



Legislative Branch

RL Number:
20-178
Date Submitted:
8/26/2020

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Ray L. Standish, P.E.
Title/Department: City Engineer/Engineering Department
Contact Information: rstandish@cityofbinghamton.com/772-7007

RL Information

Proposed Title: A Resolution Authorizing the Mayor to enter into an agreement with Barton & Loguidice for Comprehensive Sanitary Sewer Pump Station Study and Preliminary Engineering Report for nine Pump Stations.

Suggested Content: A Resolution Authorizing the Mayor to enter into an agreement with Barton & Loguidice for Comprehensive Sanitary Sewer Pump Station Study and Preliminary Engineering Report for nine Pump Stations. At the cost of \$60,000.00 (\$50,000.00 Grant money, \$10,000.00 City local match 20%) Funds Available in Budget Line: H1440.555555.W0013(Grant Swr Pump Evaluation) \$50,000

A1440.54450 (Technical Service) - \$10,000

Additional Information

- Does this RL concern grant funding? Yes No
- If 'Yes', is the required RL Grant Worksheet attached? Yes No
- Is additional information related to the RL attached? Yes No
- Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input type="checkbox"/>	Planning <input type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input checked="" type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



April 28, 2020

Ray Standish
City Engineer
Binghamton City Hall
38 Hawley Street
Binghamton, New York 13901

Re: Engineering Planning Grant Funded Comprehensive Sanitary Sewer Pump Station Study and Preliminary Engineering Report

Subj: Proposal for Engineering Services

File: 711.146

Dear Mr. Standish:

Thank you for the opportunity for Barton & Loguidice, D.P.C. (B&L) to provide this scope of engineering services to complete the Comprehensive Sanitary Sewer Pump Station Study project. There are nine (9) pump stations that will be evaluated under the study. The evaluation will be summarized in an EFC-compliant Preliminary Engineering Report (PER) which will present recommended improvements for each pump station and opinions of probable construction costs. Additionally, an asset management plan will be created to support a risk-based prioritized capital improvement plan and help in managing future asset renewals.

Project Understanding

The City of Binghamton is committed to proactively maintaining and improving its sanitary and combined sewer infrastructure to make it more resilient and sustainable. As a result of the City's New York State Consolidated Funding Application #91752 for the Comprehensive Sanitary Sewer Pump Station Study project, the City of Binghamton has received a \$50,000 Engineering Planning Grant (EPG) to begin planning for the upgrades necessary at nine (9) of its pump stations. As part of the project, the City will be providing a 20% local match as cash in the amount of \$10,000.

The City of Binghamton owns and operates 10 sanitary/combined sewer pump stations in various locations across the City. Upgrades at one of its 10 pump stations, Bevier Street, are being addressed separately. The nine (9) pump stations to be evaluated as part of this project include:

- Charles Street
- Cheri Lindsey
- Delavan Avenue
- Elm Street
- Frederick Street
- Front Street
- Lake Avenue
- Olmstead Street
- Pennsylvania Avenue (which also includes wet weather pumps for CSO #005)

These nine (9) pump stations have pumps that range from 3 to 150 horsepower. Seven (7) of the nine (9) stations serve combined sewer service areas and three (3) of the pump stations are located within the 100-year floodplain. Station age, configuration, and equipment is highly variable and ranges in age from approximately 8 to 35 years old. Emergency (standby generator) power is lacking at four (4) of the stations and remote alarms and controls vary in make and model. During the floods in 2006 and 2011, three (3) pump stations were inaccessible and one (1) was rendered inaccessible and inoperable.

All of the pump stations are in need of various mechanical, ventilation, and safety-related upgrades to harden the facilities and improve their reliability. Preliminary improvements have been identified relating to:

- Pumping systems (replace antiquated/undersized pumps, controls, pipes and valves)
- Solids handling (upgrades to existing screening systems with new cutting systems or mechanical bar screens)
- Emergency power (install/replace on-site generators or hookups for portable generator)
- Communications (install local and remote SCADA and telemetry systems that connect to the City's SCADA system)
- Ventilation compliance (replacements or upgrades to HVAC equipment for Class I-Division I spaces)
- OSHA compliance (improvements to the pump station facilities to meet current OSHA standards and improve operator safety)
- Structural and architectural deficiencies
- Facility hardening (implement flood protection measures to help with the reliability and resiliency of the pump stations)

An additional consideration to the improvement design is standardization for equipment types to ease operation and maintenance activities. The PER for this study will provide the plan for strategic investments in critical assets.

Scope of Services

Based on the information provided to B&L, we propose to assist the City with the scope of services presented in the following sections.

Task 1 - Document Review and Field Inspection

B&L and its subconsultant team will review any electronic or paper copies of the pump station as-built or design documents provided by the City. Available catalog cut sheets or equipment manuals for key equipment will also be referenced, especially the pumps during the capacity analysis as B&L understands that none of the pump stations currently have flow meters. The pump station facility inspection and evaluation will review the following components at the nine (9) stations (when applicable and to the extent possible while the pump stations are in operation):

- Pumps, motor, and associated equipment (pipes, valves, etc.)
- Solids handling (screening/grinding) systems
- Building condition (doors, windows, roofing, interior and exterior finishes, etc.)
- Overall building envelope for control of air, moisture, and water mitigation
- Stairs/railings/ladders
- Wet and dry wells
- Electrical systems (service and distribution equipment, lighting, etc.)
- Motor Control Center (MCC) and local controls
- Emergency power equipment
- HVAC equipment
- SCADA & Telemetry Equipment (existing or the ability to integrate in the future)
- Plumbing systems (eye wash stations, equipment water connections, etc.)

Preliminary recommendations for pump station asset renewals will be made on the components listed above with respect to:

- Reliability and cost effectiveness
- Ease of operation and maintenance
- Industry standards
- Current local building/plumbing codes
- Safety regulations
- Reducing the “risk” related to the City’s critical pump station infrastructure



An analysis/review of NFPA and the NEC will be conducted to determine code compliance with respect to hazardous spaces. An area classification table for the existing spaces will be provided.

B&L plans to contract with Jade Stone Engineering, PLLC, a Women Owned Business Enterprise (WBE) for the portion of the evaluation related to emergency power, communications and ventilation compliance.

B&L plans to contract with Aubertine and Currier Architects, Engineers & Land Surveyors, PLLC, a Women Owned Business Enterprise (WBE) for the portion of the evaluation related to structural and architectural systems.

Task 2 - Asset Management Plan

To support operations and maintenance activities and asset renewals moving forward, an asset management plan (AMP) document will be created for the pump stations. The AMP will compile information related to the asset's attributes, its condition, and the risks it poses to the City if it fails.

2.1 Asset Inventory

Based on available information from the document review and field inspection, an asset inventory will be created in a Microsoft Excel-based format aligned with the assets included in the NYSDEC's Asset Management Pilot Program (Pilot Program). For a pump station, this would generally include buildings, wet wells, pumps, controls, pipes, valves, generators, unit heaters, louvers, etc.; equipment that has a longer service life, can be repaired, is critical to pump station operation, or is safety-related. At a minimum, B&L would populate the service life, estimated replacement cost (based on a historical B&L database) and installation date of the asset. B&L will look to the City's staff to provide accurate installation dates of the equipment if it is not aligned with the installation date of the entire pump station.

2.2 Condition Assessment

B&L will complete a classification-based condition assessment of the assets included in the asset inventory. These will be based on visual inspections only, completed during the field inspection, so condition information, operation and maintenance history provided by the City staff will be extremely useful to provide adequate condition scores.

2.3 Consequence of Failure Score

A consequence of failure score will be calculated for each asset in alignment with the concepts from the Pilot Program. At a minimum, the consequence of failure score will take into account the reliability of the asset (is there redundancy; can you be without the asset for an hour, week or month) and public and employee health and safety (is there high voltage or chemicals associated with the asset, etc.).

2.4 Likelihood of Failure Score

The likelihood of failure for the assets will be calculated using the same equation created for the Pilot Program. The equation takes into account the condition score for the asset, when available, in addition to the date of installation and estimated service life remaining on the asset.

2.5 Risk Score

The risk score will be calculated for each asset included in the asset inventory, which will serve as the basis for the risk-based capital improvement plan. The risk score calculation is out of 100 and is the product of the consequence of failure score and the likelihood of failure score.

Task 3 - Capacity Review and Demand Analysis

Existing flow data and/or pump run times/operating points will be reviewed to assess each station's current capacity. Excessive run times will help determine whether the pump capacity should be increased, or if a pump(s) is currently operating inefficiently. Additionally, the Town of Conklin, Town of Dickinson, Town of Kirkwood, Village of Port Dickinson, and the Town of Binghamton will be consulted during the study to understand any changes in demand in their public sewer service areas that convey sanitary waste to the City of Binghamton's pump stations. Flow projections will be requested from the municipalities for a 25-year planning period to accommodate economic growth within the developed areas of the tributary municipalities.

Task 4 - Preliminary Engineering Report Deliverable

B&L will hold a workshop with the City to discuss the pump station evaluation to this point. The information collected and calculated as part of the evaluation will be compiled into a NYSEFC-compliant PER. The PER will present an alternatives evaluation for the pump stations, recommended replacements, and present the capital cost for the recommended options. The PER contents will generally be arranged as follows:

- Executive Summary



- Abbreviations
- Introduction
- Project Background and History
- Existing Facilities
- Alternative Analysis
- Summary and Alternative Comparison
- Recommended Alternative
- Conclusion

The draft PER will be submitted to the City for review and comment. A second progress workshop will be held after the City has completed their review of the draft PER. B&L will address the City's comments in prepare the final PER. It is the intention to complete the PER in time for the City to get the project listed in the 2020 CWSRF IUP Annual List, projected for late August 2020.

B&L plans to contract with Trophy Point Construction Services & Consulting, a Service Disabled Veteran Owned Business (SDVOB), to complete the opinion of probable construction cost estimate for the PER.

Task 5 - Risk Based Capital Improvement Plan

The asset inventory from the Asset Management Plan and the cost estimates prepared for the PER will be used to populate the capital improvement plan (CIP) applicable to the recommended pump station improvements. A CIP with a 25-year projection will be created with the near-term construction projects identified and other assets categorized by its estimated replacement year and risk score. The comprehensive CIP will allow the City time to plan and implement an affordable, prioritized asset renewal program to bring the pump stations into compliance with current standards, improve operator safety, and long-term reliability.

Assumptions

As part of this scope of services, several assumptions have been made as listed below:

- During this planning phase, no survey, subsurface exploration, or environmental investigations (asbestos, lead) will be conducted.
- It is assumed at a minimum, one (1) City employee will accompany anyone from the B&L team visiting the pump station sites.

- City staff will review and provide comments on the asset attributes and condition database to ensure its accuracy to the greatest extent practical.
- Evaluation of the force mains associated with the pump stations is not part of this project.
- Design services will be included under a separate agreement.

Fee for Services

The fee for services outlined in this proposal is the lump sum amount of \$60,000, inclusive of the subconsultant costs which meet and exceed the MWBE and SDVOB requirements of 30% and 6%, respectively.

Schedule

Based on the information proposed in the funding application, the tentative schedule for completing the PER in order to list the recommended CIP (or portion thereof) on the CWSRF Intended Use Plan (IUP) is as follows:

- Preliminary Work and City Executes Grant Agreement: April 2020
- Data Review, Fieldwork and Asset Management Plan: April to June 2020
- Draft Preliminary Engineering Report to the City: July 2020
- Final Preliminary Engineering Report to EFC/DOH: Late August 2020

Please do not hesitate to contact us should you have any questions or comments regarding this scope of service. Thank you again for the opportunity to assist the City in making its pump stations more resilient.

Sincerely,

BARTON & LOGUIDICE, D.P.C.



Kenneth M. Knutsen, P.E.
Senior Vice President



Timothy P. Taber, P.E., BCEE
Vice President

LML/tlh

Attachments



Program Requirements and Bid Packet for Non-Construction Contracts

(For projects funded with NYS financial assistance only)

Effective October 1, 2017

New York State Environmental Facilities Corporation
625 Broadway, Albany, NY 12207-2997
P: (518) 402-6924 F: (518) 402-7456
www.efc.ny.gov

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ATTACHMENTS (REQUIRED FORMS)

- Attachment 1 - EEO Policy Statement
- Attachment 2 - EEO Staffing Plan
- Attachment 3 - EEO Workforce Employment Utilization Report
- Attachment 4 - MWBE Utilization Plan
- Attachment 5 - MWBE Waiver Request
- Attachment 6 - Monthly MWBE-SDVOB Contractor Compliance Report
- Attachment 7 - SDVOB Utilization Plan
- Attachment 8 – SDVOB Waiver Request

PART 1:

HOW TO USE THIS DOCUMENT

The New York State Environmental Facilities Corporation (“EFC”) implements various State funded financial assistance programs, including but not limited to the Engineering Planning Grant program, Water Infrastructure Improvement Act (“WIIA”) grant program as well as the Intermunicipal Grant (“IMG”) program.

This Program Requirements and Bid Packet for Non-Construction Contracts document contains (1) a brief description of State program requirements for Contracts and Subcontracts funded by State financial assistance, (2) required language for such Contracts and Subcontracts to satisfy State financial assistance program requirements, including required forms, and (3) guidance materials to assist entities in complying with these requirements.

PROGRAM REQUIREMENTS

The following requirements apply to projects funded with State financial assistance only:

- Participation of Minority- and Women-Owned Business Enterprises (“MWBE”) and Equal Employment Opportunities (“EEO”) pursuant to New York State Executive Law, Article 15-A and New York Code of Rules and Regulations, Title 5 (5 NYCRR) Parts 140-145 (Regulations of the Commissioner of Economic Development);
- Participation of Service-Disabled Veteran-Owned Business Enterprises (“SDVOB”) pursuant to New York State Executive Law, Article 17-B and 9 NYCRR Part 252; and,
- Requirements regarding suspension and debarment pursuant to State Labor Law § 220-b and State Executive Law § 316.

EFC or its authorized representatives, and other governmental entities as applicable, reserve the right to conduct occasional site inspections to monitor compliance with State financial assistance program requirements.

This document is not intended to be inclusive of all applicable legal requirements and there may be other legal requirements that need to be included in a particular Contract or Subcontract that are not set forth here. Accordingly, EFC recommends that Recipients, Contractors, Subcontractors, and any other involved entities consult their legal counsel for advice on compliance with all applicable laws, including but not limited to local laws. This document is not intended to be legal advice.

Refer to the EFC website at www.efc.ny.gov for the latest version of the bid packet to ensure that the most recent forms and contract language are being used.

REQUIRED CONTRACT LANGUAGE

Part 2 of this document is the Required Contract Language. All of the language in Part 2 must be inserted in to all Contracts and Subcontracts funded in whole or in part with State financial assistance, in order for State financial assistance Recipients, Contractors, and Subcontractors to comply with the above-listed State financial assistance program requirements.

GUIDANCE MATERIALS

Part 3 of this document sets forth Guidance Materials intended to assist State financial assistance Recipients, Contractors, and Subcontractors in complying with the foregoing State financial assistance program requirements, as applicable.

The Guidance Materials are for informational purposes only and are not intended to be used as contractual language. Please do not incorporate the Guidance Materials into any Contracts or Subcontracts.

COMMONLY USED TERMS

The following commonly used terms are defined herein as follows:

“Contract” means an agreement between a Recipient and a Contractor.

“Contractor” means all bidders, prime contractors, Service Providers, and consultants as hereinafter defined, unless specifically referred to otherwise.

“Service Provider” means any individual or business enterprise that provides one or more of the following: legal, engineering, financial advisory, technical, or other professional services, supplies, commodities, equipment, materials, or travel.

“Subcontract” means an agreement between a Contractor and a Subcontractor.

“Subcontractor” means any individual or business enterprise that has an agreement, purchase order, or any other contractual arrangement with a Contractor.

“Recipient” means the party, other than EFC, to a financial assistance agreement or a project finance agreement with EFC through which funds for the payment of amounts due thereunder are being paid in whole or in part.

“State” means the State of New York.

PART 2:

REQUIRED CONTRACT LANGUAGE

SECTION 1 REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

The Minority- and Women- Owned Business Enterprises ("MWBE") and Equal Employment Opportunities requirements of this section apply to Contractors and Subcontractors working pursuant to: (1) Contracts for labor, services (including, but not limited to, legal, financial, and other professional services), supplies, equipment, materials, or any combination of the foregoing, greater than \$25,000; (2) Contracts that are initially under this threshold but subsequent change orders or contract amendments increase the Contract value to above \$25,000; and, (3) change orders greater than \$25,000.

Disregard this section if it does not apply to this Contract or Subcontract.

I. General Provisions

- A. Contractors and Subcontractors are required to comply with New York State Executive Law Article 15-A and 5 NYCRR Parts 140-145 ("MWBE Regulations") for all State contracts as defined therein, with a value (1) in excess of \$25,000 for labor, services (including, but not limited to, legal, financial, and other professional services), supplies, equipment, materials, or any combination of the foregoing, or (2) in excess of \$100,000 for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon.
- B. Failure to comply with all of the requirements herein may result in a finding by the Recipient that the Contractor is non-responsive, non-responsible, and/or has breached the Contract, leading to the withholding of funds or such other actions, liquidated damages pursuant to subsection III(F) of this section, or enforcement proceedings as allowed by the Contract.
- C. If any terms or provisions herein conflict with Executive Law Article 15-A or the MWBE Regulations, such law and regulations shall supersede these requirements.
- D. Upon request from the Recipient's Minority Business Officer ("MBO") and/or EFC, Contractor will provide complete responses to inquiries and all MWBE and EEO records available within a reasonable time. For purposes of this section, MBO means the duly authorized representative of the State financial assistance Recipient for MWBE and EEO purposes.

II. Equal Employment Opportunities (EEO)

- A. Each Contractor and Subcontractor performing work on the Contract shall undertake or continue existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, EEO shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.
- B. Contractor represents that it has submitted an EEO policy statement to Recipient prior to the execution of this Contract.

- C. Contractor represents that it's EEO policy statement includes the following language:
1. The contractor will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, or marital status against any employee or applicant for employment, will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination and will make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on Contracts relating to State financial assistance projects.
 2. The Contractor shall state in all solicitations or advertisements for employees that, in the performance of the Contract relating to this State financial assistance project, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.
 3. 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.
- D. The Contractor will include the provisions of Subdivisions II(A), II(C), and II(E) in every Subcontract in such a manner that the requirements of these subdivisions will be binding upon each Subcontractor as to work in connection with the Contract.
- E. The Contractor shall comply with the provisions of the Human Rights Law (Executive Law Article 15), and all other State and Federal statutory and constitutional non-discrimination provisions. The Contractor and Subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.
- F. Required EEO Forms
1. EEO Staffing Plan
To ensure compliance with this section, the Contractor represents that it has submitted prior to execution of this Contract an EEO Staffing Plan to the Recipient's MBO to document the composition of the proposed workforce to be utilized in the performance of the Contract by the specified categories listed, including ethnic background, gender, and federal occupational categories.
 2. EEO Workforce Employment Utilization Report ("Workforce Report")
 - a. The Contractor shall submit a Workforce Report, and shall require each of its Subcontractors to submit a Workforce Report to the Recipient, in such format as shall be required by EFC on a quarterly basis during the term of the Contract.
 - b. Separate forms shall be completed by Contractor and any Subcontractor.
 - c. In limited instances, the Contractor may not be able to separate out the workforce utilized in the performance of the Contract from the Contractor's and/or Subcontractor's total workforce. When a separation can be made, the Contractor shall submit the Workforce Report and indicate that the information provided related to the actual workforce utilized on the Contract. When the workforce to be utilized on the Contract cannot be separated out from the Contractor's and/or Subcontractor's total workforce, the Contractor shall submit the Workforce Report and indicate that the information provided is the Contractor's total workforce during the subject time frame, not limited to work specifically under the Contract.

III. Business Participation Opportunities for MWBEs

A. Contract Goals

1. For purposes of this Contract, EFC establishes the following goals for New York State certified MWBE participation ("MWBE Combined Goals") based on the current availability of qualified MBEs and WBEs.

Program	MWBE Combined Goal*
Clean Water State Revolving Fund, Drinking Water State Revolving Fund, & Green Innovation Grant Program	20%
NYS WIIA Grants (also receiving EFC loan)	Clean Water project 23% Drinking Water project 26%
NYS Intermunicipal Grants (also receiving EFC loan)	Clean Water project 24% Drinking Water project 24%
NYS financial assistance only	30%
Engineering Planning Grant	30%

*May be any combination of MBE and/or WBE participation

2. For purposes of providing meaningful participation by MWBEs on the Contract and achieving the MWBE Contract Goals established in Section III-A hereof, the Contractor should reference the directory of New York State Certified MWBEs found at the following internet address: <https://ny.newnycontracts.com>.
3. The Contractor understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards achievement of applicable MWBE participation goals. For construction-related services Contracts or Subcontracts, the portion of the Contract or Subcontract with an MWBE serving as a supplier, and so designated in ESD's Directory, that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60% of the total value of the Contract or Subcontract. The portion of a Contract or Subcontract with an MWBE serving as a broker, as denoted by NAICS code 425120, that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE.
4. Where MWBE Contract Goals have been established herein, pursuant to 5 NYCRR § 142.8, the Contractor must document "good faith efforts" to provide meaningful participation by MWBEs as Subcontractors or suppliers in the performance of the Contract. In accordance with Section 316-a of Article 15-A and 5 NYCRR § 142.13, the Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such a finding constitutes a breach of Contract and the Contractor shall be liable to the Recipient for liquidated or other appropriate damages, as set forth herein.

B. MWBE Utilization Plan

1. The Contractor represents and warrants that Contractor has submitted an MWBE Utilization Plan to the Recipient prior to the execution of this Contract.
2. The Contractor agrees to use such MWBE Utilization Plan for the performance of MWBEs on the Contract pursuant to the prescribed MWBE goals set forth in Section III-A of this section.
3. The Contractor further agrees that a failure to submit and/or use such MWBE Utilization Plan shall constitute a material breach of the terms of the Contract. Upon the occurrence of such a material breach, the Recipient shall be entitled to any remedy provided herein, including but not limited to, a finding that the Contractor is not responsive.

4. Contractor must report any changes to the Utilization Plan after Contract award and during the term of the Contract to the Recipient's MBO. Contractor shall indicate the changes to the MBO in the next Monthly MWBE Contractor Compliance Report after the changes occurred. At EFC's discretion, an updated MWBE Utilization Plan form and good faith effort documentation may be required to be submitted. When a Utilization Plan is revised due to execution of a change order, the change order should be submitted to the MBO with the revised Utilization Plan.
5. The Contractor shall submit copies of all fully executed subcontracts, agreements, and purchase orders that are referred to in the MWBE Utilization Plan to the MBO within 30 days of their execution.

C. Requests for Waiver

1. If the Contractor, after making good faith efforts, is unable to comply with MWBE goals, the Contractor may submit a Request for Waiver to the Recipient documenting good faith efforts by the Contractor to meet such goals. If the documentation included with the waiver request is complete, the Recipient shall forward the request to EFC for evaluation, and EFC will issue a written notice of acceptance or denial within twenty (20) days of receipt.
2. If the Recipient, upon review of the MWBE Utilization Plan and updated Quarterly MWBE Contractor Compliance Reports determines that the Contractor is failing or refusing to comply with the MWBE Contract Goals and no waiver has been issued in regards to such non-compliance, the Recipient may issue a notice of deficiency to the Contractor. The Contractor must respond to the notice of deficiency within seven (7) business days of receipt. Such response may include a request for partial or total waiver of MWBE Contract Goals.

D. Monthly MWBE Contractor Compliance Report ("Monthly MWBE Report")

The Contractor agrees to submit a report to the Recipient by the third business day following the end of each month over the term of this Contract documenting the payments made and the progress towards achievement of the MWBE goals of the Contract. The Monthly MWBE Report must be supplemented with proof of payment by the Contractor to its Subcontractors (e.g., copies of both sides of a cancelled check) and proof that Subcontractors have been paid within 30 days of receipt of payment from the Recipient. The final Monthly MWBE Report must reflect all Utilization Plan revisions and change orders.

