

**Schedule B**  
**Buffalo Main Streets Initiative (BMSI) Administrative Plan**

The term Local Program Administrator or LPA shall refer to *Awardee Name*, the recipient of the Buffalo Main Streets Initiative (BMSI) funds.

**1. Program Development**

1. a. Marketing the Program

The Local Program Administrator (LPA) shall conduct outreach in the awarded target area to make all property owners aware of the availability of financial assistance through the Buffalo Main Streets Initiative (BMSI) Program.

- . The LPA will develop and distribute informational materials to market program availability and explain program requirements. These will be distributed to businesses and property owners in the target area and made available for distribution to local governments, libraries, chambers of commerce, business associations, and other local partners.
- . Instructions on how to apply for assistance and required forms will be available at the offices of the LPA and other local partners.
- . Public informational meetings will be held at one or more locations within the community to present information and answer questions.
- . The LPA must retain distribution lists, public notices and other documentation of marketing and outreach efforts in program files.

1. b. Project Review & Selection Process

- . The LPA must develop and formalize project selection criteria and a clear project selection process. This process must be used consistently throughout the term of the BMSI contract. If an LPA conducted and documented a project selection process consistent with the selection criteria noted below prior to award, an additional project selection process may not be required. Consult with Office of Community Renewal staff.
- . The LPA must identify a Project Selection Committee to implement the project selection process and generate funding decisions.
- . Project selection criteria must afford priority to:
  - Projects that are visually prominent on Main Street.
  - Projects that include renovation of upper story residential units.
  - Projects with historic value or historic properties in danger of being lost in part or in total to disrepair or damage.
  - Projects that with the assistance of grant funds, will reduce blight, contribute to the economic recovery of the target area, or realize a stabilization or expansion of a Main Street business.
- . The LPA should develop local project selection criteria to supplement the priority project selection criteria identified by the BMSI Program.
- . The LPA will advise applicants on the disposition of an application within 30 business days of the submission of a complete application.
- . The LPA must retain clear documentation of each project selection committee decision in the program files. This must include a determination for each application reviewed, and each project selected. This documentation should include project selection memos, Project Selection Committee meeting minutes or other related correspondence.
- . It may be permitted for a not-for-profit LPA to allocate funds for a property owned by a member of its board. The allocation must be consistent with the selection procedures described above, as well as in the written supplemental procedures. The allocation must also be consistent with the LPA's adopted bylaws or other policies. If the identified Project Selection Committee selects a property owned by a board member, the material facts of the potential conflict of interest must be disclosed to the not-for profit board.

The board must authorize this project selection and contract by a vote sufficient for such purpose, without counting the vote of the interested board member. The board member whose property may receive assistance may not vote on or participate in discussions concerning that matter. This vote must be clearly documented in the board's meeting minutes.

### Conflicts of Interest

Under certain circumstances, an applicant for funding may have a "conflict of interest". For example, a conflict of interest may be present if the applicant is or related to an employee, officer, Board Member, or Project Selection Committee member. There are other cases where a conflict of interest may also be present. Applicants will be required to complete a *Conflict of Interest Disclosure Form* to determine if a conflict of interest exists. If a conflict of interest does exist, the LPA will make a formal determination and provide it to HTFC staff to document the decision.

## **2. Project Development**

### 2. a. Work Write-up / Scope of Work

If the LPA determines an initial application to be eligible for assistance, and the identified Project Selection Committee chooses to commit grant funds for the project, the LPA will meet with the property owner to develop a scope of work and an initial estimate of costs. This meeting may occur at the building site or after a visit to the site. The LPA will discuss requirements related to lead-based paint hazards, energy efficiency, historic design standards, or any other work scope issues with the property owner.

A written scope of work is a BMSI program requirement. The scope of work must address:

- Immediate health and safety concerns;
- The correction of code violations;
- Lead-based paint hazards that may exist in buildings that contain residential units;
- Radon hazards in buildings that contain residential units;
- Installation of energy conservation measures;
- Consistency with any other local program design guidelines; and
- Preservation of historical elements of the building.

The LPA is responsible for coordinating work write-ups with local code officials, the State Historic Preservation Office, and other regulators. If needed, additional experts must be consulted. Both the LPA and the property owner must sign-off on the formal scope of work before the owner is authorized to seek bids for the work. The LPA may assist owners in obtaining interim financing.

