

NON-PROFIT REIMBURSEMENT PROGRAM HANDBOOK

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TABLE OF CONTENTS

PART I: INTRODUCTION.....	5
Introduction & Overview.....	6
PART II: AWARD TYPES & ELIGIBILITY REQUIREMENTS.....	7
Award Types & Eligibility Overview.....	8
Ineligible Items.....	9
Vehicle Projects.....	10
Equipment Projects.....	11
Initial Outfitting Projects.....	12
PART III: PROJECT PHASES.....	13
Overview of Project Phases.....	14
Workflow Chart.....	15
Phase 1: Budget & Pre-Certificate to Proceed (CP) Review.....	16
Budget & Pre-CP Checklist Overview.....	17
Budget & Pre-CP Checklist.....	18
Budget & Pre-CP Checklist Notes.....	19
Schedule A Budget Spreadsheet & Price Quotes/Invoices.....	21
Schedule A Budget Spreadsheet Notes.....	22
Organization’s Operating Hours and Frequency of Use of the Equipment and/or Vehicles.....	24
Organization’s Operating Hours and Frequency of Use of the Equipment and/or Vehicles Notes.....	25
Useful Life Statement.....	26
Useful Life Statement Notes.....	27
Non-Discrimination Affirmation.....	28
Operating Contracts with City Agencies.....	29
Operating Contracts with City Agencies Notes.....	30
Parking Facility Leases.....	31
Information Systems Management (ISM) Questionnaire.....	32
Information Systems Management (ISM) Questionnaire Notes.....	33
Initial Outfitting Affirmation.....	34
Initial Outfitting Affirmation Notes.....	35
Major Medical Systems Letter.....	36
Software Checklist.....	37
Software Checklist Notes.....	38

TABLE OF CONTENTS (Continued)

Sample End-User License Agreements (EULA).....	39
Preliminary Approval Letter of the Software License Agreement.....	40
Confirmation Letter for Hardware with Embedded Firmware.....	41
Minimally Attached Moveable Property Questionnaire.....	42
Minimally Attached Moveable Property Questionnaire Notes.....	43
Personalty Agreements.....	44
DASNY and HUD-Related Liens and Private Lenders with Broad Liens.....	45
Final Notes on the Budget & Pre-CP Review Phase.....	46
Phases 2 & 3: Certificate to Proceed (CP) & Registration.....	47
Sample Certificate to Proceed.....	48
Registration Checklist.....	49
Funding & Security Agreements.....	50
Insurance Responsiveness Checklist.....	51
Certificates of Insurance Notes.....	52
Enrollment in the Procurement and Sourcing Solutions Portal (PASSPort).....	53
Doing Business Data Form.....	54
Doing Business Data Form Notes.....	55
Division of Labor Services (DLS) Employment Report & Certification.....	56
Clearance of Environmental Control Board (ECB) Violations and Tax Liens.....	57
Final Notes on the Certificate to Proceed (CP) Request & Registration Phases.....	58
Phase 4: Lien Clearance.....	59
Uniform Commercial Code (UCC) Guidelines.....	60
Stage 1: Provide Advance Notice to DDC Regarding Special Circumstances.....	61
Stage 2: Order a UCC, Judgment, & Tax Lien Search Report.....	63
Stage 3: Clear Any and All Liens.....	64
Stage 4: File the City's UCC-1 Financing Statement.....	67
Stage 5: Submit Attorney Equipment Lien Attestation Form.....	67
Basic UCC Background Information.....	68
Procedures for UCC Liens that Relate to Loans Insured by the U.S. Department of Housing and Urban Development (HUD).....	69
Subordination Agreement.....	71
UCC-3 Amendment Statements for Competing Liens on file with the NYSDOS.....	77

TABLE OF CONTENTS (Continued)

Sample UCC-3 Amendment Statement.....	78
Secured Party Disclaimer Letter.....	82
Secured Party Disclaimer Letter Template.....	83
Procedures on How to File the City's UCC-1 Financing Statement for the City Funded Equipment.....	84
Sample UCC-1 Financing Statement.....	85
Attorney Equipment Lien Attestation Form.....	90
Phase 5: Reimbursement.....	92
Payment Checklist Overview.....	93
Payment Checklist for Equipment.....	94
Payment Checklist for Vehicles.....	95
Procurement Affirmation.....	96
Procurement Affirmation Notes.....	97
Enrollment in the Payee Information Portal (PIP) and Confirmation of EFT Status.....	98
Payment Requisition Form A.....	99
Payment Requisition Form A Notes.....	100
Payment Requisition Form C.....	101
Invoices and Proofs of Payment Overview.....	102
Proofs of Payment.....	103
Proofs of Payment Additional Notes.....	104
Attorney Equipment Lien Attestation Form Package.....	105
UCC Filing Acknowledgments.....	106
Attorney Equipment Lien Attestation Form Package Notes.....	107
Certificates of Insurance.....	108
Software License Agreement.....	109
Judgment & Tax Lien Search.....	110
Department of Motor Vehicles (DMV) Documentation.....	111
DMV Lien Filing Instructions.....	112
Department of Motor Vehicles (DMV) Documentation Samples.....	113
Final Notes on the Reimbursement Phase.....	114
Final Notes on the Capital Award Process.....	115
End of Handbook.....	116

PART I: INTRODUCTION

Introduction & Overview

The NYC Department of Design and Construction's ("DDC") Law Unit administers the City's Non-Profit Reimbursement Program ("Program"). Under this Program, New York City's (the City) Borough Presidents and/or City Council members ("Elected Official(s)") award from the City's capital budget, purchases made by 501(c)(3) not-for-profit organizations and public benefit corporations on a reimbursement basis. Eligible organizations are invited to apply for capital reimbursement funding by submitting their project ideas to their Elected Official(s). Once the Elected Official(s) have reviewed and awarded funding for the specific project, the New York City's Office of Management and Budget ("OMB") will review the application to ensure that the project is capital eligible. This review process is done through the CapGrants application. DDC is not involved in the CapGrants application review process. Contact your elected officials if you have any questions regarding the application submission.

Your organization must commit to using the purchases for a "City Purpose" for the benefit of the people of New York City for a specified performance term, which is five years after receiving reimbursement, and give the City a first priority security interest on the items for the duration of the performance term.

This handbook provides a step-by-step guide on how to navigate each stage of the capital award process. The sections in this handbook contain checklists and corresponding attachments which may be used as an aid in preparing submissions for each stage. The checklists outline the documents groups must submit, and the corresponding attachments are sample, blank, or template documents which will be completed by your organization. These items, which are available on the DDC Not-for-Profit website at <https://www.nyc.gov/site/ddc/contracts/not-for-profit-forms.page>, are subject to periodic updates.

If you have any questions throughout the award process, contact your assigned DDC Project Manager or use the following link to set up an appointment via Microsoft Teams [DDC Law Division Non-Profit Reimbursement Program \(NRP\) \(office365.com\)](#) .

Note: This handbook contains web links that provide information to assist you throughout the capital award process. These links may become outdated over time. Please notify the DDC Law unit at NRP@ddc.nyc.gov if this happens, so that they can be updated.

PART II: AWARD TYPES & ELIGIBILITY REQUIREMENTS

Award Types & Eligibility Overview

DDC administers three types of projects under this Program: **Vehicles, Equipment, and Initial Outfitting**. While general eligibility requirements for all awards are listed below, please note that other capital eligibility requirements vary for each award type. Your organization will need to work closely with their DDC Project Manager during the capital award process to ensure capital eligibility, pursuant to OMB's approval.

General Information for all awards

- The minimum dollar amount of an award to be eligible under this program is \$50,000*. Awards containing items that are minimally attached to the premises require at least \$250,000 in overall eligible items, for minimally attached items to be reimbursable.
- Minimally attached items are screwed, bolted, or nailed to a wall, floor, or ceiling. Connections to water or gas lines and items with wiring that run through the walls are considered fixtures and are ineligible.
- Purchases should be consistent with the moveable property list from the CapGrants application. Notify DDC of any changes in the proposed items, **prior** to placing any orders. Initial Outfitting awards allow more leeway with purchases that differ from the CapGrants application. Changes to the proposed items after a budget is approved, may result in re-submission of the budget.
- Prior to purchasing any equipment/vehicles, you must obtain quotes from at least three vendors and select from the lowest bidder, if possible.
- Equipment and vehicle orders cannot be placed prior to the FY of your award. The City's fiscal year runs from July 1 to June 30. For example, you cannot place orders for items under an FY 25 award prior to July 1, 2024.
- Items must have a useful life of at least 5 years from the date of purchase, including awards related to Information Technology, due to lien requirements.
- Items with embedded software or purchases of software licenses, require a review of their terms and conditions to determine their transferability to the City.
- Personalty (non-fixture) agreements from your landlord and/or lender are required for minimally attached items.
- Reimbursement amount will be the lesser between the total eligible costs or the award allocation.

Refer to the Comptroller's Directive #10 for more information on the eligibility criteria at <https://comptroller.nyc.gov/wp-content/uploads/documents/Directive-10-Charges-to-the-Capital-Projects-Fund.pdf>

*The \$50,000 minimum amount applies to awards issued in FY 21 and later. For awards issued in FY 2020 and prior, the minimum amount is \$35,000.

Ineligible Items

Not all items or features for capital award purchases are eligible for reimbursement. Below is a list of such items, which was derived from the CapGrants application files. This list is not intended to be exhaustive, as there are other types of items that are ineligible, based on varying criteria. Your DDC Project Manager will assist your organization in identifying such items.

List of Ineligible Items

- Cars or passenger vehicles that hold fewer than 10 people
- Used vehicles
- Luxury items
- Entity specific signage (e.g., graphics on vehicles). Custom made items/custom fabricated items (including custom fabricated furniture)/unique items
- Training
- Maintenance/support services
- Extended warranties
- Laptops, tablets, iPads, cellphones, USB flash drives
- Disposable/consumable items, including toner, paper, CDs, DVDs, badges, IDs, key fobs, batteries, light bulbs
- Spares/inventory/supplies/backup items
- Items with an estimated useful life of less than 5 years
- Maintenance equipment including floor buffers, vacuum cleaners, snow and leaf blowing machines
- Carrying cases/storage cases (when included with an Equipment System)
- Software subscriptions

Vehicle Projects

These awards provide services such as transporting senior citizens, patients, and children to nursing, medical, and recreational facilities, also patient care, and food delivery. Common vehicle purchases include ambulances, passenger vehicles, mobile medical units, and food delivery vehicles.

Notes

- If purchasing multiple vehicles, each one must have at least \$50,000* in eligible costs.
- Passenger vehicles require seating for a minimum of 10 people, which includes the driver, and must be wheelchair accessible.
- Sales orders/quotes must contain full specifications, including a seating diagram for passenger vehicles.
- If a vehicle includes moveable property, such items must be mounted to the vehicle, in order to be eligible.
- Vehicles must be parked in a secured area, to avoid theft or damage. Streetside parking is not allowed.
- Organizations are responsible for the replacement and repair of vehicles that are stolen or damaged.
- Vehicles parked in facilities not operated by the organization, require a lease agreement from a parking facility.
- Purchases of used vehicles are not allowed, due to the difficulty of determining its useful life.
- Common ineligible items include spare keys, extended warranties, spare tires, fire extinguishers, and custom graphics.



Wheelchair Accessible Passenger Vehicle - Bay Ridge Center

*The \$50,000 minimum amount applies to awards issued in FY 21 and later. For awards issued in FY 2020 and prior, the minimum amount is \$35,000.

Equipment Projects

Equipment awards are used to purchase equipment for facilities such as schools, hospitals, clinics, community centers, and support groups. Common equipment purchases include computer network systems, audio and video systems, CT scanners, X-ray machines, surgical robots, musical and theatre equipment.

Notes

- Purchases can be an equipment system composed of a group of related elements working together or a standalone piece of equipment.
- If an award consists of multiple systems, each one must have a collective amount of at least \$50,000* in eligible items. A stand-alone piece of equipment would be eligible if it meets this minimum amount threshold.
- Items that are part of a system must be mutually dependent upon each other, and physically connected or connected through a wireless network.
- Components that function independently from the system or are not connected to the main piece of hardware when it's in use, are ineligible.
- Purchases of components must be made within a year between the first and last purchase for each equipment system. This timeframe does not apply if purchasing separate systems (e.g. a CT scanner and a C-arm) that do not interact with each other.
- Common ineligible items include extended warranties, storage cases, training, monthly or annual subscription software, support services, spare or interchangeable parts, and consumable or disposable items.



Da Vinci Surgical Robot - Mount Sinai Queens

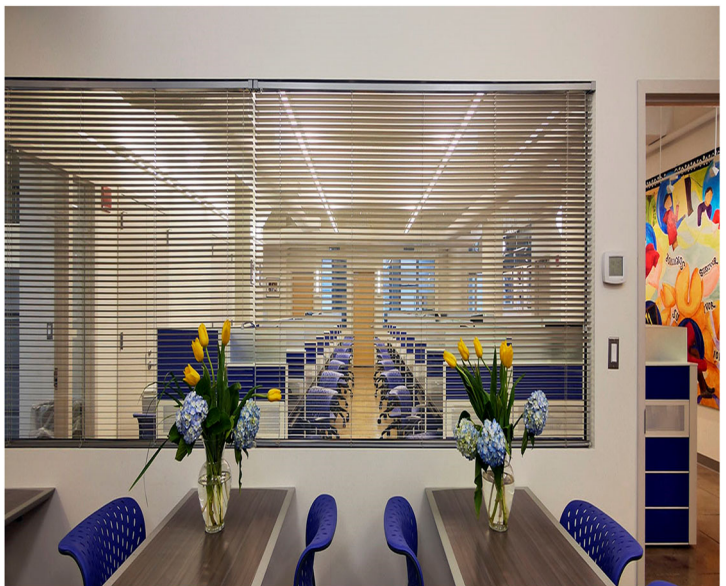
*The \$50,000 minimum amount applies to awards issued in FY 21 and later. For awards issued in FY 2020 and prior, the minimum amount is \$35,000.

Initial Outfitting Projects

These awards are used to purchase equipment and furniture for a newly occupied or renovated facility. Common purchased items include desktop computers, workstations, conference tables, filing cabinets, and chairs. These purchases are made by organizations such as charter schools, clinics, community centers, & support groups.

Notes

- Facilities covering lease renewals are not eligible.
- Minimum unit cost for each item is \$165*, unless an item is a component for a larger piece of equipment or forms a functional unit which costs at least \$165, and such item cannot function on its own. This does not apply to shipping costs.
- Items cannot be ordered earlier than 6 months before (with exceptions) or 6 months after (no exceptions) the move-in date. The move-in date is when the facility is first occupied for business use.
- If a facility is opened in stages, the Initial Outfitting equipment for each stage must be ordered within six months of the first use of that stage.
- Items minimally attached to the property require personalty (non-fixture) agreements from the landlord, lender, or lienholder, stating that these items are not part of the real property.
- Appliances connected to utility lines, such as water and gas, are ineligible for reimbursement.
- Installation and delivery costs are ineligible, if there is less than 5 years remaining on a facility's lease.



Harlem Service Center Initial Outfitting

*The \$165 minimum unit price applies to awards issued in FY 21 and later. For awards issued in FY 2020 and prior, the minimum unit price is \$110.

PART III: PROJECT PHASES

Overview of Project Phases

The capital award process consists of five phases: **Budget & Pre-CP Review** (CP=Certificate to Proceed), **CP Request**, **Registration**, **Lien Clearance**, and **Reimbursement**. The amount of time to complete the process usually takes at least a year, but it varies based on the complexity of the award and response time from all parties (organization, DDC, & OMB) involved.

The **Budget & Pre-CP Review** phase begins after OMB approves your organization's CapGrants award application and a DDC Project Manager (PM) notifies you of its acceptance. In this phase, you will provide a budget based on the proposed purchases, along with supporting materials such as quotes/invoices, confirmation of usage of the item(s), useful life estimates, connectivity of the items, and use of software. Once these items are compiled, a DDC attorney drafts a funding and security agreement, which dictates the terms and conditions of use and reimbursement of the equipment, and the **Budget & Pre-CP** package is forwarded to OMB for review and approval.

Upon OMB's approval of the **Budget & Pre-CP** package, the PM will submit a **CP Request** to OMB, which apportions the funding for reimbursement upon approval. At the same time, the **CP Request** takes place, the DDC attorney will prepare the final funding and security agreements and forward them to you for signature, along with a checklist of items required for **Registration**. These items include insurance certificates, employee data reports, and an opinion of counsel.

Once a **CP** is issued, and the **Registration** package is forwarded to DDC, the agreements are executed and registered with the Comptroller's Office. Prior to registration, you should clear any potential outstanding liens, judgments, and violations, which clears the way for DDC to issue **Reimbursement**, upon registration of the funding agreement.

DDC will notify you to submit a **Reimbursement** package upon registration of the funding agreement. These items include copies of invoices, invoice proofs of payment, insurance certificates, and evidence of lien placement and clearance. Once these items are received and accepted, the PM will submit the reimbursement package for final approval and funds are disbursed to your account. Your organization is required to use any reimbursed equipment/vehicles for a minimum of five years.

DDC recommends that purchases are not made prior to registration of the funding agreement, except for **Initial Outfitting** awards, which have strict timeframes for purchases. If purchases are made before registration, it is done at your own risk, due to eligibility and useful life requirements.

If your organization has an award in the early stages where the project site needs to be relocated, notify DDC prior to the move, so that the information can be relayed to OMB to determine if the award can proceed. During this time, do not place any orders, as it could jeopardize the eligibility of the purchases.

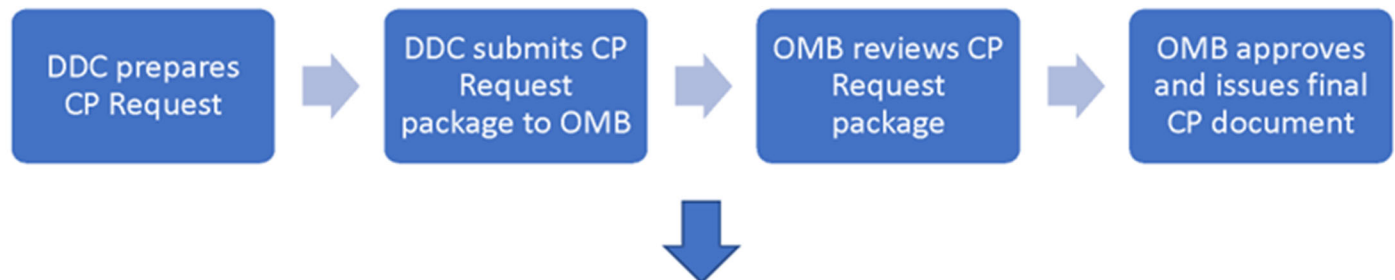
The next page details the workflow of each stage in the capital award process.