E. Liquidated Damages - MWBE Participation

In accordance with Section 316-a of Article 15-A and 5 NYCRR §142.13, if it has been determined by the Recipient or EFC that the Contractor has willfully and intentionally failed to comply with the MWBE participation goals, the Contractor shall be obligated to pay to Recipient liquidated damages or other appropriate damages, as specified herein and as determined by the Recipient or EFC.

Liquidated damages shall be calculated as an amount not to exceed the difference between:

1. All sums identified for payment to MWBEs had the Contractor achieved the approved MWBE participation goals; and,
2. All sums actually paid to MWBEs for work performed or materials supplied under this Contract.

The Recipient and EFC reserve the right to impose a lesser amount of liquidated damages than the amount calculated above based on the circumstances surrounding the Contractor's non-compliance.

In the event a determination has been made by the Recipient or EFC which requires the payment of damages identified herein and such identified sums have not been withheld, Contractor shall pay such damages to the Recipient within sixty (60) days after they are assessed unless prior to the expiration of such sixtieth day, the Contractor has filed a complaint with the Empire State

Development Corporation – Division of Minority and Women’s Business Development (“ESD”) pursuant to Subdivision 8 of Section 313 of the Executive Law in which event the damages shall be payable if the Director of ESD renders a decision in favor of the Recipient.

SECTION 2 PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED SERVICE-DISABLED VETERAN-OWNED BUSINESSES

The requirements of this section apply to Contractors and Subcontractors working pursuant to: (1) Contracts for labor, services (including, but not limited to, legal, financial, and other professional services), supplies, equipment, materials, or any combination of the foregoing, greater than \$25,000; (2) Contracts that are initially under this threshold but subsequent change orders or contract amendments increase the Contract value to above \$25,000; and, (3) change orders greater than \$25,000.

Disregard this section if it does not apply to this Contract or Subcontract.

I. General Provisions

Contractors and Subcontractors are required to comply with New York State Executive Law Article 17-B and 9 NYCRR Part 252 for all State contracts as defined therein, with a value (1) in excess of \$25,000 for labor, services (including, but not limited to, legal, legal, financial, and other professional services), supplies, equipment, materials, or any combination of the foregoing, or (2) in excess of \$100,000 for the acquisition, construction, demolition, replacement, major repair or renovation or real property and improvements thereon.

II. Contract Goals

- A. EFC hereby establishes an overall goal of 6% for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, the Contractor should reference the directory of New York State Certified SDVOBs found at: http://ogs.ny.gov/Core/docs/CertifiedNYS_SDVOB.pdf.
- B. Pursuant to 9 NYCRR § 252.2(n), Contractor must document “good faith efforts” to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the Contract.

III. SDVOB Utilization Plan

- A. In accordance with 9 NYCRR § 252.2(i), Contractor represents and warrants that it has submitted a completed SDVOB Utilization Plan to Recipient prior to the execution of this Contract.
- B. Contractor certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOBs on the Contract pursuant to the prescribed SDVOB contract goals set forth above.
- C. Contractor further agrees that a failure to use SDVOBs as agreed in the Utilization Plan shall constitute a material breach of the terms of the Contract. Upon the occurrence of such a material breach, the Recipient shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility.
- D. Contractor must report any changes to the Utilization Plan after Contract award and during the term of the Contract to the Recipient’s MBO. Contractor shall indicate the changes to the MBO in the next Monthly SDVOB Contractor Compliance Report after the changes occurred. At EFC’s discretion, an updated SDVOB Utilization Plan form and good faith effort documentation may be required to be submitted. When a Utilization Plan is revised due to execution of a change order, the change order should be submitted to the MBO with the revised Utilization Plan.
- E. The Contractor shall submit copies of all fully executed subcontracts, agreements, and purchase orders that are referred to in the SDVOB Utilization Plan to the MBO within 30 days of their execution.

IV. Request for Waiver

- A. If Contractor, after making good faith efforts, is unable to comply with the SDVOB Contract goals, Contractor may submit a request for a partial or total waiver to the Recipient, documenting good faith efforts by Contractor to meet such goals. If the documentation included with the waiver request is complete, the Recipient shall forward the request to EFC for evaluation, and EFC will

- issue a written notice of acceptance or denial within twenty (20) days of receipt.
- B. Contractor shall attempt to utilize, in good faith, the SDVOBs identified within its SDVOB Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract award may be made at any time during the term of the Contract to the Recipient, but must be made no later than prior to the submission of a request for final payment on the Contract.
 - C. If the Recipient, upon review of the SDVOB Utilization Plan and Monthly SDVOB Contractor Compliance Report determines that Contractor is failing or refusing to comply with the SDVOB Contract goals and no waiver has been issued in regards to such non-compliance, the Recipient may issue a notice of deficiency to Contractor. Contractor must respond to the notice of deficiency within seven business days of receipt. Such response may include a request for partial or total waiver of SDVOB Contract goals.

V. Monthly SDVOB Contractor Compliance Report (“Monthly SDVOB Report”)

In accordance with 9 NYCRR § 252.2(q), Contractor is required to report monthly SDVOB contractor compliance to the Recipient during the term of the Contract for the preceding month’s activity, documenting progress made towards achieving the Contract SDVOB goals. The Contractor agrees to submit a report on to the Recipient by the third business day following the end of each month over the term of this Contract. The Monthly SDVOB Report must be supplemented with proof of payment by the Contractor to its Subcontractors (e.g., copies of both sides of a cancelled check) and proof that Subcontractors have been paid within 30 days of receipt of payment from the Recipient. The final Monthly SDVOB Report must reflect all Utilization Plan revisions and change orders.

VI. Breach of Contract and Damages

In accordance with 9 NYCRR § 252.2(s), any Contractor found to have willfully and intentionally failed to comply with the SDVOB participation goals set forth in the Contract, shall be found to have breached the contract and Contractor shall pay damages as set forth therein.

SECTION 3 REQUIREMENTS REGARDING SUSPENSION AND DEBARMENT

The requirements of this section apply to all Contracts and Subcontracts.

The Contractor and any Subcontractors have not been deemed ineligible to submit a bid on or be awarded a public contract or subcontract pursuant to Article 8 of the State Labor Law, specifically Labor Law § 220-b. In addition, neither the Contractor nor any Subcontractors have contracted with, or will contract with, any party that has been deemed ineligible to submit a bid on or be awarded a public contract or subcontract under Labor Law § 220-b.

In addition, the Contractor and any Subcontractors have not been deemed ineligible to submit a bid and have not contracted with and will not contract with any party that has been deemed ineligible to submit a bid under Executive Law § 316.

PART 3:

GUIDANCE MATERIALS

APPLICABILITY OF PROGRAM REQUIREMENTS

This chart contains a listing of the State financial assistance program requirements contained within this document, as well as the following details regarding each requirement: (1) its applicability, i.e., what types of contracts/subcontracts, particular monetary thresholds if applicable; (2) a section reference to the Required Contract Language that applies from Part 2; and (3) a section reference to the Guidance that applies from this Part.

Requirement	Applicability	Section of Required Contract Language from Part 2	Section of Appropriate Guidance from Part 3
Minority- and Women- Owned Business Enterprises (MWBE) and Equal Employment Opportunities (EEO)	Contractors and Subcontractors working pursuant to: (1) Contracts for labor, services (including, but not limited to, legal, financial, and other professional services), supplies, equipment, materials, or any combination of the foregoing, greater than \$25,000; (2) Contracts that are initially under this threshold but subsequent change orders or Contract amendments increase the Contract value above \$25,000; and, (3) Change orders greater than \$25,000	1	1
Service-Disabled Veteran-Owned Businesses (SDVOB)	Contractors and Subcontractors working pursuant to: (1) Contracts for labor, services (including, but not limited to, legal, financial, and other professional services), supplies, equipment, materials, or any combination of the foregoing, greater than \$25,000; (2) Contracts that are initially under this threshold but subsequent change orders or Contract amendments increase the Contract value above \$25,000; and, (3) Change orders greater than \$25,000	2	2
Suspension and Debarment	All Contracts and Subcontracts	3	3

SECTION 1 GUIDANCE FOR THE REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

I. Summary of EEO and MWBE Forms

A. Forms to be Submitted Prior to Contract Execution

1. EEO Policy Statement

To be submitted by the Contractor to the Recipient's Minority Business Officer ("MBO") prior to Contract execution. The "MBO" refers to the duly authorized representative of the State financial assistance Recipient for MWBE and EEO purposes. This form is attached hereto as Attachment 1. See Required Contract Language, Section 1(II).

2. EEO Staffing Plan

To be submitted by the Contractor to the MBO prior to Contract execution. This form is attached hereto as Attachment 2. See required Contract Language, Section 1(II).

3. MWBE Utilization Plan

To be submitted by the Contractor to the MBO after the bid opening, but in no case more than ten (10) business days after the Contractor receives notice from the Recipient that the Contractor has submitted a low bid. This form is attached hereto as Attachment 4. See Required Contract Language, Section 1(III)(B).

B. Forms to be Submitted During the Term of the Contract

1. EEO Workforce Employment Utilization Report ("Workforce Report")

To be submitted by the Contractor to the MBO on a quarterly basis during the term of the Contract. An exemplar form with instructions is attached hereto as Attachment 3. The actual Excel fillable form for Contractors and Subcontractors to complete will be e-mailed to MBOs by EFC at the start of the Contract term. See Required Contract Language, Section 1(II)(F).

2. Request for Partial or Total Waiver

If applicable, to be submitted by the Contractor to the MBO at any time during the term of the Contract, but not later than prior to the submission of a request for final payment on the Contract. This form is attached hereto as Attachment 5. See Required Contract Language, Section 1(III)(C).

3. Monthly MWBE Contractor Compliance Report ("Monthly MWBE Report")

To be submitted by the Contractor to the MBO by the third business day following the end of each month over the term of the Contract. This form is attached hereto as Attachment 6. See Required Contract Language, Section 1(III)(D).

II. Business Participation Opportunities for MWBEs

A. Contract Goals

The goals provided herein (Required Contract Language, Section 1(III)(A)) are effective as of October 1, 2017. MWBE participation goals for a contract will be based on the goals in place at the time of the execution date of each respective contract, unless otherwise specified. In certain instances, the goals may vary, such as with projects co-funded by EFC and other state/federal agencies. With some co-funded projects, EFC may defer to the MBE and WBE participation goals and program established by those agencies.

Please contact EFC if you have any questions about the applicable MWBE participation goals for your contract.

B. Good Faith Efforts

The Contractor must make good faith efforts to develop an adequate MWBE Utilization Plan and must continue such good faith efforts in order to meet applicable MWBE participation goals. The Contractor shall maintain documentation of good faith efforts to solicit participation of MWBE firms for State financial assistance projects. If a Contractor is unable to meet contract MWBE participation goals, and submits a Request for Waiver, documentation of such good faith efforts must accompany the request. See Required Contract Language, Section 1(III)(C).

Contractor should also continue good faith efforts to seek opportunities for MWBE participation during the life of the contract even if proposed goals have been achieved.

Examples of documentation of good faith efforts are set forth below:

- Information on the scope of work related to the contract, such as a copy of the schedule of values from the bid submission, and specific steps taken to reasonably structure the scope of work to break out tasks or equipment needs for the purpose of providing opportunities for subcontracting with, or obtaining supplies or services from, MBEs or WBEs.
- Printed screenshots of the directory of Certified Minority- and Women- Owned Business Enterprises (“MWBE directory”) on ESD’s website on a Statewide basis, if appropriate, for both MBEs and WBEs that provide the services or equipment necessary for the contract. Contact the MBO for assistance in performing a proper search including identifying a sufficient number of solicitations to show that good faith effort was made.
- Copies of timely solicitations and documentation (e.g., faxes and emails) that the Contractor offered relevant plans, specifications, or other related materials to MBE and WBE firms on ESD’s MWBE directory to participate in the work, with the responses.
- A log prepared by the Contractor in a sortable spreadsheet documenting the Contractor’s solicitation of MBEs and WBEs for participation as Subcontractors or suppliers pursuant to a contract. The log should consist of the list of MBE and WBE firms solicited, their contact information, the type of work they were solicited to perform (or equipment to provide), how the solicitation was made (fax, phone, email) and the contact information, the contacts name and the outcome. If a bid was received, the bid price should also be included in the log. See a sample log format below:

Date	M/WBE Type	Company	Scope of work	Contact Name	Phone/ Email	Solicitation Format	MWBE Response	Negotiation Required?	Selected? If not, Explain

If no response was received to an initial solicitation, at least one follow-up solicitation should be made in a different format than the first, e.g. fax followed by phone call. Any bids received from non-MWBE firms for the same areas MWBEs were solicited should also be tracked on the log.

- Copies of any advertisements of sufficient duration to effectively seek participation of certified MBE and WBEs timely published in appropriate general circulation, trade and MWBE oriented publications, together with listing and dates of publication of such advertisements. EFC recommends the use of the NYS Contract Reporter that is free to all Contractors - <https://www.nyscr.ny.gov/>. A log should be kept of the responses to the ads, similar to the log for MWBE firm solicitation and should include the non-MWBE firms that responded and the bid prices. Any negotiations should be documented in the log.
- Documents demonstrating that insufficient MBEs or WBEs are reasonably available to perform the work.
- A written demonstration that the Contractor offered to make up any inability to meet the project MWBE participation goals in other contracts and/or agreements performed by the Contractor on another State financial assistance project.
- The date of pre-bid, pre-award, or other meetings scheduled by the Recipient, if any, and the contact information of any MBEs and WBEs who attended and are capable of performing work on the project.
- Any other information or documentation that demonstrates the Contractor conducted good faith efforts to provide opportunities for MWBE participation in their work. For instance, Prime Contractors and MBOs should develop a list of MWBE firms that have expressed interest in working on State financial assistance projects

C. MWBE Utilization Plan

1. The MWBE Utilization Plan must be submitted to the Recipient's MBO after the bid opening, but in no case more than ten (10) business days after the Contractor receives notice from the Recipient that the Contractor has submitted a low bid.
2. The MBO will evaluate a completed MWBE Utilization Plan. If the MBO finds the Utilization Plan sufficient, it will be forwarded to EFC for review. If the MBO finds the Utilization Plan insufficient, the MBO will work with the Contractor to address deficiencies before submitting to EFC for review. A written notice of acceptance or deficiency will be issued by EFC within 20 business days of receipt of the Utilization Plan. Upon receipt of a notice of deficiency from either the MBO or EFC, the Contractor shall respond with a written remedy to such notice within seven (7) business days of receipt.
3. In coordination with the MBO, EFC will accept an MWBE Utilization Plan upon consideration of many factors, including the following:
 - a. The MWBE Utilization Plan indicates that the proposed goals for the project will be achieved;
 - b. A Contractor, who is a certified MBE or WBE, will be credited for up to 100% of the category of their certification. However, good faith efforts to seek participation in the other category are also required; and,
 - c. Adequate documentation to demonstrate good faith efforts and/or support a specialty equipment/services waiver as described below in Section III(E).
4. EFC reserves the right to request additional information and/or documentation to support the adequacy of the MWBE Utilization Plan.
5. Within 10 days of EFC's acceptance of a MWBE Utilization Plan, EFC will post the approved Utilization Plan on the EFC website.
6. In coordination with the MBO, EFC may issue conditional acceptance of Utilization Plans pending submission of additional documentation that demonstrates there will be an increase in MWBE participation.

D. Eligibility for MWBE Participation Credit

1. To receive MWBE participation credit, Contractors or Subcontractors performing work that have been identified in an approved MWBE Utilization Plan must be certified as an MBE or WBE by ESD.
2. Prime Contractors may also include second or lower tier Subcontractors (Subcontractors hired by Subcontractors) on their MWBE Utilization Plan.
3. Credit for MWBE participation shall be granted only for MWBE firms performing a commercially useful business function according to custom and practice in the industry.
 - a. Factors to be used in assessing whether an MWBE is performing a commercially useful function include:
 - i. The amount of work subcontracted;
 - ii. Industry practices;
 - iii. Whether the amount the MWBE is to be paid under the contract is commensurate with the work it is to perform;
 - iv. The credit claimed towards MWBE utilization goals for the performance of the work by the MWBE; and,
 - v. Any other relevant factors.
 - b. "Commercially useful functions" normally include:
 - i. Providing technical assistance to a purchaser prior to a purchase, during installation, and after the supplies or equipment are placed in service;
 - ii. Manufacturing or being the first tier below the manufacturer of supplies or equipment;
 - iii. Providing functions other than merely accepting and referring requests for supplies or equipment to another party for direct shipment to a Contractor; or,
 - iv. Being responsible for ordering, negotiating price, and determining quality and quantity of materials and supplies.
 - c. For construction-related services Contracts or Subcontracts, the following rules apply when calculating MWBE utilization:
 - i. The portion of a Contract or Subcontract with an MWBE serving as a manufacturer that shall be deemed to represent the commercially useful function performed by the MWBE shall be 100% of the total value of the Contract or Subcontract.
 - ii. the portion of a Contract or Subcontract with an MWBE serving as a supplier (as denoted by a NAICS code beginning with 423 or 424, or a NIGP code that does not begin with the number 9), and so designated in ESD's Directory, that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60% of the total value of the Contract or Subcontract.
 - iii. the portion of a Contract or Subcontract with an MWBE serving as a broker (as denoted by NAICS code 425120) that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE.
4. No credit will be granted for MWBEs that do not perform a commercially useful function. An MWBE does not perform a commercially useful function if its role adds no substantive value and is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of participation.

E. Requests for Waiver

1. If the Contractor's application of good faith efforts does not result in the utilization of MWBE firms to achieve the aforementioned goals or a specialty equipment/service waiver is requested, the Contractor may request a full or partial waiver of MWBE participation goals by completing a Request for Waiver form, attaching appropriate

documentation of good faith efforts, and submitting same to the MBO. See also Required Contract Language, Section 1(III)(C). Even if an MWBE waiver is granted, EEO information must still be submitted.

2. The MBO and EFC will review each waiver request based on the good faith effort criteria presented above and the documentation submitted with the waiver request. EFC will not issue any automatic waivers from MWBE responsibilities.
3. In cases where EFC accepts a full or partial waiver of MWBE participation goals, the waiver request will be posted to EFC's website.
4. Specialty Equipment/Service Waiver: A specialty equipment/service waiver may be granted in cases where:
 - a. equipment is made by only one non-MWBE manufacturer,
 - b. the technical specifications call for equipment that is not available through an MWBE supplier;
 - c. the equipment is constructed on site by specially trained non-MWBE labor;
 - d. the service is not available through an MWBE (such as work done by National Grid);
 - e. the service is proprietary in nature (such as use of certain computer software necessary for control systems); or,
 - f. the service cannot be subcontracted (such as litigation services).

If the contract includes specialty equipment or services, and documentation is submitted demonstrating that there are no MWBE firms capable of completing this portion of the contract, the specialty amount of the contract may be deducted from the total contract amount to determine the MWBE Eligible Amount and the goals will be applied to the MWBE Eligible Amount. This determination is made at the discretion of the MBO and EFC.

Example:

\$200,000	-	\$50,000	=	\$150,000
(Contract)		(Specialty equipment/service)		(MWBE Eligible Amount)

The MWBE goal is applied to the MWBE Eligible Amount.

A request for this specialty equipment/service deduction can be completed by filling out a Request for Waiver form and submitting it to the MBO. The request must include a copy of the page from the contract where the equipment/ service is described and the cost of each item. Additional documentation may be requested by the MBO or EFC.

III. Subcontractor's Responsibilities

Subcontractors should:

1. Maintain their MWBE certifications, and notify the Contractor and MBO of any change in their certification status.
2. Notify the Contractor of any MWBE Subcontractors they hire so they may be included on the Contractor's Utilization Plan.
3. Respond promptly to solicitation requests by completing and submitting bid information in a timely manner.
4. Maintain business records that should include, but not be limited to, contracts/agreements, records of receipts, correspondence, purchase orders, and canceled checks.
5. Ensure that a required EEO Policy Statement and applicable MWBE requirements are included in each subcontract.
6. Notify the MBO and EFC when contract problems arise, such as non-payment for services or when the Subcontractor is not employed as described in the MWBE Utilization Plan.

IV. Protests/Complaints

Contractors or Subcontractors who have any concerns, issues, or complaints regarding the implementation of any EFC State financial assistance MWBE & EEO Program, or wish to protest should do so in writing to the MBO and EFC. The MBO, in consultation with EFC, will review the circumstances described in the submission, investigate to develop additional information, if warranted, and determine whether action is required. If the Contractor or Subcontractor believes the issue has not been resolved to their satisfaction, they may appeal in writing to EFC for consideration.

V. Waste, Fraud and Abuse

Subcontractors, Contractors, or Recipients who know of or suspect any instances of waste, fraud, or abuse within the MWBE & EEO Program should notify the project MBO and EFC immediately. Additionally, suspected fraud activity should be reported to the New York State Office of Inspector General at (800) 367-4448, or the ESD Compliance Office at (212) 803-3266.

SECTION 2 GUIDANCE FOR NEW YORK STATE CERTIFIED SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES (“SDVOB”) PARTICIPATION OPPORTUNITIES

I. Summary of SDVOB Forms

A. Forms to be Submitted Prior to Contract Execution

1. SDVOB Utilization Plan

To be submitted by the Contractor to the MBO after the bid opening, but in no case more than ten (10) business days after the Contractor receives notice from the Recipient that the Contractor has submitted a low bid. This form is attached hereto as Attachment 7. See Required Contract Language, Section 2(III).

B. Forms to be Submitted During the Term of the Contract

1. Request for Partial or Total Waiver

If applicable, to be submitted by the Contractor to the MBO at any time during the term of the Contract, but not later than prior to the submission of a request for final payment on the Contract. This form is attached hereto as Attachment 8. See Required Contract Language, Section 2(IV).

2. Monthly SDVOB Contractor Compliance Report (“Monthly SDVOB Report”)

To be submitted by the Contractor to the MBO by the third business day following the end of each month over the term of the Contract. This form is attached hereto as Attachment 6. See Required Contract Language, Section 2(V).

II. SDVOB Participation Opportunities

A. Contract Goals

The goals provided herein (Required Contract Language, Section 2(II)(A)) are effective as of October 1, 2017. SDVOB participation goals for a contract will be based on the goals in place at the time of the execution date of each respective contract, unless otherwise specified. Following Contract execution, Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veterans' Business Development at 518-474-2015 [or VeteransDevelopment@ogs.ny.gov](mailto:VeteransDevelopment@ogs.ny.gov) to discuss additional methods of maximizing participation by SDVOBs on the Contract.

B. Good Faith Efforts

The Contractor must make good faith efforts to develop an adequate SDVOB Utilization Plan and must continue such good faith efforts in order to meet applicable SDVOB participation goals. The Contractor shall maintain documentation of good faith efforts to solicit participation of SDVOB firms for State financial assistance projects. If a Contractor is unable to meet contract SDVOB participation goals, and submits a Request for Waiver, documentation of such good faith efforts must accompany the request. See Required Contract Language, Section 2(II)(B).

Contractor should also continue good faith efforts to seek opportunities for SDVOB participation during the life of the contract even if proposed goals have been achieved.

