



City of Niagara Falls
Bridge District DRI Small Project Fund Program
2023

Program Guidelines for Applicants

A \$558,000 DRI Small Project Fund has been awarded to the City of Niagara Falls to provide grant funding for applicants to implement interior and exterior building improvements in Niagara Falls Bridge district for both commercial and mixed-use structures.

The City of Niagara Falls may award between \$10,000 (minimum) and up to \$100,000 (maximum) in DRI grant funds, per building, not to exceed 50% of the total building renovation project cost. Residential rehabilitation of upper stories may be granted an additional \$10,000 per dwelling unit, up to \$150,000 (maximum) in DRI grant funds, not to exceed 50% of the total building renovation costs.

Applicant Eligibility

For profit and not-for-profit organizations and individuals are eligible to apply after meeting the following conditions:

1. Property must be within the designated target area.
2. Properties must be commercial or mixed-use (commercial & residential).
3. The applicant must be current on all municipal taxes including property, water and sewer and any other obligations to the municipalities such as loan payments.
4. The applicant will obtain a City of Niagara Falls building permit prior to construction.
5. The applicant will have the ability to finance the entire project and submit for reimbursement when the project is complete.
6. No costs can be claimed against the Bridge District DRI Small Project Fund Program in advance of official project grant approval from the City of Niagara Falls and Housing Trust Fund Corporation (HTFC).



0.15

Miles



City of Niagara Falls
Niagara County, New York

DRI Bridge District
Grant Administration
Boundary

Program Parameters for Applicants

Project Scoring

The Project Selection Committee will determine the impact that the project will have on the target area and specifically address the following:

- **Readiness** - projects that provide proof of overall feasibility and readiness such as proof of ownership, documentation that 100% of the financing for the project is in place, reasonable construction timeline, reasonable construction cost estimates, pro-forma, lease documents, etc. (up to 20 points).
- **Visual Impact** - projects that are visually prominent downtown, have historic value, are in danger of being lost, bring existing properties into compliance with design guidelines, that are transformative beyond normal maintenance, and add to the public realm of the district (up to 20 points).
- **Economic Impact**- projects leveraging grant funds with private investment that with the assistance of grant funds, will reduce blight and vacancies, contribute to the economic recovery of the target area, or realize a stabilization or expansion of downtown tax base, businesses and/or jobs (up to 20 points).
- **Encourage Downtown Living** - projects include renovation of upper floor residential units including energy efficiency or accessibility improvements, (up to 20 points).
- **DRI Priorities**- projects that advance the goals and priorities of the DRI Community Investment Strategy including but not limited to: promoting tourism opportunities; creating unique and flexible workspaces; creating a vibrant atmosphere with daytime and nighttime activities; adding small retail, restaurant and storefront spaces; and, building off of regional partners like the medical campus and Niagara University (up to 20 points).

Design Standards

A design standards guide is available on the City website:

<https://niagarafallsusa.org/government/city-departments/planning-and-environmental/>

Eligible Activities

1. Interior and exterior improvements including but not limited to roof, window, or door repairs,
2. façade improvements, and ADA accessibility improvements.
3. Capital improvements, including purchase of permanent machinery and equipment, such as furnaces and water heaters.
4. Mechanical, electrical and plumbing upgrades and improvements within existing building.

Eligible COVID Activities

1. Reconfiguration of existing facilities to encourage reduced density;
2. Redesign and updates for air filtering or ventilation systems;
3. Equipment or software required to increase business capacity and efficiency in post-COVID climate, e.g. online sales, POS systems. One-time only purchases.
4. Fixtures and equipment to partition customers, guide social distancing or provide contactless sales opportunities;
5. Interior and exterior improvements to support adjusted business practices, e.g. pick-up windows, outdoor seating areas;
6. Personal Protective Equipment (PPE)
*(PPE is considered an incidental expense. Generally, no more than of the request or \$5,000, whichever is lower, can be awarded for PPE expenses).

