



CULTURAL DEVELOPMENT FUND

FISCAL 2017 FUNDING REQUIREMENTS

The following instructions are intended for organizations receiving awards through the FY17 Cultural Development Fund (including panel awards and renewed multi-year awards) and/or FY17 City Council discretionary (a.k.a. Member Item) awards to be administered by the Department of Cultural Affairs.

Please follow the instructions below as you prepare the materials necessary for the agency to process your FY17 grant. Compliance with each applicable requirement is mandatory before any payment can be issued to your organization.

1. AWARD AMOUNT

Note the award amount on your award letter and within your Grant Agreement; keep printouts of these documents in your files.

2. COMPLIANCE WITH NEW YORK STATE CHARITIES BUREAU REQUIREMENTS

Most nonprofit organizations that conduct charitable activities in New York are required by New York State law to be registered with the Charities Bureau of the Office of the Attorney General of New York State, and to file financial reports annually with that office. The Department of Cultural Affairs must confirm compliance with this State requirement before funds can be conveyed to your organization.

- Consult the [Charities Bureau Registry Search](#) to confirm your status. Filings with the Charities Bureau must be current; deadlines vary depending on the end date of your organization's fiscal year and the law under which you are required to file. Note: The Department of Cultural Affairs *does not* require organizations to send proof of current filing; we will confirm your compliance. However, if you find that your organization's status is not current, please contact the Charities Bureau immediately to determine what is needed; the City cannot release funds to any organization until it is marked current by the Charities Bureau.
- Some nonprofit entities may qualify for an exemption from filing with the Charities Bureau. If you are not sure whether your organization is exempt, contact the Charities Bureau directly; if you are exempt, return the [Certificate of Exemption](#) with your FY17 Grant Materials.

3. SCOPE OF SERVICES REVISIONS

The Department of Cultural Affairs expects each organization to perform in full and as described the services contained in the Project Overview section of the Fiscal 2017 Cultural Development Fund application/renewal submission, regardless of the amount of the award.

The services your organization proposed are now part of your Grant Agreement, and attached to it as Exhibit A, unless there was some aspect of the services as described that DCA is unable to support. Review Exhibit A of the Grant Agreement to confirm the project/s for which City support is being provided. Should there be substantial changes to any aspect of these services, download and submit a [Scope of Services Request for Revision](#) form and return it to your Program Specialist via e-mail. Your Program Specialist will review the form and confirm whether the revisions are acceptable.

4. SUBMIT YOUR GRANT MATERIALS

In order for the agency to process your initial payment, all required FY17 Grant Materials must be submitted **as soon as possible**, and no later than **October 14, 2016**, and must be complete as submitted. Please print the [FY17 Grant Materials Checklist](#) and include it as the cover page for your materials. All materials should be addressed as follows:

**NYC Department of Cultural Affairs
Program Services - FY17 Grant Materials
31 Chambers Street, 2nd Floor
New York, NY 10007**

For All Grantees:

A Fiscal 2017 Grant Agreement was emailed to you as a PDF document. Print all pages of the Grant Agreement and make *THREE DOUBLE-SIDED, STAPLED COPIES* (FOUR copies for awards \$100,000 or greater). An authorized signatory for the organization must sign *each* copy in ink to be returned with other required FY17 Grant Materials (see below). An original signed by DCA will be returned to you once the Grant Agreement is finalized.

For New Grantees and Grantees with New Mailing Addresses:

If your organization has not received City funding before, or has moved since receiving funds previously, information in the City's computerized Financial Management System (FMS) may need to be entered or updated. Complete a [Substitute W-9 Form](#) and, for grantees with new mailing addresses, attach a letter on your organization's letterhead that states the previous address and the corrected mailing address; return the form and accompanying letter (if necessary) with your FY17 Grant Materials.

Please keep your Program Specialist informed of any changes to your contact information, and please keep your CDF account registration information current at all times (see page 5 of the [CDF Registration Help Guide](#) for instructions on how to update your account).

For Grant Agreements that Include City Council Discretionary Funding:

All discretionary awards must be cleared by the City Council and Mayor's Office of Contract Services (MOCS); DCA can only proceed with payment once it receives confirmation of clearance from MOCS. To track the clearance status of your award, use the [Discretionary Award Tracker](#) on the MOCS website.

