exceeding 2.6% of the total grant amount requested (excluding any grant funds requested for equipment).

An original signature of the Chief Administrative Officer *in blue ink* must appear on the Proposed Budget Form FS-10 and mailed to the DHP office.

If your project is accepted for funding, an approved copy of the Proposed Budget Form FS-10 will be returned by NYSED Grants Finance to the Chief Administrative Officer named on the Application Cover Sheet.

Eligible and Ineligible Expenditures

Eligible and Ineligible expenditures are listed in the instructions for each budget category. Please see Appendix 1a.

Submission Deadline: Tuesday, January 14, 2020

Applications **submitted** after January 14, 2020 will not be reviewed. Also, the paper signature forms required for all applications must be **postmarked** by January 14, 2020 and mailed to:

Documentary Heritage Program
New York State Archives
9C71 Cultural Education Center
222 Madison Avenue
Albany, NY 12230

DHP Contact Information

John Diefenderfer or Heather Carroll
Documentary Heritage Program
New York State Archives
(518) 474-6926

archdhp@nysed.gov

http://www.archives.nysed.gov/grants/grants_dhp.shtml

Application Review Process

When evaluating applications, reviewers base their recommendations on the Project Narrative (including the Project Description, Outcomes and Evaluation, Project Implementation, and Organizational Capacity) and on the Project Budget.

The highest score an application can receive is 100 points. A grant must score a minimum of 60 points to be considered for funding. After the reviewers have scored and ranked each application, they will meet as a group to review their rankings and, using their initial rankings as a guide, come to a consensus on a final score.

Reviewers will then make a funding recommendation for each project proposal as follows:

- Fund the project fully
- Fund the project partially with modifications based on the elimination of expenditures that are unallowable, unreasonable, or not necessary for reaching project goals
- Do not fund the project

Awards will be made in the order of score ranking until the available funds are depleted. NYSED anticipates that higher-scoring applications will be more likely to be fully funded (less any unallowable costs), while lower-scoring applications will be more likely to receive partial funding or no funding.

Application Review Criteria

Reviewers will use these criteria to evaluate the information in the Project Narrative and Project Budget:

I. Project Description (30 points)

- a. **Description of Records:** Provided required information about the records and effectively described their significance according to the Project Type of the proposal. [10 points]
- b. **Topical Priority:** Made a convincing case that the project fits within one (and only one) of the topical priorities. [Priority Level 1: up to 15 points. Priority Level 2: up to 10 points]
- c. **Need for Project:** Persuasively explained the need for the project and why funding from DHP at this time is essential to its accomplishment [5 points]

II. Outcomes and Evaluations (10 points)

Project Outcome Statements and Evaluations: Clearly articulated all four outcomes required for the Project Type and satisfactorily explained the methods that would be used to evaluate each of their expected outcomes. [The four Outcome Statements and their corresponding Evaluations can achieve a maximum combined score of 10 points.]

III. Project Implementation (25 points)

- a. **Plan of Work:** Clearly described the work that would be undertaken to accomplish project outcomes on time, with personnel and other resources available. [15 points]
- b. **Key Project Personnel:** Provided required information for all Key Personnel, including qualifications, expertise, training, and the proposed project roles of each. Staffing levels should be appropriate to the project [10 points]

IV. Organizational Capacity (10 points)

Clearly described how the project relates to the applicant's mission, the applicant's past experience, and current and future capacity to carry out and sustain the project. Clearly described the repository, its policies and procedures, bibliographic and environmental controls, and public accessibility.

V. Project Budget (25 points)

Convincingly demonstrated that the proposed expenditures are appropriate, reasonable, and necessary. Clearly described how the expenditures would be used to support project activities and outcomes, and would be supplemental to (but would not supplant or duplicate) services currently provided.

Section III, Resources

Archives Publications

The following publications may be of assistance in preparing a DHP Grant application:

For Documentation Projects

A Guide to Documenting Environmental Affairs in New York State, Publication #73 (Albany: State Education Department, 2001. 41 pages). Applicants to Documentation projects relating to environmental affairs will find this useful. Projects should reflect the priorities and criteria outlined in the guide. A paper copy may be requested from the State Archives by emailing, dhs@nysed.gov.

A Guide to Documenting Latino/Hispanic History & Culture in New York State. Publication #67 (Albany: State Education Department, 2002. 36 pages). Although specifically focused on Latino/a history and culture, this guide can be used as a model for documenting any population group. Applications using the Population Groups Topical Priority should reflect the priorities and criteria outlined in this guide. A paper copy may be requested from the State Archives by emailing dhs@nysed.gov

A Strategic Plan for Documenting Mental Health in New York State. Publication #69 (Albany: State Education Department, 2001. 17 pages). Applicants to Documentation projects relating to mental health will find this useful. Projects should reflect the priorities and criteria outlined in this plan. A PDF version can be found on the New York State Archives website: http://www.archives.nysed.gov/common/archives/files/mr_pub69.pdf

Born Digital: Guidance for Donors, Dealers, and Archival Repositories. Publication #159 (Washington, DC: Council on Library and Information Resources, 2013. 36 pages). Applicants with Documentation projects that involve born-digital materials will find this useful. A PDF version can be found at <https://www.clir.org/pubs/reports/pub159/>

Documentation Basics: A Guide to Planning and Managing Documentation Projects, Publication #79 (Albany: State Education Department, 2003. 81 pages). This publication offers detailed guidance in carrying out a Documentation project. An accessible version can be found on the New York State Archives website: http://www.archives.nysed.gov/common/archives/files/mr_pub79.pdf

For Arrangement & Description Projects

Arranging and Describing Archives and Manuscripts (Chicago: Society of American Archivists, 2005. 180 pages), by Kathleen Roe. This guide to arranging and describing archival materials provides both practical advice and critical context, creating an important resource for archivists in all walks of their professional lives.