Soft Costs- eligible soft costs include architecture, engineering, and environmental testing expenses. Soft costs require matching funds, and in-kind match is not eligible. Soft costs incurred for work on buildings that eventually prove infeasible and do not receive other investments will not be reimbursed by the Bridge District DRI Small Project Fund Program. Therefore, reimbursements for soft costs may not be requested as part of a partial payment prior to project completion.

Ineligible Activities

Ineligible uses of funds include: acquisition costs; new construction (including in-fill buildings); improvements to structures owned by religious or private membership-based organizations; or improvements to municipally owned and municipally operated buildings; signage; or furnishings, appliances, electronics, tools, disposable supplies, business equipment, nonpermanent fixtures, temporary artwork.

Funds may not be used for site work or ancillary activities on a property including but not limited to: septic systems/laterals, grading, parking lots, sidewalks, decks, garages, sheds, landscaping, fences, free standing signs, and general maintenance or repairs not connected to a larger project.

Demolition of an entire structure. Necessary interior demolition may be permitted.

Ineligible COVID activities include: inventory, rent or lease expenses, working capital or other undefined expenses, general or disposable supplies beyond PPE as outlined above and other expenses that do not sustain business operations.

Payment Process

Project reimbursements are made when the project is complete. The Bridge District DRI Small Project Fund Program operates fully as a reimbursement grant program and the owner is responsible for paying for all agreed upon repairs. Payment of grant funds will be made only upon satisfactory completion of building projects and payment of renovation expenses.

1. No reimbursement shall be paid to the owner until periodic inspections of the work has been completed by the City of Niagara Falls, or its agent(s).
2. All completed work shall comply with all applicable building codes and standards.
3. To substantiate work costs, Owners must provide the following:

- a. written contracts
 - b. bank documents
 - c. copies of invoices for materials and labor
 - d. cancelled checks
 - e. lien releases
 - f. and any other documents deemed reasonably necessary by the City of Niagara Falls or required by HTFC to maintain effective internal controls.
4. Cash payments/cash receipts are not permitted and will not be reimbursed.
 5. The payment of any amount(s) due and payable by the HTFC through the City of Niagara Falls to the project owner, as a reimbursement pursuant to this grant agreement.
 6. Sales tax should not be included on the invoice as the state is exempt from sales tax.

Regulatory Requirements and Repayment Provisions- All assistance is in the form of a reimbursable grant with a five (5)-year compliance period. Property owners will be required to execute a Declaration document committing to this compliance period to ensure improvements are maintained and affordable rents are maintained. Should the property owner sell the property within the five (5)-year timeframe, they will be responsible for repaying a portion of the grant funding received. Repayments will be retained by the City of Niagara Falls and used for eligible activities as presented in this administrative plan. Required repayment of New York Main Street funds will be calculated in accordance with the following schedule:

Months 0-12:	100% repayment due.
Months 13-24:	80% repayment due.
Months 25-36:	60% repayment due.
Months 37-48:	40% repayment due.
Months 49-60:	20% repayment due.
Months 60+:	0% repayment due.

Rent Limits – Rent limits will need to be maintained in compliance with the Bridge District DRI Small Project Fund Program parameters during the compliance period. Please refer to the New York State Main Street Rent Limits Guide annually.

Project Review & Selection Process and Criteria

The Project Selection Committee will use the following project selection criteria and project review and selection process. This process will be used consistently throughout the term of the Bridge District DRI Small Project Fund Program.

Project Application

The City of Niagara Falls will prepare an application (hard copy and online) with instructions. The application materials outline the program requirements and selection priorities. The application requests all information necessary to fully review the project for eligibility. Requirements include:

1. Completed Application
2. Copy of Deed for the property
3. Proof of financing
4. Conflict of Interest Statement

Project Selection Committee

The Project Selection Committee will implement the project selection process and generate funding decisions. The planned members include members of the economic development and planning community.