Workflow Charts

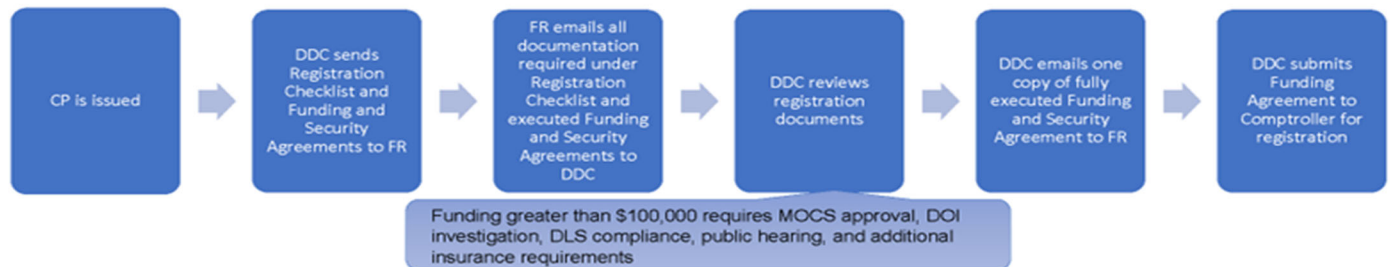
PHASE 1: BUDGET REVIEW AND PRE-CERTIFICATE TO PROCEED (CP) WORKFLOW



PHASE 2: CERTIFICATE TO PROCEED (CP) REQUEST WORKFLOW



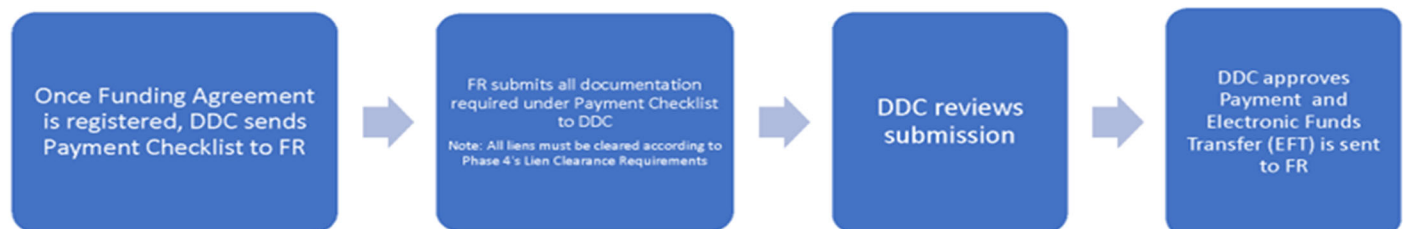
PHASE 3: REGISTRATION WORKFLOW



PHASE 4: LIEN CLEARANCE WORKFLOW

PLEASE REFER TO THE UCC GUIDELINES FOUND IN THIS HANDBOOK FOR DETAILED INSTRUCTIONS.

PHASE 5: REIMBURSEMENT REQUEST WORKFLOW



***PLEASE NOTE: FRs MUST MAKE COMPLETE AND ACCURATE REPRESENTATIONS IN ALL SUBMITTED DOCUMENTS, DURING ALL PHASES OF THE DISCRETIONARY CAPITAL PROCESS. DDC'S PMs WILL WORK WITH THE FRs FOR CLARIFICATION IF THERE ARE INACCURACIES OR ISSUES IN FR'S SUBMISSIONS.**

Phase 1: Budget & Pre-Certificate to Proceed (CP) Review

During the Budget & Pre-CP Review, the DDC Project Manager (PM) will send your organization a Budget & Pre-CP Checklist, listing all the required documents and information needed for the proposed purchase of the vehicles/equipment. Once the PM receives, reviews, and accepts these items, they are forwarded to a DDC attorney, who conducts a legal review and then drafts the funding and security agreements. These draft agreements along with the other package items, are submitted to OMB for Pre-CP approval.

Approval time from the date of submission to OMB ranges from as little as two weeks to at least 2 months, depending of the complexity of the award and accuracy of the submission package. Passenger vehicle awards have the shortest review times, while awards with hundreds of line items, purchases of equipment with embedded software or that is minimally attached to the premises, have the longest review times.

Once the Pre-CP is approved, the final funding and security agreements are prepared and the DDC PM will submit a CP request to OMB, apportioning the funding for reimbursement.

Please see the following pages for the Budget & Pre-CP Checklist, with accompanying notes and sample and template documents.

Budget & Pre-CP Checklist Overview

Below is the list of items that are on the Budget & Pre-CP Checklist. The items on the left apply to all projects, no matter what is being purchased. The DDC Project Manager will let you know which items, if any, you will need to provide from the **If Applicable** list on the right. Blanks and templates for many of these items are available on the DDC Not-for-Profit page at <https://www.nyc.gov/site/ddc/contracts/not-for-profit-forms.page>. See Pages [18](#) through [20](#) for the checklist and notes related to each checklist item.

Required for all Projects

- Schedule A Budget Spreadsheet
- Price Quotes or Invoices
- Purchase Dates
- Organization’s Operating Hours & Frequency of Use of the Proposed Equipment/Vehicles
- Useful Life Statement
- Non-Discrimination Affirmation
- List of Operating Contracts with City Agencies, related to the Award

If Applicable

- Parking Facility Lease
- Information Systems Management Questionnaire
- Major Medical Systems Letter
- Initial Outfitting Affirmation
- Software Checklist
- Preliminary Approval Letter of the Software License Agreement
- Minimally Attached Moveable Property Questionnaire
- Personalty Agreements
- Subordination Agreements from HUD and HUD-Insured Lenders

Budget & Pre-CP Checklist

Budget & Pre-CP Checklist

Funding Recipient:
(Insert Full Corporate Name)

NOTE: Additional documents will be required later in the registration process. The information provided must be consistent with the CapGrants application. Written justifications are required for any differences. Please include this checklist as a cover sheet with all of the below-requested documents included as attachments (incomplete submissions will not be accepted.)

Items marked with an * have templates that are available at <https://www1.nyc.gov/site/ddc/contracts/not-for-profit-forms.page>

Part A: Required Items for all Awards

☐ Schedule A Budget Spreadsheet*	- List all items purchased with their corresponding quantities and costs, based on the price quotes/invoices. - See the Notes tab on the spreadsheet for more information on completing the budget.
☐ Current Price Quotes/Invoices	- Quotes or invoices must clearly identify the item type, make, model, quantity, and cost of items to be purchased. - Vehicle quotes/invoices must contain full specifications, to include the passenger count for transportation vehicles.
☐ Purchase Dates of the Equipment/Vehicles	Enter actual or expected dates that the items will be ordered in the Date Purchased column of the Schedule A Budget Spreadsheet. Entering TBD is not acceptable.
☐ Organization's Hours of Operation & Frequency of Use of the Equipment/Vehicles*	- Provide the number/range of hours and days of the week when the organization is open for business. - Provide the number/range of hours and days of the week, along with the minimum number of days in the year, in which the equipment/vehicles will be used. - Vehicle/equipment usage should be consistent with the application. If there are any differences, then provide an explanation in the statement.
☐ Useful Life Statement*	- If there are items that have varying useful life expectancies, then attach a spreadsheet listing each item and their applicable useful life period. - Statement must be signed by the CEO or equivalent and a staff member (CIO for IT Projects) who is employed by the organization and is familiar with the items being purchased.
☐ Non-Discrimination Affirmation*	Organization name must be the exact full legal name as per the Articles and Certificate of Incorporation.
☐ Letter of Operating Contracts with City Agencies Related to the Award*	- Include the contract details (e.g., registration number, service period, contract amount, agency) and provide copies of such contracts and amendments. Do not include discretionary grants from elected officials for expense dollars. - If there are no operating contracts, then use the applicable letter template.

Part B: Applicable Items for Specific Awards

DDC will notify the organization which items, if any, applies to their award.

☐ Parking Facility Lease	If a vehicle is parked at a location (sidewalk parking is not allowed) not operated by the organization, then provide a lease agreement from the parking facility.
☐ Information Systems Management (ISM) Questionnaire*	- Questions are based on the functionality and connectivity of equipment systems. - Include the Equipment Systems Diagram, which is a visual presentation of how the system components are connected.
☐ Initial Outfitting Affirmation*	- Applies to awards for the outfitting a newly occupied facility. - Include all applicable attachments as stated on the form.
☐ Major Medical Systems Letter*	Affirmation that the medical equipment to be purchased, meets specific eligibility requirements by the City.
☐ Software Checklist*	- List each software product associated with the equipment purchase and identify if the license is transferable by its terms, as per the licensor's terms and conditions. - Provide copies of the licensor's End User License Agreement.
☐ Preliminary Approval Letter of the NYC Software License Agreement*	If a software license is not transferrable by its terms, then the licensor must provide a preliminary approval letter agreeing to sign the Assignment of Software License Agreement, prior to reimbursement.
☐ Minimally Attached Moveable Property Questionnaire*	- Complete, if your award contains equipment that is minimally attached to the premises and whose total eligible amount is at least \$250,000. - Questions are based on the ease and cost of transportability of the equipment, method of attachment to the property, ownership of the premises, and potential lienholders.
☐ Personalty Agreements*	- Required, if you completed the Minimally Attached Moveable Property Questionnaire. - Include agreements from your landlord and/or lender, acknowledging that none of the attached equipment are deemed to be fixtures.
☐ DASNY & HUD-Related Liens	- An acknowledgement letter is required from private HUD-insured lenders, agreeing to submit the Subordination Agreement. - List all relevant and applicable DASNY and HUD-insured security interests/liens. - For more information, see the DDC UCC Guidelines

Please refer to DDC's Not-for Profit Reimbursement Program page at <https://www1.nyc.gov/site/ddc/contracts/not-for-profit-forms.page> for more information.

Budget & Pre-CP Checklist Notes

Schedule A Budget Spreadsheet: Lists all items (description, make, and model) that will be purchased under the Project.

Current Price Quotes/Invoices: Price quotes or invoices must itemize costs for each item purchased. Labor costs must be broken down by hours, rates and job titles. For Vehicle Projects, full specifications must be provided, to include a seating diagram for passenger vehicles.

Order/Purchase Dates for City-Funded Equipment and/or Vehicles: Schedule A Budget Spreadsheet requires you to list the actual or estimated purchase date of the items under the Project. Purchase date is when orders are placed. Entering TBD is not acceptable. DDC recommends that you do not purchase items prior to registration of the agreements, except for initial outfitting awards, due to the 6-month purchase windows from the date of occupancy.

General Operating Hours of the Organization and Frequency of Use of the City-Funded Equipment and/or Vehicles: Operating Hours are the daily hours your organization is open for business. Frequency of Use are the days and hours in which the vehicle/equipment will be used during the week and the minimum number of days in the year in which the vehicle/equipment will be used.

Useful Life Statement: The statement affirms that all vehicle/equipment purchases will have a minimum useful life of 5 years from the date of reimbursement, including IT system purchases, due to lien requirements. Purchases of IT equipment require a certification signed by the organization's CFO and CIO certifying that the useful life of the equipment is tied to its replacement cycle. If equipment has varying degrees of useful life, then attach a spreadsheet to the statement listing each item and their respectful usefulness.

Non-Discrimination Affirmation: Affirmation acknowledges that your organization will abide by the mandates of all Federal, State and City non-discrimination laws. Failure to abide by these laws, could result in forfeiture of equipment to the City. Organizational name must match its legal name as registered with New York State's Department of State, as well as the Articles and Certificate of Incorporation.

Operating Contracts Letter with City Agencies Related to the Award: If your organization has existing operating contracts with City of New York agencies that provide services related to the use of the equipment/vehicles for your award, then you must list specific details about those contracts in a template letter and provide copies of these contracts. If your organization has no such contracts, then that must be stated in the letter.

Budget & Pre-CP Checklist Notes (continued)

Parking Facility Lease: Required for vehicles parked in a facility that is not operated by your organization.

Information Systems Management (ISM) Questionnaire: Only applicable to Equipment System projects. This form inquires about the use and connectivity of the proposed system and its components. You must include the Equipment System Diagram and any other applicable documents, as noted on the form.

Initial Outfitting Affirmation: Applicable to projects for the outfitting of a newly occupied or renovated facility. The form contains questions about the acquisition, construction/renovation, and move-in date of the site. Supporting documents such as a copy of the lease/deed, certificate of occupancy, floor plan, and statement of work for construction/renovation must be submitted with this form.

Major Medical Systems Letter: Applicable only for purchases of medical equipment. The letter acknowledges that the medical device meets the requirements for connectivity and useful life.

Software Checklist: Required for purchases of equipment with embedded software and firmware or software applications. Licenses must have a term of at least 5 years. List all applicable products and answer questions about their transferability. End-User License Agreements from the licensor(s) must also be provided, except for products with firmware. For any non-transferable licenses, the licensor must execute a Software License Agreement.

Preliminary Approval Letter of the Software License Agreement: If software licenses are not freely transferrable, a preliminary software license agreement letter is required from the licensor. This letter acknowledges that the licensor will execute a Software License Assignment agreement prior to reimbursement, granting the City a transferable license, if the City were to repossess the equipment, due to an Event of Default.

Minimally Attached Moveable Property Questionnaire: For awards \$250,000 and greater, with minimally attached equipment, you will answer questions based on the ease of removal and method of attachment of the property, along with ownership and lienholder status of the premises where the equipment is attached. Additional supporting materials must be provided, based on your responses.

Personalty Agreement: Required from your Landlord and/or Lender for awards with equipment minimally attached to the property. This letter(s) acknowledges that such equipment is not a fixture and is easily removable and transportable. The letter(s) will include a list of all attached equipment. For leased facilities, the lease term must have at least 5 years remaining from the date reimbursement is issued. If your organization owns the property and has no mortgages, then the Personalty Agreement is not required.

DASNY and HUD-Related Liens: For HUD and private HUD-insured lenders, an acknowledgment letter is required agreeing to submit the Personalty Agreement and Subordination Agreement, along with an amended financing statement (UCC-3 Amendment Statement), prior to reimbursement. For DASNY only liens, just the UCC-3 is required prior to reimbursement. Refer to the UCC Guidelines, beginning on [Page 60](#) for more information.

See Pages [21](#) through [45](#) for templates on these items, along with additional notes.

Schedule A Budget Spreadsheet & Price Quotes/Invoices

The budget spreadsheet (see sample below) lists all items that will be purchased, based on the price quotes/invoices. Quotes/invoices should clearly identify the description, make, & model of each item. Quotes should not be older than 6 months from the time the budget review is submitted to OMB. Items and quantities purchased, should be consistent with the Moveable Property List in the CapGrants application.

Note: If there are any differences in the proposed equipment/vehicles, provide a written justification for the change(s) to DDC prior to submission of the Budget & Pre-CP review package, so that OMB can be aware of the changes. **Never** place orders for equipment/vehicles that differ from the application proposed items without notifying the City in advance.

Funding Recipient Name:		ABC Medical Center		Fr Address:		123 W 45th St. New York, NY 10001					
CapGrants ID:		11-123456-W6789									
Project ID:		HLMNABCDE									
Award Amount:		\$80,000									
Item Type	Make, Model, & Description	Quantity	Unit Cost	City Funded	Non-City Funded	TOTAL	Actual/Estimated Order Date	Vehicle Parking/Equipment Use Address	Minimally Attached? Y/N	Software Licensing? Y/N	Notes
Laser Scalpel	Lumenis Pulse 50H	1	\$75,000	\$75,000	\$0	\$75,000	6/1/2020	123 W 45th St. New York, NY 10001	N	Y	
Total				\$75,000	\$0	\$75,000					
DDC Contract Not to Exceed Amount				\$75,000							
Funding Sources											
Budget Line		Amount									
Manhattan BP (HL-MN501)		\$75,000									
Funding Recipient		\$0									
Total		\$75,000									

Additional Notes on the Quotes/Invoices

Shipping addresses on invoices/quotes should be consistent with the address of where the equipment will be used, as per the budget. For any inconsistencies, provide a confirmation letter acknowledging that all items for the award will be used at the site noted in the budget.

Quotes from online vendors are acceptable, as long as the vendor and printout date are visible.

Passenger vehicle quotes/orders must include a seating diagram, if the passenger count is not noted on the quote/order.

Quotes for medical equipment systems must list each feature, along with a detailed description of each feature.

Costs for installation or labor must detail the work performed, along with a cost breakdown by hours, rates, and job titles, which must be provided by the vendor in writing.

Schedule A Budget Spreadsheet Notes

Funding Recipient's (FR) Name must match its legal name as registered with New York State's Department of State, as well as the Articles and Certificate of Incorporation.

FR's HQ Address is the location of the your organization's headquarters. This must match the address registered with New York State's Department of State, as well as the Organization Form in CapGrants.

The **Item Type** column should be brief (no more than a few words) and clearly identify what type of product is being purchased (e.g., Desktop computers). For passenger vehicle awards, include the number of passengers the vehicle seats and if it's wheelchair accessible (e.g., 15-passenger, wheelchair accessible van).

The **Make, Model, & Description** column identifies the item's manufacturer, model name, and specifications (e.g., Dell OptiPlex 5090: Win 11,1TB HD,16GB DDR5 RAM). Vehicles must include the year (e.g., 2022 Ford T350 XLT).

If items within the Project are ineligible for reimbursement or the total dollar amount of the item(s) exceeds the **Award Amount**, then the relevant or excess amounts will be placed in the **Non-City Funded** column. Your organization will be responsible for amounts in the **Non-City Funded** column. All other dollar amounts will be placed in the **City Funded** column. See the next page for more information.

In the **Actual/Estimated Order Date** column, enter the actual or estimated date of when the order will be/was placed for the equipment/vehicle(s). Entering TBD is not acceptable.

Vehicle Parking/Equipment Use Address refers to the address where the equipment will be used or the vehicle/s will be parked, when not in use. For initial outfitting awards, include the room or floor number. This address must match what was stated in the CapGrants application. If this address differs from the original application, then provide a signed statement justifying the change. See [Page 14](#) for more details.

For the **Minimally Attached? Y/N** column, enter Y if an item is minimally attached to the premises (i.e., nailed, bolted, or screwed to a wall, floor, or ceiling). If an item is minimally attached, then a Personalty Agreement is required.

For the **Software Licensing? Y/N** column, enter Y if an item (only if it's City Funded) is for a software product or a piece of equipment with embedded software or firmware that has a transferable or non-transferable license, as stated in the licensor's End User License Agreement, which must be provided.