The property owner will be responsible for paying for all agreed upon repairs, and the LPA will not reimburse more than the costs identified as available per building for the funding year.

### 2. b. Contractor Selection

The LPA may establish a list of contractors able to perform work in compliance with applicable standards. The LPA may choose to develop this list through a formal Request for Qualifications (RFQ) process to provide contractors and professional service providers an equal opportunity for consideration. All contractors must supply references and proof of proper insurance. Proof of insurance must include general liability coverage in a minimum amount of one million dollars and workers' compensation coverage. The LPA, State of New York and the Housing Trust Fund Corporation must be listed as additional insured. The LPA will use this list to solicit bids or quotes for the project activities. Additional contractors can be added to the list at any time, however, references and proof of proper insurance must be supplied to the LPA and approved.

### EEO & MWBE Requirements

LPAs are required to comply with Articles 15-A and 17-B of the New York State Executive Law. These requirements include equal employment opportunities for minority group members and women (“EEO”), and contracting opportunities for certified minority and women-owned business enterprises (“MWBEs”) and Service-Disabled Veteran-Owned Businesses (“SDVOBs”). LPAs demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of these requirements. Please visit NYS Empire State Development’s Division of Minority & Women Business Development website for a directory of certified Minority and Women-Owned Businesses: <https://ny.newnycontracts.com/>

LPAs must submit a Contractor Bid Solicitation Plan with the grant agreement. This Plan will identify a minimum of four certified MWBE firms that will be included in the bid solicitation process. Once the contractor/vendor selection process is complete, the LPA must report to HTFC on the use of NYS certified MWBE firms.

### Procurement & Bidding

An appropriate procurement process must be completed for all activities to be reimbursed with program funds. At a minimum, two bids or proposals must be obtained and reviewed for all renovation, administration or professional service activities to establish the reasonableness of project costs.

The procurement process must be free of collusion or intimidation, and the LPA must exercise appropriate oversight over the entire process to ensure that it is fair, efficient and free of actual and perceived conflicts of interest. A clear, written, scope of work for the project, as outlined in Work Write-up / Scope of Work above, must be the basis for the bids or proposals. All bidders must have equal access to relevant information, including information on the property itself.

The LPA must follow the procedures noted below to comply.

- Prepare and submit a Contractor Bid Solicitation Plan. This Plan will outline the goals (percentages are included in the existing grant agreement Schedule C) and how the LPA intends to conduct marketing and outreach and make good faith efforts to include MWBE and SDVOBs in contracting opportunities. Costs for activities that cannot be bid out (internal admin) should be removed before preparing the calculations in this document.
- As activities proceed, the LPA will prepare a Bid Solicitation Log to document all of the contractors or vendors included in each outreach and bidding process. The LPA must also document its bid review and selection decisions as the low bid must be selected.
- If an MWBE firm is contracted for a project, utilization information (FID and payment amount) and affirmation of payment to contractor will be reported when the LPA provides completion reports to HTFC. The Project Detail Sheet includes a drop-down box to note MWBE/SDVOB firms.
- If the LPA is unable to reach the goals, a request for waiver must be submitted. The written request should be accompanied by a Certification of Good Faith Efforts form and supporting documentation to demonstrate its efforts. The documentation should demonstrate that the LPA followed the plan presented in the Bid Solicitation Plan and include documentation of each of the steps outlined above.

The bids or proposals for all activities must be submitted directly to the LPA by the contractor. The LPA will advise the property owner of acceptability of bids and proposed cost. If the property owner chooses other than the lowest bidder, re-imburement will be based on the amount of the lowest bid.

### Conflicts of Interest

Perceived or actual conflicts of interest may arise when certain individuals have access to inside information regarding the award of a contract or property assistance. A contractor cannot receive BMSI funds for work done on property that he or she owns, or a property that is owned by an immediate family member. Prior to commencing a project where there is a possible conflict of interest, the LPA must review the eligible work items with OCR staff.

## 2. c. Contracting Procedures

The LPA will enter into a contract with the property owner to provide the agreed financial assistance. The contract will outline the roles and responsibilities for both the LPA and the participating property owner.