Archival Arrangement and Description of Archives and Manuscripts. (Chicago: Society of American Archivists, 2013. 230 pages), by Christopher J. Prom and Thomas J. Frusciano. This book, designed to complement *Arranging and Describing Archives and Manuscripts*, explores the use of a range of descriptive standards to facilitate intellectual control and to improve access; the processing of born-digital records; and how to make descriptive information about archives and archival materials accessible via the Internet.

DHP Grant Guidelines Glossary

Terms in this glossary are emphasized in bold at first usage in Sections I and II. See also the Society of American Archivists online glossary: <http://www2.archivists.org/glossary>

Active records – Records that continue to be used with sufficient frequency to justify keeping them in the office of creation; current records (See also: “inactive records”).

Advisory Committee - The Advisory Committee provides advice and guidance for a Documentation project. It should be composed of community members who are independent of the applicant organization, and who are knowledgeable about the project audience and the history, culture, current dynamics, and/or records of the group or topic being documented.

Archives software – A software application such as ArchivesSpace, developed specifically for describing paper-based, analog and **born-digital** archival materials. Software used in and/or purchased for DHP projects should be archives software.

Archival records – Unique, original records that contain significant information of enduring value and are therefore worthy of long-term retention and systematic management (see “historical records”).

Arrangement – 1. The process of organizing materials with respect to their provenance and original order, to protect their context and to achieve physical or intellectual control over the materials. 2. The organization and sequence of items within a collection.

Bibliographic control – the organization of archival materials to facilitate discovery, management, identification, and access. Bibliographic control includes activities such as: creating MARC records and finding aids; following DACS2 and EAD standards; submitting MARC records to OCLC, HDI, and regional and local library systems; and submitting finding aids to ArchiveGrid.

Born-digital – Materials that originate in digital form and which, in their original form, require a digital device to be utilized. This is in contrast to analog or paper-based materials that only become digital through digital reformatting (i.e. **digitization**).

Circuit rider projects - Projects in which an experienced archivist works with several community organizations or historical record repositories to arrange and describe their high priority historical record **collections**. Instead of applying individually, these organizations collaborate to submit a single application to DHP.

Collection(s) – 1. A group of materials with some unifying characteristic. 2. Materials assembled by a person, organization, or repository from a variety of sources; an artificial collection. 3. The holdings of

a repository.

Collection Policy – An official expression of principles that direct the acquisition, disposition, and general care of an organization's collection

Cost sharing - There are two forms of cost sharing: matching funds (the costs of a grant project that are borne by the applicant or by a third party) and in-kind contributions (the value of non-cash contributions that are provided by the applicant in support of the project without charge to the grant). All cost sharing must directly support the grant-funded project activities and outcomes.

Date span - The dates of the oldest and most recent items in a collection or series (e.g. 1888-1935).

Deed of gift – A legal agreement that transfers title to property without an exchange of monetary compensation.

Description – The process of analyzing, organizing, and recording details about the formal elements of a record or collection of records, such as creator, title, dates, extent, and contents, to facilitate the work's identification, management, and understanding.

Digitization – The process of converting diverse analog media including images, documents, film, sound or voice recordings into digital form.

Documentation project(s) - An effort to gather information on the records relating to a specific topic, organization or group and to develop a plan for preserving them and making them available for use.

Environmental control - The maintenance of an environment for long-term storage of records by monitoring and stabilizing the temperature, humidity, light, and impurities in the air.

External records - Records that are created by a person, business or organization that is not a part of a SUNY/CUNY institution. Rather, they are created by an external entity but are preserved/housed by a SUNY/CUNY institution as evidence of that activity and for future reference.

Finding aid - A written guide to a given collection that places archival materials in context by consolidating information about it, such as acquisition and processing; provenance, including administrative history or biographical note; scope of the collection, including size, subjects, media; organization and arrangement; and an inventory of the series and the folders.

Full processing - Full processing includes flat-filing, simple preservation measures, arrangement, foldering, boxing, and description.

Grant products – Results of the DHP Grant project, such as finding aids, MARC records, promotional literature, press releases, posters, etc. as well as web pages, blogs, etc. with information about the funded DHP project.

Historical Documents Inventory (HDI) - A program that is accessible through the New York State Archives online catalog, the HDI lists catalog records for archives and manuscripts collections housed locally at repositories throughout New York State (libraries, historical societies, and other

organizations). Its goal is to increase use of historical records and to provide information on them to the widest possible audience. For more information about how to submit your MARC records to HDI, contact the DHP Office at dhs@nysed.gov.

Historical records - The non-current, unique, original, **inactive records** of an individual, group, or organization that have been selected; donated, or transferred to, or gathered or created by a repository for permanent long-term retention and systematic management because of their enduring administrative, legal, fiscal, or research value; also called “archival records.” DHP law states that historical records “may include diaries, journals, ledgers, minutes, reports, photographs, maps, drawings, blueprints, agreements, memoranda, deeds, case files, and other material. They may take any of several physical forms including: parchment, paper, microfilm, audio tape, film, videotape, computer tape, disc, and other machine readable formats.” If the digital records are **born-digital**, they may be included in the DHP Grant proposal. If the digital records are surrogates (digital copies of original photographs, for instance), they may not be included.