All organizations receiving a discretionary award must complete a [Lobbying Certification](#), which certifies that your organization is in compliance with City and State Lobbying Law requirements. Please complete and sign this one-page form and return it with your FY17 Grant Materials. Should you have any questions, consult the [City Clerk's website](#). Any remaining questions may be addressed to DCA's Chief Contracting Officer, Louise Woehrle, at lwoehrle@culture.nyc.gov.

For discretionary awards that cumulatively total more than \$10,000 (including those administered by other agencies), a mandatory training is required to be taken online or in-person by a senior staff person who remains with your organization at the time of payment. Training certificates are valid for 3 years. To check whether your organization is required to complete this training, use the [Discretionary Award Tracker](#) on the MOCS website.

NOTE: Previously, discretionary awards above \$10,000 required the funded organization to be "prequalified" in order to receive payment. This is no longer a requirement of DCA grantees.

For Grant Agreements Greater than \$5,000:

Local Law 34 of 2007 amended the City's Campaign Finance Law, and requires the City to establish a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the law. To be in compliance with Local Law 34, ALL grant recipients with grants greater than \$5,000 are required to complete a [Doing Business Data Form](#) (see [Q&A](#)) to be returned with your FY17 Grant Materials.

For Grant Agreements Greater than \$50,000:

Organizations receiving a grant greater than \$50,000 must submit documentation for the below insurance requirements. *NOTE: Organizations receiving grants of \$50,000 or less are NOT required to submit insurance documentation. This is a change from previous years.*

1. Commercial General Liability (CGL)
2. Additional Insurance Endorsement - to confirm the City is an additional insured
3. Certification by Insurance Broker or Agent - to ensure that the CGL information is accurate
4. Workers' Compensation and Disability Benefits Insurance

To meet each requirement:

- o We recommend you contact your organization's insurance broker or representative.
 - o Your organization may submit photocopies of all required forms.
 - o Coverage is required for the entirety of the grant period, July 1, 2016 – June 30, 2017.
 - Because your organization's insurance coverage period may differ from the grant period, multiple certificates may need to be submitted (e.g., Sept. 2015-2016 AND Sept. 2016-2017).
 - If insurance for the entire grant period has not yet been acquired, the certificate(s) submitted by your organization must cover, at minimum, July 1, 2016 through the date you submit your grant materials.
 - o For organizations using fiscal conduits, the certificates provided may list *either* the conduit *or* the applicant organization as the insured entity.
 - o Detailed instructions and examples of the most common insurance forms are noted below. Some organizations, insurance companies, or brokers may use different acceptable forms. Regardless of the form used, the specific requirements outlined below must be met.
1. Commercial General Liability:
 - o The Acord 25 certificate is the most common form used; a sample form is provided here for your reference.
 - Groups are required to have adequate coverage for the entirety of the grant period (July 1, 2016 – June 30, 2017).
 - Because your organization's insurance coverage period may differ from the grant period, multiple certificates may need to be submitted (e.g., Sept. 2015-2016, AND Sept. 2016-2017).
 - If insurance for the entire grant period has not yet been acquired, the certificate(s) submitted by your organization must cover, at minimum, July 1, 2016 through the date you submit your grant materials.
 - Coverage limit must be adequate (\$1 million per occurrence).
 - The form must indicate that "The City of New York, including its officials and employees, is an additional insured."
 - This exact language must be used. The Department of Cultural Affairs, or any specific city agency, must NOT be specified.
 - On an Acord 25 certificate this information should be included in the "Description of Operations" field.
 - The Department of Cultural Affairs must be identified as the "Certificate Holder" using our full correct address.

City of New York
Department of Cultural Affairs
31 Chambers Street, 2nd Floor
New York, NY 10007

On an Acord 25 certificate this information should be included in the "Certificate Holder" field.
 - The insurance company's information and Producer's name, address, and phone number must be included.
 - The NAIC Insurance Code must be typed for all insurers affording coverage.
 - *NOTE: All insurance policies must be maintained with companies that may lawfully issue the required policy and have an A.M. Best rating of at least A-7 or a Standard and Poor's rating of at least A, unless prior written approval is obtained from the Mayor's Office of Operations.*
 - o If your organization does not carry Commercial General Liability insurance for the full grant period, but instead carries special event insurance for your specific activities, you may send proof of that insurance as a substitute. This documentation is expected to meet the same

requirements as those outlined above for the limited period, and must cover all DCA-funded activity.