Project Review/ Selection Process

The application for the Bridge District DRI Small Project Fund Program will include an “initial review date” when the committee will review all of the applications received to date. The City of Niagara Falls will continue to accept applications as long as funds are available.

The City will collect applications and facilitate meetings for the Project Selection Committee. The Project Selection Committee will be provided an opportunity to review the project applications and to meet with the project owner.

The Project Selection Committee will discuss each project as a whole, and will score each project individually. The results will be tabulated by the City. The tabulated results will be shared with the Project Selection Committee and the projects will be ranked. The Project Selection Committee will discuss the projects, and make a recommendation selecting which projects will move forward for funding, and the amount of grant funds they will receive. The Project Selection Committee has the authority to approve the projects as presented, modify, disapprove, or approve the project with special conditions.

A formal project background resolution describing the scope of work and project costs will be prepared by the City and sent to the Project Selection Committee at their next meeting.

Project Selection and Review and Ranking Criteria

Projects that are ready, are visually prominent downtown, include renovations of upper floor residential units, and expand the economic base of the City will be given priority.

Proof of Available Financing

Proof of available financing through cash in bank (balance sheet), secured loan commitments, and project lines of credit is required from each applicant.

Notification of Disposition

The City of Niagara Falls, or its agent(s) will advise applicants on the disposition of an application within 30 business days. Once a project has been formally selected and approved by the City of Niagara Falls, or its agent(s) for grant funding, a staff member or agent of the City of Niagara Falls, or its agent(s) will contact the applicant to begin to develop a “formal” scope of work for the project.

Housing Trust Fund Corporation Approval

Projects approved locally will be submitted to Housing Trust Fund Corporation (HTFC) for review and approval prior to notifying property or business owner of formal funding approval. The submission to HTFC will include:

1. Property location information
2. Business information
3. Project scope of work
4. Project cost estimates
5. Award amount
6. Total project cost
7. Proposed payment structure
8. Projected outcomes, e.g. units assisted, jobs created/retained
9. Environmental Compliance Checklist and supporting documentation

Contracting Procedures

The City of Niagara Falls will enter into a contract with the project owner to provide the program financial assistance. The contract will outline the roles and responsibilities for both the City of Niagara Falls and the participating property or business owner. At a minimum, the contract will specify:

1. Agreed upon scope of work;
2. Projected amount of financial assistance awarded;

3. Estimated project timeline;
4. Regulatory term or repayment provisions;
5. Requirement to sign a photo release form permitting the City of Niagara Falls, or its agent(s) and HTFC to use photographs of the assisted business or property;
6. Requirement to engage a contractor and begin activities within 30 days of formal City of Niagara Falls, or its agent(s) approval;
7. Payments structure, timing;
8. City of Niagara Falls, or its agent(s) has the right to inspect work at any time;
9. City of Niagara Falls, or its agent(s) may terminate the award and cancel the contract should the work or purchases 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 participating contractor.

Project Development

Environmental Review

Prior to the commitment or expenditure of program funds, the environmental effects of each activity will be assessed in accordance with the State Environmental Quality Review Act (SEQR). The City of Niagara Falls or its agent(s) will submit all required environmental review paperwork according to the requirements outlined in the HTFC Environmental Compliance Handbook.

Work Write-up Scope of Work

Once a project application has been formally selected for Bridge District DRI Small Project Fund Program assistance, the City of Niagara Falls or its agent(s) will meet with the property owner to develop the formal project scope of work and explain program requirements related to design, environmental hazards, energy efficiency. A formal written scope of work or description of the use of funds is required. The scope of work for a participating renovation project must address:

1. Immediate health and safety concerns;
2. The correction of existing code violations;
3. Environmental hazards;
4. Installation of energy conservation measures;
5. Accessibility for persons with disabilities;
6. Consistency with any other local program design guidelines; and
7. Preservation of historical elements of the building.