At a minimum, the contract must specify:

- The agreed upon scope of work;
- Projected amount of financial assistance awarded;
- The project timeline;
- Requirement to insure the premises for full (100%) replacement value, obtain fire insurance and other appropriate insurance depending on makeup of building, and to obtain flood insurance coverage if the premises is in a special flood hazard area.
- Requirement to engage a contractor and begin construction within 30 days of LPA approval;
- That payments will be made only after work is complete, and on a reimbursement basis;
- The LPA has the right to inspect work at any time;
- The LPA may terminate the award and cancel the contract should the work be inconsistent with the program rules outlined, agreed upon scope of work or project design, stated timeline or if insurance is not maintained by the property owner or participating contractor;
- BMSI ongoing maintenance requirements;
- The requirement to sign and file the BMSI Property Maintenance Declaration form;
- The requirement to sign the BMSI Property Release form permitting the Housing Trust Fund Corporation to use photographs of the assisted properties.

## 3. **Construction Management/Quality Control**

### 3. a. Design Standards

All work will be completed in accordance with design standards that are developed to meet the priorities listed in section 2a Work Write-up / Scope of Work. These standards will be consistent with the requirements of the State Historic Preservation Office, Housing Trust Fund Corporation (HTFC), and the LPA. The LPA will enforce the standards throughout the development process.

### 3. b. Inspections

The LPA retains the right to inspect work in progress at any point. Before a final payment can be made, a final inspection will be required. The LPA, the local code enforcement officer, and the property owner will all verify that the work was completed properly and is consistent with the contracted scope of work. The LPA must clearly document each site visit and inspection in the project files. Inspection reports will be reviewed during the BMSI Program monitoring visit.

## 4. **Financial Management**

### 4. a. Staff

The LPA's chief financial officer will be responsible for all financial transactions under this contract. The LPA should have a written policy on internal controls, and use this policy to determine the process for review and approval of requests for disbursement of BMSI funds. The Authorized Signature Form must be completed to designate the representative(s) authorized to sign disbursement requests and must reflect the LPA's written policy on internal controls.

### 4. b. Interim / Construction Financing

BMSI is a reimbursement program. The property owner will be responsible for paying for all agreed upon repairs, but the LPA will not reimburse more than the costs identified as available per building for the funding year. Payment will only be made upon satisfactory completion of all work. Local property owners will be responsible for obtaining construction or interim financing for their project. The LPA may assist owners in obtaining financing where requested, but property owners are free to make their own arrangements.

## **5. Ongoing Maintenance**

### **5. a. Obligations**

Property owners will be required to maintain property assisted with BMSI funds for a period of five years from the date of project completion and final inspection. This requires that any assisted commercial or civic units be maintained in a manner that is consistent with the goals of the BMSI program for the enforcement period.

The LPA will require each property owner receiving BMSI funds to file a Property Maintenance Declaration, in a form approved by HTFC, with the clerk of the county in which the project is located. In the Declaration the property owner will declare that he/she has received assistance from BMSI and will maintain the property in a manner consistent with the program objectives for a minimum of five years. In the event of non-compliance or resale, the amount of grant funds will be subject to repayment in accordance with a simple annual declining balance, based on the five-year enforcement period.

### **5. b. Responsible Parties**

The LPA will monitor projects assisted under BMSI during the five-year enforcement period. The LPA will ensure maintenance of Main Street investments. The LPA must develop a formal plan for monitoring the assisted properties and ensuring compliance for the full maintenance term. The plan must address staff assignment of this responsibility and address continuity of operations. As part of this plan, the LPA will periodically inspect assisted properties and conduct any inspections directed by HTFC.

## **6. Program Compliance**

### **6 a. Conditions**

Housing Trust Fund Corporation reserves the right to change or disallow aspects of the application and may make such changes conditions of its commitment to provide funding to a project or program. The LPA will address any additional requirements or conditions of approval.

### **6. b. Covenants of the Recipient**

The LPA will comply with all applicable statutes, guidelines, regulations, policies and procedures of the Buffalo Main Streets Initiative. Any defect or departure from the BMSI Administrative Plan must be requested and approved in writing. The LPA must refer to Grant Agreement Schedule A - Awarded Budget & Projected Accomplishments for a summary of the awarded program activities.