Examples of documentation of good faith efforts are set forth below:

- Information on the scope of work related to the contract, such as a copy of the schedule of values from the bid submission, and specific steps taken to reasonably structure the scope of work to break out tasks or equipment needs for the purpose of providing opportunities for subcontracting with, or obtaining supplies or services from, SDVOBs.
- A list of vendors from the directory of Certified SDVOBs on OGS's website on a Statewide basis, if appropriate, that provide the services or equipment necessary for the contract. Contact the MBO for assistance in performing a proper search including identifying a sufficient number of solicitations to show that good faith effort was made.
- Copies of timely solicitations and documentation (e.g., faxes and emails) that the Contractor offered relevant plans, specifications, or other related materials to SDVOB firms on OGS's SDVOB to participate in the work, with the responses.
- A log prepared by the Contractor in a sortable spreadsheet documenting the Contractor's solicitation of SDVOBs for participation as Subcontractors or suppliers pursuant to a contract. The log should consist of the list of SDVOB firms solicited, their contact information, the type of work they were solicited to perform (or equipment to provide), how the solicitation was made (fax, phone, email) and the contact information, the contacts name and the outcome. If a bid was received, the bid price should also be included in the log. See a sample log format below:

Date	Company	Scope of work	Contact Name	Phone/Email	Solicitation Format	SDVOBResponse	Negotiation Required?	Selected? If not, Explain

If no response was received to an initial solicitation, at least one follow-up solicitation should be made in a different format than the first, e.g. fax followed by phone call. Any bids received from non-SDVOB firms for the same areas SDVOBs were solicited should also be tracked on the log.

- Copies of any advertisements of sufficient duration to effectively seek participation of certified SDVOBs timely published in appropriate general circulation, trade publications, together with listing and dates of publication of such advertisements. EFC recommends the use of the NYS Contract Reporter that is free to all Contractors - <https://www.nyscr.ny.gov/>. A log should be kept of the responses to the ads, similar to the log for SDVOB firm solicitation and should include the non-SDVOB firms that responded and the bid prices. Any negotiations should be documented in the log.
- Documents demonstrating that insufficient SDVOBs are reasonably available to perform the work.

- A written demonstration that the Contractor offered to make up any inability to meet the project SDVOB participation goal in other contracts and/or agreements performed by the Contractor on another State financial assistance project.
- The date of pre-bid, pre-award, or other meetings scheduled by the Recipient, if any, and the contact information of any SDVOBs who attended and are capable of performing work on the project.
- Any other information or documentation that demonstrates the Contractor conducted good faith efforts to provide opportunities for SDVOB participation in their work. For instance, Prime Contractors and MBOs should develop a list of SDVOB firms that have expressed interest in working on State financial assistance projects

C. SDVOB Utilization Plan

1. The SDVOB Utilization Plan must be submitted to the Recipient's MBO after the bid opening, but in no case more than ten (10) business days after the Contractor receives notice from the Recipient that the Contractor has submitted a low bid.
2. The MBO will evaluate a completed SDVOB Utilization Plan. If the MBO finds the Utilization Plan sufficient, it will be forwarded to EFC for review. If the MBO finds the Utilization Plan insufficient, the MBO will work with the Contractor to address deficiencies before submitting to EFC for review. A written notice of acceptance or deficiency will be issued by EFC within 20 business days of receipt of the Utilization Plan. Upon receipt of a notice of deficiency from either the MBO or EFC, the Contractor shall respond with a written remedy to such notice within seven (7) business days of receipt.
3. EFC reserves the right to request additional information and/or documentation to support the adequacy of the SDVOB Utilization Plan.
4. Within 10 days of EFC's acceptance of a SDVOB Utilization Plan, EFC will post the approved Utilization Plan on the EFC website.
5. In coordination with the MBO, EFC may issue conditional acceptance of Utilization Plans pending submission of additional documentation that demonstrates there will be an increase in SDVOB participation.

D. Eligibility for SDVOB Participation Credit

1. To receive SDVOB participation credit, Contractors or Subcontractors performing work that have been identified in an approved SDVOB Utilization Plan must be certified as an SDVOB by the Office of General Services' Division of Service-Disabled Veterans' Business Development.
2. Prime Contractors may also include second or lower tier Subcontractors (Subcontractors hired by Subcontractors) on their SDVOB Utilization Plan.
3. Credit for SDVOB participation shall be granted only for SDVOB firms performing a commercially useful business function according to custom and practice in the industry.
 - a. Factors to be used in assessing whether an SDVOB is performing a commercially useful function include:
 - i. The amount of work subcontracted;
 - ii. Industry practices;
 - iii. Whether the amount the SDVOB is to be paid under the contract is commensurate with the work it is to perform;
 - iv. The credit claimed towards SDVOB utilization goals for the performance of the work by the SDVOB; and,
 - v. Any other relevant factors.
 - b. "Commercially useful functions" normally include:
 - i. Providing technical assistance to a purchaser prior to a purchase, during installation, and after the supplies or equipment are placed in service;
 - ii. Manufacturing or being the first tier below the manufacturer of supplies or equipment;

- iii. Providing functions other than merely accepting and referring requests for supplies or equipment to another party for direct shipment to a Contractor; or,
 - iv. Being responsible for ordering, negotiating price, and determining quality and quantity of materials and supplies.
4. No credit will be granted for SDVOBs that do not perform a commercially useful function. An SDVOB does not perform a commercially useful function if its role adds no substantive value and is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of participation.
 5. A Contractor or subcontractor who is certified as both an SDVOB and MWBE may receive participation credit under both programs for its work on a contract or subcontract.

E. Requests for Waiver

1. If the Contractor's application of good faith efforts does not result in the utilization of SDVOB firms to achieve the aforementioned goals or a specialty equipment/service waiver is requested, the Contractor may request a full or partial waiver of SDVOB participation goals by completing a Request for Waiver form, attaching appropriate documentation of good faith efforts, and submitting same to the MBO. See also Required Contract Language, Section 2(IV).
2. The MBO and EFC will review each waiver request based on the good faith effort criteria presented above and the documentation submitted with the waiver request. EFC will not issue any automatic waivers from SDVOB responsibilities.
3. In cases where EFC accepts a full or partial waiver of SDVOB participation goals, the waiver request will be posted to EFC's website.
4. Specialty Equipment/Service Waiver: A specialty equipment/service waiver may be granted in cases where:
 - a. equipment is made by only one non- SDVOB manufacturer,
 - b. the technical specifications call for equipment that is not available through an SDVOB supplier;
 - c. the equipment is constructed on site by specially trained non-SDVOB labor;
 - d. the service is not available through an SDVOB (such as work done by National Grid);
 - e. the service is proprietary in nature (such as use of certain computer software necessary for control systems); or,
 - f. the service cannot be subcontracted (such as litigation services).

If the contract includes specialty equipment or services, and documentation is submitted demonstrating that there are no SDVOB firms capable of completing this portion of the contract, the specialty amount of the contract may be deducted from the total contract amount to determine the SDVOB Eligible Amount and the goals will be applied to the SDVOB Eligible Amount. This determination is made at the discretion of the MBO and EFC.

Example:

$$\begin{array}{rcl} \$200,000 & - & \$50,000 & = & \$150,000 \\ \text{(Contract)} & & \text{(Specialty equipment/service)} & & \text{(SDVOB Eligible Amount)} \end{array}$$
 The SDVOB goal is applied to the SDVOB Eligible Amount.

A request for this specialty equipment/service deduction can be completed by filling out a Request for Waiver form and submitting it to the MBO. The request must include a copy of the page from the contract where the equipment/ service is described and the cost of each item. For construction contracts, the schedule of values or bid tabulation sheet should also be submitted. Additional documentation may be requested by the MBO or EFC.

III. Subcontractor's Responsibilities

Subcontractors should:

1. Maintain their SDVOB certifications, and notify the Contractor and MBO of any change in their certification status.
2. Notify the Contractor of any SDVOB Subcontractors they hire so they may be included on the Contractor's Utilization Plan.
3. Respond promptly to solicitation requests by completing and submitting bid information in a timely manner.
4. Maintain business records that should include, but not be limited to, contracts/agreements, records of receipts, correspondence, purchase orders, and canceled checks.
5. Notify the MBO and EFC when contract problems arise, such as non-payment for services or when the Subcontractor is not employed as described in the SDVOB Utilization Plan.

IV. Protests/Complaints

Contractors or Subcontractors who have any concerns, issues, or complaints regarding the implementation of any EFC State financial assistance SDVOB Program, or wish to protest should do so in writing to the MBO and EFC. The MBO, in consultation with EFC, will review the circumstances described in the submission, investigate to develop additional information, if warranted, and determine whether action is required. If the Contractor or Subcontractor believes the issue has not been resolved to their satisfaction, they may appeal in writing to EFC for consideration.

V. Waste, Fraud and Abuse

Subcontractors, Contractors, or Recipients who know of or suspect any instances of waste, fraud, or abuse within the SDVOB Program should notify the project MBO and EFC immediately. Additionally, suspected fraud activity should be reported to the New York State Office of Inspector General at (800) 367-4448.

SECTION 3 GUIDANCE FOR REQUIREMENTS REGARDING SUSPENSION AND DEBARMENT

A list of contractors and subcontractors deemed ineligible to submit a bid on or be awarded a public contract or subcontract, pursuant to Article 8 of the State Labor Law, is available on the New York State Department of Labor's website at <http://labor.ny.gov/workerprotection/publicwork/PDFs/debarred.pdf>

A list of contractors deemed ineligible to submit a bid is maintained by Empire State Development's Division of Minority and Women's Business Development.

SECTION 4 SUMMARY OF CONTRACTOR REQUIREMENTS FOR STATE FINANCIAL ASSISTANCE PROJECTS

Forms can be found as attachments to this document or online at www.efc.ny.gov

Forms should be submitted electronically via email or through EFC's [dropbox](#)

To be submitted with this bid:

- EEO Policy Statement

Refer to Part 3
Guidance Section
Section 1

To be submitted prior to or upon Contract award:

- Executed Contracts, Subcontracts, agreements, and purchase orders
- MWBE Utilization Plan and/or Waiver Request
- SDVOB Utilization Plan and/or Waiver Request
- EEO Staffing Plan

Section 1
Section 2
Section 1

Ongoing documentation & tasks:

- EEO Workforce Utilization Report
- Submit Monthly MWBE Reports to MBO
- Submit Monthly SDVOB Reports to MBO

- Maintain proof of payments for MWBE Subcontractors
- Maintain proof of payments for SDVOB Subcontractors
- Ensure that all Subcontracts contain Part 2: Required Contract Language

Section 1
Section 1
Section 2

Section 1
Section 2

Attachment 1
New York State Environmental Facilities Corporation
EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT
NEW YORK STATE FINANCIAL ASSISTANCE PROGRAMS

I, _____, am the authorized representative of _____.

I hereby certify that _____ will abide by the equal employment
Name of Representative Name of Contractor/Service Provider
Name of Contractor/Service Provider

opportunity (EEO) policy statement provisions outlined below.

- (i) The Contractor will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, or marital status against any employee or applicant for employment, will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination and will make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on Contracts relating to Water Grant projects.
- (ii) The Contractor shall state in all solicitations or advertisements for employees that, in the performance of the Contract relating to this Water Grant project, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.
- (iii) 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.
- (iv) The Contractor shall comply with the provisions of the Human Rights Law (Article 15 of the Executive Law), including those relating to non-discrimination on the basis of prior criminal conviction and prior arrest, and with all other State and federal statutory and constitutional non-discrimination provisions. The Contractor and Subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status.
- (v) The Contractor will include the provisions of subdivisions (i) through (iv) in every Subcontract in such a manner that the requirements of these subdivisions will be binding upon each Subcontractor as to work in connection with the Contract.

X

Contractor/Service Provider Representative

**Attachment 2
New York State Environmental Facilities Corporation
Equal Employment Opportunity (EEO) Staffing Plan**

Municipality:	County:	Project No.:	Contract ID:
Service Provider Name:		Date:	

Report Includes – Please select one from the options below:

- Workforce utilized on this contract
- Contractor/subcontractor's total workforce
- Reporting Entity – Please select one from the options below:**
- Prime Service Provider
- Subcontractor

Job Categories	Hispanic/Latino		Male					Female						
	Male	Female	White	Black/African American	Native Hawaiian/Other Pacific Islander	Asian	Native American/Alaska Native	Two or More Races	White	Black/African American	Native Hawaiian/Other Pacific Islander	Asian	Native American/Alaska Native	Two or More Races
	Not Hispanic or Latino													
Senior Level Officials/Managers	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mid-Level Officials/Managers	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Professionals	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Technicians	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sales Workers	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Administrative Support Workers	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Skilled Craftsmen	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Operatives Semi-Skilled	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Laborers & Helpers	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Service Workers	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Journeypersons														
Apprentices														
Trainees														

Electronic Signature of Service Provider: I certify that the information submitted herein is true, accurate and complete to the best of my knowledge.
Name (Please Type): _____ **Date:** _____

Attachment 2
New York State Environmental Facilities Corporation
Equal Employment Opportunity (EEO) Staffing Plan
INSTRUCTIONS

All Service Providers (including legal, engineering, financial advisory or other professional services, and labor) and each subcontractor identified in the bid or proposal must complete an EEO Staffing Plan and submit it no later than the date of execution of the contract to the Recipient's Minority Business Officer (MBO). Where the work force to be utilized in the performance of the contract can be separated out from the contractor's or subcontractors' total work force, the contractor shall complete this form *only for the anticipated work force to be utilized on the contract*. Where the work force to be utilized in the performance of the contract cannot be separated out from the contractor's or subcontractors' total work force, the contractor shall complete this form for the contractor's or subcontractors' total work force.

RACE/ETHNIC IDENTIFICATION: Definitions of race and ethnicity for purposes of completion of this form are as follows:

- **Hispanic or Latino** - A person having origins in Cuba, Mexico, Puerto Rico, South or Central America.
- **White** - A person having origins of Europe, the Middle East, or North Africa.
- **Black or African-American** - A person having origins in any of the black racial groups of Africa.
- **Native Hawaiian or Other Pacific Islander**- A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **Asian** - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent
- **American Indian or Alaska Native** – A person having origins in any of the original peoples of North, Central, and South America and who maintain tribal affiliation or community attachment.
- **Two or More Races** - All persons who identify with more than one of the above (Non-Hispanic or Latino) five races.

DESCRIPTION OF JOB CATEGORIES: The major job categories used in EEO Staffing Plan are as follows:

- **Senior Level Officials and Managers** - Individuals residing in the highest levels of organizations who plan, direct and formulate policies, set strategy and provide the overall direction of enterprises/organizations for the development and delivery of products or services.
- **Mid-Level Officials and Managers** - Individuals who receive directions from the Senior Level management and serve as managers, other than those who serve as Senior Level Officials and Managers, including those who oversee and direct the delivery of products, services or functions at group, regional or divisional levels of organizations.
- **Professionals** - Most jobs in this category require bachelor and graduate degrees, and/or professional certification. In some instances, comparable experience may establish a person's qualifications.
- **Technicians** - Jobs in this category include activities that require applied scientific skills, usually obtained by post-secondary education of varying lengths, depending on the particular occupation, recognizing that in some instances additional training, certification, or comparable experience is required.
- **Sales Workers** - These jobs include non-managerial activities that wholly and primarily involve direct sales.
- **Administrative Support Workers** - These jobs involve non-managerial tasks providing administrative and support assistance, primarily in office settings.
- **Skilled Craftsmen** – Includes higher skilled occupations in construction (building trades craft workers and their formal apprentices) and natural resource extraction workers. Examples of these types of positions include: boilermakers; brick and stone masons; carpenters; electricians; painters.
- **Operatives Semi-Skilled** - Most jobs in this category include intermediate skilled occupations and include workers who operate machines or factory-related processing equipment. Most of these occupations do not usually require more than several months of training. Examples include: textile machine workers.
- **Laborers & Helpers** - Jobs in this category include workers with more limited skills who require only brief training to perform tasks that require little or no independent judgment.
- **Service Workers** - Jobs in this category include food service, cleaning service, personal service, and protective service activities.

See the bid packet at www.efc.ny.gov or your designated MBO for further guidance.

Attachment 3
Instructions for Completing and Submitting the
Equal Employment Opportunity Workforce Utilization Report

The Equal Employment Opportunity (“EEO”) Workforce Utilization Report (“Report”) is used by contractors and subcontractors to report the actual workforce utilized in the performance of the contract broken down by job title for a particular reporting period. When the workforce utilized in the performance of the contract can be separated out from the contractor’s and/or subcontractor’s total workforce, the contractor and/or subcontractor shall submit a Report of the workforce utilized on the contract. When the workforce to be utilized on the contract cannot be separated out from the contractor’s and/or subcontractor’s total workforce, information on the contractor’s and/or subcontractor’s total workforce shall be included in the Report.

Instructions for Completing the Report

1. **Reporting Entity.** Check off the appropriate box to indicate if the entity completing the Report is the contractor or a subcontractor.
2. **Federal Employer Identification Number (“FEIN”).** Enter the FEIN assigned by the Internal Revenue Service (“IRS”) to the contractor or subcontractor for which the Report has been prepared. If the contractor or subcontractor uses a social security number instead of a FEIN, leave this field blank. The contractors and subcontractors for recipients of a grant only (such as an Engineering Planning Grant (EPG), a Water Infrastructure Improvement Act (WIIA) grant, or an Intermunicipal Grant Program (IMG) grant) do not need to fill out this section of the Report.
3. **Name.** Enter the name of the contractor or subcontractor for which the Report has been prepared.
4. **Address.** Enter the address of the contractor or subcontractor for which the Report has been prepared.
5. **Contract Number.** Enter the number of contract that the Report applies to, if applicable.
6. **Reporting Period / Month.** Check off the box that corresponds to the applicable quarterly or monthly (not both) reporting period for this Report. The Report is to be submitted on a monthly basis for construction contracts, and a quarterly basis based on the calendar quarter for all other contracts, during the life of the contract.
7. **Workforce Identified in Report.** Check off the appropriate box to indicate if the workforce being reported is just for the contract or the contractor’s or subcontractor’s total workforce.
8. **Preparer’s Name, Preparer’s Title, Date.** Enter the name and title for the person completing the Report, enter the date upon which the Report was completed, and check the box accepting the name entered into the Report as the digital signature of the preparer.
9. **Occupation Classifications (SOC Major Group) and SOC Job Title.** First, enter the applicable Occupation Classification (SOC Major Group) so a dropdown menu appears under SOC Job Title. Choose the SOC Job Title that best describes the worker.
10. **EEO Job Title and SOC Job Code.** The EEO Job Title and the SOC Job Code will automatically populate in the spreadsheet based upon the Occupation Classifications (SOC Major Group) and SOC Job Title selected. Please do not modify the information populated in these fields.

11. **Race/Ethnic Identification.** Race/ethnic designations do not denote scientific definitions of anthropological origins. For the purposes of this Report, an employee must be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic group. The race/ethnic categories for this Report are:
- **WHITE** (not of Hispanic origin) all persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
 - **BLACK/AFRICAN AMERICAN** a person, not of Hispanic origin, who has origins in any of the black racial groups of the original peoples of Africa.
 - **HISPANIC/LATINO** a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
 - **ASIAN, NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER** a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.
 - **NATIVE AMERICAN/ALASKAN NATIVE** a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.
12. **Number of Employees and Number of Hours.** Enter the number of employees and the total number of hours worked by such employees for each SOC Job Title under the columns corresponding to the gender and racial/ethnic groups with which the employees most closely identify.
13. **Total Compensation.** Enter the total compensation paid to all employees for each SOC Job Title, each gender, and each racial/ethnic group. Contractors and subcontractors should report only compensation for work on the contract paid to employees during the period covered by the Report. Compensation should include only sums which must be reported in Box 1 of IRS Form W-2. The contractors and subcontractors for recipients of a grant only (such as an EPG, a WIIA, or an IMG grant) do not need to fill out this section of the Report.
14. **For EFC Use Only.** This section is for EFC use only and does not need to be filled out by the contractor/subcontractor.

Instructions for Submitting the Report

The Report is to be submitted on a monthly basis for construction contracts, and a quarterly basis based on the calendar quarter for all other contracts, during the life of the contract.

EFC will provide a Report form in Excel format to the Recipient's Minority Business Officer ("MBO"). The Recipient's MBO is responsible for providing the Report form to all contractors. Each contractor is responsible for providing the Report form to all subcontractors.

Reports are to be submitted electronically in Excel format, using the Report form provided, within ten (10) days of the end of each month or quarter, whichever is applicable. For example, the January monthly Report for a construction contract is due by February 10th and the January – March quarterly Report for a non-construction contract is due by April 10th.

Once the Report form has been completed, each contractor/subcontractor must submit the Report form to EFC and the Recipient's MBO. The Report form must be submitted to EFC according to the following instructions:

1. Go to www.efc.ny.gov/eeoreporting.
2. Enter the requested information pursuant to the instructions on the page. Make sure to choose the correct applicable funding program (Clean Water State Revolving Fund (SRF), Drinking Water SRF, non-SRF Grant Only (e.g. EPG, WIIA, IMG)) and the correct reporting period (reporting

quarter for non-construction OR reporting month for construction). Enter the reporting period of the data, not the date it's submitted.

3. Submit your Report(s) pursuant to the instructions on the page.
4. If you are a contractor, use the naming convention provided by EFC (in the "For EFC Use Only" section of the Report form) for naming the file for upload (i.e., Funding Program – Project Number– Contractor short name (up to fifteen characters) – MWBE ID). The funding programs include CW (clean water SRF), DW (drinking water SRF), and GO (non-SRF grant only). If you are a subcontractor, use the naming convention provided by EFC and replace the contractor's short name with the first fifteen characters of the subcontractor's name, omitting any spaces or special characters.

Questions

If you have questions about or require assistance completing or submitting the Report, please contact EFC at mwbe@efc.ny.gov or 518-402-6924.

Attachment 4
NYS Environmental Facilities Corporation
Minority- & Women- Owned Business Enterprise (MWBE) Utilization Plan

Instructions for Contractors & Service Providers:

Contractors and Service Providers must complete Sections 2 and 3. **Submit the completed, signed (electronic signature box checked and dated) form in Microsoft Word format to the Recipient's designated Minority Business Officer (MBO) no later than the date of contract execution.** Incomplete forms will be found deficient. If more than 10 subcontractors are used, additional pages for Section 3 can be found on EFC's website.

If the prime contract is being performed by the parties to a Joint Venture, Teaming Agreement, or Mentor-Protégé Agreement that includes a certified MWBE, please contact EFC for assistance.

MWBE firms must be certified by the NYS Empire State Development Corporation (ESD) in order to be counted towards satisfaction of MWBE participation goals. The utilization of certified MWBEs for non-commercially useful functions may not be counted towards utilization of certified MWBEs in the Utilization Plan. Please note whether a firm is serving as a broker or supplier on the contract. A broker is denoted by NAICS code 425120 and is designated as a broker in ESD's MWBE Directory. A supplier is denoted by a NAICS code beginning with 423 or 424, or a NIGP code that does not begin with the number 9, and is designated as a supplier in ESD's MWBE Directory. If a firm is serving as a broker, please additionally provide the percentage of the broker's commission on the contract.

See the Bid Packet at www.efc.ny.gov or consult your designated MBO for further guidance.

Instructions for Minority Business Officers (MBO):

The MBO must complete Section 1. The MBO may designate an Authorized Representative to complete and submit quarterly payment reports on its behalf, and, if so designated, the MBO's Authorized Representative must also complete Section 1. The Authorized Representative may only submit quarterly payment reports on behalf of the MBO and may not submit any other required forms or reports for the MBO. The MBO must complete Section 1 even if designating an Authorized Representative. **Submit the completed, signed (electronic signature box checked and dated) form in Microsoft Word format via e-mail to your EFC MWBE Representative.**

The subject heading of the e-mail to the EFC MWBE Representative should follow the format "UP, Project Number, Contractor." EFC will review the Utilization Plan and notify the MBO via e-mail of its acceptance or denial.

Within 10 days of EFC's acceptance of a Utilization Plan, EFC will post the approved Utilization Plan on the EFC website.

Attachment 4
NYS Environmental Facilities Corporation
Minority- & Women- Owned Business Enterprise (MWBE) Utilization Plan

SECTION 1: MUNICIPAL INFORMATION			
Recipient/Municipality:	County:		
Project No.:	GIGP/EPG No.:	Contract ID:	Registration No. (NYC only):
Minority Business Officer:	Email:		Phone #:
Address of MBO:			
Electronic Signature of MBO:			
<input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and belief.			
<i>Complete if applicable:</i>			
Authorized Representative:	Title:		Date:
Authorized Rep. Company:	Email:		Phone #:
Electronic Signature of Authorized Rep.:			
<input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and belief.			