The City of Niagara Falls and its agent(s) are responsible for coordinating renovation work write-ups with local code officials, the State Historic Preservation Office, and other regulators. If needed,

additional experts may be consulted. Both the City of Niagara Falls and the property owner must sign-off on the formal scope of work.

The City of Niagara Falls or its agent(s) will meet with the property owner at his/her building to review the scope of work proposed by the owner in their application. The initial scope of work may be amended by mutual agreement and to include work items that resolve any health, safety or code issues. Pictures will be taken of those areas proposed for building improvements. The pictures will be used to document the pre-construction condition of the property and to describe proposed improvements to the State Historic Preservation Office.

Prior to preparing the final scope of work, an environmental review of the proposed improvements will be conducted. If the proposed improvements include residential improvements, then a lead-based paint test and radon test by certified inspectors will be performed if necessary based on the scope of work. If lead or radon is found, a mitigation or remediation plan will be included in the scope of work. In addition, New York State Department of Labor procedures to contain any asbestos materials disturbed as part of the proposed project will be incorporated into the scope of work.

As part of the environmental review the scope of work and pictures of the project will be sent to the State Historic Preservation Office for review and approval. Review and approval of the project's consistency with local planning, zoning, design and SEQR regulations will also be required. A final scope of work and cost estimates will be prepared by the City of Niagara Falls or its agent(s), prior to requesting bids from contractors. The applicant will agree to or sign off on the final scope of work.

Contractor Selection

The City of Niagara Falls or its agent(s) will establish a list of contractors able to perform work in compliance with applicable standards. The City of Niagara Falls or its agent(s) 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. Additional contractors can be added to the list at any time, however, references and proof of proper insurance must be supplied to the City of Niagara Falls or its agent(s).

Procurement & Bidding

The Bridge District DRI Small Project Fund and the HTFC requires that at least two bids are solicited and received for each project. The final scope of work, agreed upon by the project owner and the City of Niagara Falls or its agent(s) will be sent out to multiple contractors by the City of Niagara Falls, including NYS Certified Minority and Women Owned Business Enterprises. Contractors will be given an adequate time to prepare and submit bids directly to the City of Niagara Falls.

1. The City of Niagara Falls or its agent(s) will assist project owners to complete a procurement process, for all activities to be reimbursed with Bridge District DRI Small Project Fund funds. A minimum of two bids or proposals must be obtained and reviewed for all project costs, including but not limited to purchases, services and renovation, administration or professional service activities. This process is required to establish the reasonableness of project costs.
2. The procurement process will be free of collusion or intimidation, and the City of Niagara Falls on behalf of the project owner, will exercise appropriate oversight over the entire process to ensure that it is fair, efficient, and free of actual and perceived conflicts of interest.
3. A clear, written, scope of work for the project, as outlined in Work Write-up Scope of Work section, will be the basis for the bids or proposals. All bidders must have equal access to relevant information, including information on the property itself.
4. The bids or proposals for all activities must be submitted directly to the City of Niagara Falls on behalf of the project owners. The City of Niagara Falls or its agent(s) will work with project owners to determine the acceptability of the bids proposed cost.
5. The City of Niagara Falls or its agent(s) will work with the project owner to select the lowest responsible bidder. If the property owner chooses an alternate bidder, other than the lowest bidder, re-imburement will be based on the amount of the lowest bid.
6. The City of Niagara Falls or its agent(s) will document the bid solicitation from the City of Niagara Falls, review and selection process and save such documentation in its project files.

EEO & MWBE Requirements

The City of Niagara Falls is 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”). The City of Niagara Falls’ 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: www.esd.ny.gov/MWBE.html

Construction Management/Quality Control

Construction Monitoring

The City of Niagara Falls or its agent(s) retain the right to inspect or audit work in progress at any point. The City of Niagara Falls or its agent(s) must perform periodic inspections of renovation activities to monitor adherence with program rules, environmental hazard compliance, and general project progress. These visits must be documented in City of Niagara Falls project files.