DDC Contract Not to Exceed Amount is the sum of the City Funded items, which cannot exceed the **Award Amount**.

Any additional pertinent information about a line item such as ineligible features, connectivity to other items, etc., should be entered in the **Notes** column.

In the **Funding Sources** section, the **City** amount is the **DDC Contract Not to Exceed Amount**. The **Funding Recipient** amount is the sum of the Non-City Funded items.

The **CapGrants ID, Project ID, & FMS Budget Line** codes will be provided by the DDC PM.

Schedule A Budget Spreadsheet Notes (continued)

If items include features such as an extended warranty or training at “no additional cost”, but has a value associated with it, if offered separately, then deduct the value of the feature from the cost of the product in the City Funded column and place it in the Non-City Funded column. Such costs must be provided by the vendor via email or in writing. This would not apply to a feature such as a standard warranty, which requires a vendor confirmation stating that such a feature is provided to all customers at no additional charge. In the Notes column, provide an explanation for the Non-City Funded amount (e.g. a \$75,000 Laser Scalpel, which includes training valued at \$2,000).

Item Type	Make, Model, & Description	Quantity	Unit Cost	City Funded	Non-City Funded	TOTAL	Notes
Laser Scalpel	Lumenis Pulse 50H	1	\$75,000	\$73,000	\$2,000	\$75,000	\$2,000 Non-City Funded amount consists of training costs

Eligible items whose cost exceeds the Award Amount, will have the overflow amount placed in the Non-City Funded column (e.g. Purchasing a \$55,000 piece of equipment for a \$50,000 award).

Award Amount: \$50,000

Item Type	Make, Model, & Description	Quantity	Unit Cost	City Funded	Non-City Funded	TOTAL	Notes
Surgical Table	Skytron 6702 Hercules battery/line powered electro-hydraulic table	1	\$55,000	\$50,000	\$5,000	\$55,000	\$5,000 Non-City Funded amount consists of award allocation overflow

If a budget consists of multiple quotes/invoices, then add a column at the end of the spreadsheet titled **Vendor & Invoice Number** and reference the vendor along with the quote/invoice number for each line item. If a quote/invoice has multiple line items, make sure that the order of items listed on the budget is consistent with the order listed on the quotes/invoice.

As reminder from the Eligibility Requirements section of this handbook ([Page 8](#)), orders cannot be placed prior to the FY your award, even if the item is paid for and delivered during the FY of the award or later.

See [Page 46](#) (Final Notes on the Budget & Pre-CP Review Phase) for more information about purchasing vehicles/equipment prior to submitting the budget.

Organization's Operating Hours and Frequency of Use of the Equipment and/or Vehicles

Organizations will provide a memo (see template below) stating the hours and days during the week in which their facilities are in operation and the equipment/vehicles will be used, along with the minimum number of days in the year in which the equipment/vehicles will be used.

Organization's Hours of Operation & Frequency of Use of the Vehicles/Equipment

[To be completed on organizational letterhead]

[Date]

Attn: [Enter DDC Project Manager's name]
NYC Department of Design and Construction
30-30 Thomson Avenue, 4th Floor
Long Island City, NY 11101

Re: Organization's Hours of Operation & Frequency of Use of the Vehicles/Equipment Related to FY
[Year] Project ID: [Project ID]

Dear [DDC Project Manager]:

Further to our earlier communication regarding [Enter project description], I am hereby confirming the following details:

1. The operating hours of the [Enter facility name] are [Enter range of hours and days of the week].
2. The [Enter equipment/vehicle description and organization name] is seeking to purchase under the award, will be used [Enter range of hours and days of the week].
3. The [Enter description of equipment/vehicle] will be used for a minimum of [Enter number of days] days per year.

Sincerely,

[Signature of Authorized Signatory]
[Printed Name of Authorized Signatory]
[Title]
[Organization]

Organization's Operating Hours and Frequency of Use of the Equipment and/or Vehicles Notes

The hours and days of the week in which your organization is open for business and when the proposed equipment/vehicles will be used, should be expressed as a range. For example, 8am to 5pm, Monday through Friday or 24 hours a day, 7 days a week. Stating that the equipment/vehicles will be used "x times a day" or "on a daily basis" on its own, is not acceptable.

The basis for the minimum number of days in the year in which the equipment/vehicles will be used should come from the days of the week in which the equipment/vehicles will be used, less any holidays or weekends, if your organization is not open for business, or has no need to use the equipment on those days. Like the previous note, stating that equipment/vehicles will be used "approximately x times a year" or "serve x people per year" on its own, is not acceptable.

The daily, weekly, and annual usage of the equipment/vehicles is based on the information provided in Part I: Project Information, of the CapGrants application. If the hours and days provided in the statement differ from the application, then include a justification for the differences as an additional bullet point on the statement.

Useful Life Statement

This statement is a signed confirmation by the organization stating that the equipment/ vehicles will be used for a minimally specified amount of time, at least 5 years. Your organization is responsible for using these items on a consistent basis, as stated in the frequency of use, and for the upkeep of these items and their replacement, if damaged or stolen.

Useful Life Period Statement (Sample letter for Capital Funded Projects) [Note: This letter <u>must</u> be placed on your organization's official letterhead.] [Insert date] Attn.: [insert name of Agency Project Manager] NYC Department of Design + Construction 30-30 Thomson Avenue, Law Division, 4th Floor Long Island City, NY 11101 Re: <u>Useful Life Period Statement</u> – FY [Enter FY] Project ID [Enter Project ID] Dear [insert name of Agency Project Manager]: I, [Insert Name of Organization staff person³], am the [title] of [organization] which is seeking to receive capital funds from the City of New York for its [describe item; note that if multiple items are being acquired, we must receive this certification for each item⁴]. I hereby certify that the expected useful life of the item(s) is []⁵ from the date of acquisition. I arrived at this estimated useful life as follows: [Select one or more of the below-mentioned options.] ☐ The manufacturer provided a written statement of the expected useful life, which is attached; ☐ I reviewed the history of use of this type of item by our organization and determined that this type of item has historically been used, on average, for the period specified above; or ☐ Other: [explain] _____ _____ _____ I further certify that our organization expects to use the item for at least the expected useful life identified above. Sincerely, [Handwritten Signature of CEO/Authorized Representative] [Printed Name] [Title] [Date of signature] [Handwritten Signature of Staff Person providing useful life estimate] [Printed Name] [Title] [Date of signature]
--

Useful Life Statement Notes

The Fiscal Year and Project ID for your award is provided by your assigned DDC Project Manager (DDC PM).

The description of the item(s) should be brief, yet descriptive. (e.g., 14-passenger transportation vehicle, initial outfitting equipment for the ABC Center)

The minimum number of years for the useful life estimate must be 5, including IT systems. Do not include units of measurement such as hours or miles.

- If the proposed equipment/vehicles have been purchased, then the useful life estimate will be based on the number of years the equipment/vehicles have been in use from the date of purchase to the date the useful life statement is prepared, plus the one-year estimate for the process of getting a funding agreement registered, plus the 5-year performance period after reimbursement is received.
- If items have varying degrees of useful life, you can provide separate statements for each item or groups of items with similar useful life expectancies (e.g. one statement listing 6 years for IT items and another listing 10 years for furniture), or use our useful life template for **Items with Different Useful Life Expectancies** and attach a spreadsheet listing each item and their respectful useful life estimates (see sample table below). The latter scenario is recommended for awards with a large variety of items.

	Item Type	Make Model & Description	Quantity	Useful Life Estimate
1	Workstations	Cityline Height Adjustable Workstation Typical	10	15 years
2	Conference Table	Bungee/B3060RES, 30D x 60W x 29H	3	12 years
3	Chairs	Torsion Air Task Chair	10	8 years

It is possible for more than one source of the useful life estimate to be checked off.

- If the manufacturer's statement is checked off, then attach a copy of the statement to the letter. The statement should be in their letterhead and signed by the manufacturer's representative.

The signatures of the CEO/authorized representative and the staff member providing the useful life estimate must be employees of the organization. These signature blocks cannot be filled in by a consultant, vendor, or manufacturer. For the staff member providing the useful life estimate, it should be someone who is familiar with the proposed equipment/vehicles (e.g., facilities director, IT manager, etc.).

If your award contains IT equipment, use the useful life statement template **For Awards That Include IT Equipment**. This template has an additional section for the CFO and CIO Certification, which is an affirmation about the replacement cycle of the IT equipment. These signature blocks must be filled in by the organization's staff members who have those titles, their equivalents, or perform duties of these titles. If these titles do not exist in your organization, then note it in the statement, but the certification still requires signatures.

Based on the type of vehicles/equipment proposed and their useful life estimates, it is possible that you may need to use multiple useful life statement templates. Your DDC PM will notify you on which templates to use.

Operating Contracts with City Agencies

Your organization may have existing contracts with City of New York (City) agencies that provide services related to those provided by the equipment/vehicles to be purchased under your Capital Award. The letter below is filled out by your organization if there are such agreements.

Operating Contracts Letter for Funding Recipients with City Operating Contracts¹

[To be completed on organizational letterhead]

[Date]

Attn: [DDC Project Manager]
NYC Department of Design and Construction
30-30 Thomson Avenue, 4th floor
Long Island City, NY 11101

Re: City Operating Contracts Related to FY [Year] Project ID: [Project ID] for \$ [Award Amount]

Dear [DDC Project Manager]:

I, [Name of Authorized Signatory], am the [Title] of [Organization] which is seeking to receive capital funds from the City of New York for the above referenced project.

Please find below, the list of City Operating Contracts, along with attached copies, that relate to the above referenced Project:

	Contract Registration No.	Contracting Agency	Contract Start Date	Contract End Date	Relevant Contract Sections	Contract Amount	Percentage of Capital Award Usage
1 ²							
2							
3							
4							
					Total Sum of Operating Contracts	[\$Sum]	[Sum]%

Sincerely,

[Signature of Authorized Signatory]
[Printed Name of Authorized Signatory]
[Title]
[Organization]

¹ See the following page for instructions on completing the Operating Contracts Letter.

² Funding Recipients must complete this table, adding or deleting rows, as necessary.

Operating Contracts with City Agencies Notes

Refer to Question F or G of the Contemplated Uses/Purposes section of your CapGrants application, to determine if your organization has any existing contracts with City agencies related to your DDC Capital Award. If your organization has no such contracts, then use the **Operating Contracts Letter (For awards with no Operating Contracts)** template.

List the required information for each active contract, to include those contracts pending a renewal, in the Operating Contracts table. Do not include information for expired contracts that will not be renewed, HHC affiliation agreements, discretionary grants from elected officials, or agreements via a third party that directly has a contract with the City.

Provide copies of all relevant operating contracts listed in the table, to include any amendments, along with all appendixes for each contract. Include draft copies for contracts pending registration.

The **Contract Start and End Dates** cover the entire duration of the operating contract, including any amendments. If the contract is for a renewal, where a new registration number is issued, then only enter the timeframe for the renewal period.

The **Relevant Contract Sections** refers to the section(s) of the operating contract that describe services related to those provided by your DDC Capital Award. The Project Description section of your CapGrants application mentions the services provided by the DDC Capital Award. You want to find common wording between these two documents.

The **Contract Amount** for each operating contract will be the total dollar figure for the life of the contract, including any amendments. Include the sum dollar total of all operating contracts in the Total Sum of Operating Contracts box.

The **Percentage of Capital Award Usage** is the percentage of use of the City Funded equipment that will go towards services provided by each operating contract. The total number can be less than 100%, but it cannot exceed that total.

Operating contract information is available in the Procurement and Sourcing Solutions Portal (**PASSPort**). Go to the following link for more information [About PASSPort | MOCS \(nyc.gov\)](#).

Below is a sample table of the operating contracts data.

	Contract Registration No.	Contracting Agency	Contract Start Date	Contract End Date	Relevant Contract Sections	Contract Amount	Percentage of Capital Award Usage
1	20228801234	DOHMH	7/1/2021	6/30/2024	Appendixes B & C	\$500,000	50%
2	20228805678	DOHMH	7/1/2022	6/30/2025	Section 4.01	\$250,000	50%
					Total Sum of Operating Contracts	\$750,000	100%

Parking Facility Leases

If your organization is purchasing a vehicle that will be parked in a leased facility that you operate or in a location that you do not operate, then a lease agreement must be provided.

Refer to the CapGrants Funding Application to determine if a vehicle will be housed in such a facility.

If your organization is utilizing a parking facility on a month-to-month basis, then the facility must provide a letter confirming this. If a vehicle is parked in a leased facility that your organization operates, then there must be at least 5 years remaining on the agreement by the time the budget package is submitted. Agreements with less than 5 years remaining require a confirmation that the lease agreement will be extended.

Notify DDC if you change parking facilities prior to receiving reimbursement or the OMB Compliance Officer, during the performance period of the funding agreement, after reimbursement is received.

As noted on [Page 10](#), the parking site must be in a secure area with features such as indoor parking, fencing, gates, and/or security cameras. You may need to provide a description of the security features of the site for the budget submission. Streetside parking is not allowed.



Improper Parking Location



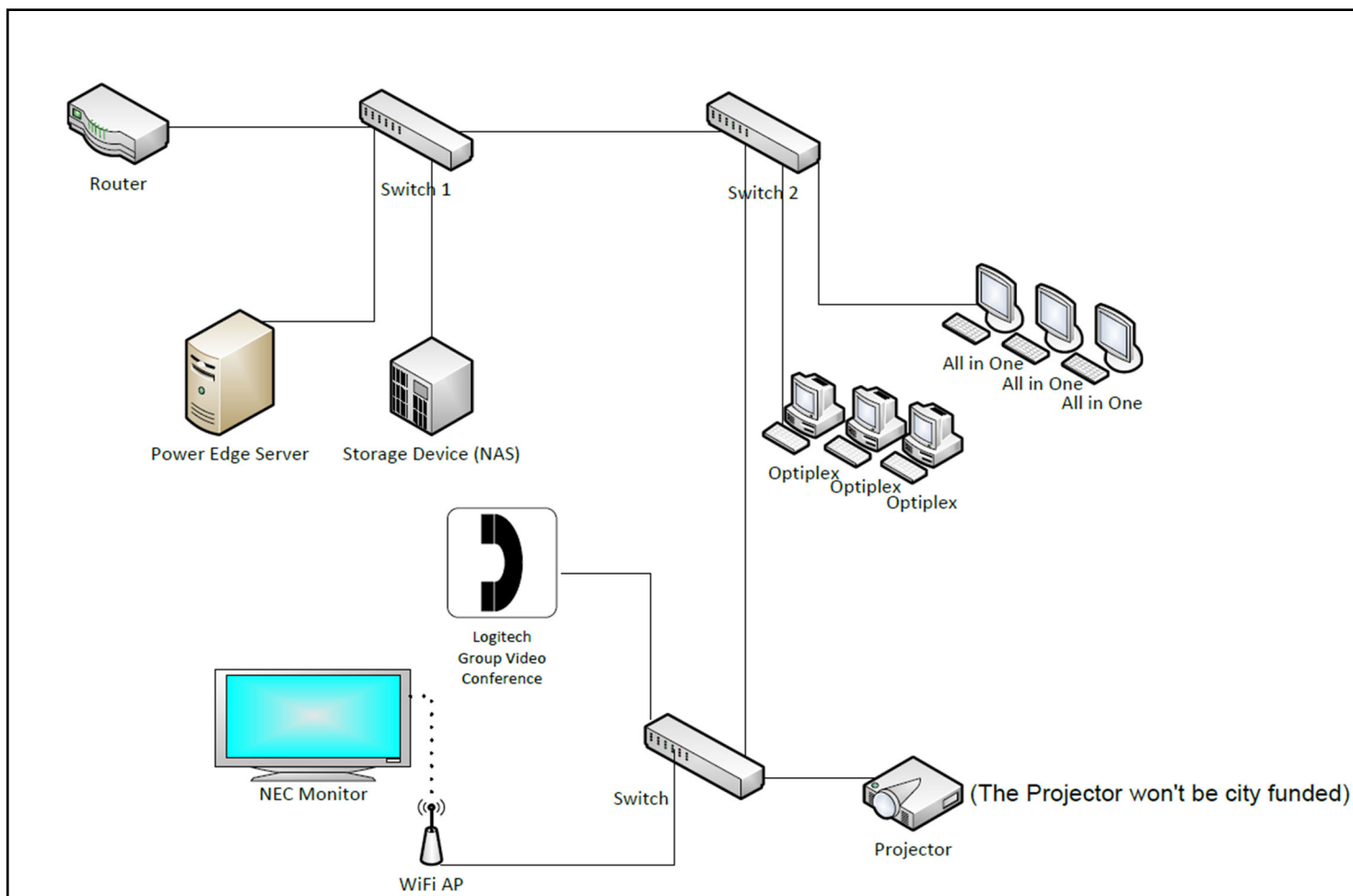
Proper Parking Site

Information Systems Management (ISM) Questionnaire (Equipment Awards Only)

The ISM Questionnaire contains a series of questions pertaining to the connectivity of an equipment system's components, usage of software applications, accessibility of software applications, and function for medical treatment.

A diagram of all components of the equipment system, showing how they are physically and/or wirelessly connected and networked will be included with the questionnaire. System components should be clearly labeled. Components that function independently from the system are ineligible for reimbursement. See below for a sample diagram.

IT Network



Information Systems Management (ISM) Questionnaire Notes

The questionnaire is not required for equipment purchases that are part of an Initial Outfitting award.

If a question does not apply to your award, then enter N/A as the response.

If there are soft costs for design, installation, or consulting, provide a scope of work detailing the type of work performed, along with hourly rates for each job title and total cost.

If an equipment system is connected to hardware that your organization already owns, then provide a list of such hardware, their date(s) of purchase, cost, and a written affirmation that these existing items will have a useful life of at least five years from disbursement of the City funds. See the template letter below for this requirement.

Note: This letter must be placed on your organization's official letterhead.]

[Enter Today's Date]

Attn: [Insert name of Agency Project Manager]
NYC Department of Design and Construction
30-30 Thomson Avenue, 4th floor
Long Island City, NY 11101

Re: Equipment Owned by the Organization in Relation to [Enter Project ID] Project Award for \$ [Enter Project Amount]

Dear [Enter Name of Agency Project Manager]:

The equipment purchased for the award referenced in the subject of this letter, is dependent on equipment the organization already owns.

Please find below, the requested information on the list of equipment the organization owns in relation to the capital award:

Item Type	Make and Model	Quantity	Purchase Date	Purchase Price

I hereby certify that the expected useful life of the item(s) listed above, is 5 years from the date we receive reimbursement for the equipment purchased for this award and we will replace any items that cease to function during this period, at our own expense.