Inactive records – Records that are no longer used in the day-to-day course of business, but which may be preserved and occasionally used for legal, historical, or operational purposes. (See also: “active records”)

Indirect costs - Administrative costs and certain other organization-wide costs that are incurred in connection with a DHP project, but that cannot be readily identified with the project.

In-kind contributions - In reference to Cost Sharing, the value of non-cash contributions provided by the applicant in support of the project without charge to the grant. In-kind contributions must be in the form of goods and services which directly support project activities and outcomes. Both paid staff time and time contributed to the project by volunteers are eligible as in-kind contributions

Example 1: You decide to have one of your paid staff persons, working 20 hours a week for your organization, spend five of those hours each week on the project without charge to the grant. The cost of the five hours each week is your in-kind contribution to the project.

Example 2: You allocate the time of two of your volunteers to work on the grant funded project. The hours they spend on the project may be claimed as an in-kind contribution. Establish a monetary value for their time, and claim this on the Cost Sharing Form under Salaries.

Internal records - Records that are created by a SUNY/CUNY institution in the course of institutional activity and preserved by a SUNY/CUNY institution as evidence of that activity and for future reference.

Item-level description - An approach to archival description that describes individual items in a records series or collection. Unless this approach can be satisfactorily justified in the application’s Plan of Work, the description of individual records in an archival collection (item-level description) is not appropriate, rather description should be done at the folder level and higher.

Key personnel - *Individuals* who work directly on the DHP project including staff, hired assistants, and consultants to be paid from grant funds, and staff or volunteers whose time will be contributed by the applicant as part of their cost share.

MARC - MAchine-Reable Cataloging, a standard by which descriptive elements within bibliographic and other records are uniquely labeled for computer handling.

Matching funds – In reference to Cost Sharing, the costs of a grant project borne by the applicant or by a third party.

Example: You decide to hire an archival consultant for 10 days of work. You pay the consultant partly from your funds and partly from the requested DHP funds. The amount you pay the consultant from your own funds is your matching contribution to the project.

New York repository - A not-for-profit facility located in New York State that is organized to collect, hold, care for, and provide public access to historical records.

Original order – 1. The manner in which a creator arranged a set of records. 2. The principle of maintaining records in such order to preserve their context.

Personal papers – 1. Documents created, acquired, or received by an individual in the course of his or her affairs. 2. Nonofficial documents kept by an individual at a place of work.

Preservation - Activities to conserve, restore, or repair records; or to microfilm, digitize, or otherwise reproduce records primarily for preservation purposes. The DHP does not fund preservation activities.

Project Director - Every DHP project must have a Project Director. Project Directors are expected to monitor closely and supervise all work carried out by consultants, contract workers, and project staff. Project Directors ensure that finances are being managed capably and that reporting is done in a timely fashion. Neither project archivists nor project consultants may serve as Project Directors of DHP Grant projects.

Provenance - A fundamental principle of archives, referring to the individual, family, or organization that created or received the items in a collection. The principle of provenance dictates that records of different origins (provenance) be kept separate to preserve their context.

Research value - The potential of historical records to support research, enrich scholarship, enhance teaching, and promote the creation of new knowledge.

Restrictions – Limitations to public access to records designed to protect security (classification), intellectual property, or personal privacy, or to preserve fragile materials. Restrictions may be defined by a period of time or by subject. A restricted record is usually not accessible to the public.

Under-documented - Topics, events, groups, or organizations that are not well-represented in New York's archival and historical records repositories.

Cubic Foot Equivalents: For use in estimating the volume of paper records

File Folder Drawer	Cubic Feet
Letter	1.5
Letter Transfile	2.0
Legal	2.0
Legal Transfile	2.5
Ledger	3.0
Jumbo	4.0

Card File Drawers	Cubic Feet
3" x 5" x 26" long	0.2
3" x 5" x 14" long	0.1
3.5" x 7.5" x 26" long	0.4
3.5" x 7.5" x 14" long	0.2
4" x 6" x 26" long	0.5
4" x 6" x 14" long	0.2
5" x 8" x 26" long	0.6
5" x 8" x 14" long	0.3
6" x 9" x 26" long	0.8
6" x 9" x 14" long	0.4
8" x 8" x 26" long	1.0
8" x 8" x 14" long	0.5

Map or Plan Drawers	Cubic Feet
2" x 26" x 38" Flat	1.1
2" x 38" x 50" Flat	2.2
4" x 26" x 38" Flat	2.3
4" x 38" x 50" Flat	4.4

Map or Plan Tubes	Cubic Feet
2" x 2" x 38" Roll	0.1
2" x 2" x 50" Roll	0.1
4" x 4" x 38" Roll	0.3
4" x 4" x 50" Roll	0.5

Shelf Units	Cubic Feet
Letter, 36" long	2.4
Legal, 36" long	3.0

Boxes	Cubic Feet
10" x 12" x 15" (standard)	1.0
3.5" x 8" x 24" (check)	0.4
6" x 6" x 36" (map)	0.7
6" x 6" x 48" (map)	1.0
4" x 4" x 48" (map)	.04

Also, Length x Width x Height (in inches) / 1728 = number of cubic feet

Processing Rates for Arrangement & Description of Paper-Based Records

The NYSA Processing Rates table below is based on the State Archives general guidelines for processing paper-based records and can be used to determine an appropriate processing rate. Estimates are based on cubic feet and on a full-time equivalent (FTE) week of 35 hours/week.