Final Inspection

A final inspection or review of project activities by The City of Niagara Falls or its agent(s) is required for each participating project. A final report or reconciliation must be submitted to HTFC for formally document completion of project activities.

Program Compliance

All assistance is in the form of a reimbursable grant with a five (5) year compliance period. Should the property owner sell the building within five the (5) year timeframe, they will be responsible for repaying a portion of the grant funding received. Reimbursement is subject to execution of a declaration form at the conclusion of the project. The declaration form will be filled with the Niagara County Clerk.

Financial Management

The City of Niagara Falls' Chief Financial Officer will be responsible for all financial transactions under this contract. The City of Niagara Falls must have a written policy on internal controls and use this policy to determine the process for review and approval of requests for disbursement of funds from HTFC. An authorized signature form must be completed to designate the representative(s) authorized to sign disbursement requests and must reflect the City of Niagara Falls' written policy on internal controls.

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 City of Niagara Falls will address any additional requirements or conditions of approval.

Covenants of the Recipient

The City of Niagara Falls will comply with all applicable statues, guidelines, regulations, policies and procedures of the program. Any defect or departure from the approved Administrative Plan must be requested and approved in writing. The City of Niagara Falls must refer to the Grant Agreement and associated schedule(s) for a summary of the awarded program activities, budget and projected accomplishments.

Conflict of Interest

Conflict of Interest

1. 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 Bridge District DRI Small Project Fund funds for work done on property that he or she owns, or a property that is owned by an immediate family member.
 - a. An immediate family member includes a spouse, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law or daughter-in-law.
2. A property owned by the following individual may not be eligible for grant funding, but can apply and must disclose the conflict of interest at the time of application and in meetings.
 - a. City of Niagara Falls elected official and family member.
 - b. City of Niagara Falls staff member and family member.
3. Prior to commencing a project where there is a possible conflict of interest, the City of Niagara Falls must review the project with HTFC staff.

**City of Niagara Falls
Bridge District DRI Small Project Fund Program - 2023**

**DEADLINE FOR APPLICATION SUBMISSIONS: YOUR APPLICATION MUST BE
RECEIVED ON OR BEFORE DECEMBER 22, 2023 BY 4pm EST**

IF SENDING VIA POSTAL MAIL or HAND DELIVERING:

CITY OF NIAGARA FALLS,
745 Main St.
NIAGARA FALLS, NEW YORK 14301
ATTN: DEPARTMENT OF PLANNING AND ENVIRONMENTAL

IF SENDING VIA EMAIL: dkane@labellapc.com (.doc, .docx, or .pdf format)

TO CONFIRM RECEIPT OR FOR FUND & APPLICATION QUESTIONS:

Derik Kane, Lead Consultant, at 716-912-9782 or dkane@labellapc.com

Applicant's Name

Applicant's Social Security
Number / TIN

Name on Deed to Property (if Different)

Building Owner's Social
Security Number / TIN

Property Physical Address

Applicant's Mailing Address

Applicant's Email Address

Phone Numbers: _____
Home Work Cell

Tax Map #: _____
SWIS S/B/L

Building Type: _____ Commercial _____ Mixed Use

SMALL PROJECT FUND APPLICATION

A. Property Owner Information

Name of owner: _____

Mailing address: _____

Telephone numbers: (Daytime) _____
(Evenings) _____

E-mail: _____

B. Business and Property Information

1. Address of property: _____
2. Name of business(es): _____
3. Number of Commercial Units: _____
4. Number of Residential Units: _____

C. Financial Information

1. Is there a mortgage? _____
If yes, are payments current? _____

Who holds the mortgage? Name: _____
Address: _____

2. Are there any liens, other than the above listed mortgage? _____

If yes, describe: _____

3. Taxes

a. Are all property, district, water and sewer taxes paid to date? ___Yes ___ No
If no, which taxes are not current? _____
Amount? _____