SECTION 2: PRIME CONTRACTOR / SERVICE PROVIDER INFORMATION			
Firm Name:	Contract Type: <input type="checkbox"/> Construction <input type="checkbox"/> Other Services		
Prime Firm is Certified as:	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> N/A <input type="checkbox"/> Other:		
Please repeat information in the Utilization Plan below (Section 3). If dual certified, you must select either MBE or WBE.			
Address:	Phone #:	Fed. Employer ID #:	
Description of Work:			
Award Date:	Start Date:	Completion Date:	
Total Contract Amount: \$		MWBE GOAL Total	
MWBE Eligible Contract Amount: \$		MBE: % \$	PROPOSED MWBE Participation
(MWBE Goals are applied to this amount and includes all change orders, amendments, & waivers)		WBE: % \$	MBE: % \$
		Total: % \$	WBE: % \$
			Total: % \$

Attachment 4
 NYS Environmental Facilities Corporation
 Minority- & Women- Owned Business Enterprise (MWBE) Utilization Plan

SECTION 3: M/WBE SUBCONTRACTOR INFORMATION

This Submittal is: <input type="checkbox"/> The First/Original Utilization Plan <input type="checkbox"/> Revised Utilization Plan #:		Contract Amount: MBE (\$) WBE (\$)		For EFC Use:
NYS Certified M/WBE Subcontractor Info				
Name:	Fed. Employer ID#:	Contract Amount:		
Address:	Phone #:	MBE (\$)	WBE (\$)	For EFC Use:
Scope of Work:	Email:			
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	Start Date:			
Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	Completion Date:			
Full Contract Amount: \$				
Name:	Fed. Employer ID#:	Contract Amount:		
Address:	Phone #:	MBE (\$)	WBE (\$)	For EFC Use:
Scope of Work:	Email:			
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	Start Date:			
Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	Completion Date:			
Full Contract Amount: \$				
Name:	Fed. Employer ID#:	Contract Amount:		
Address:	Phone #:	MBE (\$)	WBE (\$)	For EFC Use:
Scope of Work:	Email:			
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	Start Date:			
Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	Completion Date:			
Full Contract Amount: \$				
Name:	Fed. Employer ID#:	Contract Amount:		
Address:	Phone #:	MBE (\$)	WBE (\$)	For EFC Use:
Scope of Work:	Email:			
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:	Start Date:			
Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	Completion Date:			
Full Contract Amount: \$				

Attachment 4
 NYS Environmental Facilities Corporation
 Minority- & Women-Owned Business Enterprise (MWBE) Utilization Plan

SECTION 3: MWBE SUBCONTRACTOR INFORMATION continued				
Name:		Fed. Employer ID#:		
Address:		Phone #:		
Scope of Work:		Email:		
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:		Start Date:		
Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A		Completion Date:		
Full Contract Amount: \$				
Name:		Fed. Employer ID#:		
Address:		Phone #:		
Scope of Work:		Email:		
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:		Start Date:		
Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A		Completion Date:		
Full Contract Amount: \$				
Name:		Fed. Employer ID#:		
Address:		Phone #:		
Scope of Work:		Email:		
Select Only One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Other:		Start Date:		
Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A		Completion Date:		
Full Contract Amount: \$				
SIGNATURE				

Attachment 4
NYS Environmental Facilities Corporation
Minority- & Women- Owned Business Enterprise (MWBE) Utilization Plan

Electronic Signature of Contractor: <input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and that all MWBE subcontractors will perform a commercially useful function.	Date:
--	--------------

**Attachment 5
New York State Environmental Facilities Corporation
Minority & Women Owned Business Enterprise (MWBE) Waiver Request Form**

Instructions for Contractors & Service Providers: Contractors and Service Providers must complete Sections 2, 3, and 4. **Submit the completed, signed (electronic signature box checked and dated) form in Microsoft Word format to the Recipient's designated Minority Business Officer (MBO).** Incomplete forms will be found deficient.

See the Bid Packet at www.efc.ny.gov or consult your designated MBO for further guidance.

Instructions for Minority Business Officers (MBO): The MBO must complete Section 1. **Submit the completed, signed (electronic signature box checked and dated) form in Microsoft Word format via e-mail to your EFC MWBE Representative.** The subject heading of the e-mail to the EFC MWBE Representative should follow the format "Waiver Request, Project Number, Contractor." EFC will review and notify the MBO via e-mail of its acceptance or denial.

If a partial MWBE waiver is requested, an MWBE Utilization Plan must also be submitted for the amount of proposed MWBE participation.

SECTION 1: MUNICIPAL INFORMATION			
Recipient/Municipality:		County:	
Project No.:	GIG/IEPG No.:	Contract ID:	Registration No. (NYC only):
Minority Business Officer (MBO):		Email:	Phone #:
Address of MBO:			
Signature of MBO:		Date:	
<input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and belief.			

SECTION 2: PRIME CONTRACTOR / SERVICE PROVIDER INFORMATION			
Firm Name:		Contract Type: <input type="checkbox"/> Construction <input type="checkbox"/> Other Services	
Prime Firm is Certified as: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> N/A <input type="checkbox"/> Other:			
Address:		Phone #:	Fed. Employer ID #:
Contact Information of Firm Representative Authorized to Discuss Waiver Request:		E-mail:	
Name:		Phone #:	
Description of Work:		EFC MWBE GOAL Total	
Award Date:	Start Date:	Completion Date:	MBE: % \$
Total Contract Amount: \$		WBE: % \$	
MWBE Eligible Contract Amount: \$		Total: % \$	
(MWBE Goals are applied to this amount and includes all change orders, amendments, & waivers)			

Attachment 5
New York State Environmental Facilities Corporation
Minority & Women Owned Business Enterprise (MWBE) Waiver Request Form

SECTION 3: TYPE OF MWBE WAIVER REQUESTED

1. **Full Waiver** (No MWBE participation)
 2. **Partial Waiver** (Less than the MWBE goals; indicate below the proposed MWBE participation)
- PROPOSED MWBE Participation**
- | | | | |
|---------------|---|----|--|
| MBE: | % | \$ | |
| WBE: | % | \$ | |
| Total: | % | \$ | |
3. **Specialty Equipment/Services Waiver** (Must be of SIGNIFICANT cost - list of equipment and cost must be attached in addition to the supporting documentation outlined below)

SECTION 4: SUPPORTING DOCUMENTATION

- To be considered, the Request for Waiver Form must be accompanied by the documentation requested in items 1 – 9, as listed below. If a Specialty Equipment Waiver is requested, it must be accompanied by the documentation requested in items 1 - 13. If a Specialty Services Waiver is requested, it must be accompanied by the items requested in items 1 – 9 and item 14. Copies of the following information and all relevant supporting documentation must be submitted along with the request. Please contact EFC for assistance, including sample documentation.
1. A letter of explanation setting forth your basis for requesting a partial or total waiver and detailing the good faith efforts that were made.
 2. Copies of advertisements in any general circulation, trade association, and minority- and women-oriented publications in which you solicited MWBEs for the purposes of complying with your participation goals, with the dates of publication.
 3. Screenshots of search results (by business description or commodity code) from Empire State Development Corporation's (ESD) MWBE Directory of all certified MWBEs that were solicited for purposes of complying with your MWBE participation goals.
 4. Copies of faxes, letters, or e-mails sent to MWBE firms to solicit participation and their responses.
 5. A log of solicitation results, consisting of the list of MWBE firms solicited for the contract and the outcome of the solicitations. The log should be broken out into separate areas for each task that is solicited (e.g., trucking, materials, electricians) and clearly provide a rationale for firms included on the completed Utilization Plan as well as for those not chosen. The log should show: that each MWBE firm was contacted twice by two different methods (e.g., fax and phone); who was spoken to; what was said; and the final outcome of the solicitation.
 6. A description of any contract documents, plans, or specifications made available to MWBEs for purposes of soliciting their bids and the date and manner in which these documents were made available. Specifically, include information on the scope of work in the contract and a breakout of tasks or equipment, such as

**Attachment 5
New York State Environmental Facilities Corporation
Minority & Women Owned Business Enterprise (MWBE) Waiver Request Form**

a schedule of values for a construction contract or a proposal or excerpt from a professional services agreement.

7. Documentation of any negotiations between you, the Contractor, and the MWBEs undertaken for purposes of complying with your MWBE participation goals.
8. Any other information you deem relevant which may help us in evaluating your request for a waiver. Examples may include sign-in sheets from any pre-bid meetings where MWBE firms were invited, attendance at MWBE forums, etc.
9. EFC and the MBO reserve the right to request additional information and/or documentation.

Additional Documentation for Requests for Specialty Equipment Waivers:

10. Copies of the appropriate pages of the technical specification related to the equipment showing the choices for manufacturers or other information that limits the choice of vendor.
11. Letter, e-mail or screenshot of website from the manufacturer listing their distributors in NYS and the locations.
12. Screenshots of ESD's MWBE Directory searches for the manufacturer and distributor showing that they are not found in the Directory.
13. An invoice or purchase order showing the value of the equipment.

Additional Documentation for Requests for Specialty Service Waivers:

14. A letter of explanation containing information about the scope of work and why no MWBE firms could be subcontracted to provide that service.

Note: Unless a Total Waiver has been granted, Firms will be required to submit all reports and documents pursuant to the provisions set forth in the procurement and/or contract, as deemed appropriate by EFC, to determine MWBE compliance. In cases where EFC accepts a full or partial waiver of MWBE participation goals, the waiver request will be posted to EFC's website.

SIGNATURE

Electronic Signature of Contractor:

I certify that the information submitted herein is true, accurate and complete to the best of my knowledge.

Name: (Please Type):

Date:

Attachment 6
New York State Environmental Facilities Corporation
Monthly Minority- & Women- Owned Business Enterprise (MWBE) Contractor Compliance Report
("Monthly MWBE-SDVOB Report")

Instructions:

- Contractors are to complete the report in Word version and email to the Recipient's Minority Business Officer ("MBO") on a monthly basis.
- If you require additional pages, you may find them on EFC's website at www.efc.ny.gov.
- **All MWBE Subcontractors** for this contract **MUST** be listed on the form regardless of whether they were paid this month.
- Please save Report as "MReport - (Project No.) - (Municipality) - (Firm Name) - (Date)" and send the Word version of this document.
- Proofs of payment in the amounts shown below must be transmitted to the MBO with the report.

Municipality:	County:	Contract ID:	Month:	Year:
Project No.:	GIGP/EPG No:	Registration No. (NYC only):	Date all MWBE / SDVOB subs paid in full:	
Prime Contractor/Service Provider:	Award Date:	Start Date:		
Signature of Contractor: <input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and belief. Date:				
Last Month's Contract Amt: \$ Revised Contract Amt: \$ Change Order Amt: \$	MWBE Eligible Amt: \$ (Goals are applied to this amount and includes eligible change orders, amendments & waivers)	EFC MWBE Goals MBE: _____ % MBE Amt: \$ _____ WBE: _____ % WBE Amt: \$ _____ Total: _____ % Total Amt: \$ _____		Total Paid to Prime Total Paid this Month: \$ _____ Total Paid to Date: \$ _____
		SDVOB Eligible Amount \$ SDVOB 6 % SDVOB Amt: \$ _____		
NYS Certified MWBE / SDVOB Contractor & Subcontractor		Please Specify Any Revisions this Month.		Payments this Month
Name: Fed. Employer ID#: _____ Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker _____ % <input type="checkbox"/> Supplier <input type="checkbox"/> N/A		<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED		Previous Payments Total Payments Made to Date
Name: Fed. Employer ID#: _____ Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker _____ % <input type="checkbox"/> Supplier <input type="checkbox"/> N/A		<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED		

Attachment 6
New York State Environmental Facilities Corporation
Monthly Minority- & Women- Owned Business Enterprise (MWBE) Contractor Compliance Report
(“Monthly MWBE-SDVOB Report”)

NYS Certified MWBE / SDVOB Contractor & Subcontractor	Please Specify Any Revisions this Month.	Subcontractor Contract Amount		Payments this Month	Previous Payments	Total Payments Made to Date
		Original	Revised			
Name: Fed. Employer ID#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					

Attachment 6
New York State Environmental Facilities Corporation
Monthly Minority- & Women- Owned Business Enterprise (MWBE) Contractor Compliance Report
("Monthly MWBE-SDVOB Report")

NYS Certified MWBE / SDVOB Contractor & Subcontractor	Please Specify Any Revisions this Month.	Subcontractor Total Amount		Payments this Month	Previous Payments	Total Payments Made to Date
		Original	Revised			
Name: Fed. Employer ID#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					

**Attachment 6
New York State Environmental Facilities Corporation
Monthly Minority- & Women- Owned Business Enterprise (MWBE) Contractor Compliance Report
("Monthly MWBE-SDVOB Report")**

NYS Certified MWBE / SDVOB Contractor & Subcontractor	Please Specify Any Revisions this Month.	Subcontractor Total Amount		Payments this Month	Previous Payments	Total Payments Made to Date
		Original	Revised			
Name: Fed. Employer ID#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Name: Fed. Employer ID#: Choose all that apply: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB <input type="checkbox"/> Other: MWBE Only - Select Only One: <input type="checkbox"/> Broker ___% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A	<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED					
Additional Pages can be found at www.efc.ny.gov TOTAL						
Please explain any revisions and note the scope of work that new subcontractors will be providing. Please note that change orders over \$25K may require that good faith efforts be made to obtain additional participation:						

Attachment 7
NYS Environmental Facilities Corporation
Service Disabled Veteran-Owned Business (SDVOB) Utilization Plan

Instructions for Contractors & Service Providers:

Contractors and Service Providers must complete Sections 2 and 3. **Submit the completed, signed (electronic signature box checked and dated) form in Microsoft Word format to the Recipient's designated Minority Business Officer (MBO) no later than the date of contract execution.** Incomplete forms will be found deficient. If more than 10 subcontractors are used, additional pages for Section 3 can be found on EFC's website.

If the prime contract is being performed by the parties to a Joint Venture, Teaming Agreement, or Mentor-Protégé Agreement that includes a certified SDVOB, please contact EFC for assistance.

The utilization of certified SDVOBs for non-commercially useful functions may not be counted towards utilization of certified SDVOBs in the Utilization Plan. SDVOB firms must be certified by NYS Office of General Services in order to be counted towards satisfaction of SDVOB participation goals.

See the Bid Packet at www.efc.ny.gov or consult your designated MBO for further guidance.

Instructions for Minority Business Officers (MBO):

The MBO must complete Section 1. The MBO may designate an Authorized Representative to complete and submit quarterly payment reports on its behalf, and, if so designated, the MBO's Authorized Representative must also complete Section 1. The Authorized Representative may only submit quarterly payment reports on behalf of the MBO and may not submit any other required forms or reports for the MBO. The MBO must complete Section 1 even if designating an Authorized Representative. **Submit the completed, signed (electronic signature box checked and dated) form in Microsoft Word format via e-mail to your EFC MWBE-SDVOB Representative.**

The subject heading of the e-mail to the EFC MWBE-SDVOB Representative should follow the format "JP, Project Number, Contractor." EFC will review the Utilization Plan and notify the MBO via e-mail of its acceptance or denial.

Within 10 days of EFC's acceptance of a Utilization Plan, EFC will post the approved Utilization Plan on the EFC website.

Attachment 7
 NYS Environmental Facilities Corporation
 Service Disabled Veteran-Owned Business (SDVOB) Utilization Plan

SECTION 1: MUNICIPAL INFORMATION			
Recipient/Municipality:	County:		
Project No.:	GIGP/EPG No.:	Contract ID:	Registration No. (NYC only):
Minority Business Officer:	Email:		Phone #:
Address of MBO:			
Electronic Signature of MBO:			
<input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and belief.			
<i>Complete if applicable:</i>			
Authorized Representative:		Title:	
Authorized Rep. Company:		Email:	
Authorized Rep. Company:		Phone #:	
Electronic Signature of Authorized Rep.:			
<input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and belief.			
SECTION 2: PRIME CONTRACTOR / SERVICE PROVIDER INFORMATION			
Firm Name:		Contract Type: <input type="checkbox"/> Construction <input type="checkbox"/> Other Services	
Prime Firm is Certified as: <input type="checkbox"/> SDVOB Please repeat information in the Utilization Plan below (Section 3).			
Address:		Phone #:	
Description of Work:		Fed. Employer ID #:	
Award Date:	Start Date:	Completion Date:	
Total Contract Amount: \$		SDVOB GOAL Total	
SDVOB Eligible Contract Amount: \$		PROPOSED SDVOB Participation	
(Goals are applied to this amount and includes all change orders, amendments, & waivers)			
Total: 6% \$		Total: % \$	

**Attachment 7
NYS Environmental Facilities Corporation
Service Disabled Veteran-Owned Business (SDVOB) Utilization Plan**

SECTION 3: SDVOB SUBCONTRACTOR INFORMATION			
This Submittal is:		<input type="checkbox"/> The First/Original Utilization Plan <input type="checkbox"/> Revised Utilization Plan #:	
NYS Certified SDVOB Subcontractor Info			Participation: SDVOB (\$)
			For EFC Use:
Name:	Fed. Employer ID#:		
Address:	DSDVBD Control #:		
Scope of Work:	Phone #:		
Full Subcontract Amount: \$	Email:		
Start Date:	Completion Date:		
Name:	Fed. Employer ID#:		
Address:	DSDVBD Control #:		
Scope of Work:	Phone #:		
Full Subcontract Amount: \$	Email:		
Start Date:	Completion Date:		
Name:	Fed. Employer ID#:		
Address:	DSDVBD Control #:		
Scope of Work:	Phone #:		
Full Subcontract Amount: \$	Email:		
Start Date:	Completion Date:		
Name:	Fed. Employer ID#:		
Address:	DSDVBD Control #:		
Scope of Work:	Phone #:		
Full Subcontract Amount: \$	Email:		
Start Date:	Completion Date:		
Name:	Fed. Employer ID#:		
Address:	DSDVBD Control #:		
Scope of Work:	Phone #:		
Full Subcontract Amount: \$	Email:		
Start Date:	Completion Date:		

Attachment 7
NYS Environmental Facilities Corporation
Service Disabled Veteran-Owned Business (SDVOB) Utilization Plan

SECTION 3: SDVOB SUBCONTRACTOR INFORMATION continued	
Name:	Fed. Employer ID#:
Address:	DSDVBD Control #:
Scope of Work:	Phone #:
Full Subcontract Amount: \$	Email:
Start Date:	Completion Date:
Name:	Fed. Employer ID#:
Address:	DSDVBD Control #:
Scope of Work:	Phone #:
Full Subcontract Amount: \$	Email:
Start Date:	Completion Date:
Name:	Fed. Employer ID#:
Address:	DSDVBD Control #:
Scope of Work:	Phone #:
Full Subcontract Amount: \$	Email:
Start Date:	Completion Date:
Name:	Fed. Employer ID#:
Address:	DSDVBD Control #:
Scope of Work:	Phone #:
Full Subcontract Amount: \$	Email:
Start Date:	Completion Date:

SIGNATURE	
Electronic Signature of Contractor: <input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and that all SDVOB subcontractors will perform a commercially useful function.	
Name (Please Type):	Date:

**Attachment 8
NYS Environmental Facilities Corporation
Service Disabled Veteran Owned Business (SDVOB) Waiver Request Form**

Instructions for Contractors & Service Providers:

Contractors and Service Providers must complete Sections 2, 3, and 4. **Submit the completed, signed (electronic signature box checked and dated) form in Microsoft Word format to the Recipient's designated Minority Business Officer (MBO).** Incomplete forms will be found deficient.

See the Bid Packet at www.efc.ny.gov or consult your designated MBO for further guidance.

Instructions for Minority Business Officers (MBO):

The MBO must complete Section 1. **Submit the completed, signed (electronic signature box checked and dated) form in Microsoft Word format via e-mail to your EFC MWBE-SDVOB Representative.** The subject heading of the e-mail to the EFC MWBE-SDVOB Representative should follow the format "Waiver Request, Project Number, Contractor." EFC will review and notify the MBO via e-mail of its acceptance or denial.

If a partial SDVOB waiver is requested, an SDVOB Utilization Plan must also be submitted for the amount of proposed SDVOB participation.

SECTION 1: MUNICIPAL INFORMATION			
Recipient/Municipality:	County:		
Project No.:	GIG/EPG No.:	Contract ID:	Registration No. (NYC only):
Minority Business Officer (MBO):	Email:	Phone #:	
Address of MBO:			Date:
Signature of MBO: <input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and belief.			

SECTION 2: PRIME CONTRACTOR / SERVICE PROVIDER INFORMATION			
Firm Name:	Contract Type: <input type="checkbox"/> Construction <input type="checkbox"/> Other Services		
Address:	Phone #:	Fed. Employer ID #:	
Contact Information of Firm Representative Authorized to Discuss Waiver Request:	E-mail:		
Name:	Title:	Phone #:	
Description of Work:	EFC SDVOB GOAL Total		
Award Date:	Start Date:	Completion Date:	
Total Contract Amount: \$ SDVOB Eligible Contract Amount: \$ (SDVOB Goals are applied to this amount and includes all change orders, amendments, & waivers)			
			Total: 6 % \$

Attachment 8
NYS Environmental Facilities Corporation
Service Disabled Veteran Owned Business (SDVOB) Waiver Request Form

SECTION 3: TYPE OF SDVOB WAIVER REQUESTED

1. **Full Waiver** (No SDVOB participation)
 2. **Partial Waiver** (Less than the SDVOB goal; indicate below the proposed SDVOB participation)
- PROPOSED SDVOB Participation**
- | | | |
|---------------|---|----|
| Total: | % | \$ |
|---------------|---|----|
3. **Specialty Equipment/Services Waiver** (Must be of SIGNIFICANT cost - list of equipment and cost must be attached in addition to the supporting documentation outlined below)

SECTION 4: SUPPORTING DOCUMENTATION

To be considered, the Request for Waiver Form must be accompanied by the documentation requested in items 1 – 9, as listed below. If a Specialty Equipment Waiver is requested, it must be accompanied by the documentation requested in items 1 - 13. If a Specialty Services Waiver is requested, it must be accompanied by the items requested in items 1 – 9 and item 14. Copies of the following information and all relevant supporting documentation must be submitted along with the request. Please contact EFC for assistance, including sample documentation.

1. A letter of explanation setting forth your basis for requesting a partial or total waiver and detailing the good faith efforts that were made.
2. Copies of advertisements in any general circulation, trade association, in which you solicited SDVOBs for the purposes of complying with your participation goal, with the dates of publication.
3. A list of firms found as a result of a search (by business description or commodity code) of OGS's SDVOB Directory and solicited for purposes of complying with your SDVOB participation goal.
4. Copies of faxes, letters, or e-mails sent to SDVOB firms to solicit participation and their responses.
5. A log of solicitation results, consisting of the list of SDVOB firms solicited for the contract and the outcome of the solicitations. The log should be broken out into separate areas for each task that is solicited (e.g., trucking, materials, electricians) and clearly provide a rationale for firms included on the completed Utilization Plan as well as for those not chosen. The log should show: that each SDVOB firm was contacted twice by two different methods (e.g., fax and phone); who was spoken to; what was said; and the final outcome of the solicitation.
6. A description of any contract documents, plans, or specifications made available to SDVOBs for purposes of soliciting their bids and the date and manner in which these documents were made available. Specifically, include information on the scope of work in the contract and a breakout of tasks or equipment, such as a schedule of values for a construction contract or a proposal or excerpt from a professional services agreement.

Attachment 8
NYS Environmental Facilities Corporation
Service Disabled Veteran Owned Business (SDVOB) Waiver Request Form

7. Documentation of any negotiations between you, the Contractor, and the SDVOBs undertaken for purposes of complying with your SDVOB participation goal.
8. Any other information you deem relevant which may help us in evaluating your request for a waiver. Examples may include sign-in sheets from any pre-bid meetings where SDVOB firms were invited, attendance at SDVOB forums, etc.
9. EFC and the MBO reserve the right to request additional information and/or documentation.