In your narrative, be sure to provide justification and rationale based on the records themselves (their current condition and their content), and to describe your rates in *cubic feet per FTE week*.

Condition	Cubic feet per FTE week
Completely unorganized collection	2.5
Complicated collection such as correspondence, subject files, or media files	5
Fairly straightforward collection that may need some work such as case or job files, business records	10
Well-organized collection consisting primarily of volumes or records with uniform or repetitive information (such as invoices)	15

Full Processing Worksheet for Arrangement & Description of Paper-Based Records

Use the Full Processing worksheet below to calculate the number of FTE weeks it will take to fully process the paper-based records in your application. Include these three amounts (size of collection, processing rate, and FTE weeks) in your Work Plan and use the number of FTE weeks you will need to process your collection to schedule your timeline and calculate your budget. Be sure to use *cubic feet* to measure the bulk of your records.

<i>Size of record collection(s) to be fully processed, in cubic feet:</i>	<i>Divided by the processing rate: # of cubic feet that can be processed in one week at full time (35 hours)</i>	<i>Equals: Number of FTE weeks required to complete the full processing of the records</i>
<i>Example: 115 cubic feet</i>	<i>5 cubic feet per week</i>	<i>23 FTE weeks</i>

Section IV, Grant Application Forms

Forms

The current grant application guidelines and forms are available online at:

http://www.archives.nysed.gov/grants/grants_dhp.shtml

Please contact the DHP office if you would prefer a set of hardcopy guidelines and forms:

DHP Office

John Diefenderfer or Heather Carroll

Documentary Heritage Program

New York State Archives

(518) 474-6926

archdhp@nysed.gov

http://www.archives.nysed.gov/grants/grants_dhp.shtml

Section V, Appendices

Appendix 1. Prequalification Requirement for New York State Grants Reform

Pursuant to the New York State Division of Budget Bulletin H-1032, New York State has instituted key reform initiatives to the grant contract process that require not-for-profits to register in the Grants Gateway and complete the Vendor Prequalification process in order for proposals to be evaluated. Information on these initiatives can be found on the [Grants Management Website](#).

Proposals received from not-for-profit applicants that have not Registered and are not Prequalified in the Grants Gateway on the proposal due date of January 14, 2020 at 5:00 pm cannot be evaluated. Such proposals will be disqualified from further consideration.

Below is a summary of the steps that must be completed to meet registration and prequalification requirements. The [Vendor User Guide](#) on the Grants Management Website also details the requirements.

1. Register for the Grants Gateway
 - On the Grants Management Website, download a copy of the [Registration Form for Administrator](#). A signed, notarized original form must be sent to the Division of Budget at the address provided in the instructions. You will be provided with a Username and Password allowing you to access the Grants Gateway.
 - If you have previously registered and do not know your Username, please email grantsgateway@its.ny.gov. If you do not know your Password please click the [Forgot Password](#) link from the main log in page and follow the prompts.

2. Complete your Prequalification Application
 - Log in to the [Grants Gateway](#). **If this is your first time logging in**, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.
 - Click the *Organization(s)* link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A *Document Vault* link will become available near the top of the page. Click this link to access the main Document Vault page.
 - Answer the questions in the *Required Forms* and upload *Required Documents*. This constitutes your Prequalification Application. Optional Documents are not required unless specified in this Request for Proposal.
 - Specific questions about the prequalification process should be referred to GrantsGateway at grantsgateway@its.ny.gov.

3. Submit your Prequalification Application

- **After completing your Prequalification Application, click the Submit Document Vault link** located below the Required Documents section to submit your Prequalification Application for State agency review. Once submitted, the status of the Document Vault will change to *In Review*.
- If your Prequalification reviewer has questions or requests changes, you will receive email notification from the Gateway system.
- Once your Prequalification Application has been approved, you will receive a Gateway notification that you are now prequalified to do business with New York State.

Potential applicants are strongly encouraged to begin the process as soon as possible in order to participate in this DHP Grants opportunity.

Appendix 1a. Budget Category and Code Instructions

Applicants should use the Project Budget Worksheets within the online application to itemize and describe their funding request in the following categories:

- [Salaries for Professional Staff \(Code 15\)](#)
- [Salaries for Support Staff \(Code 16\)](#)
- [Purchased Services \(Code 40\)](#)
- [Supplies, Materials, and Equipment Costing less than \\$5,000 \(Code 45\)](#)
- [Travel Expenses \(Code 46\)](#)
- [Employee Benefits \(Code 80\)](#)

All eligible and ineligible expenditures within each category are outlined below. Be sure to use only the budget categories for which you are requesting funds. Use worksheet data to populate the NYSED Proposed Budget Form FS-10.

Salaries for Professional Staff: Code 15

Provide information for each *professional* staff person you propose to pay with grant funds. Use only whole dollar amounts. Explain how these positions will directly support project activities and outcomes. Clearly explain and justify the individual(s) role in and time spent on the project.