4. Insurance

a. Do you have fire insurance on the property? ___Yes ___ No

If yes, is it paid to date? ___Yes ___ No

5. Will you need financing to perform these building improvements?
___Yes ___ No

If YES, do you already have financing in place to begin this work? ___Yes ___ No

D. Provide Scope of Work Detail

Proposed work involves: Front of Building Rear of Building Side of Building
 Interior Commercial Interior Residential

Proposed work is visible from a public right-of-way: Yes No

Will your project include the removal of a false façade? Yes No

Project Includes: Signage Windows/Doors Masonry/Repointing
 Painting Awnings Other

Project will reuse vacant space: YES NO

If Yes, describe how your project will reuse vacant space.

1. What improvements do you wish to make to your building? List in order of priority. Attach an additional page if necessary. You may also include drawings of proposed project and photographs of current building.

2. Estimated Costs

- a. Total project cost: _____
- b. Construction cost: _____
- c. Soft cost: _____
- d. Grant amount requested: _____

3. Square Footage

- a. Square footage of total building: _____
- b. Square footage of project: _____

4. Will you perform this work whether or not you receive grant support?

Yes No

5. Attach all supporting documents including renderings, drawings, product specifications and/or contractor quotes if already requested and available.

6. When do you plan to begin _____ and complete _____ the construction?

E. Copy of Deed – please provide a copy of the deed for the property.

F. Proof of Financing

Project reimbursements are made when the project is complete. The DRI Target Area operates fully as a reimbursement grant program and the owner is responsible for paying for all agreed upon repairs. Payment of grant funds will be made only upon satisfactory completion of building projects and payment of renovation expenses.

- 1. Proof of total project financing provided? Yes No
 - a. Secured loan commitment? Yes No
 - b. Secured bridge loan commitment? Yes No
 - c. Secured Line of credit? Yes No
 - d. Financial statements? Yes No

G. Conflict of Interest

1. Are you an official, employee, agent, consultant or member of any board or agency of the City of Niagara Falls?

Yes No

If yes, please describe your position: _____

2. Are you related by blood or marriage to any official, employee, agent, consultant or member of any board or agency of the City of Niagara Falls? ___Yes ___ No

If yes, please identify the official(s), agent(s), consultant(s), employee(s) or member(s) and describe your relationship:

3. Do you have any corporate, partnership, landlord-tenant-or other business relationship with any official, agent, consultant, employee or member of any board or agency of the City of Niagara Falls? ___Yes ___ No

If yes, identify the official(s), agent(s), consultant(s), employee(s) or member(s) and describe the business relationship:

4. Are you doing business in any of the following ways with any official, agent, consultant, employee, or member of any board or agency of the City of Niagara Falls (check any that are applicable, if other, please describe):

Purchaser or Seller of Goods -

please describe _____

Loan or Grant Recipient -

please describe _____

Provision of Services -

please describe _____

Other -

please describe _____

By signing below, I/we certify that all information, which has been or will be furnished in support of this application, is given for the purpose of obtaining funds under the DRI Target Area Grant.

I/we further certify that all information submitted has been examined and approved by me/us and is true, correct, and complete.

I/we understand that this information will be used to assess my/our proposed project and that additional information may be needed in order to rate and rank the project in accordance with funding criteria.

I/we agree to abide by all requirements set forth or to be set forth in connection with said Fund.

I/we understand that falsification of any item contained herein or fraudulent misrepresentation of my/our business and its processes could result in criminal and/or civil penalties applicable under or pursuant to local, state, and federal laws.

I/we agree that verification of any information contained herein, or to be provided in support of this loan request, may be obtained by whatever means the CITY OF NIAGARA FALLS or its agent determines if appropriate.

I/we are familiar with the guidelines and requirements of the Fund including that the program is a reimbursable grant requiring me/us to pay for the project 100% and submitted receipts for reimbursement.