Sincerely,

[Handwritten Signature of CEO/Authorized Representative]

[Printed Name]

[Title]

Initial Outfitting Affirmation

If you are occupying a new or renovated facility, then the affirmation below (and [Page 35](#)) must be completed. You will answer questions based on the ownership of the facility and means of how it was set up. Supporting documentation must be provided, based on your responses.



Initial Outfitting Affirmation

Newly Acquired, Constructed, Reconstructed or Leased Space

Funding Recipient's Full Name (as indicated on its Certificate of Incorporation):

Address where City funded equipment will be located:

Funding Recipient hereby affirms that it has read all of the provisions provided in the Funding and Security Agreements of the City of New York ("City" or "NYC") and acknowledges its obligation to abide by the terms and requirements of the NYC Comptroller's Internal Control and Accountability Directive No. 10, which defines Initial Outfitting as the outfitting of a defined area that (i) has been newly acquired, leased or constructed or (ii) is the subject of a comprehensive upgrade or betterment. Directive No. 10 further states that orders for initial outfitting must be placed within six (6) months of the date that the building, structure, facility or other Capital Asset is placed into service.

Accordingly, Funding Recipient recognizes that an initial outfitting designation requires a newly purchased, constructed, reconstructed or leased space. A space that has a renewed and/or amended lease does not qualify for initial outfitting.

In addition, the Funding Recipient hereby acknowledges that all equipment purchased pursuant to an initial outfitting project (i) must be ordered within six (6) months of date the premises is placed into service, and (ii) must remain at the premises indicated in the City's Funding and Security Agreements for a period of five (5) years without exception.

Please also provide the following information regarding the initial outfitting project, as provided below (please fill out all sections that are applicable):

- Space information:

- Property newly purchased?

Yes ☐ No ☐

If yes, then provide:

Date of purchase: _____

Move-in date: _____

Please provide a copy of the purchase contract.

- Newly leased space?

Yes ☐ No ☐

If yes, then provide:

Lease term: _____ yrs.

Date lease term begins: _____

Date lease term ends: _____

Move-in Date: _____

Please provide a copy of the lease.

- Property newly constructed?

Yes ☐ No ☐

If yes, then provide:

Start date of the project: _____

Date of completion: _____

Please provide a copy of the certificate of occupancy.

Initial Outfitting Affirmation Notes

Check Yes or No for each question and include supporting documentation for each question where Yes was answered. For newly constructed or renovated facilities, provide a Scope of Work from the architectural firm, which details the tasks performed, along with a cost breakdown (Budget). A copy of the floor plan must be provided. As noted on [Page 12](#), purchases cannot be made more than 6 months before (with exceptions) or after (no exceptions) the move-in date.



- Comprehensive renovation / upgrade of Property?
Yes ☐ No ☐
If yes, then provide:
Start date of the project: _____
Date of completion: _____
Move-in date: _____
- Construction information:
For reconstruction or comprehensive renovation/upgrade, a detailed scope of work of such reconstruction or upgrade and delineation of the affected space(s) must be provided. In general, a comprehensive upgrade involves demolition and construction work which involves at least three trades. Thus, the detailed scope must include delineation of the affected areas, the specific work undertaken by trade and work type and cost (including breakouts for surface treatments such as carpeting, painting, other finishes). Please note that surface treatments on their own do not qualify a space for initial outfitting.
 - Scope of Work (prepared by an architect/engineer) : Please Attach
 - Floor Plan of Space attached?
Yes ☐ No ☐ (Must be provided in order for this affirmation to be complete.)
- Equipment purchase information:
 - Order date(s), purchase date(s) and installation date(s) of equipment:
 - Please provide copies of quotations/invoices and an equipment list (Exhibit A to the Funding Agreement).
 - For each item of equipment on the equipment list, please provide the order date, purchase date, and installation date in separate columns in the equipment list.

SIGNATURE OF FUNDING RECIPIENT'S
DULY AUTHORIZED REPRESENTATIVE:

By: _____
Name: _____
Title: _____
Date: _____

State of New York)
ss:
County of _____)

On this ____ day of _____, 20__ before me personally came _____
(Name), who being by me duly sworn, did depose and say that s/he is the _____ (Position) of
_____ (Name of Funding Recipient), the non-profit organization / corporation
described in and which executed the foregoing instrument, and s/he duly acknowledged to me that s/he executed the
same for and in behalf of the said non-profit organization / corporation for the uses and purposes mentioned therein.

Notary Public
(Stamp or Seal)

Major Medical Systems Letter

The template letter below is filled out by your hospital's authorized representative, if you are purchasing a large medical device such as a mammography unit or a CT scanner. This letter affirms eligibility requirements such as the connectivity of the parts, useful life of the machine, and that there are no spare items, disposable, or consumable items.

Major Medical Systems Letter (Template letter for Non-Profit Reimbursement Program Awards)¹ [Note: This letter <u>must</u> be placed on your organization's official letterhead.] [Insert Date] Attn.: [Insert Name of Agency Project Manager] NYC Department of Design + Construction 30-30 Thomson Avenue, Law Division, 4th Floor Long Island City, NY 11101 Re: <u>Major Medical Systems Letter:</u> [Insert Project ID and Description of the Award] Dear [Insert Name of Agency Project Manager]: [Insert Organization's Name and Department] is requesting to purchase [Insert Description, Make, and Model of the Equipment] ("Equipment System"). This Equipment System is comprised of a group of related elements and/or components, which are mutually dependent upon each other and are [physically connected] or [connected through a wireless network]². The Equipment System contains no consumable or disposable items, spare parts or supplies. The useful life of the Equipment System is at least 5 years. If you should have any questions about the Equipment System, please contact [Insert name of appropriate representative of your organization who knows the technical details of the Equipment System.] [Handwritten Signature of Authorized Representative] [Printed Name] [Title] [Date of signature] ¹ Please remove all bracketed references and footnotes in the final version of your letter. ² Please select the applicable statement.
--

Software Checklist

The Software Checklist is filled out if you are purchasing equipment with embedded software, firmware, or software products for use on hardware. List all applicable and eligible products (see the next page for more information) and review the licensor's End-User License Agreement (EULA) to determine the transferability of the license and provide a copy of the EULA.



Software Checklist

Funding Recipient's Full Legal Name (as indicated on the Non-Profit organization's Certificate of Incorporation):

Funding Recipient hereby acknowledges that: 1) it has read all of the provisions relating to software licenses in the City's "Guidelines for Capital Funding Requests for Not-For-Profit Organizations" found in [Exhibit 1](#) of the City's "Capital Funding Request Form for Not-for-Profit Organizations" (the "Request Form"); 2) reviewed the City's template "Form of Assignment of Software License and Consent" in [Exhibit 5](#) of the Request Form; and 3) answered all software-related questions in the applicable section of the Request Form and this Software Checklist.

Funding Recipient understands that any software license(s) associated with Moveable Property (i.e., Eligible Equipment) purchases will need to be purchased for a term of at least five (5) years up front. Funding Recipient also understands that any software license(s) for Moveable Property purchases must be transferable to the City and/or the City's designee, and the City's Assignment of Software License and Consent must be executed by the software licensor(s), if the license is not transferable by its terms.

Licenses for certain standard software may not need to be assigned to the City if the City already maintains a license with the software provider. For example, the City does not require a "Form of Assignment of Software License and Consent" from software providers such as 1) Microsoft Word, 2) McAfee, 3) Adobe, etc. Your organization should check with your assigned DDC Project Manager to confirm whether any standard software included in a reimbursement project may fall into this category. Software subscriptions are not eligible for reimbursement and should not be listed on the checklist. Purchases of hardware with embedded firmware, in lieu of a software license, must be listed on this checklist and require a confirmation letter from the licensor for eligibility.

Funding Recipient makes the following representations about any and all software associated with Moveable Property:

	LIST ALL SOFTWARE APPLICATIONS OR HARDWARE PRODUCTS WITH EMBEDDED SOFTWARE, TO INCLUDE FIRMWARE ¹	IS SOFTWARE, INCLUDING FIRMWARE, EMBEDDED IN THE EQUIPMENT?	IS STAND-ALONE SOFTWARE INCLUDED?	IS THE LICENSE TRANSFERABLE BY ITS TERMS? ² ATTACH ALL END-USER LICENSE AGREEMENTS TO THIS CHECKLIST	IF LICENSE IS NOT TRANSFERABLE BY ITS TERMS, HAS THE LICENSOR AGREED TO EXECUTE THE CITY'S FORM OF ASSIGNMENT OF SOFTWARE LICENSE AND CONSENT? ³	IS LICENSOR'S LETTER AGREEING TO EXECUTE THE CITY'S ASSIGNMENT FORM ATTACHED? ³
1		☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
2		☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
3		☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
4		☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
5		☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
6		☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
7		☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
8		☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
9		☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
10		☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
11		☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
12		☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N

SIGNATURE OF FUNDING RECIPIENT'S DULY AUTHORIZED REPRESENTATIVE OR IT SPECIALIST:

By: _____
 Name: _____
 Title: _____
 Date: _____

¹Use additional checklists if there more than 12 products are listed.

²If Y is checked off, then do not answer the fourth and fifth questions.

³If N is checked off for either question, then the software product will not be reimbursed by the City.

Software Checklist Notes

The checklist must be completed by an employee of your organization, who is knowledgeable of the software products.

List any software applications, along with hardware products with embedded software or firmware.

- Not all software products are required to be listed on the checklist. Do not include applications such as Windows, iOS, and Adobe. Consult with DDC to determine if an application or product should be listed on the checklist.

For hardware purchases, you must review the features of the device to determine if there is embedded software. You can go to the manufacturer's website or do an online search to review the End User License Agreement (EULA)/Terms and Conditions. Consult with your vendor or manufacturer if you need assistance in verifying this.

Software licenses are capital eligible if they are valid with the initial purchase for at least 5 years from disbursement of City capital funds. Software subscriptions with ongoing monthly or annual fees are not eligible, thus they should not be included on the checklist.

If a product does not have a EULA, then a written confirmation (see [Page 41](#)) must be provided from the licensor, acknowledging that any embedded software automatically transfers to another user, if they were to take possession of the equipment.

If a license is transferable or is a firmware product, then do not answer Questions 4 & 5 on the checklist.

If the EULA dictates that a software license is not transferable (see [Page 39](#)), then the licensor must complete the **Preliminary Approval Letter of the Software License Agreement** (see [Page 40](#)). This letter acknowledges that the licensor will execute the Software License Agreement, upon registration of the funding agreement, which grants the City a transferable license at no additional cost, if the City repossesses the equipment, due to an Event of Default under the terms of the funding agreement. This letter is not required for any transferable software licenses.

Sample End-User License Agreements (EULA)

EULA showing a non-transferable license



GE Healthcare

GE Healthcare Terms & Conditions (Rev 01.30.20)

1. **Definitions.** As identified in this Agreement, "Equipment" is hardware and embedded software that is licensed with the purchase of the hardware delivered to Customer in GE Healthcare's packaging and with its labeling; "Software" is software developed by GE Healthcare and/or delivered to Customer in GE Healthcare's packaging and with its labeling, and Documentation associated with the software; "Third Party Software" and "Third Party Equipment" are respectively software developed by a third party, and hardware and embedded software that is licensed with the purchase of the hardware, that is delivered to Customer in the third party's packaging and with its labeling (collectively, "Third Party Product"); "Product" is Equipment, Software and Third Party Product; and "Services" are Product support or professional services; "Subscription" is a limited-term, non-transferable license to access and use a Product (except Healthcare Digital Products), including any associated support Services; "Healthcare Digital Products" are: (i) Software identified in the Quotation as "Centricity"; (ii) Third Party Software licensed for use in connection with Centricity Software; (iii) hardware used to operate Centricity or Third Party Software; (iv) Services provided for implementation, installation or support and maintenance of Centricity or Third Party Software licensed for use in connection with Centricity Software; and/or (v) any Product or Service that is identified in a Healthcare Digital Quotation. "Specifications" are GE Healthcare's written specifications and manuals as of the date the Equipment shipped. "Documentation" is the online help functions, user instructions and manuals regarding the installation and operation of the Product as made available by GE Healthcare to Customer.
2. **Term and Termination.** Software licenses, Services and/or Subscriptions will have individual term lengths identified in the Quotation. If there is a material breach of this Agreement and/or the Quotation that is not cured by the breaching party within 60 days from receipt of written notice, the non-breaching party can terminate the respective Agreement or Quotation. Other than as set forth in this Agreement, neither party can unilaterally terminate this Agreement or a Quotation. Any remaining undisputed, unpaid fees become immediately due and payable on expiration or termination. Expiration or termination of this Agreement will have no effect on Quotations executed prior to the date of expiration or termination.
3. **Software License.** Other than as identified in a Quotation, **GE Healthcare grants Customer a non-exclusive, non-transferable, non-sublicensable, perpetual license to use the Software for Customer's internal business purposes only in the United States consistent with the terms of this Agreement.** Customer's independent contractors (except GE Healthcare competitors) may use the Software, but Customer is responsible for their compliance with this license, and additional license fees may apply. Customer cannot modify, reverse engineer, copy or create derivative works of the Software, except for making 1 backup copy, and cannot remove or modify labels or notices of proprietary rights of the Software or Documentation. If GE Healthcare provides Third Party Software, Customer will comply with third party license terms, and licensors are third-party beneficiaries of this Agreement.

EULA showing a transferable license

4. **TRANSFER.** **You may transfer the Software Program to another end-user.** Any transfer must include all software components, media, printed materials, and this License Agreement and you may not retain copies of the Software Program or components thereof. The transfer may not be an indirect transfer, such as a consignment. Prior to the transfer, the end-user receiving the transferred Software Program must agree to all these License Agreement terms. Upon transfer of the Software Program, your license is automatically terminated. You may not rent, sublicense, or assign the Software Program except to the extent provided in this License Agreement, and any attempt to do so shall be void.

Preliminary Approval Letter of the Software License Agreement

The preliminary agreement below is completed by each licensor for purchases containing non-transferable software licenses. One letter is required per licensor, even if there are multiple software products from one licensor. Multiple invoices/quotes may be referenced in one letter, assuming it's from the same licensor. Make sure to note all products covered in each invoice/quote. There is also a template letter (not pictured) covering purchases through a third-party seller. This letter includes an Exhibit for the actual agreement letter (see [Page 109](#)) which is not filled out until a funding agreement is executed. Substantive changes to the preliminary or final approval letters are not allowed. If the licensor refuses to sign the preliminary approval letter, then any affected items will not be reimbursed by the City.

Note: DDC recommends your organization hold off on placing orders or submitting quotes from a licensor or a vendor that distributes products from a licensor, until you receive confirmation that the licensor is willing to sign the letter for any products with non-transferable software.

Preliminary Approval Letter of NYC Software License Assignment [Note: This letter must be on the Licensor's letterhead.] Date Company Name [FUNDING RECIPIENT] Address City, State, ZIP Re: [LICENSOR] Invoice/Quotation No. _____ dated _____, 20__ (the "Invoice/Quotation") Ladies and Gentlemen: [LICENSOR] has provided the above-referenced Invoice/Quotation to _____ ("Customer"). [LICENSOR] understands that the New York City Form of Assignment of Software License and Consent (attached hereto as Exhibit A) must be executed in the event that the City of New York (the "City") provides funding for the purchase of a non-transferrable software license associated with [description of equipment.] In the event that a funding agreement is executed between the City and Customer for the purchase of a non-transferrable software license that has been sold by [LICENSOR], and [LICENSOR] has been paid in full for the software license and associated equipment, [LICENSOR] shall execute the attached Assignment of Software License and Consent for that software license and associated equipment. Regards, [LICENSOR] By: _____ Title: _____
--

Confirmation Letter for Hardware with Embedded Firmware

If purchasing hardware with embedded firmware that does not have an end-user license agreement (EULA), then a confirmation letter must be filled out by the manufacturer acknowledging that there is no EULA for the product and that use of the hardware with firmware automatically transfers over to another user.

Confirmation of Firmware Letter
(Sample letter for Non-Profit Reimbursement Projects)¹

[Note: This letter must be placed on licensor's official letterhead.]

[Insert date]

Attn.: [insert name of Agency Project Manager]
NYC Department of Design + Construction
30-30 Thomson Avenue, Law Division, 4th Floor
Long Island City, NY 11101

From [insert name of representative & name of company]

Re: Confirmation of Firmware – FY [Enter FY] Project ID [Enter Project ID]

Dear [insert name of Agency Project Manager]:

Regarding your request to transfer firmware to another user, location, or facility, should the device be physically transferred.

- [insert Product name] is standalone equipment with firmware.
- [insert Product name] doesn't have an end-user license agreement. There are no terms and conditions or user license to review by NYC Department of Design and Construction.
- Use of the [insert Product name] and its firmware will automatically transfer to another user.

[Handwritten Signature of Licensor Representative]

[Printed Name]

[Title]

[Date of signature]

Minimally Attached Moveable Property Questionnaire

If your eligible award amount is at least \$250,000 and contains equipment that is minimally attached to the premises, then the questionnaire below must be filled out. Such items are attached through the application of bolts, plaster, cement, nuts, screws or nails and are easily installed and removed without causing a non-negligible amount of damage to the property.

Minimally Attached Moveable Property Questionnaire

Legal Name of the Organization: _____

Project ID and Award Description: _____

Award Amount: _____

Minimally Attached Moveable Property is moveable property that is attached to the Real Property in any manner. Such forms of attachment include but are not limited to attachment through the application of bolts, plaster, cement, nuts, screws or nails.

If any of the Moveable Property will be Minimally Attached Moveable Property and attached in **ANY MANNER**, please answer the following questions:

1. Does the Project include any Minimally Attached Moveable Property that will be attached to Real Property in **ANY MANNER**?

Yes ☐ No ☐

If **Yes**, complete the rest of the questionnaire.

Please provide the following information in relation to the property where the minimally attached equipment will be located:

Street Address: _____

Block: _____

Lot: _____

Is this property:

☐ Owned by your organization (attach a copy of the deed)

☐ Leased by your organization (attach a current copy of the lease agreement)

☐ Is the property encumbered by any mortgage or financing? (provide a list of lenders)

2. If the Project involves Minimally Attached Moveable Property that will be attached to Real Property in **ANY MANNER**, is the proposed City capital funding for the Moveable Property Project at least \$250,000 at each location with the Minimally Attached Moveable Property?

Yes ☐ No ☐

If **No**, the City will not provide funding.

3. If the Project involves Minimally Attached Moveable Property that will be attached to Real Property, is such Moveable Property easily transportable and reusable at minimal cost in another location if the City is forced to take possession of such Moveable Property?

Yes ☐ No ☐

If **No**, the City will not provide funding.