Eligible Expenditures (Code 15)

- Grant funds may be used to hire new professional staff to carry out project-related activities.
- Grant funds may also be used to pay an existing staff person to carry out project-related activities if the hours spent on this work are above and beyond their normal work hours.
- If you are proposing to use DHP funds to pay existing staff to carry out project-related activities during their normal work hours, you must use your organization's own funds to hire a substitute to take over that staff person's responsibilities. Paying this substitute may not be claimed as part of your Cost Share.
- If you choose this option, you must attach a letter to your application which justifies the need for such action, and explains how the substitute will take over the staff person's responsibilities and how they will be paid using non-grant funds.
- For any position that will be supported in whole or in part by grant funds, applicants must attach a job description.
- A chart for use in estimating processing rates for **Arrangement & Description** projects can be found in the Resource Section of the Grant Guidelines.

Ineligible Expenditures (Code 15)

- Consultants should not be included on this form. Use the Code 40 Form instead.
- DHP funds are not intended to provide salary relief for current employees. They cannot be used to replace funds you are already paying an existing staff person
- DHP does not fund routine business activities of the organization.

- No one may be paid to write grant applications with DHP grant funds.
- The DHP does not support projects to create digital surrogates of paper records, photographic or motion picture film, or analog audio and video recordings.
- DHP does not fund expenses associated with activities unrelated to the project.

Salaries for Support Staff: Code 16

Provide the position title, number of hours, hourly rate of pay, and total project salary for each *support* staff person you propose to pay with grant funds. Use only whole dollar amounts.

Explain how these positions will directly support project activities and outcomes. Clearly explain and justify the individual(s) role in and time spent on the project.

Eligible Expenditures (Code 16)

- Grant funds may be used to hire new support staff to carry out project-related activities.
- Grant funds may also be used to pay an existing staff person to carry out project-related activities if the hours spent on this work are above and beyond his/her normal work hours.
- If you are proposing to use DHP funds to pay existing staff to carry out project-related activities during their normal work hours, you must use your organization's own funds to hire a substitute to take over that staff person's responsibilities. Paying this substitute may not be claimed as part of your Cost Share.
- If you choose this option, you must attach a letter to your application that justifies the need for such action, and explains how the substitute will take over the staff person's responsibilities and how they will be paid using non-grant funds.
- For any position that will be supported in whole or in part by grant funds, applicants must attach a job description.
- A chart for use in estimating processing rates for **Arrangement & Description** projects can be found in the Resource Section of the Grant Guidelines.

Ineligible Expenditures (Code 16)

- Per diem or contract workers should not be included here. Use Code 40 Form instead.
- DHP funds cannot be used to replace funds you are already paying to existing staff.
- DHP does not fund routine business activities of the organization.
- No one may be paid to write grant applications with DHP grant funds.
- The DHP does not support projects to create digital surrogates of paper records, photographic or motion picture film, or analog audio and video recordings.
- DHP does not fund expenses associated with activities unrelated to the project.

Purchased Services: Code 40

Identify the type of service and provide the total expenditure for each. For consultants and contracted services, indicate the number of days or hours a consultant or contract worker will work, multiplied by a daily or hourly fee. Use only whole dollar amounts.

Describe how the purchased services support project activities and outcomes. In the case of consultants and/or contract workers: list each name and provide information on their qualifications. Also, clearly explain and justify the consultants' and/or contract workers' role in and time spent on the project.

Eligible Expenditures (Code 40)

- Funding for consultant services, contracted services, per diem services, and for the publication of manuals, teaching guides, finding aids, or other project-related documents directly related to the project, should be requested under Purchased Services (Code 40).
- Fees for an individual, usually an archival specialist who works fewer than 20 days and receives a lump sum payment (no benefits paid) are recorded under Purchased Services (Code 40) and referred to as “Consultant Services.” Consultants may be hired to train staff, conduct studies, prepare reports and recommendations, establish inventory procedures, and other similar services of an advisory nature.
- If the consultant has been identified by the application deadline, his/her resume must be included in the application package. If the consultant is not identified and the application is successful, DHP must review the resume of the consultant before she/he is hired.
- Pay for temporary workers (per diem workers) who are hired for a period of weeks or months (usually working more than 20 days) and who do not receive benefits should also be recorded under Purchased Services (Code 40) and referred to as “Contracted Services.” These persons may be hired to conduct such work as surveying, arrangement and description, or similar activities.
- A chart for use in estimating processing rates for **Arrangement & Description** projects can be found in the Resource Section of the Grant Guidelines.

Ineligible Expenditures (Code 40)

- DHP does not fund routine business activities of the organization.
- No one may be paid to write a grant application with grant funds.
- Consultants may not serve as directors of grant projects. Project Directors are expected to monitor closely and supervise all work carried out by consultants, contract workers and project staff.
- The DHP does not support projects to create digital surrogates of paper records, photographic or motion picture film, or analog audio and video recordings.
- DHP does not fund expenses associated with activities unrelated to the project.

Supplies/Materials/Equipment less than \$5,000: Code 45

Briefly describe each requested item and specify quantity, unit cost, and total expenditure. Use only whole dollar amounts. Describe how each of the supplies, materials, and equipment costing less than \$5,000 itemized on this form are essential to, and will directly support project activities and outcomes.

Eligible Expenditures (Code 45)

- Supplies such as office supplies, acid-buffered folders, archival storage containers, sleeves and enclosures, and shelving
- Equipment items with a unit cost of less than \$5,000
- Archives software [see glossary in the Guidelines for a definition]: If the proposed software is not recognized archives software, the applicant should explain in the Budget Narrative how it would be configured to meet archival standards.