Additional Documentation for Requests for Specialty Equipment Waivers:

10. Copies of the appropriate pages of the technical specification related to the equipment showing the choices for manufacturers or other information that limits the choice of vendor.
11. Letter, e-mail or screenshot of website from the manufacturer listing their distributors in NYS and the locations.
12. The name and federal employee identification number of the manufacturer and distributor for EFC to search the SDVOB Directory.
13. An invoice or purchase order showing the value of the equipment.

Additional Documentation for Requests for Specialty Service Waivers:

14. A letter of explanation containing information about the scope of work and why no SDVOB firms could be subcontracted to provide that service.

Note: Unless a Total Waiver has been granted, Firms will be required to submit all reports and documents pursuant to the provisions set forth in the procurement and/or contract, as deemed appropriate by EFC, to determine SDVOB compliance. In cases where EFC accepts a full or partial waiver of SDVOB participation goals, the waiver request will be posted to EFC's website.

SIGNATURE

Electronic Signature of Contractor:

I certify that the information submitted herein is true, accurate and complete to the best of my knowledge.

Name: (Please Type):

Date:



Legislative Branch

RL Number:
20-183
Date Submitted:
8/31/2020

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Stephen Carson
Title/Department: Manager, HUD Administration
Contact Information: (607) 772-7028

RL Information

Proposed Title: AN ORDINANCE TO AMEND PERM. O20-46 TO CORRECT TWO EXPENSE BUDGET LINES BY \$500

Suggested Content: TBD by Counsel
Due to a miscalculation, amend two budget lines:

Reduce CD8760.535001 from \$57,013 to \$56,513

Increase CD8760.5355002 from \$1,083,247 to \$1,083,747

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): Perm. O20-46

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: April 27, 2020

Sponsored by Council Members: Resciniti, Riley, Burns, Strawn, Scanlon

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE FY45 CDBG
BUDGET TO ACCEPT ADDITIONAL FUNDS
FROM THE US DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT RELATED TO
THE COVID-19 PANDEMIC

WHEREAS, the Mayor, Comptroller, and the Manager, HUD Administration and Housing of the City of Binghamton find it proper and necessary to amend the FY45 Community Development Block Grant ("CDBG") budget to accept additional funds in the total amount of \$1,717,898 from the U.S. Department of Housing and Urban Development ("HUD") related to the COVID-19 pandemic; and

WHEREAS, this Ordinance is adopted after a joint public hearing by the Community Development Advisory Committee ("CDAC") and the Common Council of the City of Binghamton held on April 27, 2020, and after review of a recommendation by the CDAC; and

WHEREAS, these budget amendments were approved by the Board of Estimate and Apportionment on April 22, 2020.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in special session, does hereby ordain as follows:

Section 1. That the Comptroller and City Treasurer of the City of Binghamton are hereby authorized and directed to amend the FY45 CDBG budget to accept funds from HUD related to the COVID-19 pandemic and to create applicable budget lines as follows:

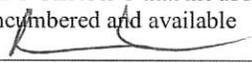
- (i) \$1,140,260 increase budget line CD44960.CVY45 (FED AID-EMDISASST)
[Revenue]
- (ii) \$57,013 increase budget line CD8760.535001.CVY45 (EDW-ADMIN)
[Expense]
- (iii) \$1,083,247 increase budget line CD8760.535002.CVY45 (EDW-PROGRAM)
[Expense]; and
- (iv) \$577,638 increase budget line CG44960.CVY45 (FED AID-EMDISASST)
[Revenue]
- (v) \$28,881 increase budget line CG8760.535001.CVY45 (EDW-ADMIN)
[Expense]
- (vi) \$548,757 increase budget line CG8760.535002.CVY45 (EDW-PROGRAM)
[Expense]

**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: April 27, 2020

Section 2. That this ordinance shall take effect immediately.

I HEREBY CERTIFY that the above described funds
are unencumbered and available



Chuck Shager, Comptroller

Introductory No. 020-47

Permanent No. 020-46

Sponsored by City Council Members:
Resciniti, Riley, Burns, Strawn, Scanlon

AN ORDINANCE TO AMEND THE FY45 CDBG BUDGET TO ACCEPT ADDITIONAL FUNDS FROM THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RELATED TO THE COVID-19 PANDEMIC

The within Ordinance was adopted by the Council of the City of Binghamton.

Date 4/27/2020

City Clerk Leontina G. McGraw

Date Presented to Mayor 4/28/2020

Date Approved 4/28/2020

Mayor William D. Steud

	Ayes	Nays	Abstain	Absent
Councilman Scanlon	✓			
Councilwoman Resciniti	✓			
Councilwoman Riley	✓			
Councilwoman Friedman	✓			
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon				✓
Total	6	0	0	1

Code of the City of Binghamton

Adopted Defeated

6 Ayes 0 Nays 0 Abstain 1 Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 4/27/2020. Approved by the Mayor on 4/28/2020 (Signature)



Legislative Branch

RL Number: RL20-180
Date Submitted: 8/28/2020

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Mayor David and Chief Zikuski

Title/Department: Mayor/Police

Contact Information: _____

RL Information

Proposed Title: Accept a Donation from Boscovs in the amount of 1170.75 for the Police Dept.

A Resolution Authorizing the Mayor to

Suggested Content: Increase donation revenue A42705 Gifts and Donations by \$1170.75 and

increase A3120.5418 Police - K9 Unit

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Copy of check is attached
Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>

Check Date: Jul/24/2020

Boscov's Department Store, LLC

Check No: 944744

Invoice Number	Invoice Date	Voucher ID	Gross Amount	Discount Taken	Paid Amount
DONATION-JUNE2020	Jul/21/2020	00394745	1,170.75	0.00	1,170.75

Vendor Number	Name				
0000074341	CITY OF BINGHAMTON				
Check Number	Date	Gross Amount	Discounts	Paid Amount	
944744	Jul/24/2020	\$1,170.75	\$0.00	\$1,170.75	

WARNING - THIS CHECK IS PROTECTED BY SPECIAL SECURITY GUARD PROGRAM™ FEATURES



Boscov's Department Store, LLC
P.O. BOX 4505
Reading PA 19606-4505

Bank of America
PO Box 105713
Atlanta GA 30348
3359323071

64-1278/611 GA

944744

Date Jul/24/2020

Pay Amount

\$1,170.75***

Pay ****One thousand one hundred seventy and 75/100 US Dollar****

To The Order Of

CITY OF BINGHAMTON
POLICE DEPT
38 HAWLEY STREET
BINGHAMTON NY 13901

James Bowen
Authorized Signature

SECURE FEATURES INCLUDE INVISIBLE FIBERS • MICROPRINTING • VOID FEATURE PANTOGRAPH • ENDORSEMENT BACKER • BROWNSTAIN CHEMICAL REACTANT.

⑈944744⑈ ⑆061112788⑆ 3359323071⑈

Boscov's Department Store, LLC

PO Box 4116, Reading, PA 19606-0516 / Phone: 610.779.2000 / www.boscovs.com



July 21, 2020

City of Binghamton Police Department
38 Hawley Street
Binghamton, NY 13901

Dear Binghamton Police Department,

To help keep our coworkers and customers safe, we require everyone in our stores to wear masks. Anyone entering without a mask is offered one for a \$1 donation. Many of our valued customers wanted to show their appreciation to you by donating more than that, regardless of whether they needed a mask.

Please accept the enclosed donation in the amount of \$1170.75, as a way to thank you on behalf of the community you serve. The dedication and commitment to keeping our community safe is appreciated and inspiring.

Thank you for your hard work and support during these uneasy times.

Stay healthy and safe.

A handwritten signature in black ink, appearing to read "Jim Boscov".

Jim Boscov
Chairman and CEO



Legislative Branch

RL Number: 20-182
Date Submitted: 8/31/2020

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Chuck Shager

Title/Department: Comptroller

Contact Information: 607-772-7011

RL Information

Proposed Title: resolution to modify 2020 Comptroller Budget

An Ordinance to Amend the 2020 Finance Budget to Amend Assistant Purchasing Agent to Purchasing Agent

Suggested Content: change position from Assistant Purchasing Agent to Purchasing Agent

Additional Information

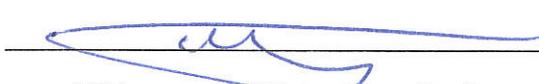
Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	
Comptroller:	
Corporation Counsel:	
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



exp

Legislative Branch

RL Number: 20-185
Date Submitted: 9/1/2020

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: CHUCK SHAGER

Title/Department: COMPTROLLER/FINANCE

Contact Information: 607-772-7011

RL Information

Proposed Title: An ordinance to amend the 2020 General Fund budget and Water Fund Budget to increase unemployment insurance for COVID-19 furloughs from various departments

Suggested Content: SEE ATTACHED

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s):

OFFICE USE ONLY						
Mayor:						
Comptroller:						
Corporation Counsel:						
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>	

UNEMPLOYMENT BILLS SUMMARY

	Decrease	APRIL	MAY	JUNE
• Code		1,812.00	2,388.49	4,253.71
• Corp. Counsel	A1420.51000	531.00	840.75	987.75
• DPW	A5110.51000	-	201.76	2,481.00
• Econ Dev	A6989.51000	-	-	504.00
• Engineering	A1440.51000	-	-	1,008.00
• Finance	A1310.51000	2,016.00	2,520.00	2,505.25
• Fire	A3410.51000	-	947.78	2,399.56
IT	A1680.51000	-	-	-
• Parks	A7140.51800	933.98	1,307.16	2,625.08
• PCHD	A8684.51000	-	-	429.50
Personnel	A1430.51000	-	-	-
• Police	A3120.51000	1,303.00	2,710.21	3,646.77
• school guards	A3120.51016	2,407.00	2,803.00	2,702.00
• Treasurer	A1325.51000	-	-	380.00
• Water	FX8340.51000	-	-	1,876.00
		9,002.98	13,719.15	25,798.62
	Increase			
A9050.58000E	46,644.75			
FX9050.58000E	1,876.00			



Legislative Branch

RL Number: 20-186
Date Submitted: 9/1/2020

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: chuck shager
Title/Department: comptroller
Contact Information: 772-7011

RL Information

Proposed Title: ordinance to refund the January 2014 Bond

Suggested Content: see attached

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): multiple bond ordinance

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



PHONE: 212-820-9300
FAX: 212-514-8425

7 WORLD TRADE CENTER
250 GREENWICH STREET
NEW YORK, NY 10007
WWW.HAWKINS.COM

NEW YORK
WASHINGTON
NEWARK
HARTFORD
LOS ANGELES
SACRAMENTO
SAN FRANCISCO
PORTLAND
ANN ARBOR

(212) 820-9620

August 28, 2020

City of Binghamton, New York
\$8,200,000 Refunding Bond Ordinance
(Our File Designation: 5040/44611)

Chuck Shager
Comptroller
City of Binghamton
City Hall
38 Hawley Street
Binghamton, New York 13901-3766

Dear Chuck:

We have prepared and now send to you the draft Extract of Minutes setting forth the above-referenced Refunding Bond Ordinance to be adopted by the City Council at its meeting to be held on September 23, 2020.

The bond ordinance requires at least a two-thirds vote of the full Council for adoption, without taking into consideration any temporary absences or vacancies. There is no publication requirement for this Refunding Bond Ordinance.

Please obtain and forward to me a certified copy of the Extract of Minutes following the meeting.

With best regards, I remain

Very truly yours,

William J. Jackson

WJJ/ml
Enclosures

EXTRACT OF MINUTES

Meeting of the City Council of the City of Binghamton,

in the County of Broome, New York

September 23, 2020

* * *

A regular meeting of the City Council of the City of Binghamton, in the County of Broome, New York, was held at the City Hall, 38 Hawley Street, Binghamton, New York, on September 23, 2020.

There were present:

Councilpersons:

There were absent:

Also present:

Leighton Rogers, City Clerk

* * *

_____ offered the following ordinance and moved its adoption:

Legal Counsel Approval _____

Introductory No. _____



Permanent No. _____

**THE COUNCIL OF THE CITY
STATE OF NEW YORK**

OF BINGHAMTON

Date: September 23, 2020

Sponsored by Council Members:

Introduced by Committee: Finance

ORDINANCE

Entitled

REFUNDING BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED SEPTEMBER 23, 2020, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING BONDS OF SAID CITY, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$8,200,000 FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$8,200,000 REFUNDING BONDS TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN OTHER DETERMINATIONS RELATIVE THERETO

Recitals

WHEREAS, the City of Binghamton, in the County of Broome, New York (herein called the "City"), has heretofore issued on January 30, 2014, its \$9,885,000 Public Improvement Serial Bonds-2014 (the "2014 Bonds"), which are currently outstanding in the principal amount of \$7,610,000 (the "Outstanding Bonds"), and which were originally issued pursuant to various bond ordinances duly adopted by the City Council to finance the objects or purposes set forth in **Exhibit A**;

WHEREAS, the Outstanding Bonds mature on January 15 in each of the years and in the principal amounts and bear interest payable semiannually on January 15 and July 15 in each year to maturity, as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2021	\$440,000	3.25%
2022	450,000	3.25
2023	465,000	3.25
2024	480,000	3.25
2025	490,000	3.25
2026	510,000	3.00
2027	525,000	3.50
2028	545,000	4.00
2029	560,000	4.00
2030	580,000	4.00
2031	605,000	4.00
2032	630,000	4.00
2033	650,000	4.00
2034	680,000	4.125

WHEREAS, the Outstanding Bonds maturing on or after January 15, 2023 are subject to redemption prior to maturity, at the option of the City, on January 15, 2022 and thereafter on any date, in whole or in part and if in part, in any order of their maturity and in any amount within a maturity (selected by lot with a maturity), at par (100%) plus accrued interest to the date of redemption;

WHEREAS, Sections 90.00 and 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), permits the City to refund all or a portion of the Outstanding Bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the City, and the

City Council of City has determined that it may be advantageous to refund all or a portion of the Outstanding Bonds; and

WHEREAS, in order effectuate the refunding, it is now necessary to adopt a refunding bond ordinance;

NOW THEREFORE, it is hereby

RESOLVED BY THE CITY COUNCIL OF THE CITY OF BINGHAMTON, NEW YORK (by the favorable vote of at least two-thirds of all the members of said City Council), AS FOLLOWS:

Section 1. In this ordinance, the following definitions apply, unless a different meaning clearly appears from the context:

- (a) "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the Outstanding Bonds, as shall be determined in accordance with Section 8 hereof.
- (b) "Escrow Contract" means the contract to be entered into by and between the City and the Escrow Holder pursuant to Section 10 hereof.
- (c) "Escrow Holder" means the bank or trust company designated as such pursuant to Section 10 hereof.
- (d) "Outstanding Bonds" shall mean the outstanding unredeemed maturities of the \$9,885,000 Public Improvement Serial Bonds-2014 of the City.
- (e) "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the agreed upon price including estimated accrued interest.
- (f) "Redemption Date" means January 15, 2022 and thereafter on any date with respect to the Outstanding Bonds maturing on or after January 15, 2023.

- (g) “Refunding Bond” or “Refunding Bonds” means all or a portion of the \$8,200,000 Refunding Serial Bonds-2020 of the City of Binghamton, authorized to be issued pursuant to Section 2 hereof.
- (h) “Refunding Bond Amount Limitation” means an amount of Refunding Bonds which does not exceed the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on such Bonds To Be Refunded, to and including the applicable Redemption Date, plus redemption premiums payable on such Bonds To Be Refunded as of such Redemption Date, as hereinabove referred to in the Recitals hereof, plus costs and expenses incidental to the issuance of the Refunding Bonds including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 10 hereof.

Section 2. The City Council of the City (herein called the “City Council”), hereby authorizes the refunding of the Bonds To Be Refunded, and appropriates an amount not to exceed \$8,200,000 to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$8,200,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the City to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the City in the maximum principal amount of \$8,200,000 and designated “Refunding Serial Bonds-2020 (Federally Taxable)” (or a substantially similar designation), are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan in the form attached hereto as **Exhibit B** (the “refunding financial plan”) prepared for the City by Roosevelt & Cross, Inc., New York, New York, and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 10 hereof, the payment of all costs incurred by the City in connection with said refunding from such proceeds and the investment of a portion of such proceeds by the Escrow Holder in certain obligations. The principal of and interest on such investments, together with the balance of such proceeds to be held uninvested, if any, shall be sufficient to pay (i) the

principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to each applicable Redemption Date and (ii) the principal of and premium on the Bonds To Be Refunded which are to be called for redemption prior to maturity on any such Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are all or a portion of the Outstanding Bonds issued pursuant to various bond ordinances duly adopted on their respective dates, authorizing the issuance of bonds of the City for various purposes. In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount of not to exceed \$8,200,000 shall mature in amounts and at dates to be determined. The Comptroller, the chief fiscal officer of the City, is hereby authorized to approve all details of the refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The Refunding Bonds shall mature not later than the maximum period of probable usefulness (“PPU”) permitted by law at the time of original issuance of the Bonds to be Refunded, as set forth in **Exhibit A**, annexed hereto and hereby made a part hereof, for the objects or purposes financed with the proceeds of the Bonds to be Refunded, commencing at the date of issuance of the first bond or bond anticipation note issued in anticipation of the sale of such bonds.

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the proposed refunding financial plan attached hereto as **Exhibit B**, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law. Said refunding financial plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount, and will mature, be of such terms and bear such interest as set forth therein. The City Council recognizes that the principal amount of the Refunding Bonds, the

maturities, terms and interest rates, the provisions, if any, for the redemption thereof prior to maturity, and whether or not any or all of the Refunding Bonds will be insured, and the resulting present value savings, may vary from such assumptions and that the refunding financial plan may vary from that attached hereto as **Exhibit B**.

Section 6. (a) The Refunding Bonds may be sold at public or private sale.

(i) If the Refunding Bonds are sold at private sale, the Comptroller, as the chief fiscal officer of the City, is hereby authorized to execute a purchase contract on behalf of the City for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller.

(ii) If the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the Comptroller is hereby authorized and directed to prepare or have prepared a Notice of Sale, which shall be published in full or in summary at least once in (a) "THE BOND BUYER", published in the City of New York and/or (b) the official newspaper(s) of the City having general circulation within said City, not less than five (5) nor more than thirty (30) days prior to the date of said sale. A copy of such notice shall be sent not less than eight (8) nor more than thirty (30) days prior to the date of said sale to (1) the State Comptroller, Albany, New York 12236; (2) at least two banks or trust companies having a place of business in the county in which the City is located, or, if only one bank is located in such County, then to such bank and to at least two banks or trust companies having a place of business in an adjoining county; (3) "THE BOND BUYER", 1 State Street Plaza, New York, New York 10004; and (4) at least ten (10) bond dealers.

(b) Prior to the issuance of the Refunding Bonds, the Comptroller shall file with the City Council all requisite certifications, including a certificate approved by the State

Comptroller setting forth the Present Value Savings to the City resulting from the issuance of the Refunding Bonds. In connection with the sale of the Refunding Bonds, the City authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is distributed. The Comptroller and/or his designee is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the City in connection with said refunding, including the preparation of the refunding financial plan referred to in Section 2 hereof.

Section 7. Each of the Refunding Bonds authorized by this ordinance shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the City for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this ordinance and of the Law, and pursuant to the provisions of Section 21.00 of the Law with respect to the issuance of bonds having substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.00, 90.10 and 168.00 of the Law, the powers and duties of the City Council relative to determining the amount of Bonds To Be Refunded, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and executing any arbitrage certification

relative thereto, and as to executing the Escrow Contract described in Section 10, the Official Statement referred to in Section 6 and any contracts for credit enhancements in connection with the issuance of the Refunding Bonds and any other certificates and agreements, and as to making elections to call in and redeem all or a portion of the Bonds to be Refunded, are hereby delegated to the Comptroller, the chief fiscal officer of the City.

Section 9. The validity of the Refunding Bonds authorized by this ordinance may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 10. Prior to the issuance of the Refunding Bonds, the City shall contract with a bank or trust company located and authorized to do business in New York State, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. Such Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions authorizing the Escrow Holder, without further authorization or direction from the City, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the

Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and costs and expenses relating to the execution and performance of the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the City the notice of redemption authorized to be given pursuant to Section 13 hereof, and (d) to invest the monies held by it consistent with the provisions of the refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 11. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt shall be placed in escrow by the City with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder, if invested, shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the City and shall be applied by the City only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 12. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose

and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. All interest earned from the investment of such moneys which is not required for such payment of principal of and interest on the Bonds To Be Refunded shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds, or such portion or series thereof as shall be required by the refunding financial plan, and the holders of such Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof. Neither this ordinance, the Escrow Contract, nor any other instrument relating to such pledges and liens, need be filed or recorded.

Section 13. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the City Council hereby elects to call in and redeem all or a portion of the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date, as shall be determined by the Comptroller in accordance with Section 8 hereof. The sum to be paid therefor on the applicable Redemption Date shall be the par value thereof, the accrued interest to such Redemption Date and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause a notice of such call for redemption to be given in the name of the City by mailing such notice at least thirty days prior to such Redemption Date, and in accordance with the terms appearing in the Bonds to be Refunded, to the registered holders of the Bonds To Be Refunded which are to be called in and redeemed.

Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded which are to be called in and redeemed in accordance herewith and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 14. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the "*The Press & Sun-Bulletin*," a newspaper having general circulation in the City and hereby designated the official newspaper of said City for such publication.

Section 15. The City has received several proposals for the refunding of the Outstanding Bonds and based upon the advice received from the City's Financial Advisor, Fiscal Advisors & Marketing, Inc., it is hereby determined that the proposal of Roosevelt & Cross, Inc., New York, New York, is hereby accepted and such firm is appointed to serve as underwriter.

Introductory No. _____

Permanent No. _____

Sponsored by City Council Members:

REFUNDING BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED SEPTEMBER 23, 2020, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING BONDS OF SAID CITY, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$8,200,000 FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$8,200,000 REFUNDING BONDS TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN OTHER DETERMINATIONS RELATIVE THERETO

	Ayes	Nays	Abstain	Absent
Total				

Code of the City of Binghamton

Adopted Defeated

_____ Ayes _____ Nays _____ Abstain _____ Absent

The within Ordinance was adopted by the Council of the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

The ordinance was declared adopted.

EXHIBIT A

2014 Bonds

<u>Purpose</u>	<u>PPU (Years)</u>	<u>PPU Commencement</u>
Acquisition of Vehicle Pick Up	10	2/4/08
Acquisition of Vehicle Chipper	10	2/4/08
Acquisition of Front Loader	15	2/4/08
Acquisition of Transfer Truck	15	2/4/08
Acquisition of Garbage Truck	15	2/4/08
Acquisition of Sweeper	15	2/4/08
Acquisition of Three 4 Wheel Drive Trucks	15	2/4/08
Acquisition of Transport Trailer	15	2/4/08
Acquisition of Dump Trucks	15	2/4/08
Acquisition of Gator Vehicles	15	2/4/08
Acquisition of Mini Paver	15	2/4/08
Improvements to streets	15	2/4/08
Bridge Improvements	20	2/4/08
Water Line Improvements	40	2/4/08
Sewer Line Improvements	40	2/4/08
Demolition of Ross Building	10	6/2/08
Computer Hardware/Software	5	2/2/09
Improvements to Streets	15	2/2/09
Water Lines Improvements	40	2/2/09
Sewer Trunk Lines Improvements	40	2/2/09
Sewer Lines Improvements	40	2/2/09
Improvements to City Hall Elevators	10	5/18/09

EXHIBIT B

PROPOSED REFUNDING FINANCIAL PLAN

CERTIFICATE

I, LEIGHTON ROGERS, City Clerk of the City of Binghamton, in the County of Broome, New York, HEREBY CERTIFY that the foregoing annexed extract of the minutes of a meeting of the City Council of said City of Binghamton duly called and held on September 23, 2020, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said City Council and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City of Binghamton this ____ day of September, 2020.