2. Additional Insured Endorsement

- In tandem with the proof of General Liability Coverage, the insurance broker or agent must provide an "Additional Insured Endorsement" which modifies the policy to include the City as additional insured.
- A funded organization's CGL policy naming the City, including its officials and employees, as an additional insured must be in effect for the entire grant term, July 1, 2016 to June 30, 2017.
 - The [CG-20 26 04 13](#) or [CG-20 10 04 13](#) are each commonly used; samples of both forms are provided here for your reference (only one need be submitted).

3. Certification by Insurance Broker or Agent

- In tandem with the proof of General Liability Coverage:
 - The insurance broker or agent must also certify on the provided [Certification by Insurance Broker or Agent](#) form that the information contained on the Acord certificate, or other certificate used to show proof of Commercial General Liability coverage, is accurate.
- OR--
 - You may provide a copy of the policy, certified by an authorized representative of the issuing insurance carrier. If any policy is not available at the time of submission, certified binders may be submitted until such time as the policy is available, at which time a certified copy of the policy shall be submitted.

4. Workers' Compensation and Disability Benefits

- If your organization has salaried employees (i.e., staff receiving a W-2), you are required to have adequate coverage for the entirety of the grant period (July 1, 2016 – June 30, 2017)
 - Because your organization's insurance coverage period may differ from the grant period, multiple certificates may need to be submitted (e.g., Sept. 2015-2016, AND Sept. 2016-2017).
 - If insurance for the entire grant period has not yet been acquired, the certificate(s) submitted by your organization must cover, at minimum, July 1, 2016 through the date you submit your grant materials.
- *Workers' Compensation*
 - There are several forms that can be used as documentation.
 - The [C-105.2](#) is commonly used; a sample form is provided here for your reference.
- OR--
 - If you are insured by the New York State Insurance Fund (NYSIF), you may obtain a U-26.3 at the Fund's website: www.nysif.com. Click on "Print a Certificate" and follow the prompts.
- *Disability Benefits*
 - There are several forms that can be used as documentation. The [DB-120.1](#) is commonly used; a sample form is provided here for your reference.
- OR--
- If your organization has NO salaried employees (i.e., staff receiving a W-2) and therefore does not carry Workers' Compensation or Disability Benefits insurance, you must fill out and submit the provided [Insurance/Employees Certification form](#).

For Grant Agreements of \$100,000 or More:

Agreements with organizations receiving \$100,000 or more must be filed with the Comptroller's Office before any payment can be issued. Because of these procedures, awards greater than \$100,000 take longer to process. In addition to the four signed Grant Agreements, submit the original, signed copies of the below forms (photocopies will NOT be accepted):

1. [Organization Certification](#)
 - If any of the statements are not true, an explanation on a separate sheet must be attached.
2. TWO [Individual Certifications](#) (one for CEO/Executive Director, one for CFO/Treasurer)
 - If any of the statements are not true, an explanation on a separate sheet must be attached.

- *NOTE: If your CEO and CFO are the same individual, s/he must complete two forms, one with each title listed.*

5. PAYMENT

Once our review of your organization's compliance with the above requirements is complete and we confirm compliance with FY16 reporting, an initial payment will be processed by DCA and sent from the City's Finance Department.

We encourage *all* organizations to sign up for electronic payments. For organizations receiving more than \$25,000, Electronic Funds Transfer is the required means of payment. For all other organizations, the City has instituted a charge of \$3.50 per paper check, which will be deducted from each payment. Enrollment is quick and easy, using the link below.