Ineligible Expenditures (Code 45)

- Purchase of office furniture or photocopiers
- Per diem expenses
- Expenses associated with supplies, materials or equipment unrelated to the project.

Travel Expenses: Code 46

Identify the position of the person traveling, purpose of travel, itemized travel expenses, and total expenditure. Use only whole dollar amounts. Explain how the proposed travel directly relates to project activities and outcomes as outlined in the application, and why these activities cannot be accomplished through web, video or telephone conferencing, or other modes of electronic communication.

Eligible Expenditures (Code 46)

- Airfare, if it can be clearly demonstrated that it is the most cost-efficient method of travel available
- Staff, traveling in excess of their regular commute for project-related activities, may receive a mileage reimbursement at the current federal per-mile-rate (58 cents per mile).

Ineligible Expenditures (Code 46)

- Travel expenses associated with activities unrelated to the project.
- DHP does not fund per diem expenditures.

Employee Benefits: Code 80

Institutions may choose to calculate the proposed Employee Benefits by using their own Fringe Benefits (FB) rate or by itemizing the specific benefits. The FB Rate for project personnel must be the same as those used for other institutional personnel. Use only whole dollar amounts.

Justify the need for using grant funds to pay staff benefits. Fringe benefits normally should not exceed 35% of the cost of salaries requested.

Eligible Expenditures (Code 80)

- Applicants may request fringe benefits for professional staff and support staff identified in Code 15 and Code 16 forms. Rates used for project personnel must be the same as those used for other agency personnel.

Ineligible Expenditures (Code 80)

- Fringe benefits may not be paid to consultants or contract workers.

Appendix 2. Minority and Women-Owned Business Enterprise (M/WBE) Participation Goals

Pursuant to Article 15-A of the New York State Executive Law, NYSED has not established M/WBE goals for this grant. Nevertheless, NYSED remains committed to promoting the participation of certified M/WBE to the greatest extent possible. Therefore, NYSED *strongly encourages* applicants to seek New York State certified M/WBE subcontractors at a 30% participation rate. See the **New York State Contract System directory** to find certified M/WBE firms
<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>

Appendix 3. New York State Education Department's Reservation of Rights

NYSED reserves the right to: (1) reject any or all proposals received in response to the RFP; (2) withdraw the RFP at any time, at the agency's sole discretion; (3) make an award under the RFP in whole or in part; (4) disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP; (5) seek clarifications of proposals; (6) use proposal information obtained through site visits, management interviews and the state's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFP; (7) prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available; (8) prior to the bid opening, direct bidders to submit proposal modifications addressing subsequent RFP amendments; (9) change any of the scheduled dates; (10) waive any requirements that are not material; (11) negotiate with the successful bidder within the scope of the RFP in the best interests of the state; (12) conduct contract negotiations with the next responsible bidder, should the agency be unsuccessful in negotiating with the selected bidder; (13) utilize any and all ideas submitted in the proposals received; (14) unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 90 days from the bid opening; (15) require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation; (16) request best and final offers.

Appendix 4. Workers' Compensation Coverage and Debarment

New York State Workers' Compensation Law (WCL) has specific coverage requirements for businesses contracting with New York State and additional requirements which provide for the debarment of vendors that violate certain sections of WCL. The WCL requires, and has required since introduction of the law in 1922, the heads of all municipal and State entities to ensure that businesses have appropriate workers' compensation and disability benefits insurance coverage *prior* to issuing any permits or licenses, or *prior* to entering into contracts.

Workers' compensation requirements are covered by WCL Section 57, while disability benefits are covered by WCL Section 220(8). The Workers' Compensation Benefits clause in Appendix A – Standard Clauses for New York State Contracts (see Appendix 5) states that in accordance with Section 142 of the State Finance Law, a contract shall be void and of no force and effect unless the contractor provides and maintains coverage during the life of the contract for the benefit of such employees as are required to be covered by the provisions of the WCL.

Under provisions of the 2007 Workers' Compensation Reform Legislation (WCL Section 141-b), any person, or entity substantially owned by that person: subject to a final assessment of civil fines or penalties, subject to a stop-work order, or convicted of a misdemeanor for violation of Workers' Compensation laws Section 52 or 131, is barred from bidding on, or being awarded, any public work contract or subcontract with the State, any municipal corporation or public body for one year for each violation. The ban is five years for each felony conviction.

Proof of Coverage Requirements

The Workers' Compensation Board has developed several forms to assist State contracting entities in ensuring that businesses have the appropriate workers' compensation and disability insurance coverage as required by Sections 57 and 220(8) of the WCL.

Please note – an ACORD form is not acceptable proof of New York State workers' compensation or disability benefits insurance coverage.