If **Yes**, what is the estimated cost to remove and reinstall the Minimally Attached Moveable Property at another location? _____

If **Yes**, please describe how the Minimally Attached Moveable Property is transportable and reusable at minimal cost, and the basis for the estimated cost.

Minimally Attached Moveable Property Questionnaire Notes

Supporting documentation must be provided for some questions where Yes was answered. Costs for uninstalling and re-installing at another location are estimates. Providing backup is not necessary, but the estimate should be a reasonable amount. Provide as much detail as you can for the description of the method of attachment. Include photos of the attached items, if possible.

4. If the Project involves Minimally Attached Moveable Property, describe in detail how such Moveable Property will be attached. Please provide a diagram or photo (on a separate page), if available, that clearly illustrates the nature and degree of attachment.



5. If the Project involves Minimally Attached Moveable Property to be located in Real Property that the Organization leases, please provide a letter (use the **Personalty Letter for Landlords** from the DDC NRP website) from the owner of such Real Property that states that the specific Minimally Attached Moveable Property requested herein, will not be considered part of the Real Property and will not be subject to such lease.

If the Project includes Minimally Attached Moveable Property to be located in Real Property that the Organization leases, and no such letter is provided, the City will not provide funding.

6. If the Project includes Minimally Attached Moveable Property to be located in Real Property that the Organization leases, there must be at least five (5) years remaining on the lease term (excluding any unexercised renewal options) from the date of disbursement of City funding for the Project, except that if the Project consists solely of computer hardware, software, networks, and information technology systems, there must be at least three (3) years remaining on the lease term (excluding any unexercised renewal options) from the date of disbursement of City funding.

Is the remaining lease term at least 5 years (or 3 years for projects solely consisting of computer hardware, software, networks, and information technology systems)?

Yes ☐ No ☐ N/A ☐

If **Yes**, please provide the lease. If **No**, provide an acknowledgment agreeing to a lease extension.

7. If there are any mortgage holders and other lienholders on the building, have they provided a letter (use the **Personalty Letter for Lenders** from the DDC NRP website) stating that the specific Minimally Attached Moveable Property requested herein, will **not be considered part of the Real Property** and will not be subject to such mortgage or lien?

Yes ☐ No ☐ N/A ☐

If **Yes**, please provide such current acknowledgment(s).

If **No**, the City will not provide funding.

8. Are there any loans directly or indirectly financed by HUD? Please note that if HUD has a lien on the Real Property, please submit evidence that HUD's lien will be subordinated to the City's lien on the Minimally Attached Moveable Property (rather than completely excluding the Moveable Property from HUD's lien).

Yes ☐ No ☐ N/A ☐

On behalf of the above-mentioned organization, I hereby affirm that the information and attachments included with this form are accurate and up-to-date.

**SIGNATURE OF FUNDING RECIPIENT'S
DULY AUTHORIZED REPRESENTATIVE:**

By: _____
Name: _____
Title: _____
Date: _____

Note: If your organization has any questions about the completion of this form, please reach out to the DDC project manager assigned to your organization's DDC NRP project.

Personalty Agreements

For awards with minimally attached equipment, the personalty agreement is filled out if your facility is leased and/or has an outstanding mortgage. This agreement acknowledges that any minimally attached items are not fixtures and thus are not part of the real property. A list of such items will be attached to the agreement(s) (see Exhibit A list on the right). Template letters (landlord letter is on the left) are available for landlords and lenders. You may need to provide one or both letters, depending on the ownership & lienholder status of your facility. This letter is not required if your facility is owned and has no outstanding mortgages.

For the Landlord:

The undersigned are parties to the Lease Agreement dated _____ (the "Lease") by and between _____ (the "Landlord") and _____ (the "Tenant"), for the premises: _____ (the "Premises").

The undersigned agree that the equipment (the "Equipment") funded by the City of New York (the "City"), as specified in an exhibit to the Funding Agreement between the Tenant and the City, attached as Exhibit A hereto, and installed in the Premises, shall be deemed solely items of personalty which may be removed, altered or modified by the Tenant at the expiration or earlier termination of the Lease or at any time as otherwise determined by the Tenant in its sole and absolute discretion. Notwithstanding any provision of the Lease, the Equipment shall remain the property of the Tenant, and shall not be deemed to be so affixed to the Premises as to become the property of the Landlord.

Notwithstanding the Lease, the undersigned agree that the Tenant shall grant the City a first priority security lien on the Equipment.

The undersigned agree that, notwithstanding the Lease and/or any failure of the Tenant to remove the Equipment upon a termination of the Lease term (as set forth in the Lease), the Equipment shall not become the property of the Landlord nor be disposed by the Landlord.

In Witness Whereof, the undersigned does hereby agree this _____ [Date].

[Landlord]

[Tenant]

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

EXHIBIT A LIST OF MINIMALLY ATTACHED EQUIPMENT

Item Type	Make, Model, & Description	Quantity	Equipment Use Address	Attached Y/N	Notes	Group
Flush Mount Flow Meter	Porter - MXRD	10		Y		Dental equip
Dry Vacuum	Midmark - PowerVac G	3		Y		Dental equip
X Rays	Midmark - Progeny	20		Y		Dental equip
Wall mounts on Desk	Candex - WD20	14		Y		Furniture
DELL CTO Server	R440 4214 48GB	2		Y		IT
Computers	Dell - OptiPlex 3090	123		Y	One functional unit	IT
Monitors 24"	HP - HP24MH	123		Y		IT
Computer mount - Wall Track	Ergotron - 31-017-182	34		Y	One functional unit	IT
Computer mount - Combo Arm	Ergotron - 46-265-026	34		Y	Installation details: assembled all parts and mounted on wall with screws.	IT
Computer mount - Extender Arm	Ergotron - 97-858-026	34		Y		IT
Computer mount - Screws	Ergotron - 60-155	34		Y		IT
Computer mount - CPU Holder	Ergotron - 80-063-200	34		Y		IT
Computer mount - Mounting Kit	Ergotron - 97-531	34		Y		IT
Rack IT	APC - NetShelter SX 48U	1		Y		IT
Battery IT	APC UPS - SRT6KRMXLIT	1		Y		IT
Battery IT - add'l add on	APC UPS - SRT192RMBP	1		Y		IT
Power Unit	APC UPS - AP8831	2		Y		IT
Juniper 48 Port Switch	Juniper - EX2300-48P	4		Y		IT
Juniper Rack	Juniper - EX2300-48T	6		Y		IT
Juniper 48 Port Ethernet Switch	Juniper - EX3400-48P	1		Y		IT
Juniper Rack	Juniper - EX3400-48T	2		Y		IT
Juniper Trans Module	Juniper - EX-SFP-10GE-SR	9		Y		IT
Juniper Cable	Juniper - EX-QSFP-40GE	3		Y		IT
Juniper Power Cable	Juniper - CBL	2		Y		IT
Juniper Power Cord	Juniper - 2.5M	1		Y		IT

DASNY and HUD-Related Liens and Private Lenders with Broad Liens

If your organization has liens with the Dormitory Authority of the State of New York (“DASNY”), the United States Department of Housing and Urban Development (“HUD”), HUD-insured lenders, or private lenders, then each lien must be addressed to ensure that any competing liens exclude the City-funded equipment.

During the Budget & Pre-CP Review, your organization needs to verify whether all relevant lienholders were listed in the organization’s CapGrants application. If not, then your organization must advise if there are any new Uniform Commercial Code (“UCC”) liens pending with DASNY, HUD, HUD-insured lenders and private lenders that are filed with the New York State Department of State (“NYSDOS”), which are broad in nature and may conflict with the City’s lien over the City-funded equipment. (This information can be found on the NYSDOS’ website at: https://appext20.dos.ny.gov/pls/ucc_public/web_search.main_frame) A list of any such lienholders must be provided to DDC to ensure that your organization will address these liens before its submission for reimbursement.

DDC requires an acknowledgment letter from private HUD-insured lenders that affirmatively notes that the lender will agree to either subordinate or delete its lien(s) over the City-funded equipment.

DDC does not need acknowledgment letters from DASNY and HUD regarding the subordination of these types of liens, because DASNY and HUD typically approve the City’s request for subordination of these liens to protect the City’s lien over equipment funded by the City. However, if such liens apply, then your organization should immediately reach out to DASNY, HUD, HUD-insured lenders and/or private lenders to ensure that any competing liens are either subordinated or deleted before the organization submits its equipment project for reimbursement from DDC. For more information on how to subordinate or delete UCC liens, please refer to the UCC Guidelines beginning on [Page 60](#) for more information on the legal steps necessary.

If an award contains minimally attached items, a personalty agreement may also be required from lenders that have a lien interest on the property where the equipment is located (only if the equipment is minimally attached at the location that may have a mortgage tied to that particular property.) Refer to the section on personalty agreements on [Page 44](#).

Your organization should seek assistance from your legal counsel in relation to these matters.

Final Notes on the Budget & Pre-CP Review Phase

If your organization needs to purchase any vehicles/equipment prior to the Budget & Pre-CP Review approval, it is done at your own risk, as not all items or features are guaranteed to be reimbursable (see [Page 9](#)). Budgets with ineligible purchases/features may greatly impact awards whose allocations are at or slightly above the minimum thresholds for general award eligibility (\$50,000) or awards with minimally attached equipment (\$250,000).

If the eligibility amount for your award falls below \$50,000, then the award cannot proceed. If an award has minimally attached equipment and the eligible amount falls below \$250,000, then all minimally attached items become ineligible, which may significantly reduce your reimbursement amount.

Items located in leased facilities, whose lease agreement expires in less than 5 years from the date of the Budget & Pre-CP submission, require a letter acknowledging that the lease agreement will be extended.

DDC recommends that all purchases for Initial Outfitting awards are made **prior** to submission of the Budget & Pre-CP package. This is to avoid any possibility of your organization making changes to the proposed equipment, which requires additional review from DDC and OMB, delaying the approval process, as Initial Outfitting awards have higher quantities of budget line items than other awards.

If purchasing equipment/vehicles in this stage, you must obtain quotes from at least three vendors and select from the lowest bidder, if possible. You will provide DDC with the invoice(s), based on the selected quote(s). You are required to retain your bid quotes and proofs of payment of the purchases and present them prior to reimbursement. See [Page 96](#) (Procurement Affirmation) for more information.

If none of the items have been purchased, delays in submitting the Budget & Pre-CP package can lead to the proposed items being no longer available for purchase or substantial price increases for existing items. As noted on [Page 23](#), you will not be reimbursed for any dollars in excess of your award amount. For purchased items, long terms delays will negatively impact their useful life.

Once a budget is approved for non-purchased items, make all efforts to commit to buying the specific makes and models, as any major changes after the Pre-CP is approved, may result in re-submission of the budget package.

DDC and OMB may have questions and comments on the Budget & Pre-CP documentation provided. Make a reasonable effort to respond to any inquiries quickly, to avoid delays in the approval process, as some items have limited shelf lives. Always contact your DDC Project Manager if you have questions on any of the required items in this phase or any other throughout the award process.

Phases 2 & 3: Certificate to Proceed (CP) Request & Registration

The CP Request and Registration phases occur concurrently.

After OMB approves the Budget & Pre-CP Review package, the DDC attorney prepares the final funding and security agreements, while the DDC Project Manager (PM) prepares a CP Request, which includes those agreements, along with other internal documents, which are submitted to DDC's Budget unit for review, before it is forwarded to OMB for final review and approval. CP Request approval time varies, but it usually takes between 2 to 3 months for approval, once the CP Request is sent to OMB. Approval of a Certificate to Proceed (see next page) authorizes the allocation of funds from the City's capital budget towards your capital project. This does not mean that an award has been registered nor reimbursement is ready to commence.

Once the final funding and security agreements are prepared, the DDC attorney will forward them to your organization for signature, along with a list of other items required for registration. After the CP is approved and DDC receives all registration items, the funding agreement is forwarded to the DDC commissioner for signature. Afterwards, the registration package is submitted to DDC's Contracts unit for review and then forwarded to the Comptroller's Office for registration. The timeframe between submission of the registration package and Comptroller's registration ranges from 3 to 5 months.

See Pages [49](#) through [57](#) for the **Registration Checklist**, with accompanying notes and template documents for each checklist item.

Sample Certificate to Proceed (Redacted)



The City of New York
Office of Management and Budget
255 Greenwich Street, New York, New York 10007 - 2146

Approval Date
October 23, 2023

Record Number: 120840
Certificate Number: 74071
Capital Project: 850 [REDACTED]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Hon. Ashwin Vasan, Commissioner, Department of Health and Mental Hygiene
Hon. Thomas Foley, Commissioner, Department of Design and Construction
Hon. Brad Lander, Comptroller, City of New York
Hon. Donovan Richards, Queens Borough President

Section 219 of the New York City Charter and directives of the Mayor authorized thereunder require that prior to the initiation of design or advancement of any Capital Project, a scope defining services to be incorporated in contracts for the services of architects, engineers, landscape architects, etc., or for departmental employees and amounts for structures, works, furnishings and equipment, program of requirements and scope or range of operations shall be submitted for approval of the Director of Management and Budget or his duly authorized representative. Initially, preliminary scope approval and subsequently final scope approval incorporating preliminary plans and cost limitations shall be submitted for approval of the Director of Management and Budget or his duly authorized representative. In addition, the final design incorporating final contract documents must also be submitted for approval of the Director of Management and Budget or his duly authorized representative. Your request for approval pursuant to the above is approved as follows:

DESCRIPTION OF APPROVAL HEREBY GRANTED

850 [REDACTED] – Two (2) 11-Passenger Transportation Vehicles

The Department of Design and Construction, on behalf of NYC Department of Health and Mental Hygiene, is requesting a cost limitation in the amount of \$134,000 for the purchase of two (2) 11-passenger transportation vehicles for [REDACTED], a not-for-profit organization in the borough of Queens, to be located at [REDACTED].

The project is currently funded in the Department of Health and Mental Hygiene's Capital Commitment Plan, Capital Project ID 850 [REDACTED], Budget Line [REDACTED], Unit of Appropriations [REDACTED], and Budget Code [REDACTED]. The total cost to the city is not to exceed \$134,000. This cost limitation is a grant to [REDACTED], contingent upon the filing of a DMV lien and security agreement against the vehicles, requiring operation for a City-purpose for 5 years. The CapGrants ID for this project is [REDACTED].

Approved,

[REDACTED]
[REDACTED]

FY24 850 [REDACTED] CP# 74071

Registration Checklist

The DDC attorney will send your organization a Registration Checklist (see below) that lists all required documents for the registration of your award. The last two checklist items may not be applicable to your award. Blanks and templates for some of these items are available at <https://www.nyc.gov/site/ddc/contracts/not-for-profit-forms.page>.

	
REGISTRATION CHECKLIST:	
Funding Recipient: (Insert Full Corporate Name)	
Note: These documents must be emailed directly to the DDC Project Manager handling your organization's project. <u>Please include this checklist as a cover sheet with all of the below-requested documents included as attachments (incomplete submissions will not be accepted).</u> DDC cannot register your project with the New York City Comptroller's Office without these submissions. Payments cannot be made prior to registration.	
☐ Fully Executed Funding Agreement - The DDC Attorney assigned to your project will email your organization PDF copies of the necessary agreements. Please print, sign, and scan the pages that require a notarized signature for each legal document by your organization's duly authorized representative. - Please also ensure to provide the following Exhibits within the <u>Funding Agreement</u>:	
☐ Opinion of Counsel Letter - Please note that this letter MAY NOT BE MODIFIED. For a Word version of this document, please see the City's template letter under the "Legal Documents" section available at https://www1.nyc.gov/site/ddc/contracts/not-for-profit-forms.page. - This letter must be placed on your counsel's letterhead and cannot be completed by an attorney who is a member of your organization's Board of Directors. - The agreement dates referenced in the letter should refer to the date when DDC's Commissioner signs off on the agreements. [NOTE: The DDC attorney assigned to your project will include this date, once the agreements are executed by the agency. (However, if your counsel requires a date, then your organization may refer to the date when your duly authorized representative executed the agreements.)] - Please include the signed letter as an exhibit within the Funding Agreement where indicated.	
☐ Tax Affirmation Form Please include a fully completed copy as an exhibit within the Funding Agreement where indicated.	
☐ Certificates of Insurance - The provided checklist outlines the required insurance documents such as Workers Compensation, Disability Coverage, Commercial General Liability (Acorod 25), & Certification by Insurance Broker or Agent. Please see the checklist for further instructions. - Please see Exhibit B of the Funding Agreement for further information about the required policies and details. - City must be listed as: The City of New York Department of Design and Construction, in the Certificate Holder box on all insurance documents. "The City of New York, together with its officials and employees, are listed as additional insured on a primary and non-contributory basis", along with the Project ID and award description, must be entered in the Description of Operations box in the Commercial General Liability Certificate.	
☐ Enrollment in Procurement and Sourcing Solutions Portal (PASSPort) - All non-profit organizations must set up a PASSPort account. To create an account and learn more information about PASSPort, visit the Mayor's Office of Contract Services at: https://www.nyc.gov/site/mocs/passport/about-passport.page. - Once the DDC Contracts unit receives the registration package, you will be notified to complete several tasks in PASSPort such as the Certification of No Change and the Contract Signature Page. These tasks may be performed by different members of your organization. Tips on completing these tasks are available at https://www.nyc.gov/assets/nonprofits/downloads/pdf/Discretionary_Contracting_Provider_Tips.pdf. Upon completion of these tasks, the registration package is forwarded to the Comptroller's Office for review and approval.	
☐ Doing Business Data Form - Please see the City's template Doing Business Data Form online at the Mayor's Office of Contract Services site at https://www.nyc.gov/site/mocs/opportunities/dba.page. - The form's signature date is valid for three (3) months.	
☐ Division of Labor Services (DLS) Employment Report & Certification (if applicable) - Please see DLS' website at: https://www.nyc.gov/site/sbs/businesses/contract-compliance.page, and go to the "Supply and Services Contractors" section. Specific forms must be submitted to DLS for contracts that are for \$100,000 or more, depending on whether your non-profit organization has more or less than 50 employees. If your organization has never filed with DLS, then you must complete and submit to DLS, the entire employment report and provide the required supporting documentation (for 50 or more employees). If your organization has less than 50 employees, you will instead complete an online DLS form for approval. If within the last three years, your organization received the DLS Certification, then your organization does not need to complete the DLS report again during the certification period. The current certification will be used for the registration package. - The DLS Employment Report report (for 50 or more employees) and supporting documentation must be uploaded to the Equal Employment Opportunity section in PASSPort and copies are emailed to the DDC Project Manager. The Project Manager will forward the documentation to the Department of Small Business Services (SBS) for approval. - SBS will issue a Certificate of Approval (valid for 3 years) or Conditional Approval (valid for 3 months). If your organization receives the latter, then you must take the necessary actions as stated in the certificate, in order to comply with The City's nondiscriminatory hiring and employment practices.	
☐ Clearance of Liens and Environmental Control Board (ECB) Violations (if applicable) - Once the registration package is received by the DDC Contracts unit, they may notify your organization if there are any outstanding property or tax liens and ECB violations. Go to https://www.nyc.gov/site/finance/index.page for information on making payments and https://a836-citypay.nyc.gov/ to make any payments. - Outstanding liens and/or violations must be cleared prior to registration of the funding agreement, with proof of payment provided from the NYC Department of Finance.	