City Clerk

(SEAL)

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-
Upfront Savings (2021 & 2022)

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REFUNDING HIGHLIGHTS

City of Binghamton
 Refunding Bonds
 Taxable Refunding of 01/30/2014 Bonds (01/15/2021 - 2034)

--
 Assumes Insured / A2 underlying; Non-Callable
 ** Rates & SLGS at the close of business on 8/13/2020 **

Upfront Savings (2021 & 2022)

Dated/Delivery Date	10/01/2020
Refunding Bond Par Amount	8,150,000.00
Escrow Yield	0.139015%
Refunded Bonds Par Amount	7,610,000.00
<hr/>	
Net PV Savings	594,394.18
% Savings of Refunded Bonds	7.8107%

Date	FY Savings
12/31/2021	204,268.02
12/31/2022	175,939.75
12/31/2023	10,301.25
12/31/2024	10,675.00
12/31/2025	6,431.25
12/31/2026	12,015.00
12/31/2027	6,215.00
12/31/2028	4,505.00
12/31/2029	8,100.00
12/31/2030	16,770.00
12/31/2031	30,160.00
12/31/2032	43,170.00
12/31/2033	50,745.00
12/31/2034	67,205.00
	<hr/>
	646,500.27
	<hr/> <hr/>

SOURCES AND USES OF FUNDS

City of Binghamton
Refunding Bonds
Taxable Refunding of 01/30/2014 Bonds (01/15/2021 - 2034)

--

Assumes Insured / A2 underlying; Non-Callable
** Rates & SLGS at the close of business on 8/13/2020 **

-

Upfront Savings (2021 & 2022)

Dated Date 10/01/2020
Delivery Date 10/01/2020

Sources:

Bond Proceeds:	
Par Amount	8,150,000.00

	8,150,000.00
--	--------------

Uses:

Refunding Escrow Deposits:	
Cash Deposit	20.08
SLGS Purchases	8,010,138.00

	8,010,158.08
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Delivery Date Expenses:	
Cost of Issuance	80,000.00
Underwriter's Discount	34,148.50
Bond Insurance	23,032.95

	137,181.45
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Other Uses of Funds:	
Additional Proceeds	2,660.47

	8,150,000.00
--	--------------

SUMMARY OF REFUNDING RESULTS

City of Binghamton
Refunding Bonds
Taxable Refunding of 01/30/2014 Bonds (01/15/2021 - 2034)

--

Assumes Insured / A2 underlying; Non-Callable
** Rates & SLGS at the close of business on 8/13/2020 **

-

Upfront Savings (2021 & 2022)

Dated Date	10/01/2020
Delivery Date	10/01/2020
Arbitrage yield	
Escrow yield	0.139015%
Bond Par Amount	8,150,000.00
True Interest Cost	1.925184%
Net Interest Cost	1.887085%
All-In TIC	2.076947%
Average Coupon	1.828360%
Average Life	7.135
Par amount of refunded bonds	7,610,000.00
Average coupon of refunded bonds	3.922817%
Average life of refunded bonds	7.334
PV of prior debt to 10/01/2020 @ 1.818007%	8,741,733.71
Net PV Savings	594,394.18
Percentage savings of refunded bonds	7.810699%

SAVINGS

City of Binghamton
Refunding Bonds
Taxable Refunding of 01/30/2014 Bonds (01/15/2021 - 2034)

--
Assumes Insured / A2 underlying; Non-Callable
** Rates & SLGS at the close of business on 8/13/2020 **

Upfront Savings (2021 & 2022)

Date	Prior Debt Service	Refunding Debt Service	Savings	Annual Savings	Present Value to 10/01/2020 @ 1.8180072%
01/15/2021	582,631.25	451,690.48	130,940.77		130,257.96
07/15/2021	135,481.25	62,154.00	73,327.25		72,287.78
12/31/2021				204,268.02	
01/15/2022	585,481.25	477,154.00	108,327.25		105,829.63
07/15/2022	128,168.75	60,556.25	67,612.50		65,458.59
12/31/2022				175,939.75	
01/15/2023	593,168.75	645,556.25	-52,387.50		-50,261.72
07/15/2023	120,612.50	57,923.75	62,688.75		59,603.18
12/31/2023				10,301.25	
01/15/2024	600,612.50	647,923.75	-47,311.25		-44,577.36
07/15/2024	112,812.50	54,826.25	57,986.25		54,143.33
12/31/2024				10,675.00	
01/15/2025	602,812.50	649,826.25	-47,013.75		-43,502.57
07/15/2025	104,850.00	51,405.00	53,445.00		49,008.03
12/31/2025				6,431.25	
01/15/2026	614,850.00	651,405.00	-36,555.00		-33,218.27
07/15/2026	95,925.00	47,355.00	48,570.00		43,738.95
12/31/2026				12,015.00	
01/15/2027	620,925.00	657,355.00	-36,430.00		-32,510.94
07/15/2027	85,425.00	42,780.00	42,645.00		37,714.52
12/31/2027				6,215.00	
01/15/2028	630,425.00	662,780.00	-32,355.00		-28,356.45
07/15/2028	74,525.00	37,665.00	36,860.00		32,013.71
12/31/2028				4,505.00	
01/15/2029	634,525.00	657,665.00	-23,140.00		-19,916.55
07/15/2029	63,325.00	32,085.00	31,240.00		26,645.99
12/31/2029				8,100.00	
01/15/2030	643,325.00	652,085.00	-8,760.00		-7,404.49
07/15/2030	51,725.00	26,195.00	25,530.00		21,385.12
12/31/2030				16,770.00	
01/15/2031	656,725.00	646,195.00	10,530.00		8,740.97
07/15/2031	39,625.00	19,995.00	19,630.00		16,148.10
12/31/2031				30,160.00	
01/15/2032	669,625.00	639,995.00	29,630.00		24,154.77
07/15/2032	27,025.00	13,485.00	13,540.00		10,938.55
12/31/2032				43,170.00	
01/15/2033	677,025.00	633,485.00	43,540.00		34,857.78
07/15/2033	14,025.00	6,820.00	7,205.00		5,716.31
12/31/2033				50,745.00	
01/15/2034	694,025.00	626,820.00	67,205.00		52,838.82
12/31/2034				67,205.00	
	9,859,681.25	9,213,180.98	646,500.27	646,500.27	591,733.71

Savings Summary

PV of savings from cash flow	591,733.71
Plus: Refunding funds on hand	2,660.47
Net PV Savings	594,394.18

BOND PRICING

City of Binghamton
 Refunding Bonds
 Taxable Refunding of 01/30/2014 Bonds (01/15/2021 - 2034)

--
 Assumes Insured / A2 underlying; Non-Callable
 ** Rates & SLGS at the close of business on 8/13/2020 **

-
 Upfront Savings (2021 & 2022)

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Serial Bond:					
	01/15/2021	415,000	0.650%	0.650%	100.000
	01/15/2022	415,000	0.770%	0.770%	100.000
	01/15/2023	585,000	0.900%	0.900%	100.000
	01/15/2024	590,000	1.050%	1.050%	100.000
	01/15/2025	595,000	1.150%	1.150%	100.000
	01/15/2026	600,000	1.350%	1.350%	100.000
	01/15/2027	610,000	1.500%	1.500%	100.000
	01/15/2028	620,000	1.650%	1.650%	100.000
	01/15/2029	620,000	1.800%	1.800%	100.000
	01/15/2030	620,000	1.900%	1.900%	100.000
	01/15/2031	620,000	2.000%	2.000%	100.000
	01/15/2032	620,000	2.100%	2.100%	100.000
	01/15/2033	620,000	2.150%	2.150%	100.000
	01/15/2034	620,000	2.200%	2.200%	100.000
		8,150,000			

Dated Date	10/01/2020	
Delivery Date	10/01/2020	
First Coupon	01/15/2021	
Par Amount	8,150,000.00	
Original Issue Discount		
Production	8,150,000.00	100.000000%
Underwriter's Discount	-34,148.50	-0.419000%
Purchase Price	8,115,851.50	99.581000%
Accrued Interest		
Net Proceeds	8,115,851.50	

BOND DEBT SERVICE

City of Binghamton
 Refunding Bonds
 Taxable Refunding of 01/30/2014 Bonds (01/15/2021 - 2034)

--
 Assumes Insured / A2 underlying; Non-Callable
 ** Rates & SLGS at the close of business on 8/13/2020 **

Upfront Savings (2021 & 2022)

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
01/15/2021	415,000	0.650%	36,690.48	451,690.48	
07/15/2021			62,154.00	62,154.00	
12/31/2021					513,844.48
01/15/2022	415,000	0.770%	62,154.00	477,154.00	
07/15/2022			60,556.25	60,556.25	
12/31/2022					537,710.25
01/15/2023	585,000	0.900%	60,556.25	645,556.25	
07/15/2023			57,923.75	57,923.75	
12/31/2023					703,480.00
01/15/2024	590,000	1.050%	57,923.75	647,923.75	
07/15/2024			54,826.25	54,826.25	
12/31/2024					702,750.00
01/15/2025	595,000	1.150%	54,826.25	649,826.25	
07/15/2025			51,405.00	51,405.00	
12/31/2025					701,231.25
01/15/2026	600,000	1.350%	51,405.00	651,405.00	
07/15/2026			47,355.00	47,355.00	
12/31/2026					698,760.00
01/15/2027	610,000	1.500%	47,355.00	657,355.00	
07/15/2027			42,780.00	42,780.00	
12/31/2027					700,135.00
01/15/2028	620,000	1.650%	42,780.00	662,780.00	
07/15/2028			37,665.00	37,665.00	
12/31/2028					700,445.00
01/15/2029	620,000	1.800%	37,665.00	657,665.00	
07/15/2029			32,085.00	32,085.00	
12/31/2029					689,750.00
01/15/2030	620,000	1.900%	32,085.00	652,085.00	
07/15/2030			26,195.00	26,195.00	
12/31/2030					678,280.00
01/15/2031	620,000	2.000%	26,195.00	646,195.00	
07/15/2031			19,995.00	19,995.00	
12/31/2031					666,190.00
01/15/2032	620,000	2.100%	19,995.00	639,995.00	
07/15/2032			13,485.00	13,485.00	
12/31/2032					653,480.00
01/15/2033	620,000	2.150%	13,485.00	633,485.00	
07/15/2033			6,820.00	6,820.00	
12/31/2033					640,305.00
01/15/2034	620,000	2.200%	6,820.00	626,820.00	
12/31/2034					626,820.00
	8,150,000		1,063,180.98	9,213,180.98	9,213,180.98

PRIOR BOND DEBT SERVICE

City of Binghamton
 Refunding Bonds
 Taxable Refunding of 01/30/2014 Bonds (01/15/2021 - 2034)

--
 Assumes Insured / A2 underlying; Non-Callable
 ** Rates & SLGS at the close of business on 8/13/2020 **

Upfront Savings (2021 & 2022)

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
01/15/2021	440,000	3.250%	142,631.25	582,631.25	
07/15/2021			135,481.25	135,481.25	
12/31/2021					718,112.50
01/15/2022	450,000	3.250%	135,481.25	585,481.25	
07/15/2022			128,168.75	128,168.75	
12/31/2022					713,650.00
01/15/2023	465,000	3.250%	128,168.75	593,168.75	
07/15/2023			120,612.50	120,612.50	
12/31/2023					713,781.25
01/15/2024	480,000	3.250%	120,612.50	600,612.50	
07/15/2024			112,812.50	112,812.50	
12/31/2024					713,425.00
01/15/2025	490,000	3.250%	112,812.50	602,812.50	
07/15/2025			104,850.00	104,850.00	
12/31/2025					707,662.50
01/15/2026	510,000	3.500%	104,850.00	614,850.00	
07/15/2026			95,925.00	95,925.00	
12/31/2026					710,775.00
01/15/2027	525,000	4.000%	95,925.00	620,925.00	
07/15/2027			85,425.00	85,425.00	
12/31/2027					706,350.00
01/15/2028	545,000	4.000%	85,425.00	630,425.00	
07/15/2028			74,525.00	74,525.00	
12/31/2028					704,950.00
01/15/2029	560,000	4.000%	74,525.00	634,525.00	
07/15/2029			63,325.00	63,325.00	
12/31/2029					697,850.00
01/15/2030	580,000	4.000%	63,325.00	643,325.00	
07/15/2030			51,725.00	51,725.00	
12/31/2030					695,050.00
01/15/2031	605,000	4.000%	51,725.00	656,725.00	
07/15/2031			39,625.00	39,625.00	
12/31/2031					696,350.00
01/15/2032	630,000	4.000%	39,625.00	669,625.00	
07/15/2032			27,025.00	27,025.00	
12/31/2032					696,650.00
01/15/2033	650,000	4.000%	27,025.00	677,025.00	
07/15/2033			14,025.00	14,025.00	
12/31/2033					691,050.00
01/15/2034	680,000	4.125%	14,025.00	694,025.00	
12/31/2034					694,025.00
	7,610,000		2,249,681.25	9,859,681.25	9,859,681.25

SUMMARY OF BONDS REFUNDED

City of Binghamton
 Refunding Bonds
 Taxable Refunding of 01/30/2014 Bonds (01/15/2021 - 2034)

--
 Assumes Insured / A2 underlying; Non-Callable
 ** Rates & SLGS at the close of business on 8/13/2020 **

Upfront Savings (2021 & 2022)

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
2014, 2014, BOND:					
	01/15/2021	3.250%	440,000.00		
	01/15/2022	3.250%	450,000.00		
	01/15/2023	3.250%	465,000.00	01/15/2022	100.000
	01/15/2024	3.250%	480,000.00	01/15/2022	100.000
	01/15/2025	3.250%	490,000.00	01/15/2022	100.000
	01/15/2026	3.500%	510,000.00	01/15/2022	100.000
	01/15/2027	4.000%	525,000.00	01/15/2022	100.000
	01/15/2028	4.000%	545,000.00	01/15/2022	100.000
	01/15/2029	4.000%	560,000.00	01/15/2022	100.000
	01/15/2030	4.000%	580,000.00	01/15/2022	100.000
	01/15/2031	4.000%	605,000.00	01/15/2022	100.000
	01/15/2032	4.000%	630,000.00	01/15/2022	100.000
	01/15/2033	4.000%	650,000.00	01/15/2022	100.000
	01/15/2034	4.125%	680,000.00	01/15/2022	100.000
			7,610,000.00		

ESCROW REQUIREMENTS

City of Binghamton
Refunding Bonds
Taxable Refunding of 01/30/2014 Bonds (01/15/2021 - 2034)

--

Assumes Insured / A2 underlying; Non-Callable
** Rates & SLGS at the close of business on 8/13/2020 **

-

Upfront Savings (2021 & 2022)

Period Ending	Principal	Interest	Principal Redeemed	Total
01/15/2021	440,000.00	142,631.25		582,631.25
07/15/2021		135,481.25		135,481.25
01/15/2022	450,000.00	135,481.25	6,720,000.00	7,305,481.25
	890,000.00	413,593.75	6,720,000.00	8,023,593.75

ESCROW DESCRIPTIONS

City of Binghamton
 Refunding Bonds
 Taxable Refunding of 01/30/2014 Bonds (01/15/2021 - 2034)

- -
 Assumes Insured / A2 underlying; Non-Callable
 ** Rates & SLGS at the close of business on 8/13/2020 **

-
 Upfront Savings (2021 & 2022)

Type of Security	Type of SLGS	Maturity Date	First Int Pmt Date	Par Amount	Rate	Max Rate
Oct 1, 2020:						
SLGS	Certificate	01/15/2021	01/15/2021	579,519	0.100%	0.100%
SLGS	Certificate	07/15/2021	07/15/2021	130,249	0.120%	0.120%
SLGS	Note	01/15/2022	01/15/2021	7,300,370	0.140%	0.140%
				8,010,138		

SLGS Summary

SLGS Rates File	13AUG20
Total Certificates of Indebtedness	709,768.00
Total Notes	7,300,370.00
Total original SLGS	8,010,138.00

ESCROW STATISTICS

City of Binghamton
 Refunding Bonds
 Taxable Refunding of 01/30/2014 Bonds (01/15/2021 - 2034)

--
 Assumes Insured / A2 underlying; Non-Callable
 ** Rates & SLGS at the close of business on 8/13/2020 **

-
 Upfront Savings (2021 & 2022)

Total Escrow Cost	Modified Duration (years)	Yield to Receipt Date	Yield to Disbursement Date	Perfect Escrow Cost	Value of Negative Arbitrage	Cost of Dead Time
Global Proceeds Escrow: 8,010,158.08	1.207	0.139015%	0.139015%	8,023,613.75	-13,455.67	
8,010,158.08				8,023,613.75	-13,455.67	0.00

Delivery date 10/01/2020

ESCROW SUFFICIENCY

City of Binghamton
Refunding Bonds
Taxable Refunding of 01/30/2014 Bonds (01/15/2021 - 2034)

--
Assumes Insured / A2 underlying; Non-Callable
** Rates & SLGS at the close of business on 8/13/2020 **

Upfront Savings (2021 & 2022)

Date	Escrow Requirement	Net Escrow Receipts	Excess Receipts	Excess Balance
10/01/2020		20.08	20.08	20.08
01/15/2021	582,631.25	582,631.25		20.08
07/15/2021	135,481.25	135,482.16	0.91	20.99
01/15/2022	7,305,481.25	7,305,480.26	-0.99	20.00
	8,023,593.75	8,023,613.75	20.00	

BOND SUMMARY STATISTICS

City of Binghamton
 Refunding Bonds
 Taxable Refunding of 01/30/2014 Bonds (01/15/2021 - 2034)

--
 Assumes Insured / A2 underlying; Non-Callable
 ** Rates & SLGS at the close of business on 8/13/2020 **

Upfront Savings (2021 & 2022)

Dated Date	10/01/2020
Delivery Date	10/01/2020
Last Maturity	01/15/2034
Arbitrage Yield	
True Interest Cost (TIC)	1.925184%
Net Interest Cost (NIC)	1.887085%
All-In TIC	2.076947%
Average Coupon	1.828360%
Average Life (years)	7.135
Weighted Average Maturity (years)	
Duration of Issue (years)	6.623
Par Amount	8,150,000.00
Bond Proceeds	8,150,000.00
Total Interest	1,063,180.98
Net Interest	1,097,329.48
Bond Years from Dated Date	58,149,444.44
Bond Years from Delivery Date	58,149,444.44
Total Debt Service	9,213,180.98
Maximum Annual Debt Service	703,480.00
Average Annual Debt Service	693,299.57

Bond Component	Par Value	Price	Average Coupon	Average Life
Serial Bond	8,150,000.00	100.000	1.828%	7.135
	8,150,000.00			7.135

	TIC	All-In TIC	Arbitrage Yield
Par Value	8,150,000.00	8,150,000.00	
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount	-34,148.50	-34,148.50	
- Cost of Issuance Expense		-80,000.00	
- Other Amounts	-23,032.95	-23,032.95	-23,032.95
Target Value	8,092,818.55	8,012,818.55	-23,032.95
Target Date	10/01/2020	10/01/2020	10/01/2020
Yield	1.925184%	2.076947%	

AGGREGATE DEBT SERVICE

City of Binghamton
 Refunding Bonds
 Taxable Refunding of 01/30/2014 Bonds (01/15/2021 - 2034)

--
 Assumes Insured / A2 underlying; Non-Callable
 ** Rates & SLGS at the close of business on 8/13/2020 **

Upfront Savings (2021 & 2022)

Date	Refunding Bonds Principal	Refunding Bonds Interest	Aggregate Principal	Aggregate Interest	Aggregate Debt Service	Annual Aggregate D/S
01/15/2021	415,000	36,690.48	415,000	36,690.48	451,690.48	
07/15/2021		62,154.00		62,154.00	62,154.00	
12/31/2021						513,844.48
01/15/2022	415,000	62,154.00	415,000	62,154.00	477,154.00	
07/15/2022		60,556.25		60,556.25	60,556.25	
12/31/2022						537,710.25
01/15/2023	585,000	60,556.25	585,000	60,556.25	645,556.25	
07/15/2023		57,923.75		57,923.75	57,923.75	
12/31/2023						703,480.00
01/15/2024	590,000	57,923.75	590,000	57,923.75	647,923.75	
07/15/2024		54,826.25		54,826.25	54,826.25	
12/31/2024						702,750.00
01/15/2025	595,000	54,826.25	595,000	54,826.25	649,826.25	
07/15/2025		51,405.00		51,405.00	51,405.00	
12/31/2025						701,231.25
01/15/2026	600,000	51,405.00	600,000	51,405.00	651,405.00	
07/15/2026		47,355.00		47,355.00	47,355.00	
12/31/2026						698,760.00
01/15/2027	610,000	47,355.00	610,000	47,355.00	657,355.00	
07/15/2027		42,780.00		42,780.00	42,780.00	
12/31/2027						700,135.00
01/15/2028	620,000	42,780.00	620,000	42,780.00	662,780.00	
07/15/2028		37,665.00		37,665.00	37,665.00	
12/31/2028						700,445.00
01/15/2029	620,000	37,665.00	620,000	37,665.00	657,665.00	
07/15/2029		32,085.00		32,085.00	32,085.00	
12/31/2029						689,750.00
01/15/2030	620,000	32,085.00	620,000	32,085.00	652,085.00	
07/15/2030		26,195.00		26,195.00	26,195.00	
12/31/2030						678,280.00
01/15/2031	620,000	26,195.00	620,000	26,195.00	646,195.00	
07/15/2031		19,995.00		19,995.00	19,995.00	
12/31/2031						666,190.00
01/15/2032	620,000	19,995.00	620,000	19,995.00	639,995.00	
07/15/2032		13,485.00		13,485.00	13,485.00	
12/31/2032						653,480.00
01/15/2033	620,000	13,485.00	620,000	13,485.00	633,485.00	
07/15/2033		6,820.00		6,820.00	6,820.00	
12/31/2033						640,305.00
01/15/2034	620,000	6,820.00	620,000	6,820.00	626,820.00	
12/31/2034						626,820.00
	8,150,000	1,063,180.98	8,150,000	1,063,180.98	9,213,180.98	9,213,180.98

PROOF OF EFFECTIVE INTEREST COST

City of Binghamton
 Refunding Bonds
 Taxable Refunding of 01/30/2014 Bonds (01/15/2021 - 2034)

--
 Assumes Insured / A2 underlying; Non-Callable
 ** Rates & SLGS at the close of business on 8/13/2020 **

Upfront Savings (2021 & 2022)

NPV of Debt Service at EIC

Date	Debt Service to Final Maturity	PV factor at EIC of 1.818%	PV of Cashflow
01/15/2021	451,690.48	0.9947853498	449,335.07
07/15/2021	62,154.00	0.9858241725	61,272.92
01/15/2022	477,154.00	0.9769437189	466,152.60
07/15/2022	60,556.25	0.9681432618	58,627.13
01/15/2023	645,556.25	0.9594220805	619,360.92
07/15/2023	57,923.75	0.9507794609	55,072.71
01/15/2024	647,923.75	0.9422146954	610,483.28
07/15/2024	54,826.25	0.9337270825	51,192.75
01/15/2025	649,826.25	0.9253159274	601,294.58
07/15/2025	51,405.00	0.9169805412	47,137.38
01/15/2026	651,405.00	0.9087202415	591,944.91
07/15/2026	47,355.00	0.9005343518	42,644.80
01/15/2027	657,355.00	0.8924222018	586,638.20
07/15/2027	42,780.00	0.8843831273	37,833.91
01/15/2028	662,780.00	0.8764164700	580,871.31
07/15/2028	37,665.00	0.8685215775	32,712.87
01/15/2029	657,665.00	0.8606978035	566,050.82
07/15/2029	32,085.00	0.8529445072	27,366.72
01/15/2030	652,085.00	0.8452610537	551,182.05
07/15/2030	26,195.00	0.8376468140	21,942.16
01/15/2031	646,195.00	0.8301011645	536,407.22
07/15/2031	19,995.00	0.8226234873	16,448.36
01/15/2032	639,995.00	0.8152131702	521,732.35
07/15/2032	13,485.00	0.8078696064	10,894.12
01/15/2033	633,485.00	0.8005921945	507,163.15
07/15/2033	6,820.00	0.7933803386	5,410.85
01/15/2034	626,820.00	0.7862334482	492,826.85
	9,213,180.98		8,150,000.00

Effective Interest Cost	1.81800721%
Par	8,150,000.00
Accrued Interest -OID / +OIP	
Proceeds	8,150,000.00



Legislative Branch

RL Number:
20-187
Date Submitted:
9/1/2020

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: chuck shager

Title/Department: comptroller

Contact Information: 772-7011

RL Information

Proposed Title: ORDINANCE TO MODIFY 2018 BOND ORDINANCE FOR EXTRA FUNDING FOR PIERCE CREEK BRIDGES

Suggested Content: see attached

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): multiple bond ordinance

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



PHONE: 212-820-9300
FAX: 212-514-8425

7 WORLD TRADE CENTER
250 GREENWICH STREET
NEW YORK, NY 10007
WWW.HAWKINS.COM

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SAN FRANCISCO
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ANN ARBOR

(212) 820-9620

September 1, 2020

City of Binghamton, New York
\$9,900,000 Amending Bond Ordinance for Various Purposes
(Our File Designation: 5040/42487)

Clarence Shager, Comptroller
City of Binghamton
City Hall
38 Hawley Street
Binghamton, New York 13901-3766

Dear Chuck:

Pursuant to your request, I have prepared and now send to you **an initial draft** of the Extract of Minutes of the Council meeting to be held September 23, 2020 showing adoption of the above amending bond ordinance and providing for publication of such ordinance, *in summary. The bond ordinance requires at least a two-thirds vote of the full Council for adoption, without taking into consideration any temporary absences or vacancies.*

A summary of the bond ordinance with the prescribed form of Clerk's statutory notice affixed in readiness for publication in the official City newspaper is also included. As you know, publication of the bond ordinance, in summary, commences a 20-day statute of limitations period pursuant to the provisions of Section 80.00 *et seq.* of the Local Finance Law. **The publication of the legal notice should be made as soon as possible following adoption of the ordinance by the Council.**

We understand from you that the necessary SEQRA review for the projects has been or will be completed prior to the adoption of this ordinance.