1) Proof of Workers' Compensation Coverage

To comply with coverage provisions of the WCL, the Workers' Compensation Board requires that a business seeking to enter into a State contract submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain **one** of the following forms from the contractor and submit to OSC to prove the contractor has appropriate workers' compensation insurance coverage:

- **Form C-105.2** – Certificate of Workers' Compensation Insurance issued by private insurance carriers, or **Form U-26.3** issued by the State Insurance Fund; or
- **Form SI-12**– Certificate of Workers' Compensation Self-Insurance; or **Form GSI-105.2** Certificate of Participation in Workers' Compensation Group Self-Insurance; or
- **CE-200**– Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

2) Proof of Disability Benefits Coverage

To comply with coverage provisions of the WCL regarding disability benefits, the Workers' Compensation Board requires that a business seeking to enter into a State contract must submit

appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain **one** of the following forms from the contractor and submit to OSC to prove the contractor has appropriate disability benefits insurance coverage:

- **Form DB-120.1** - Certificate of Disability Benefits Insurance; or
- **Form DB-155**- Certificate of Disability Benefits Self-Insurance; or
- **CE-200**– Certificate of Attestation of Exemption from New York State Workers’ Compensation and/or Disability Benefits Coverage.

For additional information regarding workers’ compensation and disability benefits requirements, please refer to the [New York State Workers’ Compensation Board website](#). Alternatively, questions relating to either workers’ compensation or disability benefits coverage should be directed to the NYS Workers’ Compensation Board, Bureau of Compliance at (518) 486-6307.

Appendix 5. "Appendix A: Standard Clauses for New York State Contracts"

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licenser, licensee, lessor, lessee or any other party):

1. EXECUTORY CLAUSE. In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

2. NON-ASSIGNMENT CLAUSE. In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State's previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller's approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

3. COMPTROLLER'S APPROVAL. In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$25,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law § 163.6-a). However, such pre-approval shall not be required for any contract established as a centralized contract through the Office of General Services or for a purchase order or other transaction issued under such centralized contract.

4. WORKERS' COMPENSATION BENEFITS. In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

5. NON-DISCRIMINATION REQUIREMENTS. To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment, nor subject any individual to harassment, because of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status or because the individual has opposed any practices forbidden under the Human Rights Law or has filed a complaint, testified, or assisted in any proceeding under the Human Rights Law. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. WAGE AND HOURS PROVISIONS. If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, 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. Furthermore, 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. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

7. NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. INTERNATIONAL BOYCOTT PROHIBITION. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2 NYCRR § 105.4).

9. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this 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, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION. (a) Identification Number(s). Every invoice or New York State Claim for Payment submitted to a New York State agency by a payee, for payment for the sale of goods or services or for transactions (e.g., leases, easements, licenses, etc.) related to real or personal property must include the payee's identification number. The number is any or all of the following: (i) the payee's Federal employer identification number, (ii) the payee's Federal social security number, and/or (iii) the payee's Vendor Identification Number assigned by the Statewide Financial System. Failure to include such number or numbers may delay payment. Where the payee does not have such number or

numbers, the payee, on its invoice or Claim for Payment, must give the reason or reasons why the payee does not have such number or numbers.

(b) Privacy Notification. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in the Statewide Financial System by the Vendor Management Unit within the Bureau of State Expenditures, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law and 5 NYCRR Part 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a," "b," and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this clause. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

13. 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 A, the terms of this Appendix A shall control.

14. GOVERNING LAW. This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. LATE PAYMENT. Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. NO ARBITRATION. Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. SERVICE OF PROCESS. In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in § 165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES. In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. OMNIBUS PROCUREMENT ACT OF 1992. It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business
Albany, New York 12245
Telephone: 518-292-5100
Fax: 518-292-5884
email: opa@esd.ny.gov

A directory of certified minority- and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
633 Third Avenue
New York, NY 10017
212-803-2414

email: mwb certification@esd.ny.gov

[NYS M/WBE Directory](#)

The Omnibus Procurement Act of 1992 (Chapter 844 of the Laws of 1992, codified in State Finance Law § 139-i and Public Authorities Law § 2879(3)(n)-(p)) requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority- and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. RECIPROCITY AND SANCTIONS PROVISIONS. Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively, codified in State Finance Law § 165(6) and Public Authorities Law § 2879(5))) require that they be denied contracts which they would otherwise obtain. NOTE: As of October 2019, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii.

22. COMPLIANCE WITH BREACH NOTIFICATION AND DATA SECURITY LAWS. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law § 899-aa and State Technology Law § 208) and commencing March 21, 2020 shall also comply with General Business Law § 899-bb.

23. COMPLIANCE WITH CONSULTANT DISCLOSURE LAW. If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4)(g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

24. PROCUREMENT LOBBYING. To the extent this agreement is a "procurement contract" as defined by State Finance Law §§ 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law §§ 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS.

To the extent this agreement is a contract as defined by Tax Law § 5-a, if the contractor fails to make the certification required by Tax Law § 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law § 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.

26. IRAN DIVESTMENT ACT. By entering into this Agreement, Contractor certifies in accordance with State Finance Law § 165-a that it is not on the “Entities Determined to be Non-Responsive Bidders/Offerers pursuant to the New York State Iran Divestment Act of 2012” (“[Prohibited Entities List](#)”).

Contractor further certifies that it will not utilize on this Contract any subcontractor that is identified on the Prohibited Entities List. Contractor agrees that should it seek to renew or extend this Contract; it must provide the same certification at the time the Contract is renewed or extended. Contractor also agrees that any proposed Assignee of this Contract will be required to certify that it is not on the Prohibited Entities List before the contract assignment will be approved by the State.

During the term of the Contract, should the state agency receive information that a person (as defined in State Finance Law § 165-a) is in violation of the above-referenced certifications, the state agency will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then the state agency shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

The state agency reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension 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.