Funding & Security Agreements

The **Funding & Security Agreements** outline the terms and conditions for use and reimbursement of the city-funded equipment/vehicles. There are different agreement templates based on the type of award (Vehicles, Equipment, & Vehicles & Equipment), each with varying criteria. Funding agreements using the Vehicles & Equipment template are used for vehicle purchases with mounted moveable property that is easily removable, such as a mobile medical unit with an exam table.

There are exhibits and schedules within the **Funding & Security Agreements** that are required to be inserted or completed. This includes Exhibit A (Project Budget), Exhibit C (Opinion of Counsel), and Exhibit F (Tax Affirmation) of the funding agreement and Schedule I List of Equipment/Vehicles (Project Budget) of the security agreement. The Project Budget will be included in the Registration Checklist notification, while the other two items are templates or blanks that are included within the agreements. Make sure to replace the blank and template pages for the Opinion of Counsel and Tax Affirmation with the completed ones.

The **Opinion of Counsel** may be prepared by an in-house or outside counsel, but it cannot be prepared by an attorney who is on your organization's Board of Directors, nor can the letter have any substantive changes.

The name of your organization in the **Tax Affirmation** should be consistent with the legal name noted in the Articles and Certificate of Incorporation. This form must be signed and notarized, which acknowledges that your organization is not in arrears with the City of New York for taxes or other debts.

The attachments provided within Funding Agreement Schedules I through VIII or Schedules I through V, depending on the type of agreement, are applicable during the reimbursement phase and the performance period of the funding agreement, which takes place after reimbursement is issued, thus they are not to be filled out at this time nor their pages removed from the agreement.

Insurance Responsiveness Checklist

The checklist below, which is included with the Registration Checklist, outlines the required insurance certificates such as Disability, General Liability, & Workers' Compensation, so that the appropriate insurance coverage is in place.



INSURANCE RESPONSIVENESS CHECKLIST

Funding Recipient:
(Insert full corporate name)

Note: These documents must be sent directly to the DDC Project Manager handling your organization's project. Please include this checklist as a cover sheet with all of the below-requested documents included as attachments (incomplete submissions will not be accepted.) DDC cannot register your project with the New York City Comptroller's Office without these submissions. Payments cannot be made prior to registration.

Certificate Holder:
City of New York, Department of Design and Construction
30-30 Thomson Avenue,
Long Island City, NY 11101

Insurance Type	Required Form	Contract Specific Instructions
Workers Compensation and Employer's Liability	☐ Must be provided on C-105.2 or U.26 FORMS. (see attached samples)	☐ Include NAIC# of Insurer next to Name of Insurer in box 3a of C-105.2.
Disability Coverage	☐ Must be provided on DBL-120.1 FORM. (see attached sample).	☐ Include NAIC# of Insurer next to Name of Insurer in box 3a.
Commercial General Liability	☐ On Acord 25	☐ Include NAIC# for Insurers listed. ☐ Description box must list as additional insured for Commercial General Liability the "City of New York, together with its officials and employees, on a primary and non-contributory basis". ☐ Description box must state that <u>Commercial General Liability is as broad as the (Insert applicable Additional Insured form):</u> ISO CG0001 or CG2010 or CG2026 or CG2037 or brokers equivalent. ☐ Description box must include the following: "Project: [FMS ID], [Description of Project]"
ISO	FORM CG 00 01, CG 20 10, CG 20 26, CG 20 37 <u>OR</u> <u>EQUIVALENT</u>	☐ Included with insurance package.
☐ 2018 Certification by Insurance Broker or Agent		
☐ Commercial General Liability should be accompanied by a completed "Certification by Insurance Broker or Agent" Form. A copy of this form is attached. ☐ This form should be notarized with the same or later date as the Certificate of Insurance issued date.		

Certificates of Insurance Notes

The name of the Policy Holder/Insured for each certificate should be consistent with the organization name noted in the Articles and Certificate of Incorporation.

Make sure that the policies listed on all certificates are current and appropriate boxes are checked off. Certificates with expired policies are not acceptable. Certificates with policies that expire, after the registration package is submitted, but before the funding agreement is registered, may require submission of renewals.

Insurance certificates must include the National Association of Insurance Commissioners (NAIC) number next to the name of each insurance carrier. You can search for NAIC numbers using this link [Consumer Insurance Search Results - CIS \(naic.org\)](https://naic.org/consumer-insurance-search-results) .

The City of New York Department of Design and Construction, with our correct address (30-30 Thomson Ave. Long Island City, NY 11101), must be listed in the Certificate Holder box of each applicable certificate, as DDC occasionally receives certificates showing other City agencies as the Certificate Holder.

The General Liability certificate must note that The City of New York, along with its officials and employees, are listed as additional insured on a primary and non-contributory basis. See the Contract Specific Instructions section of the checklist for more information.

The notary date of the Insurance Broker's Certification must be on or after the date of the Certificate of Liability Insurance, as noted in the upper right portion of the form.

Enrollment in the Procurement and Sourcing Solutions Portal (PASSPort)

The **P**rocurement **a**nd **S**ourcing **S**olutions **P**ortal (PASSPort) is the City's online procurement platform for management and registration of your organization's awards.

Notes:

All organizations must create a PASSPort account at [About PASSPort | MOCS \(nyc.gov\)](#)

After the DDC Contracts unit receives the registration package, they will notify your organization to complete a series of PASSPort tasks such as the Certification of No Change, Vendor Final Review, and Vendor Contract Signature.

PASSPort tasks may be performed by different members of your organization.



PASSPort makes it easier to complete procurement tasks and will improve your experience of competing for contracts. Manage your online profile by keeping information updated and filing critical disclosure forms which are required to do business with the City.

If you need assistance, please visit the [MOCS Help](#) page.

Thank you for partnering with us to deliver vital goods and services to New Yorkers.

NYC Mayor's Office of Contract Services

Doing Business Data Form

The Doing Business Data Form (see below and [Page 55](#)) requires information to be provided on your organization's principal officers, owners, and senior managers. The name, employer, and title of each person identified on the Data Form will be included in a public database of people who do business with the City of New York.

NYC Mayor's Office of Contract Services		Doing Business Data Form	
To be completed by the City agency prior to distribution		Agency _____ Transaction ID _____	
Check One ☐ Proposal ☐ Award	Transaction Type (check one) ☐ Concession ☐ Economic Development Agreement ☐ Franchise ☐ Grant ☐ Pension Investment Contract ☐ Contract		
Any entity receiving, applying for or proposing on an award or agreement must complete a Doing Business Data Form (see Q&A sheet for more information). Please either type responses directly into this fillable form or print answers by hand in black ink, and be sure to fill out the certification box on the last page. Submission of a complete and accurate form is required for a proposal to be considered responsive or for any entity to receive an award or enter into an agreement. This Data Form requires information to be provided on principal officers, owners and senior managers. The name, employer and title of each person identified on the Data Form will be included in a public database of people who do business with the City of New York, as will the organizations that own 10% or more of the entity. No other information reported on this form will be disclosed to the public. This Data Form is not related to the City's PASSPort registration or VENDEX requirements. Please return the completed Data Form to the City office that supplied it. Please contact the Doing Business Accountability Project at DoingBusiness@mocs.nyc.gov or 212-788-8104 with any questions regarding this Data Form. Thank you for your cooperation.			
Entity Information		<i>If you are completing this form by hand, please print clearly.</i>	
Entity EIN/TIN _____ Entity Name _____			
Filing Status <i>NEW: Data Forms submitted now must include the listing of organizations, as well as individuals, with 10% or more ownership of the entity. Until such certification of ownership is submitted through a change, new or update form, a no change form will not be accepted.</i>		(Select One) ☐ Entity has never completed a Doing Business Data Form. Fill out the entire form. ☐ Change from previous Data Form dated _____. Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity. ☐ No Change from previous Data Form dated _____. Skip to the bottom of the last page.	
Entity is a Non-Profit ☐ Yes ☐ No			
Entity Type ☐ Corporation (any type) ☐ Joint Venture ☐ LLC ☐ Partnership (any type) ☐ Sole Proprietor ☐ Other (specify) _____			
Address _____			
City _____ State _____ Zip _____			
Phone _____ E-mail _____			
<i>Provide your e-mail address in order to receive notices regarding this form by e-mail.</i>			
Principal Officers Please fill in the required identification information for each officer listed below. If the entity has no such officer or its equivalent, please check "This position does not exist." If the entity is filing a Change Form and the person listed is replacing someone who was previously disclosed, please check "This person replaced..." and fill in the name of the person being replaced so his/her name can be removed from the <i>Doing Business Database</i> , and indicate the date that the change became effective.			
Chief Executive Officer (CEO) or equivalent officer ☐ This position does not exist <i>The highest ranking officer or manager, such as the President, Executive Director, Sole Proprietor or Chairperson of the Board.</i>			
First Name _____ MI _____ Last _____ Birth Date (mm/dd/yy) _____			
Office Title _____ Employer (if not employed by entity) _____			
Home Address _____			
☐ This person replaced former CEO _____ on date _____			
Chief Financial Officer (CFO) or equivalent officer ☐ This position does not exist <i>The highest ranking financial officer, such as the Treasurer, Comptroller, Financial Director or VP for Finance.</i>			
First Name _____ MI _____ Last _____ Birth Date (mm/dd/yy) _____			
Office Title _____ Employer (if not employed by entity) _____			
Home Address _____			
☐ This person replaced former CFO _____ on date _____			
Chief Operating Officer (COO) or equivalent officer ☐ This position does not exist <i>The highest ranking operational officer, such as the Chief Planning Officer, Director of Operations or VP for Operations.</i>			
First Name _____ MI _____ Last _____ Birth Date (mm/dd/yy) _____			
Office Title _____ Employer (if not employed by entity) _____			
Home Address _____			
☐ This person replaced former COO _____ on date _____			
1/2018 For information or assistance, please contact the Doing Business Accountability Project at DoingBusiness@mocs.nyc.gov or 212-788-8104.			

Doing Business Data Form Notes

If your organization is completing this form for the first time or there have been changes to the principal officers, since the last time the form was filed with the City, then the applicable information on these individuals is required.

If there are no changes to your organization’s principal officers since the last time the form was filed, then note it on the form and skip to the signature block.

The signature on the form is valid for 90 days.

Principal Owners
Please fill in the required identification information for all individuals or organizations that, through stock shares, partnership agreements or other means, **own or control 10% or more of the entity**. If no individual or organization owners exist, please check the appropriate box to indicate why and skip to the **Senior Managers** section. If the entity is owned by other companies that control 10% or more of the entity, those companies must be listed. If an owner was identified on the previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list any individuals or organizations that are no longer owners at the bottom of this section. If more space is needed, attach additional pages labeled "Additional Owners."

There are no owners listed because (select one):
☐ The entity is not-for-profit ☐ The entity is an individual ☐ No individual or organization owns 10% or more of the entity
Other (explain) _____

Individual Owners (who own or control 10% or more of the entity)
First Name _____ MI _____ Last _____ Birth Date (mm/dd/yy) _____
Office Title _____ Employer (if not employed by entity) _____
Home Address _____

First Name _____ MI _____ Last _____ Birth Date (mm/dd/yy) _____
Office Title _____ Employer (if not employed by entity) _____
Home Address _____

Organization Owners (that own or control 10% or more of the entity)
Organization Name _____
Organization Name _____
Organization Name _____

Remove the following previously-reported Principal Owners
Name _____ Removal Date _____
Name _____ Removal Date _____
Name _____ Removal Date _____

Senior Managers
Please fill in the required identification information for all senior managers who oversee any of the entity's relevant transactions with the City (e.g., contract managers if this form is for a contract award/proposal, grant managers if for a grant, etc.). Senior managers include anyone who, either by title or duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any transaction with the City. At least one senior manager must be listed, or the Data Form will be considered incomplete. If a senior manager has been identified on a previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list individuals who are no longer senior managers at the bottom of this section. If more space is needed, attach additional pages labeled "Additional Senior Managers."

Senior Managers
First Name _____ MI _____ Last _____ Birth Date (mm/dd/yy) _____
Office Title _____ Employer (if not employed by entity) _____
Home Address _____

First Name _____ MI _____ Last _____ Birth Date (mm/dd/yy) _____
Office Title _____ Employer (if not employed by entity) _____
Home Address _____

First Name _____ MI _____ Last _____ Birth Date (mm/dd/yy) _____
Office Title _____ Employer (if not employed by entity) _____
Home Address _____

Remove the following previously-reported Senior Managers
Name _____ removal date _____
Name _____ removal date _____

Certification
I certify that the information submitted on these two pages and _____ additional pages is accurate and complete. I understand that willful or fraudulent submission of a materially false statement may result in the entity being found non-responsible and therefore denied future City awards.
Name _____ Title _____
Entity Name _____ Work Phone # _____
Signature _____ Date _____

Please return this form to the City agency that supplied it to you, not to the Doing Business Accountability Project.

Standard Form

Division of Labor Services (DLS) Employment Report & Certification

If your organization's contract is for at least \$100,000, then you must complete the DLS Employment Report. You will provide information such as personnel headcount and policies regarding leave, benefits, hiring, evaluations, and EEO. This report is submitted to the Department of Small Business Services, where they will review the report and issue a Certificate of Approval, which certifies that your organization is compliant with the City's non-discriminatory hiring and employment practices.

Notes:

DLS Employment Report documentation must also be uploaded in *PASSPort* in the Vendor Profile tab.

The type of report to complete depends on whether your organization employs 50 or more or less than 50 individuals. Organizations that employ less than 50 individuals must complete an online form. For organizations that employ 50 or more persons, they must complete the DLS Employment Report questionnaire and provide supporting documentation for each question on the report, where applicable.

Employee Data Tables which detail employee data for incumbents, hirings, and terminations, must be provided if your organization employs 150 or more individuals in the affected areas. For example, if your organization employs 300 individuals, but only 60 at the project site, then the Employee Data Tables do not need to be filled out.

The DLS Certification is valid for three years, though a Conditional Approval (valid for three months) may be issued, if your organization is not in full compliance of the practices mentioned at the top of this page. You must make the noted corrections on the conditional approval, to receive full certification.

If your organization received a DLS Certification within the last three years, then you do not need to fill out another report during the certification period. The prior certification is acceptable for the registration package.

The DLS Employment Report forms, instructions, and additional resources are available in the DDC website and in the link below from the Dept. of Small Business Services in the Supply and Services Contractors section.

[Contract Compliance \(nyc.gov\)](https://nyc.gov/contract-compliance) .

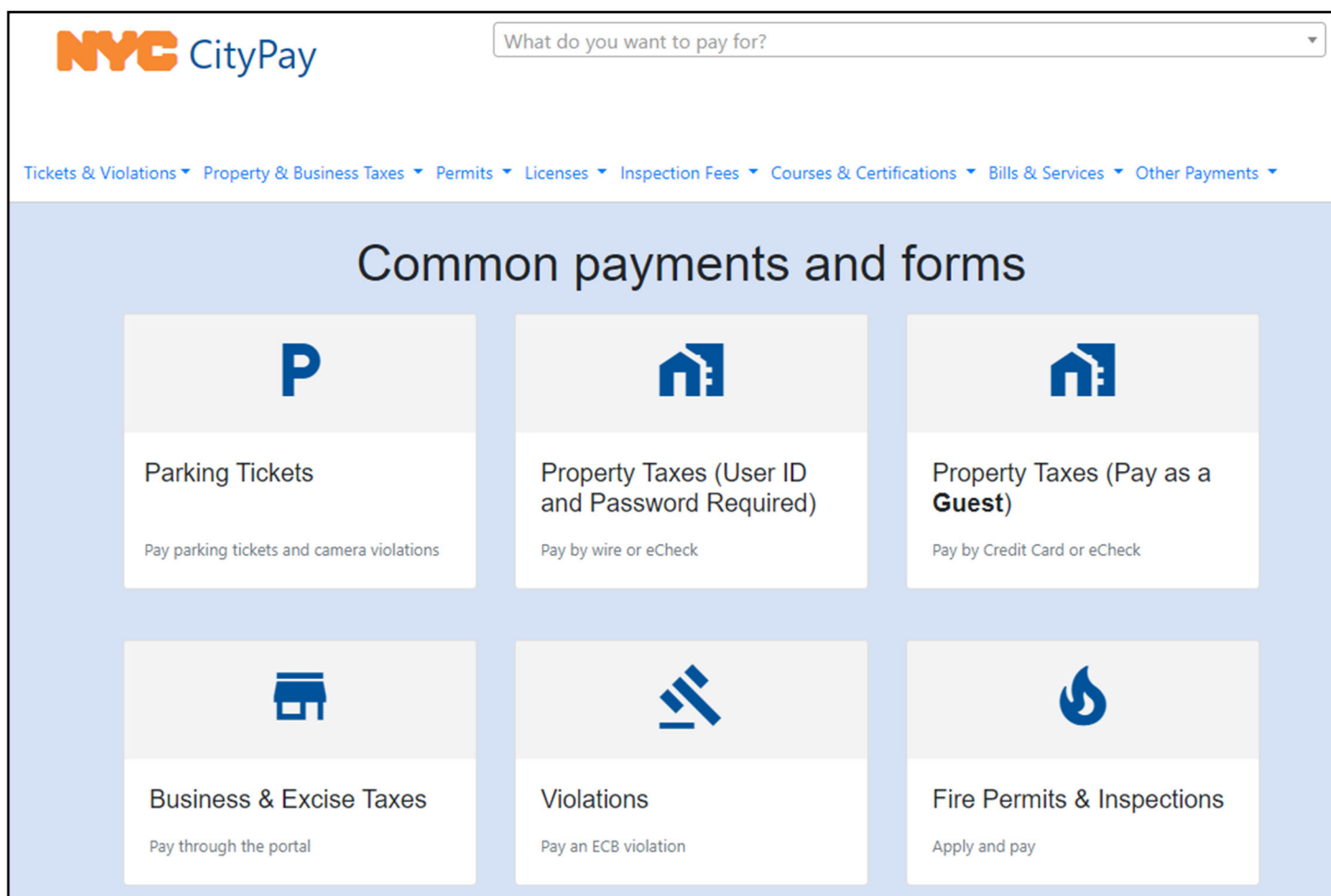
Clearance of Environmental Control Board (ECB) Violations and Tax Liens

Before a Funding Agreement can be registered, DDC may receive notifications from PASSPort if an organization has any outstanding ECB violations or tax liens. If there are outstanding violations or liens, the organization must pay them and provide proof of payment via an email confirmation from the NYC Department of Finance.