Please obtain and forward to me a certified copy of the Extract of Minutes and an original Affidavit of Publication, when available.

With best regards, I am

Very truly yours,

William J. Jackson

WJJ/ml
Enclosures

EXTRACT OF MINUTES

Meeting of the Council of the City of Binghamton,
in the County of Broome, New York

September 23, 2020

* * *

A regular meeting of the Council of the City of Binghamton, in the County of Broome, New York, was held at the City Hall, Binghamton, New York, on September 23, 2020.

There were present:

Councilpersons:

There were absent:

Also present: Leighton Rogers, City Clerk

* * *

_____ offered the following ordinance and moved its
adoption:

Legal Counsel Approval _____
Introductory No. _____



RL15-145

Permanent No. _____

**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: September 23, 2020

Sponsored by Council Members: _____

Introduced by Committee: Finance

AMENDING BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED SEPTEMBER 23, 2020, AMENDING THE BOND ORDINANCE ADOPTED FEBRUARY 21, 2018 ON ACCOUNT OF AN INCREASE IN THE COST OF THE IMPROVEMENTS TO CONKLIN AND BELDEN BRIDGES

Recitals

WHEREAS, the Council of the City of Binghamton (the “City”), in the County of Broome, New York, has heretofore duly authorized the issuance of bonds in the principal amount of not to exceed \$9,550,000 to finance various capital projects in and for the City, including (i) the improvements to the Bridge Conklin over Pierce and (ii) the improvements to Bridge Belden over Pierce, at an aggregate estimated maximum cost of \$2,200,000, all as specified in the bond ordinance adopted on February 21, 2018; and

WHEREAS, the Council has now determined that the total cost of the improvements to the Bridge Conklin over Pierce and the improvements to the Bridge Belden over Pierce is \$2,550,000, and it is necessary and in the public interest to increase the

appropriation for such projects by \$350,000 and to amend said bond ordinance to authorize the issuance of an additional \$350,000 bonds to finance said increased appropriation.

Now, therefore, be it

ORDAINED BY THE COUNCIL OF THE CITY OF BINGHAMTON, IN THE COUNTY OF BROOME, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Board of Trustees) AS FOLLOWS:

Section A. The bond ordinance of said City duly adopted by the Council of the City on February 21, 2018 entitled:

“Bond Ordinance of the City of Binghamton, New York, adopted February 21, 2018 , authorizing various capital improvements in and for the City, stating the estimated maximum cost thereof is \$9,550,000, appropriating said amount for such purpose and authorizing the issuance of bonds of the City in the principal amount of not to exceed \$9,550,000 to finance said appropriation,”

is hereby amended to read as follows:

Legal Counsel Approval _____

Introductory No. _____

RL15-145



Permanent No. _____

**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: September 23, 2020

Sponsored by Council Members: _____

Introduced by Committee: Finance

ORDINANCE

Entitled

BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED FEBRUARY 21, 2018 AND AMENDED ON SEPTEMBER 23, 2020, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,900,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,900,000 TO FINANCE SAID APPROPRIATION

WHEREAS, the Council of the City of Binghamton recognizes the need to provide for various capital improvements in and for the City, as more specifically described herein;

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain (by the favorable vote of not less than two-thirds of all the members of said Council) as follows:

Section 1. The City of Binghamton, in the County of Broome, New York (herein called the "City"), is hereby authorized to construct, acquire or undertake the various projects as described in Column A of said Schedule I, attached hereto and made a part hereof, at the estimated maximum costs indicated in Column B of said Schedule I. The estimated total cost of such projects, including preliminary costs and costs incidental thereto and the financing thereof, is \$9,900,000 and said amount is hereby appropriated therefor, such appropriation having been authorized by the Council pursuant to Ordinance Nos. 18-21 and _____. The plan of financing includes the issuance of bonds of the City in the principal amount of not to exceed \$9,900,000 to finance

**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: September 23, 2020

said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Debt service on the obligations herein authorized is expected to be paid from the respective funds of the City set forth in Column D of said Schedule I. Any grant funds received from the United States of America, the State of New York or from any other source, including the grant funds referenced in Column E of said Schedule I, in connection with the various projects described in Column A of said Schedule I, are authorized to be applied towards the cost of said projects or redemption of the City's bonds or notes issued therefor, or to be budgeted as an offset to the amounts to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Bonds of the City in the aggregate principal amount of not to exceed \$9,900,000 are hereby authorized to be issued in the principal amounts indicated in Column C of said Schedule I for each of the respective objects or purposes indicated in Column A of said Schedule I, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the appropriation referred to herein.

Section 3. The respective periods of probable usefulness of the specific objects or purposes and classes of objects or purposes for which said bonds are authorized to be issued, within the limitations of §11.00 a. of the Law as referenced in Column G of said Schedule I, are set forth in Column F of said Schedule I.

Section 4. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this ordinance, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of

**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: September 23, 2020

said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing agreements for credit enhancements, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: September 23, 2020

Section 8. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the “*The Press & Sun-Bulletin*,” a newspaper published in Binghamton, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Section B. The amendment of the bond ordinance set forth in Section A of this ordinance, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond ordinance, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond ordinance, as so amended.

Introductory No. _____

Permanent No. _____

Sponsored by City Council Members:

BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED FEBRUARY 21, 2018 AND AMENDED ON SEPTEMBER 23, 2020, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,900,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,900,000 TO FINANCE SAID APPROPRIATION

The within Ordinance was adopted by the Council of the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Total				

Code of the City of Binghamton

 Adopted Defeated
____ Ayes ____ Nays ____ Abstain ____ Absent

The ordinance was declared adopted.

Schedule I

2020 Capital Improvement Plan

A	B	C	D	E	F	G
Project Description (Object or Purpose)	Estimated Maximum Cost	Amount of Bonds Authorized	Fund	Grant Funding Expected to be Received	Period of Probable Usefulness	PPU Section 11.00a. Reference
A. Acquisition of a Garbage Truck	\$190,000	\$190,000	General	\$ 0	15	28
B. Street Reconstruction	900,000	900,000	General	0	15	20(c)
C. Water Line Improvements	1,550,000	1,550,000	Water	0	40	1
D. Sewer Line Improvements	1,850,000	1,850,000	Sewer	0	40	4
E. Improvements to Parking Ramps	1,500,000	1,500,000	Parking	0	15	12(a)(3)
F. Construction of ADA Improvements to Ramps	750,000	750,000	Parking	0	15	12(a)(3)
G. Improvements to Bridge Conklin Over Pierce and Bridge Belden Over Pierce	2,550,000	2,550,000	General	2,040,000	20	10
H. Preparation of Design Plans and Specifications for Moeller Street Pump Station	500,000	500,000	Sewer		5	62
I. Flood Wall Improvement Project	<u>110,000</u>	<u>110,000</u>	General	<u>0</u>	5	35
Totals:	<u>\$9,900,000.00</u>	<u>\$9,900,000.00</u>		<u>\$ 2,040,000</u>		

CERTIFICATE

I, LEIGHTON ROGERS, City Clerk of the City of Binghamton, in the County of Broome, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Council of said City of Binghamton duly called and held on September 23, 2020 , has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Council and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract. Such ordinance was approved in writing by the Mayor of the City on _____, 2020 and by the Board of Estimate and Apportionment of the City on _____, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City of Binghamton this ____ day of _____, 2020.

(SEAL)

City Clerk

LEGAL NOTICE

The ordinance, a summary of which is published herewith, has been adopted by the Council of the City of Binghamton on September 23, 2020 . Such ordinance was approved in writing by the Mayor of the City on _____, 2020 and by the Board of Estimate and Apportionment of the City on _____, 2020.

The validity of the obligations authorized by such ordinance may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Binghamton, in the County of Broome, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

DATE: September 23, 2020

LEIGHTON ROGERS

City Clerk, City of Binghamton, New York

BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED FEBRUARY 21, 2018 AND AMENDED ON SEPTEMBER 23, 2020, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,900,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,900,000 TO FINANCE SAID APPROPRIATION

The objects or purposes for which the bonds are authorized is to finance various capital improvements in and for the City of Binghamton, as further described in the City's 2020 Capital Improvement Plan, at the estimated total cost of \$9,900,000.

The total amount of obligations authorized to be issued is not to exceed \$9,900,000. Any grant funds received from the United States of America, the State of New York or from any other source, are authorized to be applied towards the cost of said projects or redemption of the City's bonds or notes issued therefor, or to be budgeted as an offset to the amounts to be collected for the payment of the principal of and interest on said bonds or notes.

The periods of probable usefulness for the objects or purposes authorized by this bond ordinance are various periods ranging from 5 to 40 years.

A complete copy of the Bond Ordinance summarized above shall be available for public inspection during normal business hours at the office of the City Clerk, City of Binghamton, City Hall, 38 Hawley Street, Binghamton, New York.

Dated: September 23, 2020
Binghamton, New York

ESTOPPEL CERTIFICATE

I, Leighton Rogers, City Clerk of the City of Binghamton, in the County of Broome, New York (the "City"), HEREBY CERTIFY as follows:

That an ordinance of the City Council of said City entitled:

"BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED FEBRUARY 21, 2018 AND AMENDED ON SEPTEMBER 23, 2020, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,900,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,900,000 TO FINANCE SAID APPROPRIATION,"

was adopted on September 23, 2020 and was approved in writing by the Mayor of the City on _____, 2020 and by the Board of Estimate and Apportionment of the City on _____, 2020. Such ordinance contained an estoppel clause as permitted by Section 80.00 of the Local Finance Law and a notice setting forth substantially the statements referred to in Section 81.00 of the Local Finance Law, together with a summary of such ordinance, was duly published as referred to in said Section 81.00 of the Local Finance Law.

That to the best of my knowledge, no action, suit or proceeding contesting the validity of the obligations authorized by such ordinance was commenced within twenty days from the date of publication of such notice.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City this ____ day of _____, 2020.

Leighton Rogers, City Clerk
City of Binghamton



Legislative Branch

20-189
Date Submitted:
9/2/2020

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Chuck Shager
Title/Department: Finance
Contact Information: 772-7011

RL Information

Proposed Title: ordinance to allow Comptroller to execute Refinancing Certificate + Supplemental Agreements with EFC for 2012 Bonds

Suggested Content: The Council hereby authorizes the City Comptroller to execute, on behalf of the City, the Closing Certificate and Supplemental Agreement between the New York State Environmental Facilities Corporation and the City to effectuate the refinancing of bonds issued by the City to EFC in 2012. In addition, the Council further authorizes the City Comptroller to take any and all OTHER ACTION IN FURTHERANCE OF THE REFINANCING OF SAID 2012 BONDS

Additional Information

- Does this RL concern grant funding? Yes No
- If 'Yes', is the required RL Grant Worksheet attached? Yes No
- Is additional information related to the RL attached? Yes No
- Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>

STATE CLEAN WATER REVOLVING FUND

City of Binghamton, (the “Recipient”)

and

NEW YORK STATE
ENVIRONMENTAL FACILITIES CORPORATION

CLOSING CERTIFICATE AND SUPPLEMENTAL AGREEMENT
Regarding New York State Environmental Facilities Corporation State Revolving Funds
Revenue Bonds Series 2010 C
(2010 Master Financing Program)

(LEVERAGED FINANCING PROGRAM)

STATE CLEAN WATER REVOLVING FUND PROJECT NO.: C7-6201-03-01

Dated as of November 1, 2020

CLOSING CERTIFICATE AND SUPPLEMENTAL AGREEMENT

I, the undersigned officer of the Recipient, a municipal corporation, public benefit corporation or public authority duly organized and existing under the laws of the State of New York, as set forth on the cover page of this Closing Certificate and Supplemental Agreement (hereinafter, this "Certificate"), HEREBY CERTIFY AND AGREE on behalf of the Recipient as set forth below with respect to the Recipient Bonds, as defined in Exhibit A hereto, delivered by the Recipient to the New York State Environmental Facilities Corporation, a body corporate and politic, constituting a public benefit corporation, established and existing under and by virtue of the laws of the State of New York (the "Corporation") to evidence the obligation of the Recipient to repay the Leveraged Financing (as defined in Exhibit A hereto) originally made available from the proceeds of Prior Corporation Bonds (as defined in Exhibit A).

I. GENERAL MATTERS

1.1. *Authority to Execute Certificate.* I am an officer of the Recipient and am acting for and on behalf of the Recipient in signing this Certificate.

1.2. *Definitions.* Any capitalized terms used but not defined in this Certificate shall have the meanings set forth in the Existing Tax Certificate and the Existing Agreement (each as defined in Exhibit A). On and after the issuance of the New Corporation Bonds, all capitalized terms defined in Exhibit A hereto and used in the Existing Agreement as amended and supplemented hereby shall have the meaning set forth in Exhibit A hereto rather than the meaning set forth in the Existing Agreement.

1.3. *The Refinancing Transaction.* The Recipient acknowledges that the Corporation is issuing its New Corporation Bonds and making the proceeds thereof and may make certain other Corporation moneys available for the purpose, among others, of refinancing all or a portion of the Prior Corporation Bonds. The Recipient further acknowledges that in accordance with the existing Agreement the Corporation may apply principal and interest payments it receives from the Recipient Bonds to the payment of the principal of and interest on the New Corporation Bonds and/or to reimburse itself for such other Corporation moneys, if any. Following the issuance of the New Corporation Bonds, the Corporation will deliver an amended Notice of Terms to the Recipient, reflecting any modifications to the debt service or administrative fee payment dates. In no event shall any debt service payment payable by the Recipient be greater than the amount that would have been due for the same period (maturity) under the Existing Agreement.

1.4. *Completion of Project.* The Recipient hereby represents that it has completed the Project and that the Project (as defined in the Existing Agreement) is in operation.

II. AMENDMENT OF EXISTING AGREEMENT

2.1. *Administrative Fee Payment Dates.* The Recipient shall pay the Corporation's annual administrative fee payable in accordance with Section 4.5(2) of the Existing Agreement, on the dates and in the amounts set forth in the Notice of Terms. The next administrative fee payment due following the Effective Date shall be prorated from the last payment date, based on a 30/360 day count.

III. TAX MATTERS

3.1. *Confirmation of Certain Tax Matters.* The Recipient executed an Arbitrage and Use of Proceeds Certificate in connection with the issuance of the Recipient Bonds (the "Existing Tax Certificate"), a copy of which is attached hereto. In connection with the execution of this Certificate, the Recipient has reviewed the Existing Tax Certificate and confirms that it has complied with and covenants that it will continue to comply with all the procedures, provisions and covenants set forth in the Existing Tax Certificate with respect to the Project, the Recipient Bonds and the Prior Corporation Bonds. The Recipient agrees that it will apply the procedures, provisions and covenants set forth in the Existing Tax Certificate to the New Corporation Bonds and covenants to comply with all such procedures, provisions and covenants to the extent necessary to maintain the exclusion of the interest on the New Corporation Bonds allocable to the Recipient Bonds from federal income taxation, including, without limitation any yield restriction payment or rebate to the United States Treasury Department required under Section 148 of the Code.

3.2. *Use of Prior Bond Proceeds and Grants.* Unless stated otherwise in Schedule A hereto, the Recipient has spent all proceeds and amounts treated as proceeds of the Recipient Bonds (other than amounts periodically deposited in a debt service fund) and all grant moneys received, if any, with respect to the Project, (collectively, the "Moneys"), for the purposes set forth in the Existing Tax Certificate. Any Moneys remaining unspent, as summarized in Schedule A hereto, excluding any amounts held in escrow, if any, for the purpose of refunding Existing Indebtedness (as defined in the Existing Agreement) and amounts required to be held in the Local Debt Service Fund, if any, by the Recipient's bond documents (collectively, the "Nonrequired Unspent Moneys"), have been or will be applied to the redemption of the Recipient Bonds on or prior to the Effective Date. To the extent that the Nonrequired Unspent Moneys are held by the Corporation or the Depository Bank, the Recipient hereby authorizes the Corporation to direct the application of the Nonrequired Unspent Moneys to the redemption of the Recipient Bonds. To the extent the Nonrequired Unspent Moneys are not held by the Corporation or the Depository Bank, the Recipient shall transfer the Nonrequired Unspent Moneys to the Corporation ten (10) business days prior to the Effective Date.

3.3. *Reimbursement.* The Recipient represents that none of the proceeds of the Recipient Bonds were used to reimburse an expenditure paid by the Recipient before the issue date of the Recipient Bonds and none of the proceeds of the Prior Obligations (as defined in the Existing Tax Certificate), if any, were used to reimburse an expenditure paid by the Recipient before the issue date of the issue of the Prior Obligations used to finance the costs allocated to the expenditure unless:

- a. the Recipient had taken an official intent satisfying the requirements of Section 1.150-2(e) of the Regulations prior to, or within 60 days after, the date of the expenditure; and
- b. reimbursement of the expenditure was made within 18 months of the later of the date of the expenditure or the in-service date of the Project, but in no event later than 3 years after the date of the expenditure, excluding for this purpose "preliminary expenditures", such as architectural, engineering, surveying, soil testing, and similar costs that are incurred prior to

commencement of acquisition, construction, or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction, but only to the extent the total "preliminary expenditures" reimbursed with proceeds of the Recipient Bonds did not exceed 20% of the sale proceeds of the Recipient Bonds and the total "preliminary expenditures" reimbursed with proceeds of the issue of the Prior Obligations, if any, did not exceed 20% of the sale proceeds of such issue of the Prior Obligations.

3.4. *Limitations on Private Use of the Project.* The Project has been and is owned by the Recipient. The Project has not been, and the Recipient covenants that the Project will not be, sold, leased or otherwise disposed of, in whole or in part, to any person including a state or local governmental unit prior to the last maturity date of the Recipient Bonds. Except to the extent described in the Existing Tax Certificate, the Recipient has not entered and covenants that it will not enter into any contract or arrangement or cause or permit any contract or arrangement to be entered into (within its reasonable control) with persons or entities that are not state or local governmental units if that contract or arrangement would confer on such persons or entities any right to use the Project on a basis different from the right of members of the general public. Except to the extent described in the Existing Tax Certificate, the Recipient has not and covenants that it will not permit any of the proceeds of the Recipient Bonds to be used by any person who is not a state or local governmental unit that is unrelated or disproportionate to the governmental purpose of the Recipient Bonds or to make any private loan(s). The Recipient has notified and hereafter will notify the Corporation of any contract or arrangement entered into with any state or local government unit with respect to the Project and has obtained or will obtain the written approval of the Corporation prior to entering into such contract or arrangement.

3.5. *Periodic Confirmation of Compliance.* At the request of the Corporation, as may be made from time to time, the Recipient agrees to confirm its continuing compliance with the Existing Tax Certificate and this Article III.

II. MISCELLANEOUS

4.1. *Existing Agreement.* The Existing Agreement, except as amended and supplemented hereby, remains in full force and effect. The Recipient Bonds delivered thereunder remain in full force and effect. The Recipient is not in default under the Existing Agreement or the Recipient Bonds, the representations and warranties of the Recipient made in the Existing Agreement, as amended and supplemented hereby, are true and correct as of the Effective Date as if made on and as of the Effective Date and taking into account the amendments and supplements effected by this Certificate, and the Recipient has complied with and performed and will continue to comply with and perform all of its covenants and agreements in the Existing Agreement, as amended and supplemented hereby.

4.2. *Effective Date.* This Certificate shall be effective as of the date of issuance of the New Corporation Bonds.

IN WITNESS WHEREOF, on behalf of the Recipient, I have hereunto set my hand
as of the date set forth on the cover page of this Certificate.

City of Binghamton

Name: Clarence Shager

Title: Comptroller

Email Address: ceshager@cityofbinghamton.com

Accepted and Agreed:

NEW YORK STATE ENVIRONMENTAL
FACILITIES CORPORATION

By:

Name: Maureen A. Coleman

Title: Acting President and CEO

EXHIBIT A

Definitions:

Allocable Corporation Bonds means the portion of the New Corporation Bonds specified in writing from time to time by the Corporation to the Recipient as having been secured by payments under, or a source of funding for the purchase of, the Recipient Bonds being redeemed.

Effective Date means the date of issuance of the New Corporation Bonds

Existing Agreement means the Project Finance Agreement entered into between the Recipient and the Corporation dated May 1, 2010 in relation to the Leveraged Financing.

Existing Tax Certificate means the Arbitrage and Use of Proceeds Certificate that the Recipient delivered in connection with the Leveraged Financing dated the date of delivery of the Prior Corporation Bonds.

Leveraged Financing means the financial assistance made available to the Recipient from the proceeds of the Prior Corporation Bonds pursuant to the Existing Agreement.

New Corporation Bonds means any Corporation bonds or notes issued and other Corporation financing made available to refund the Prior Corporation Bonds or any other Corporation bonds or notes hereafter issued to refund such Corporation bonds or notes or refinance the Leveraged Financing.

Notice of Terms means a notice setting forth and confirming the definitive principal, interest and subsidy amounts, maturity dates and interest rates of the Recipient Bonds and certain other terms of the Leveraged Financing and credits, giving effect to the new payment dates for administrative fees.

Prior Corporation Bonds means the series of bonds of the Corporation issued to finance the Leveraged Financing, being Series 2010C.

Recipient Bonds means the bonds or notes issued and delivered by the Recipient to or upon the order of the Corporation, and purchased by the Corporation, in accordance with the Existing Agreement.

Schedule A

Unspent Proceeds and Deemed Proceeds of Prior Bonds
and Project-associated Grant Moneys

TOTAL ESTIMATED UNSPENT*

Fund	\$ Unspent Prior Bond Proceeds	\$ Unspent Grant Moneys
Construction Fund	\$0.00	\$0.00
Debt Service Fund	\$0.00	\$0.00
Escrow Fund	\$0.00	\$0.00
Local Debt Service Reserve Fund	\$0.00	\$0.00
Other Funds (List)	\$0.00	\$0.00

*Actual Unspent Proceeds as determined as of November 1, 2020 will be applied as set forth in Section 3.2



Legislative Branch

RL Number:
20-179
Date Submitted:
8/26/2020

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Jared M. Kraham / Taylor Bottar, P.E. (Barton & Loguidice)

Title/Department: Office of the Mayor

Contact Information: 772-7001

RL Information

Proposed Title: RESOLUTION DECLARING THE INTENT OF THE CITY OF BINGHAMTON

CITY COUNCIL TO ACT AS LEAD AGENCY, City of Binghamton Sixth Ward Interceptor Sewer

Replacement Project

Suggested Content: Attached.