27. ADMISSIBILITY OF REPRODUCTION OF CONTRACT. Notwithstanding the best evidence rule or any other legal principle or rule of evidence to the contrary, the Contractor acknowledges and agrees that it waives any and all objections to the admissibility into evidence at any court proceeding or to the use at any examination before trial of an electronic reproduction of this contract, in the form approved by the State Comptroller, if such approval was required, regardless of whether the original of said contract is in existence.

(October 2019)

Appendix 6. "Appendix A-1 G General" for New York State Contracts

APPENDIX A-1 G

General

- A. In the event that the Contractor shall receive, from any source whatsoever, sums the payment of which is in consideration for the same costs and services provided to the State, the monetary obligation of the State hereunder shall be reduced by an equivalent amount provided, however, that nothing contained herein shall require such reimbursement where additional similar services are provided and no duplicative payments are received.
- B. This agreement is subject to applicable Federal and State Laws and regulations and the policies and procedures stipulated in the NYS Education Department Fiscal Guidelines found at <http://www.nysed.gov/cafe/>.
- C. For each individual for whom costs are claimed under this agreement, the contractor warrants that the individual has been classified as an employee or as an independent contractor in accordance with 2 NYCRR 315 and all applicable laws including, but not limited to, the Internal Revenue Code, the New York Retirement and Social Security Law, the New York Education Law, the New York Labor Law, and the New York Tax Law. Furthermore, the contractor warrants that all project funds allocated to the proposed budget for Employee Benefits, represent costs for employees of the contractor only and that such funds will not be expended on any individual classified as an independent contractor.
- D. Any modification to this Agreement that will result in a transfer of funds among program activities or budget cost categories, but does not affect the amount, consideration, scope or other terms of this Agreement must be approved by the Commissioner of Education and the Office of the State Comptroller when:
 - a. The amount of the modification is equal to or greater than ten percent of the total value of the contract for contracts of less than five million dollars; or
 - b. The amount of the modification is equal to or greater than five percent of the total value of the contract for contracts of more than five million dollars.
- E. Funds provided by this contract may not be used to pay any expenses of the State Education Department or any of its employees.

Terminations

- A. The State may terminate this Agreement without cause by thirty (30) days prior written notice. In the event of such termination, the parties will adjust the accounts due and the Contractor will undertake no additional expenditures not already required. Upon any such termination, the parties shall endeavor in an orderly manner to wind down activities hereunder.

Responsibility Provisions

- A. **General Responsibility Language**
The Contractor shall at all times during the Contract term remain responsible. The Contractor agrees, if requested by the Commissioner of Education 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.
- B. **Suspension of Work (for Non-Responsibility)**
The Commissioner of Education or his or her designee, in his or her sole discretion, reserves the right to suspend any or all activities under this Contract, at any time, when he or she discovers information that calls into question the responsibility of the Contractor. In the event of such suspension, the Contractor 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 Education or his or her designee issues a written notice authorizing a resumption of performance under the Contract.
- C. **Termination (for Non-Responsibility)**

Upon written notice to the Contractor, and a reasonable opportunity to be heard with appropriate SED officials or staff, the Contract may be terminated by the Commissioner of Education or his or her designee at the Contractor's expense where the Contractor is determined by the Commissioner of Education or his or her designee to be non-responsible. In such event, the Commissioner or his or her designee may complete the contractual requirements in any manner he or she may deem advisable and pursue available legal or equitable remedies for breach.

Safeguards for Services and Confidentiality

- A. Any copyrightable work produced pursuant to said agreement shall be the sole and exclusive property of the New York State Education Department. The material prepared under the terms of this agreement by the Contractor shall be prepared by the Contractor in a form so that it will be ready for copyright in the name of the New York State Education Department. Should the Contractor use the services of consultants or other organizations or individuals who are not regular employees of the Contractor, the Contractor and such organization or individual shall, prior to the performance of any work pursuant to this agreement, enter into a written agreement, duly executed, which shall set forth the services to be provided by such organization or individual and the consideration therefor. Such agreement shall provide that any copyrightable work produced pursuant to said agreement shall be the sole and exclusive property of the New York State Education Department and that such work shall be prepared in a form ready for copyright by the New York State Education Department. A copy of such agreement shall be provided to the State.
- B. All reports of research, studies, publications, workshops, announcements, and other activities funded as a result of this proposal will acknowledge the support provided by the State of New York.
- C. This agreement cannot be modified, amended, or otherwise changed except by a written agreement signed by all parties to this contract.
- D. No failure to assert any rights or remedies available to the State under this agreement shall be considered a waiver of such right or remedy or any other right or remedy unless such waiver is contained in a writing signed by the party alleged to have waived its right or remedy.
- E. Expenses for travel, lodging, and subsistence shall be reimbursed in accordance with the policies stipulated in the aforementioned Fiscal guidelines.
- F. No fees shall be charged by the Contractor for training provided under this agreement.
- G. Nothing herein shall require the State to adopt the curriculum developed pursuant to this agreement.
- H. All inquiries, requests, and notifications regarding this agreement shall be directed to the Program Contact or Fiscal Contact shown on the Grant Award included as part of this agreement.
- I. This agreement, including all appendices, is, upon signature of the parties and the approval of the Attorney General and the State Comptroller, a legally enforceable contract. Therefore, a signature on behalf of the Contractor will bind the Contractor to all the terms and conditions stated therein.
- J. The parties to this agreement intend the foregoing writing to be the final, complete, and exclusive expression of all the terms of their agreement.