Payments should be made as quickly as possible, to avoid additional fees or violations that may show up in a future report, which delays registration of your Funding Agreement.

Organizations can go to the following link to search and pay for outstanding violations:

[NYC CityPay | City of New York](https://nyc.gov/citypay)



The screenshot shows the NYC CityPay website interface. At the top, there is a search bar with the text "What do you want to pay for?". Below the search bar is a navigation menu with links: Tickets & Violations, Property & Business Taxes, Permits, Licenses, Inspection Fees, Courses & Certifications, Bills & Services, and Other Payments. The main content area is titled "Common payments and forms" and features six cards arranged in a 2x3 grid. Each card has an icon, a title, and a description of the payment method.

Icon	Title	Description
P	Parking Tickets	Pay parking tickets and camera violations
House icon	Property Taxes (User ID and Password Required)	Pay by wire or eCheck
House icon	Property Taxes (Pay as a Guest)	Pay by Credit Card or eCheck
Store icon	Business & Excise Taxes	Pay through the portal
Scales icon	Violations	Pay an ECB violation
Flame icon	Fire Permits & Inspections	Apply and pay

Final Notes on the Certificate to Proceed (CP) Request & Registration Phases

Make every effort to compile the registration package as quickly as possible, as the package would be ready for submission once the CP is approved. Always ask your DDC PM for assistance on questions you have on any registration items, as that will speed up the process. As noted on [Page 49](#), not all Registration Checklist items are required. If you are unsure that a specific item needs to be provided, ask your DDC PM.

Timing of the compiling of the registration items is important, as several items have expiration dates and these dates vary. Delays in completing the registration package may cause previously valid items to expire, requiring re-submission. Delays in re-submission could lead to other items expiring.

Prior to the submission of the registration package, DDC may ask for the names and titles of your organization's three principal officers. If this information is readily available in the Doing Business Data Form, then DDC will use that data.

If DDC is notified of a change in the proposed vehicles/equipment prior to approval of a CP, then the CP Package will need to be re-done, as OMB must review the changes for eligibility.

If your organization has purchased the budgeted items when the registration package is submitted, then your DDC PM will notify you to submit a partial reimbursement package based on the payment checklist items on Pages [94](#) and [95](#) (depending on the type of your award). The DDC PM will let you know specifically which items to send.

Awards that are for at least \$100,000 require a Public Hearing, prior to registration by the Comptroller's Office.

Phase 4: Lien Clearance

The City's template Funding and Security Agreements for the reimbursement of capially eligible equipment purchases require Funding Recipients that receive discretionary City funding for such projects from elected officials to secure the City's financial interests in the City-funded equipment before the City may make any reimbursements on a project.

This legal process requires the Funding Recipient's attorney to take certain steps to ensure the perfection of the City's security interest in the City-funded equipment, as defined by Article 9 of the Uniform Commercial Code (UCC). The City's requirements for this purpose are delineated in the UCC Guidelines on Pages [60](#) through [91](#). Basic background information regarding the UCC and secured transactions can be found in Attachment 1 of the UCC Guidelines.

Lien clearance steps are performed before and after the funding agreement is registered. For any questions on these steps, contact the DDC attorney that was assigned to your award.

Uniform Commercial Code (UCC) Guidelines

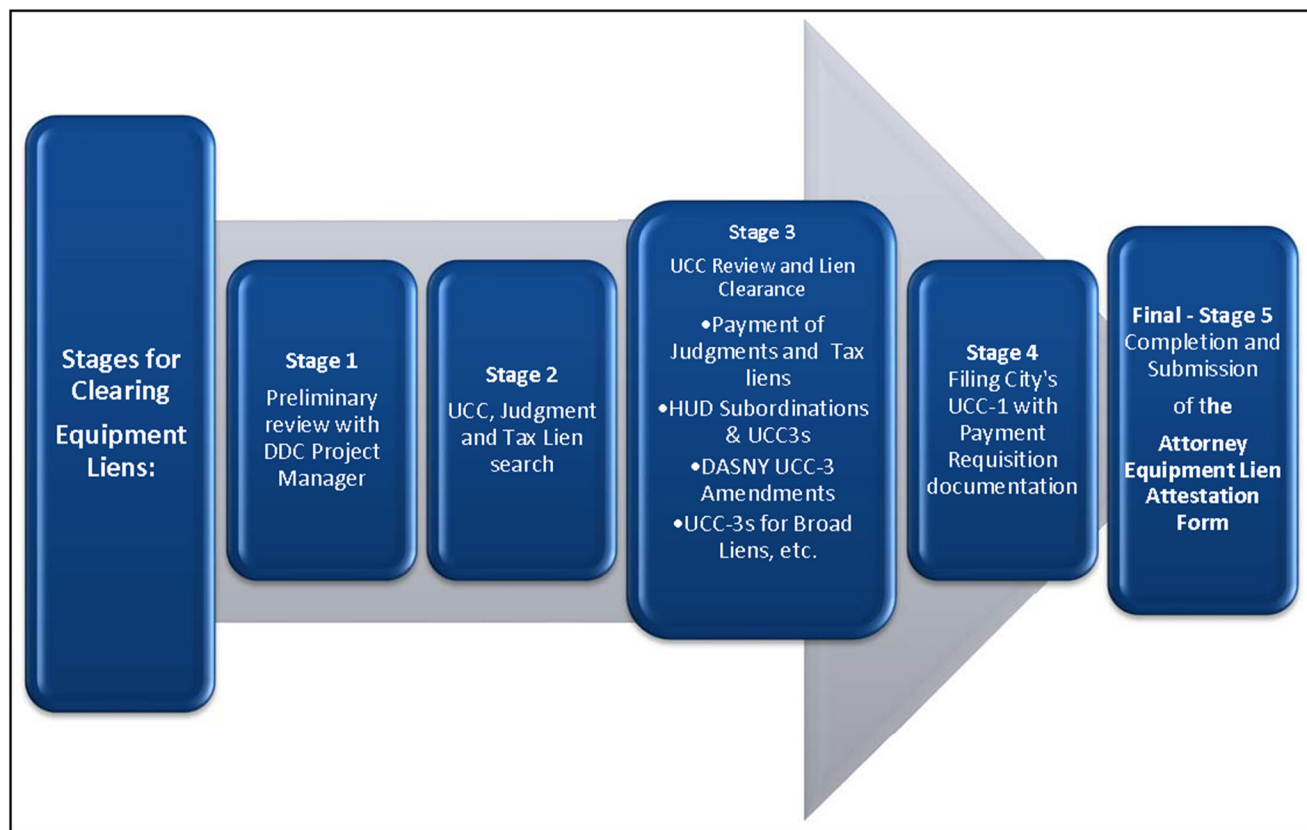
NEW YORK CITY DEPARTMENT OF DESIGN AND CONSTRUCTION ("DDC")

EQUIPMENT LIEN CLEARANCE GUIDELINES FOR SECURING THE
CITY'S FINANCIAL INTEREST IN DISCRETIONARY FUNDED EQUIPMENT PURCHASES PURSUANT TO THE CITY'S
FUNDING / SECURITY AGREEMENTS AND ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE ("UCC")
(THE "UCC GUIDELINES")

The City's template Funding and Security Agreements for the reimbursement of capably eligible equipment purchases require Funding Recipients that receive discretionary City funding for such projects from elected officials to secure the City's financial interests in the City-funded equipment before the City may make any reimbursements on a project.¹

This legal process requires the Funding Recipient's attorney to take certain steps to ensure the perfection of the City's security interest in the City-funded equipment, as defined by Article 9 of the UCC. The City's requirements for this purpose are delineated in these UCC Guidelines. Basic background information regarding the UCC and secured transactions can be found in Attachment 1 of the UCC Guidelines.

Overview of the Lien Review & UCC Process for DDC Discretionary Funded Equipment Projects:



¹ Capitalized terms included in the UCC Guidelines are defined in the City's Funding and Security Agreement.

Legal Requirements

To comply with the City's legal requirements, as delineated in the City's Funding and Security Agreements, DDC requires the following steps before the City may make any payments on a discretionary funded equipment project:

STAGE 1: PROVIDE ADVANCE NOTICE TO DDC PROJECT MANAGER REGARDING SPECIAL CIRCUMSTANCES:

Prior to commencing the equipment UCC / Lien review process, **the Funding Recipient and its attorney must determine whether there are any issues that may require additional review and/or attention by the City.**

Please immediately advise your DDC Project Manager if the equipment reimbursement project includes or may include any of the following three (3) preliminary items of concern:

1. Fixtures:

Fixtures are not capital eligible for reimbursement as items of equipment. A "fixture" consists of a piece of equipment that is attached to real property and cannot be removed without causing a non-negligible amount of damage to the property.

- (a) If it is unclear whether an item of equipment falls under the category of a "fixture,"** then the City will need to review the details of such equipment item(s) to determine whether such an item(s) will be eligible for City reimbursement.
- (b) If "fixture-like" equipment are included in a project's budget,** then please let your DDC Project manager know from the onset, because the City will need more information in order to make a determination on the matter.

If the City concludes that the "fixture-like" equipment in question does not actually consist of a fixture, then the Funding Recipient and its attorney will need to inform DDC's Project Manager at the onset of an equipment project about any and all applicable landlord(s) and/or mortgagee(s) that may have a legal interest in the specific property where the "fixture-like" City-funded equipment will be located.

- **This information must be determined based on:** 1) the legal entity that owns the property where the "fixture-like" City-funded equipment will be located (e.g., if the Funding Recipient leases the property where the "fixture-like" equipment will be located, then the lessor's information will be relevant); and/or 2) whether there are any mortgages for that particular property on file with the Office of the New York City Register in the County where the property is located.
- **The Funding Recipient and its attorney will need to provide DDC's Project Manager with two (2) submissions when a project involves "fixture-like" equipment:**

- (1) **A listing of any and all applicable landlord(s) or mortgagee(s)** that may have a legal interest in the specific property where the “fixture-like” equipment will be located. This information will be necessary for a required attachment that will be included in the Funding Recipient’s Funding Agreement with the City for the City-funded equipment project.
- (2) **“Personalty Agreement letter” (i.e., a Non-Fixture Agreement Letter)** to ensure that the applicable landlord(s) and/or mortgagee(s) also agree, in writing, with the City’s determination that the City-funded “fixture-like” equipment do not actually consist of fixtures.

The City’s template letters for such matters can be found in the exhibit section of the City’s Capital Funding Application, and consist of the following:

- (i) Exhibit 6A Form -- Landlord Letter regarding Attached Moveable Property; and/or
- (ii) Exhibit 6B Form -- Mortgagee or Creditor Letter regarding Attached Moveable Property.

2. **Complex Lien(s):**

Additional documentation may be required for Liens that relate to loan arrangements with:

- (a) **Private lender loans insured by the U.S. Department of Housing and Urban Development (“HUD”); or**
- (b) **Liens based on financing arrangements with the Dormitory Authority of the State of New York (“DASNY”).**

If your organization has any such Liens on file with the New York State Department of State (“**NYSDOS**”), then please refer to Stage 3 of these UCC Guidelines for the next steps necessary.

3. **Vehicle Reimbursement Projects and Vehicle-related Equipment / Attachment(s):**

The UCC (and these UCC Guidelines) do not apply to vehicle reimbursement projects. However, if your organization seeks reimbursement for both vehicle(s) and *unattached* equipment to be included within the City-funded vehicle(s), then these UCC Guidelines may apply to the equipment portion of the project.

- (a) If, however, your organization has a vehicle reimbursement project that will include will certain items of equipment that will be *permanently attached to the City-funded vehicle(s)*, please let DDC’s Project Manager know, and the City will advise whether a UCC lien will be necessary.

**STAGE 2 - ORDER A UCC, JUDGMENT
AND TAX LIEN SEARCH REPORT:**

The attorney that represents the Funding Recipient must order an up-to-date UCC, judgment and tax lien search report (the "Lien Search Report") from a reputable title search company.

1. **When obtaining a Lien Search Report** for the preparation and completion of DDC's Attorney Equipment Lien Attestation Form (as provided in Attachment 6 of the UCC Guidelines), **the Funding Recipient's attorney must ensure that the Lien Search Report:**
 - (a) **Covers the complete and official corporate name of the Funding Recipient, as found on file with the New York State Department of State ("NYSDOS").** (This information is specifically listed on the Funding Recipient's Certificate of Incorporation or on official corporate amendments filed with the NYSDOS.)
 - (b) **Includes a chronological list of all active financing statements on file with the NYSDOS** (this list must reference each financing statement's lapse date and UCC file number); and
 - (c) **Provides clear and readable copies of all active financing statements, continuation statements and amendments statements** found on file with the NYSDOS regarding the Funding Recipient.

Note: The City is only concerned about active UCC liens, as UCC financing statements automatically lapse after five (5) years from the date of their filing unless a continuation financing statement is filed.

STAGE 3 - CLEAR ANY AND ALL LIENS:

The Funding Recipient's attorney must ensure that all competing liens found on the Funding Recipient's Lien Search Report are cleared by the Funding Recipient.

Step 1

- The Funding Recipient must **pay any and all outstanding tax liens** and obtain proof of such payment, if applicable.

Step 2

- The Funding Recipient must **resolve and pay any and all judgment liens** and submit proof of such payment, if applicable.

Step 3

- The Funding Recipient's attorney must determine **whether there are any other secured parties on file with the NYSDOS that have UCC liens that may compete with the City's lien over the City-funded equipment** with respect to the Funding Recipient's equipment project with DDC.
- **The below-listed UCC Liens pose concern for the City and must be addressed by the Funding Recipient and its attorney -- before -- the preparation of the Attorney Equipment Lien Attestation Form** (as included in Attachment 6 attached hereto).

There are four (4) types of UCC-related Liens that require extra action by the Funding Recipient's attorney, and these UCC Liens are as follows:

1. HUD Liens:

The Funding Recipient's attorney must ensure that **any and all Liens that relate to loan arrangements with the HUD and HUD-approved private lenders are formally subordinated and that UCC-3 amendment statements are filed** to indicate the subordination agreement arrangements with the City.

- For the City's detailed procedures for such Liens, please see Attachment 2 entitled "Procedures for Liens Insured by HUD" within these UCC Guidelines.

2. DASNY Liens:

The Funding Recipient's attorney must ensure that DASNY terminates its security interest over the City-funded equipment, unless the DASNY lien relates to a loan insured by HUD.

- **If the DASNY lien is insured by HUD**, please see Attachment 2 entitled "Procedures for Liens Insured by HUD" within these UCC Guidelines.)

- If **DASNY has a lien that is not HUD-insured** and that may somehow relate to the City-funded equipment (e.g., covers “any and all equipment,” etc.), **then two (2) steps are required:**

- 1) **Step 1:** As previously noted in Stage 1 of the UCC Guidelines, at the beginning of the equipment project, the Funding Recipient must inform DDC’s project manager about any and all applicable DASNY lien(s).

The Funding Recipient must also submit a letter to DDC from DASNY whereby DASNY agrees, in writing, to terminate its security interest over the City-funded equipment, and also agrees to allow the Funding Recipient’s attorney to file a UCC-3 amendment statement in the City’s favor with the NYSDOS.

- 2) **Step 2:** **The Funding Recipient’s attorney must ensure that any and all competing DASNY lien(s) are amended with UCC-3 amendment statements** to carve-out the City’s security interest in the City-funded equipment.

- The procedures on how to file UCC-3 amendment statements are delineated in Attachment 3 of the UCC Guidelines.

3. **Broad UCC liens:**

Liens that cover “**any and all equipment**” typically relate to mortgages, bond-related financing and/or loans that may have overreaching security interests in a Funding Recipient’s assets and, as such, can potentially include the City-funded equipment.

- Any such Liens require that **the Funding Recipient’s attorney file a UCC-3 amendment statement** to carve-out the City’s security interest in the City-funded equipment.
- The procedures on how to file UCC-3 amendment statements are delineated in Attachment 3 of the UCC Guidelines.

4. **Miscellaneous Equipment Financing Arrangements:**

UCC financing statements on file with the NYSDOS that relate to financing arrangements with vendors, distributors or manufacturers that sell commercial, medical or office-related equipment must be reviewed individually. The Funding Recipient’s attorney must address equipment listings for these types of UCC financing statements **based on the following categories:**

- **Equipment listings completely different than the City-funded equipment:**
If the UCC lien on file with the NYSDOS includes equipment that does not relate to the Funding Recipient’s City-funded equipment project, then no further action is necessary with respect to that particular UCC-1 financing statement.
- **Equipment listings identical to the City-funded equipment:**
If the UCC Lien(s) cover the **same equipment as those included in the Funding Recipient’s City-funded equipment reimbursement project**, please note that the City

does **NOT** allow for financing arrangements where other creditors have a superior security interest over the equipment paid for with City funds. These Liens require that the Funding Recipient's attorney file a UCC-3 amendment statement.

- The procedures on how to file UCC-3 amendment statements are delineated in Attachment 3 of the UCC Guidelines.

- **Equipment listings similar to the City-funded equipment, but distinguishable:**

If the UCC lien(s) consist of different items of equipment that are not in any way related to the City-funded equipment and do not consist of replacements or attachments and can somehow be distinguished from the City-funded equipment (either with different model types or serial numbers, etc.), then a written acknowledgement letter that the equipment is distinguishable may suffice from any such secured parties or equipment lessors.

- DDC's template Secured Party Disclaimer letter is available in Attachment 4 of the UCC Guidelines.

(Note: The Funding Recipient's attorney must have this information on file before completing the Attorney Equipment Lien Attestation form.)

- **Equipment listings that relate to true equipment lease arrangements that do not relate to the City-funded equipment:**

If the UCC filing(s) consist of true equipment lease(s) filed solely for precautionary reasons and do not relate to the City-funded equipment, (as the City does not allow for the financing or reimbursement of leased equipment, etc.), then a written acknowledgement letter may suffice from secured parties or equipment lessors to provide, in writing, that the equipment differentiates from the City-funded equipment.

- DDC's template Secured Party Disclaimer letter is available in Attachment 4 of the UCC Guidelines.