I/we are also familiar with the requirement to provide a minimum 50% match.

I/we verify that I have the necessary funding to cover 100% of the costs of the project until reimbursement is made and commit it to the project.

I/we understand that if the budget for my project exceeds the maximum amount of my grant award, that I will be responsible for providing such additional non-reimbursable funds as needed.

Please review and initial the certifications on the following page, which are part of this application, before signing below. Compliance with the certifications and all other Small Project Grant Program procedures is required. All owners must sign.

Applicant Signature

Owner Signature

Printed Name (Applicant)

Printed Name (Owner)

Date

Date

Certifications

Ownership Initial_____

I/We hereby certify that I/we own the property to be improved. If any changes in ownership should occur from this date forward, I/we agree to notify the City of Niagara Falls immediately. Failure to do so may result in denial or termination of DRI Building Improvement participation.

Application Information Initial_____

To the best of my/our knowledge, all of the application information I/we have provided is true and correct. I/We understand that any willful misstatement of material fact will be grounds for disqualification. The City of Niagara Falls and the lead consultant are hereby granted permission to verify any of the information in the application in any appropriate manner.

Taxes Initial_____

I/We understand that all taxes must be paid for the property to be improved with DRI Target Area resources and for all other properties in the City of Niagara Falls owned wholly or in part by me/us. I/We understand that no DRI Target Area contracts will be signed unless all taxes and service charges are current.

Contracts Initial_____

I/We understand that any contract for work paid for in part by the DRI Target Area will be between the contractor and myself/ourselves and I/we should **NOT SIGN ANY CONTRACT FOR WORK UNDER THIS PROGRAM UNTIL AUTHORIZED TO DO SO IN WRITING BY THE CITY OF NIAGARA FALLS.**

I/We understand that the receipt of DRI Target Area assistance is subject to satisfactory completion of the approved work. I/We also understand that the City of Niagara Falls, and the lead consultant(s) are not responsible or liable for any breach of contract, faulty workmanship, accidents, liability or damage that may arise from my/our relationship with the contractor.

I/We further understand that the Contractor cannot begin work on my/our property until a **WRITTEN NOTICE TO PROCEED** is issued to me/us and the Contractor by the City of Niagara Falls. The written Notice to Proceed will be provided when all conditions are met and all necessary approvals received.

Competitive bids will be solicited for all projects. I/we understand that if I/we choose a qualified contractor who is not the lowest bidder, the reimbursement will be based on the lowest bid.

EEO & MWBE Requirements Initial_____

The City of Niagara Falls and the Building Owner, undertaking the project, is 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 (“MWBE”) and Service-Disabled Veteran-Owned Businesses (“SDVOBs”). The City of Niagara Falls will require building owners/contractors to demonstrate a “good faith efforts” pursuant to 5 NYCRR §142.8 to meet the following goals.

- 20% Minority-Owned Business Enterprise (MBE) participation
- 10% Women-Owned Business Enterprise (WBE) participation

Please visit NYS Empire State Development’s Division of Minority & Women Business Development website for a directory of certified Minority and Women-Owned Businesses:
www.esd.ny.gov/MWBE.html

Regulatory Requirements and Repayment Provisions Initial_____

All assistance is in the form of a reimbursable grant with a five (5)-year compliance period. Property owners will be required to execute a Declaration document committing to this compliance period. Should the property owner sell the property within the five (5)-year timeframe, they will be responsible for repaying a portion of the grant funding received. Required repayment of DRI funds will be calculated in accordance with the following schedule:

- Months 0-12: 100% repayment due.
- Months 13-24: 80% repayment due.
- Months 25-36: 60% repayment due.
- Months 37-48: 40% repayment due.
- Months 49-60: 20% repayment due.
- Months 60 and beyond: 0% repayment due

****ALL OWNERS MUST SIGN****