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY					
Mayor:	<u>[Signature]</u>				
Comptroller:	<u>[Signature]</u>				
Corporation Counsel:	<u>[Signature]</u>				
Finance <input type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input checked="" type="checkbox"/>	PW/Parks <input checked="" type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>

RESOLUTION NO. _____

Proposed Action: City of Binghamton Sixth Ward Interceptor Sewer Replacement Project

**RESOLUTION DECLARING THE INTENT OF THE CITY OF BINGHAMTON CITY COUNCIL
TO ACT AS LEAD AGENCY**

WHEREAS, the City of Binghamton (City) is proposing the City of Binghamton Sixth Ward Interceptor Sewer Replacement Project (Project), located in the City of Binghamton, Broome County, New York; and

WHEREAS, the Project has been classified as a “Type I Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, it is the intent of the City of Binghamton City Council to assume the role of “Lead Agency” for purposes of conducting a SEQRA/SERP assessment of the Project; and

WHEREAS, Part I of a Full Environmental Assessment Form (FEAF) has been completed, reviewed by the City of Binghamton City Council, and will be circulated to all Interested and Involved Agencies for purposes of establishing the City of Binghamton City Council as “Lead Agency” in accordance with 6 NYCRR Part 617.6(b).

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED, that the Mayor of the City of Binghamton hereby is authorized to sign Part I of the FEAF (page 13); and it is further

RESOLVED AND DETERMINED, that the City of Binghamton will send said Part I of the FEAF and associated site figure to the attached list of “Interested and Involved Agencies” under cover of a “Notice of Intent to Establish Lead Agency” letter for purposes of establishing Lead Agency status under the SEQRA/SERP; and it is further

RESOLVED, that the Mayor of the City of Binghamton and the City Council, together with the City of Binghamton Attorney and B&L, are hereby authorized to take all actions, serve all notices, and complete all documents required to give full force and effect to this determination.

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Richard C. David, Mayor
Giovanni Scaringi, Council Member
Sophia Resciniti, Council Member
Angela Riley, Council Member
Aviva Friedman, Council Member

Joe Burns, Council Member
Philip Strawn, Council Member
Thomas Scanlon, Council Member

The foregoing resolution was thereupon declared duly adopted.

Dated: _____

I hereby certify that this resolution was adopted on _____ and is recorded in the Meeting Minutes of the City of Binghamton.

City Clerk

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Sixth Ward Interceptor Sewer Replacement Project		
Project Location (describe, and attach a general location map): City of Binghamton, Broome County, NY		
Brief Description of Proposed Action (include purpose or need): The City of Binghamton is proposing to replace the existing 6th Ward Interceptor Sewer in an effort to protect this critical sewer infrastructure from future flood events. The existing interceptor sewer is an 18-inch sanitary sewer main that is located along the southern bank of the Susquehanna River. The bank has experienced ongoing erosion issues in this location, and the proposed replacement sewer main will be aligned further south of the bank and outside of the 100-year floodplain, where possible. The proposed project involves the installation of approximately 3,800 linear feet of new sewer main between Duke Street and the intersection of Webster Street and Broome Street, including three sewer main extensions along Webster Street. Existing service laterals for several properties along Webster Street will also be extended to the new sewer main. The existing interceptor sewer will be capped and abandoned in place. A new pump station is proposed to be constructed off of Duke Street, outside of the 100-year floodplain. In addition, an existing private sewer main serving the northern end of Home Ave will be realigned and connected to the new interceptor sewer.		
Name of Applicant/Sponsor: City of Binghamton, C/O Richard C. David, Mayor		Telephone: (607) 772-7001 E-Mail: MayorDavid@cityofbinghamton.com
Address: 38 Hawley Street		
City/PO: Binghamton	State: NY	Zip Code: 13901
Project Contact (if not same as sponsor; give name and title/role): Grete Day, Environmental Scientist, Barton & Loguidice, D.P.C.		Telephone: 315-457-5200 E-Mail: gday@bartonandloguidice.com
Address: 443 Electronics Parkway		
City/PO: Liverpool	State: NY	Zip Code: 13088
Property Owner (if not same as sponsor): <small>The City of Binghamton owns the proposed pump station property. New sewer main will be installed within City-owned right of ways and will also cross private properties. The City will coordinate with private property owners during the project's design phase in order to obtain easements.</small>		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City of Binghamton (project sponsor)	May 2020
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC (permits), NYSEFC (funding)	Summer 2020
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USACE (permits)	Summer 2020
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
Comprehensive Plan for the Water Resources of the Susquehanna River Basin (2013)	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
Broome County Agricultural Economic Development Plan (2019)	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
R-1 Residential Single Unit Dwelling; R-2 Residential One & Two Unit Dwelling; R-3 Residential Multi-Unit Dwelling

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Binghamton City School District

b. What police or other public protection forces serve the project site?
Binghamton Police Dept, Broome County Sheriff, NYS Police Troop C

c. Which fire protection and emergency medical services serve the project site?
Binghamton Fire Bureau, Superior Ambulance Services Inc, Harpur's Ferry Student Volunteer Ambulance Service

d. What parks serve the project site?
Webster Street Park, Otsiningo County Park, Aqua Terra County Park, Ross Park Zoo, Holmes Crossing Park, Valley Park, and multiple other municipal parks are within 5 miles of the project area.

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Other- municipal sanitary sewer improvements

b. a. Total acreage of the site of the proposed action? _____ 23 acres
b. Total acreage to be physically disturbed? _____ Approx. 1 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.5 acres including proposed pump station site and City road right-of-ways

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: _____ 10 months

ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____ 1 new pump station

ii. Dimensions (in feet) of largest proposed structure: _____ 10 height; _____ 16 width; and _____ 16 length

iii. Approximate extent of building space to be heated or cooled: _____ 260 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Two unmapped delineated wetlands, Pierce Creek (Waters Index No. SR-47), and two un-mapped delineated streams.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
 The proposed sewer main alignment crosses one wetland and three streams, which may result in temporary disturbances to these resources if trenchless installation methods are not feasible. Specific impacts to wetlands and streams will be determined during the project's design phase.

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: Open-cut installation of sewer main crossings of streams or wetlands will result in temporary disturbances to bottom sediments.

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

Temporarily disturbed areas would be restored to their original grades and stabilized. Work will be completed in accordance with the conditions of all permits required for the project.

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ (existing average daily flow for project area- no additional flows to be generated as a result of the project)

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: City of Binghamton WWTP
- Name of district: City of Binghamton Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7AM-5PM</u> • Saturday: <u>N/A</u> • Sunday: <u>N/A</u> • Holidays: <u>N/A</u> 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>Continuous use of sewer system</u> • Saturday: <u>Continuous use of sewer system</u> • Sunday: <u>Continuous use of sewer system</u> • Holidays: <u>Continuous use of sewer system</u>
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:
 Ambient noise levels will be temporarily elevated during construction. Construction will be limited to daytime, weekday work hours (7AM-5PM).

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: Minor tree clearing may be required to facilitate construction in the backlot crossing area between Duke St and Webster St. Clearing will be limited to the smallest footprint required.

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
 The new pump station will have exterior lighting, which would be approximately 8-10 feet off the ground and will aim downward. The nearest occupied structure is approximately 70 feet south of the proposed pump station location.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: Minor tree clearing may be required to facilitate construction in the backlot crossing area between Duke St and Webster St. Clearing will be limited to the smallest footprint required.

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:
 The new pump station will convey sanitary sewage and therefore has the potential to produce odors. Odor generation is not expected to be noticeable to nearby properties. The nearest occupied structure is approximately 70 feet south of the proposed pump station location.

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe:

The project area primarily consists of undeveloped land between the Susquehanna River and residential streets, as well as the right-of-way of Duke St and Webster St. Commercial properties are located along Webster St, and industrial land uses are located north and west of the western end of the project area.

b. Land uses and covertypes on the project site.

Land use or Coverture	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	9	9.1	+0.1
• Forested	7	6.9	-0.1
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	2.7	2.8	+0.1
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.3	0.3	0
• Wetlands (freshwater or tidal)	0.5	0.5	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Maintained lawn</u>	3.5	3.4	-0.1

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: Pierce Creek may be used for fishing

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:
Benjamin Franklin Elementary School, Future Faces Child Care, DeFour's Overnight Child Care

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): 704031, 704021
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
Site 704031 (NYSEG Binghamton Court Street Manufactured Gas Plant) is a State Superfund Site that is currently undergoing remediation. The site was used as a manufactured gas plant from 1888 until 1969, which involved the disposal of a number of hazardous organic compounds. This site is located approximately 1,400 feet north of the project area, on the northern side of the Susquehanna River.

Site 704021 (Almy Brothers Site) is a State Superfund Site where remedial activities have been completed. Prior to remediation, the primary contaminants of concern were 2,4,5-TP (Silvex), 2,4-D, DDT, chlordane, benzene, ethylbenzene, xylene (mixed) in groundwater, soil, sediment, and air that were generated during the site's previous uses as a dairy processing facility, pest control facility, and a variety of other businesses until 1989. This site is located about 1,300 feet southwest of the project area.

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ >6.5 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Chenango and Howard gravelly loams, 5-15% slopes	52 %
Cut and fill lands, silty materials	43 %
Cut and fill lands, loamy materials	5 %

d. What is the average depth to the water table on the project site? Average: _____ ~5.5 feet

e. Drainage status of project site soils: Well Drained: _____ 100 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name Pierce Creek, two additional delineated streams Classification C/C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Two unmapped delineated wetlands Approximate Size 0.5 acres total
- Wetland No. (if regulated by DEC) N/A

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: Clinton Street Ballpark Sole Source Aquifer, Endicott-Johnson City Primary Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: _____
 White-tailed deer _____ Eastern cottontail _____ White-footed mouse _____
 Raccoon _____ Striped skunk _____ Various fish and aquatic species _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____
 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____
 Pierce Creek and the Susquehanna River are used for fishing.

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: <u>Binghamton Water Treatment Plant</u>	
<i>iii.</i> Brief description of attributes on which listing is based:	
<u>Historic Building eligible for listing on the State Register of Historic Places</u>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: <small>Susquehanna River, Otsiningo County Park, Aqua Terra County Park, Ross Park Zoo, Holmes Crossing Park, Valley Park, Boland Park, Finch Hollow Park, North Side Park, Port Dickinson Community Park, Schnurbusch Park, Stair Park, William Hill Park, Wolfe Park, and several unnamed</small>	
<i>i.</i> Identify resource: <u>municipal parks.</u>	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>County and local parks</u>	
<i>iii.</i> Distance between project and resource: <u>0.3 to 5 miles.</u>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

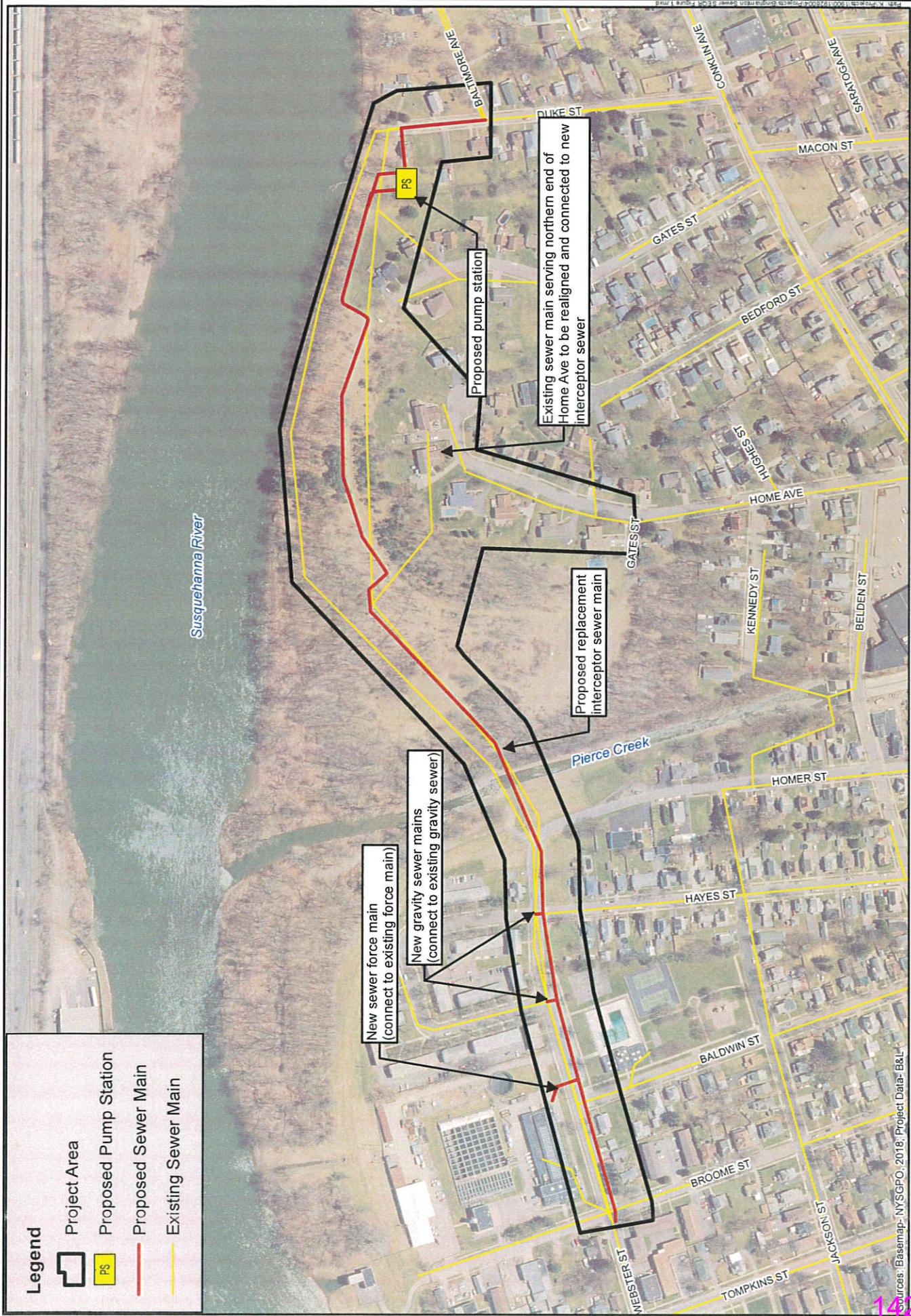
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Richard C. David Date _____

Signature _____ Title Mayor

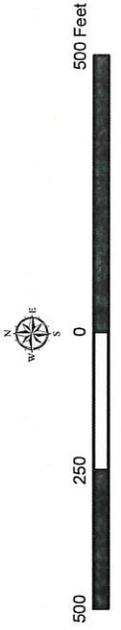


Legend

- Project Area
- Proposed Pump Station
- Proposed Sewer Main
- Existing Sewer Main

Figure 1
Project No. 1978.004

City of Binghamton
6th Ward Interceptor Sewer Project
Aerial Project Location Map
Broome County New York
May 2020



Sources: BaseMap - NYS/GPO, 2018; Project Data - B&L



Legislative Branch

RL Number:
20-184
Date Submitted:
9/1/2020

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: (607) 772-7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with the

Broome County Urban League for use of FY45 CDBG funds in an amount not to exceed \$8,760 for

the SUNY ATTAIN computer lab at 47 North St.

Suggested Content: Budget line: CD8676.33515.CDY45 HUMAN SERVICES

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY					
Mayor:	<u>[Signature]</u>				
Comptroller:	_____				
Corporation Counsel:	<u>[Signature]</u>				
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



Legislative Branch

RL Number: 20-188
Date Submitted: 9/2/2020

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Jared M. Kraham
Title/Department: Office of the Mayor
Contact Information: (607) 772-7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with the YWCA of Binghamton and Broome County for use of FY46 CDBG funds in an amount not to exceed \$15,000 for the Young Wonders Early Learning and Youth Development program.
Suggested Content: Budget line: CD7310.533516.CDY46 YOUTH PROGRAMMING

Additional Information

Does this RL concern grant funding? Yes No
If 'Yes', is the required RL Grant Worksheet attached? Yes No
Is additional information related to the RL attached? Yes No
Is RL related to previously adopted legislation? Yes No
If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY
Mayor: _____
Comptroller: _____
Corporation Counsel: _____
Finance Planning MPA PW/Parks Employees Rules/Special Studies



Legislative Branch

RL Number:
20-190
Date Submitted:
9/3/2020

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: (607) 772-7001

RL Information

Proposed Title: A N ORDINANCE TO AMEND THE 2021 BUDGET SCHEDULE

This legislation is for 2021 only

Suggested Content: Amend the City of Binghamton Charter, § C-62, "Annual estimate," to provide that "The annual estimate by the Board of Estimate and Apportionment required to be made by the provisions of § 75 of the Second Class Cities Law shall be made and submitted to the Common Council on or before the sixth day of October" to allow for potential federal and state aid before submission.

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	
Comptroller:	
Corporation Counsel:	
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



Legislative Branch

RL Number: 20-191
Date Submitted: 9/4/2020

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: (607) 772-7001

RL Information

Proposed Title: An Ordinance to amend the FY45 CDBG budget to fund parks improvements.

Suggested Content: Transfer from: CD8662.53005.CDY43 ENGINEERING SERVICES \$64,125.00

CD8662.53005.CDY42 ENGINEERING SERVICES \$21,476.75

Transfer to: CD8662.533507.CDY45 PARKS IMPROVEMENTS \$85,601.75

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY					
Mayor:					
Comptroller:	_____				
Corporation Counsel:					
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



Legislative Branch

RL Number:
20-173
Date Submitted:
8/3/2020

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Applicant Information

Request submitted by: Tom Scanlon _____

Title/Department: City Council President _____

Contact Information: 772-7005 _____

RL Information

Proposed Title: A Resolution supporting the Binghamton Police Department and Honoring
Binghamton's Fallen Police Officers _____

Suggested Content: _____

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY					
Mayor:	_____				
Comptroller:	_____				
Corporation Counsel:	_____				
Finance <input type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input checked="" type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>

Draft 1

1. WHEREAS, on August 3, 1995, Patrolman Lee Barta, of the Binghamton Police Department, was shot and killed in the line of duty while searching for a work release suspect; and
2. WHEREAS, in its 153-year history, seven Binghamton Police Officers have been killed in the line of duty, Patrolman Alex Horvatt, Patrolman William F. McDonald, Patrolman Clarence W. Moran, Patrolman Gerald M. Tracey, Patrolman George J. Weslar, Patrolman William F. Holbert Jr., and Patrolman Lee E. Barta; and
3. WHEREAS, in 2019, 89 U.S. law enforcement officers were killed in line-of-duty incidents, according to the FBI; and
4. WHEREAS, the Binghamton Police Department was founded in 1867 and since 1993 has been an accredited agency with the New York State Division of Criminal Justice Services (DCJS), dedicated to accountability and highest standards of policing; and
5. WHEREAS, as the largest law enforcement agency in the Southern Tier, the Binghamton Police Department responded to 51,795 calls for service in 2019, and annually conducts thousands of hours of officer trainings, and a seven month training program for new recruits; and
6. WHEREAS, for many officers being a police officer is a tradition of public service and a calling passed down for generations; and
7. WHEREAS, through the COVID-19 pandemic, officers join other front line personnel working amidst new threats to public health and safety; and
8. WHEREAS, police officers are ambassadors and role models in Binghamton's schools and neighborhoods through School Resource Officer (SRO), PAL Camp and mentoring programs; and
9. WHEREAS, Binghamton Police officers have saved citizens in life and death situations, putting their own lives in danger; and
10. WHEREAS, in a 2016 open letter to America's law enforcement community, President Barack Obama wrote, "Time and again, you make the split-second decisions that could mean life or death for you and many others in harm's way. You endure the tense minutes and long hours over lifetimes of service. Every day, you accept this responsibility and you see your colleagues do their difficult, dangerous jobs with equal valor. I want you to know that the American people see it, too. We recognize it, we respect it, we appreciate it, and we depend on you"; and
11. NOW, THEREFORE, be it resolved by the Council of the City of Binghamton; that
12. This Council publicly acknowledges its support for the commitment and sacrifices made by members of the Binghamton Police Department.
13. This Council honors the courageous service of Binghamton Police Department's seven fallen officers, including Patrolman Lee Barta on the 25th anniversary of his death.
14. This Council will advocate for state and federal officials to appropriate necessary resources to support and protect law enforcement, including the Leahy Bulletproof Vest Partnership.
15. This Council will provide the tools and resources to protect citizens and officers and create a more peaceful community.

A. WHEREAS, on August 3, 1995, Patrolman Lee Barta, of the Binghamton Police Department, was shot and killed in the line of duty while searching for a work release suspect; and

B. WHEREAS, the community center on Liberty Street named after Patrolman Lee Barta serves the residents on the North Side as a hub for activities, resources, classes, and food access.

C. WHEREAS, the Binghamton Police Department, founded in 1867, is dedicated to accountability and highest standards of policing; and

D. WHEREAS, Binghamton Police officers often put their own lives in danger; and

E. WHEREAS, in its 153-year history, seven Binghamton Police Officers have been killed in the line of duty: Patrolman Alex Horvatt, Patrolman William F. McDonald, Patrolman Clarence W. Moran, Patrolman Gerald M. Tracey, Patrolman George J. Weslar, Patrolman William F. Holbert Jr., and Patrolman Lee E. Barta; and

F. WHEREAS, as the largest law enforcement agency in the Southern Tier, the Binghamton Police Department responded to 51,795 calls for service in 2019; and

G. WHEREAS, for many, being a police officer is a tradition of public service passed down for generations; and

H. WHEREAS, the provision of law enforcement in any community must be a collaboration between the residents of that community and the officers in the department that serves the community; and

I. WHEREAS, Officers of the Binghamton Police Department work to build relationships with residents of Binghamton and connect with the community by building relationships with our youth through our schools and with parents and our community as a whole through a multitude of community events; and

J. WHEREAS, in a 2016 open letter to America's law enforcement community, President Barack Obama wrote, "Time and again, you make the split-second decisions that could mean life or death for you and many others in harm's way. You endure the tense minutes and long hours over lifetimes of service. Every day, you accept this responsibility and you see your colleagues do their difficult, dangerous jobs with equal valor. I want you to know that the American people see it, too. We recognize it, we respect it, we appreciate it, and we depend on you"; and

K. NOW, THEREFORE, be it resolved by the Council of the City of Binghamton; that

L. This Council acknowledges its support for the commitment and sacrifices made by members of the Binghamton Police Department to remain steadfast in their desire to serve this community in a way that supports transparency, inclusivity, and diversity and allows all people to live together with respect and understanding; and

M. BE IT FURTHER RESOLVED, that this Council honors the courageous service of Binghamton Police Department’s seven fallen officers, including Patrolman Lee Barta on the 25th anniversary of his death; and

N. BE IT FURTHER RESOLVED, that this Council will support advocacy efforts for state and federal appropriation of funds necessary to provide community-centric law enforcement, reflective of the City of Binghamton’s morals, overarching vision, and strategic direction, and

O. BE IT FURTHER RESOLVED, that this Council will advocate for full transparency and open participation by all interested stakeholders in a reimagining and modernization initiative to be launched immediately and to be completed well in advance of April 1, 2021; and

P. BE IT FURTHER RESOLVED, this Council will support and provide innovative training for officers to ensure best practices to protect and serve each and every resident to achieve a goal of a more peaceful community for all; and

Q. BE IT FURTHER RESOLVED, this Council will provide the tools and resources to ensure we are continuously “Restoring the Pride” because Binghamton is a good place to visit and a great place to live!