- [Enroll Now](#) in Electronic Funds Transfer (direct deposit)

6. CREDIT REQUIREMENTS

The agency's credit line and logo are an appropriate symbol and an acknowledgement of public funding for your work, and we request that you carefully note the credit stipulations contained in page 7 of the [Cultural Development Fund Guidelines](#) and in your Fiscal 2017 Grant Agreement:

- All printed or digital programs, brochures, flyers, posters, announcements or similar matter relating to services funded by DCA are required to include, in a legible manner, in appropriate type size and without abbreviation, the following statement: **"This program is supported, in part, by public funds from the New York City Department of Cultural Affairs in partnership with the City Council."**
- The Department of Cultural Affairs logo is also required to appear on these materials. Each organization obtaining a logo will do so subject to a standard logo policy and terms of use. Email pr@culture.nyc.gov with logo-related questions.
- In addition to the logo and credit line stipulated, any printed list of contributors to a program or service funded by DCA, either alphabetical or by contribution category, is required to include the "New York City Department of Cultural Affairs."
- Any group receiving City Council discretionary funding should be sure to acknowledge Council support and include the appropriate credit to the Council member/s who provided it on related materials.

Please review with your staff the appropriate use of the logo and other credit requirements and emphasize their importance. The support you receive from the City allows you to deliver services of benefit to New Yorkers, and New Yorkers will appreciate knowing their funds are being put to good use.

7. REPORTING REQUIREMENTS

All organizations funded for Fiscal 2017, including those receiving multi-year support, must submit a full report on the services delivered under the Grant; an approved report is required to receive final payment. Organizations are required to report on the services performed within 30 days of the completion of those services once the online form is available. The final deadline for Fiscal 2017 reporting for all organizations is Tuesday, August 1, 2017. Grantees will be notified when the Fiscal 2017 reporting forms are available online.

- Organizations that do not comply with reporting requirements will not receive any additional funds still due and will be required to return all Fiscal 2017 funds previously received within ninety days of the close of the fiscal year.
- Organizations that submit a late report or fail to submit a Fiscal 2017 report will be **ineligible** for consideration in Fiscal 2018 and 2019. Reporting will be required before any organization can be considered for funding in any subsequent year.

- Those organizations that do not report on funding received and do not return funds advanced in Fiscal 2017 will be ineligible for **any** future support from the agency.

The return of signed Grant Agreements will acknowledge that the organization understands the implications of noncompliance, will comply with all reporting requirements, and will be subject to the penalties noted.

8. CULTURAL DATA PROJECT

All Cultural Development Fund applicants and award recipients are required to have completed a DataArts (formerly the Cultural Data Project, or "CDP") Profile to be eligible for funding from the Department of Cultural Affairs. Part of the data profile(s) submission process includes ensuring the status is "Review Complete" in a timely manner. Please check your data profile(s) status on the [DataArts website](#). If the data profile you submitted as part of your FY17 Application is not yet "Review Complete," please contact the DataArts Support Center for assistance. Please note that the DataArts Support Center will email an organization's contact person if, following submission, a data profile status is not "Review Complete." If you have received such an email, be sure to reference it in your communication with DataArts.

DataArts Support Center 877-707-DATA (877-707-3282)
help@culturaldata.org

9. SITE VISITS

The Programs Services Unit welcomes the opportunity to better know the work and operations of your organization. Site visits by DCA staff allow us to evaluate compliance as well as to build a body of information that better informs our panels, our agency, and others about the services you provide. Site visits consist of attendance at performances, presentations, exhibitions, classes or other activities. Please be sure to add Assistant Commissioner Kathleen Hughes and your designated Program Specialist to your organization's mailing list so we are kept up to date with news about the organization, and be sure to extend personal invitations to the appropriate DCA staff to attend events and performances. In addition to site visits, we may from time to time request administrative meetings with your organization's key staff and/or Board members.

10. CONTACT INFORMATION

It is essential that you keep your contact information up to date so that you can receive correspondence from DCA throughout the grant period. If you have a change in staff, please log on to your [DCA online account](#) and make adjustments to your Account Profile. Each new staff member will need to be invited as a Delegate User by the Primary User, and will create and confirm his or her own password. Please make sure that the email address for your Primary User is **kept current at all times**. Instructions for adding and deleting users can be found in the [Registration Help Guide](#) on our website.

Again, your FY17 Grant Materials must be submitted as soon as possible, and no later than October 14, 2016. Please remember to include the [FY17 Grant Materials Checklist](#) as the cover page for your materials.