(Note: The Funding Recipient's attorney must have this information on file before completing the Attorney Equipment Lien Attestation form.)

**STAGE 4 – FILE THE CITY’S UCC-1
FINANCING STATEMENT:**

The Funding Recipient’s attorney must file the City’s UCC-1 Financing Statement with the NYSDOS along with a copy of the Funding Recipient’s payment requisition.

1. The Filing of the City’s UCC-1 financing statement:

Once all of the Liens mentioned in Stage 3 of the UCC Guidelines are addressed by the Funding Recipient and its attorney, the Funding Recipient’s attorney must prepare and file a UCC-1 financing statement with the NYSDOS on behalf of the City/DDC.

- For detailed instructions on how to file the City’s UCC-1 financing statement, please see Attachment 5 of the UCC Guidelines.

**FINAL STAGE 5 – SUBMIT ATTORNEY
EQUIPMENT LIEN ATTESTATION FORM:**

The Funding Recipient’s attorney must prepare and submit the Attorney Equipment Lien Attestation form.

1. Completion of the DDC Attorney Equipment Lien Attestation form.

When Stages 1-4 of the UCC Guidelines are completed by the Funding Recipient and its attorney, the Funding Recipient’s attorney must complete and sign DDC’s Attorney Equipment Lien Attestation form.

- The Funding Recipient’s attorney may only complete the DDC’s Attorney Equipment Lien Attestation form once the City’s UCC-1 financing statement and all the UCC-3 amendment statements, as applicable, have been filed with the NYSDOS. The Funding Recipient’s attorney must either:
 - Receive official confirmation from the NYSDOS that the City’s UCC-1 financing statement and UCC-3 amendment statements, as applicable, have been filed with the NYSDOS; and/or
 - The City’s UCC-1 financing statement and UCC-3 amendment statements, as applicable, must be viewable online on the NYSDOS’ website as UCCs on file with the Funding Recipient.
- For a copy of DDC’s Attorney Equipment Lien Attestation form, please see Attachment 6 of the UCC Guidelines.

Attachment 1

Basic UCC Background Information

The term “UCC” is short for Uniform Commercial Code. The Uniform Commercial Code consists of a uniform set of rules that govern commercial transactions. Pursuant to the City’s Standard Funding/Security Agreements and Article 9 of the UCC, Funding Recipients of City Discretionary capital funding for equipment projects need to submit certain lien information and documentation to DDC prior to receiving any funding reimbursement from the City. As such, the attorneys that represent Funding Recipients specifically need to: 1) perform a UCC lien search, 2) address any competing UCC liens (if applicable), and 3) file a UCC lien to protect the City’s interests in the City-funded equipment.

The reason for this legal requirement is that prior to the City’s reimbursement of the equipment, DDC must obtain a security interest in the City-funded equipment. A “security interest” is a legal term used to describe the right a “secured party” has to pledged assets (i.e., in this case the City-funded equipment) or to the proceeds of the pledged assets if the debtor fails to perform its obligations to the secured party. A “secured party” is a creditor, seller or lender who holds a security interest in the pledged assets of a debtor. DDC’s Security Agreement grants the City such a security interest over the equipment paid for with City funds. The Security Agreement establishes what will happen to the equipment if the funding is not spent as directed in the Funding Agreement, or if the equipment not used in the manner described therein. DDC must obtain a lien on the equipment (also referred to as “collateral” in UCC terms), so that if a Funding Recipient *does not properly use the City funding, or does not use the City-funded equipment as stated in its Funding Agreement with the City*, then the City will be legally able to initiate a legal process to retrieve any such City-funded equipment.

In order for a UCC lien to have legal force, a secured party’s security interest must be “perfected” to protect against other possible creditors and lienholders. “Perfection” consists of a legal UCC term for recording a lien that has first priority over all other creditors pursuant to Article 9 of the UCC. Under the UCC, the standard way to perfect a lien for equipment is to first address any competing liens by searching and recording UCC-3 amendment statements against conflicting liens and then to file a UCC-1 Financing Statement with the NYSDOS for the collateral / equipment covered by the secured party’s security interest. Accordingly, UCC-3 amendment statements apply, and are filed, whenever UCC-1 financing statement(s) already on file with the NYSDOS need to be modified, amended, subordinated or terminated to protect another secured party’s security interests. The UCC-1 financing statement gives a description of the secured party’s UCC lien, and serves to notify all other creditors of the secured party’s interest in the collateral covered under the UCC-1 lien. UCC-1 financing statements have an effective duration of five (5) years.

- All NYSDOS UCC forms are available online at: <http://www.dos.ny.gov/corps/uccforms.html>.
- The financing statement consists of a public record that is publically available online on the NYSDOS’ website at: http://appext20.dos.ny.gov/pls/ucc_public/web_search.main_frame.
- The costs associated with the filing of the documents with the NYSDOS are provided at: http://www.dos.ny.gov/corps/fees_ucc.html.
- To view the necessary DDC template agreements and UCC-related documents, please see DDC’s web pages for non-profit reimbursement projects at: <https://www1.nyc.gov/site/ddc/contracts/not-for-profit-forms.page>.

For more information on the UCC, please contact DDC or an attorney familiar with secured transactions.

Attachment 2

Procedures for UCC Liens that Relate to Loans Insured by the U.S. Department of Housing and Urban Development ("HUD")

1. Liens relating to loan arrangements with HUD and HUD-approved lenders:

a. **Background:**

- HUD-related UCC liens typically relate to hospitals, medical centers, and residential care facilities that have financing arrangements with private lenders insured by HUD. These types of loans usually require broad security interests in any and all of the Funding Recipient's property and collateral, which often also includes equipment, etc.
- The City requires that HUD and HUD-insured private lenders subordinate their security interests over City-funded equipment for duration of the Funding Agreement's Performance Term (i.e., 5 years.)
- For this reason, if there are any HUD-related liens on file with the NYSDOS, then the Funding Recipient must submit evidence to DDC that the HUD UCC lien(s) will be subordinated to the City's UCC lien over the City-funded equipment.

b. There are three (3) steps necessary to address HUD-related UCC liens:

- **1st Step:**
 - At the onset of the project, the Funding Recipient must provide DDC's project manager two submissions:
 - (1) **A brief listing of any and all HUD-related Liens, as applicable.** This preliminary information is necessary, because this listing will consist of a required exhibit within the City's Funding Agreement with the Funding Recipient for the equipment project.
 - (2) **Letter(s) of subordination approval from HUD and the HUD-insured private lender.**
 - This letter needs to indicate HUD and the HUD-insured private lender's approval to execute a subordination agreement to formally subordinate their security interests over the City-funded equipment for the duration of the Funding Agreement's Performance Term.²
- **2nd Step:**
 - Prior to receiving any reimbursement funds from the City, the Funding Recipient's attorney will need to get HUD and the HUD-insured private lender(s) to **execute the City/HUD approved template subordination agreement for equipment projects.**
 - Note: The City/HUD approved subordination agreement template is attached hereto for reference purposes and may also be obtained on DDC's webpages for Non-Profits.
- **3rd Step:**
 - Once the City/HUD approved template subordination agreement is signed by both HUD and the HUD-insured private lender(s), then the **Funding Recipient's attorney must file a UCC-3**

² Please note this requirement is also indicated in the City's "Capital Funding Request Form for Not-for-Profit Organizations" within the sections that relate to: "Standalone Equipment and/or Equipment System Application" (see Question 5A and B on pages 9 and 10), the "Initial Outfitting Application" (see Question 6A and B on page 11) and the "City Requirements & Covenants" section of each application (see Question 1D).

amendment statement against the applicable HUD-related UCC financing statement(s). This UCC-3 amendment statement will simply need to be filed for information purposes.

- **Important Note:** The UCC-3 amendment statement for HUD-related UCC liens differ from the UCC-3 amendment statements noted in Attachment 3 of the UCC Guidelines for broad UCC financing statements, because the HUD-related UCC-3 amendment statement simply serves to inform other creditors about the executed subordination agreement. The UCC-3 amendment statement for HUD-related liens subordinates, but does not -- delete -- the City-funded equipment from the HUD-related lien on file with the NYSDOS.

c. HUD Contacts:

- **Hospitals and medical centers:** Funding Recipients that are hospitals and medical centers should direct all of their initial requests and inquiries regarding HUD-related liens to Steven Wang at the HUD Office of Hospital Facilities, NY Division, who may be reached at 212-542-7875.
- **Residential care facilities:** Funding Recipients that are residential care facilities, such as nursing homes or assisted living facilities, should direct all of their initial requests and inquiries regarding HUD liens to the HUD Office of Residential Care Facilities, NY Division.

d. Important notices:

- **The Funding Recipient's attorney must have all HUD-related liens subordinated and the applicable UCC-3 amendment statement(s) filed with the NYSDOS, as above delineated, before finalizing and signing DDC's Attorney Equipment Lien Attestation form.**
- Please note that obtaining both the letter agreeing to lien subordination and the lien subordination agreement from HUD and the HUD-insured private lenders consists of a very lengthy and time consuming process. Accordingly, DDC advises the attorneys that represent Funding Recipients begin to work with HUD and the HUD-insured lender(s) at the onset of a discretionary City-funded equipment project to help ensure that their client obtains the necessary paperwork in a timely manner.

SUBORDINATION AGREEMENT

This **SUBORDINATION AGREEMENT** (the “**Agreement**”) is made as of _____, 20__, by [INSERT NAME OF MORTGAGEE], a [Delaware] Corporation having its office and place of business at [INSERT ADDRESS] and the SECRETARY OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT of Washington D.C. (collectively, the “**Federal Secured Parties**”) and THE CITY OF NEW YORK, a New York municipal corporation acting by and under its DEPARTMENT OF DESIGN AND CONSTRUCTION having an office at 30-30 Thomson Avenue, Long Island City, New York 11101.

PRELIMINARY STATEMENT

1. The Federal Secured Parties and [INSERT NAME OF FUNDING RECIPIENT] (“**Debtor**”) entered into a Security Agreement dated as of [_____] (the “**Federal Security Agreement**”) pursuant to which Debtor granted to the Federal Secured Parties a security interest (“**Federal Security Interest**”) in certain collateral (as more fully described in Exhibit A hereto, the “**Federal Collateral**”) as security for certain obligations of Debtor to the Federal Secured Parties more fully described in said Federal Security Agreement.

2. The Federal Secured Parties perfected their Federal Security Interest under Article 9 of the Uniform Commercial Code in New York by filing a Uniform Commercial Code Financing Statement (Form UCC-1) with each of the New York Secretary of State and the Office of the City Register for [_____] County (the “**Federal UCC-1s**”).

3. Debtor has applied to the City of New York (“**City**”) for City Capital funds (“**Funding**”) to reimburse Debtor for costs and expenses incurred by Debtor for the acquisition of certain items of machinery and equipment that Debtor will use in connection with the operation of [INSERT NAME OF FUNDING RECIPIENT] (as more fully described in Exhibit B hereto, the “**City Collateral**”).

4. The Federal Collateral includes a broad scope of the Debtor’s assets, including, without limitation, certain assets of the Debtor “now owned or hereafter from time to time acquired,” and, by definition, the Federal Collateral comprises the assets of the Debtor that constitute the City Collateral.

5. It is a condition of the Funding that, among other things, Debtor dedicate the City Collateral to a bona fide City purpose determined by the City and that Debtor execute and deliver to the City a Security Agreement (“**City Security Agreement**”) granting the City a first priority security interest in the City Collateral (“**City Security Interest**”) as security for the obligations of Debtor to the City in connection with the Funding.

6. The City intends to perfect its City Security Interest in the City Collateral under Article 9 of the Uniform Commercial Code in New York by filing a Uniform Commercial Code Financing Statement (Form UCC-1) with each of the New York Secretary of State and the Office of the City Register for [_____] County (the “**City UCC-1s**”).

7. It is also a condition of the Funding that the Federal Secured Parties subordinate their Federal Security Interest in the City Collateral to the City Security Interest.

8. To facilitate the grant of the Funding by the City to Debtor, the Federal Secured Parties are willing to subordinate the Federal Security Interest in the City Collateral to the City pursuant to this Agreement.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Federal Secured Parties agree as follows:

1. The Federal Security Interest in those items of the City Collateral shall be subject and subordinate to City Security Interest in the City Collateral irrespective of the order in which the Federal Security Agreement and the City Security Agreement may have been executed and delivered by the Debtor, the Federal Security Interest and the City Security Interest may have been granted by the Debtor, and the Federal UCC-1s and the City UCC-1s may have been filed with the New York Secretary of State and the Office of the City Register for [] County.

2. The Federal Secured Parties agree that the City Security Interest shall have the same validity, priority, and effect as if Debtor had executed and delivered the City Security Agreement, granted the City Security Interest to the City and filed or caused to be filed the City UCC-1s with the New York Secretary of State and the Office of the City Register for [] County prior to the date that Debtor executed and delivered the Federal Security Agreement, granted the Federal Security Interest to the Federal Parties and filed or caused to be filed the Federal UCC-1s with the New York Secretary of State and the Office of the City Register for [] County.

3. The Federal Secured Parties acknowledge that the City is relying on this instrument in its determination to make the Funding available to Debtor.

4. The City understands and agrees that nothing in this instrument shall in any way alter, change, or modify the terms and conditions of the Federal Security Agreement, or in any way release or affect the attachment, validity, perfection, or priority of the Federal Security Interest, except with respect to the City Security Interest as provided herein.

5. The terms, covenants, and agreements of this Agreement shall inure to the benefit of the City and its successors, assigns and transferees and shall be binding upon the Federal Secured Parties and their respective successors, assigns and transferees.

[INSERT NAME[S] OF MORTGAGEE[S]]

U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

By: _____
Name:
Title:

By: _____
Name:
Title:

STATE OF _____)
: SS.:
COUNTY OF _____)

On this _____ day of _____, 20__, before me, a Notary Public,
personally appeared _____, to me personally known to be the _____,
and who being by me duly sworn, subscribed their name to the foregoing instrument as an officer
of said corporation and acknowledged the execution of such instrument as the voluntary act and
deed of said corporation.

Notary Public

My Commission Expires: _____

STATE OF _____)
: SS.:
COUNTY OF _____)

On this _____ day of _____, 20__, before me, a Notary Public,
personally appeared _____, to me personally known to be the _____,
and who being by me duly sworn, subscribed their name to the foregoing instrument as an officer
of said corporation and acknowledged the execution of such instrument as the voluntary act and
deed of said corporation.

Notary Public

My Commission Expires: _____

EXHIBIT A
FEDERAL COLLATERAL
(SEPARATE ATTACHMENT)

[All building materials, equipment, furniture, furnishings, accounts receivable or other property installed or to be installed or used in and about the building or buildings now erected or hereafter to be erected upon the lands secured by the FHA Mortgage from Debtor to Secured party dated as of [] herewith situated in the Borough of [], County of [] and State of New York, being FHA Project No. [] (the "Project") which are necessary to complete the comfortable use and occupancy of such building or buildings for the purposes for which they were or are to be erected, including, but not limited to, all gas and electric appliances and fixtures; all engines, motors, dynamos, elevators, and machinery; all boilers, radiators, heaters, furnaces, stoves, heating equipment; all stoves, ranges, and cooking equipment; all bathtubs, sinks, basins, pipes, hot-water boilers, faucets, and other plumbing fixtures; all mantels; cabinets; all washing machines, laundry tubs, and ironers; all lighting, air-conditioning and ventilating equipment; all awnings, shades, screens and venetian blinds; and all incinerating equipment, together with appurtenances thereto; all equipment used in the diagnosis and treatment of patients; and all building material and equipment now or hereafter delivered to the premises and intended to be installed therein, such goods, equipment, chattels and personal property as are commonly used in the fully furnishing of and the equipping of a hospital, whether personal property, inventory or fixtures, whether now owned or hereafter from time to time acquired by the Debtor, together with all substitutions, replacements, additions, attachments, accessories, accretions, their component parts thereto or thereof, all other items of like property installed or to be installed or used therein and any and all proceeds thereof whether now in existence or hereafter arising.

EXCEPTING AND EXCLUDING THEREFROM any property or fixtures as described above which are now subject to security interests, but only so long as such security interests remain outstanding, and further excepting any personal property or fixtures now or hereafter held or used by Debtor as lessee, but only so long as the Debtor is the lessee, and further excepting and excluding, any property as described above acquired or to be acquired by Debtor, other than items in replacement of those covered by the Security Agreement of which this Schedule is a part, during the time when said items are covered by purchase money security interests in third parties as evidenced by the filing of Uniform Commercial Code Financing Statements in the appropriate filing offices.

Nothing in this Schedule "A" shall relieve Debtor of its obligations under the Regulatory Agreement between Debtor and the Secretary of Housing and Urban Development as the same may be amended from time to time.]

EXHIBIT B
CITY COLLATERAL
(SEPARATE ATTACHMENT)

Attachment 3

UCC-3 Amendment Statements for Competing Liens on file with the NYSDOS

This attachment serves to delineate the specific steps that are required by Stage 3 of the UCC Guidelines.

If another creditor holds a UCC security interest / Lien that may impact the City-funded equipment, then the Funding Recipient's attorney must file a UCC amendment statement (also referred to as "UCC-3") to address each potential competing UCC lien. The UCC-3 amendment statement filed with the NYSDOS for each competing UCC financing statement helps ensure that the City's lien on the City-funded Equipment has a first priority lien.

All creditors, mortgagees and other lien holders must exclude (i.e., "carve-out") the City-funded equipment from their Liens if their UCC financing statements in any way may impact the City's lien over the City-funded equipment.

- The Funding Recipient's attorney may either get conflicting UCC lien-holders to:
 - file the UCC-3 amendment statement(s) on their own on behalf of the Funding Recipient; or
 - provide permission to the Funding Recipient's attorney to directly file the necessary UCC-3 amendment statements with the NYSDOS (in order to help expedite the process.)
- **The UCC-3 amendment statement(s) filed with the NYSDOS with respect to the City-funded equipment must attach:**
 - 1) The most up-to-date **UCC-3 amendment statement form** as provided by the NYSDOS:
 - Note: The UCC-3 form should be completed in the same manner as provided in the sample UCC-3 amendment statement attached hereto;
 - 2) **DDC's "UCC-3 Exhibit A"**³ (which defines the term "deleted Collateral"):
 - DDC's UCC-3 Exhibit A attachment is available on DDC's website at: <https://www1.nyc.gov/site/ddc/contracts/not-for-profit-forms.page>; and
 - 3) **The equipment budget found in Schedule I of the Funding Recipient's Security Agreement with the City.**
- For more information on how to file UCC amendment statements with the NYSDOS, please see the NYSDOS' website at: [<http://www.dos.ny.gov/corps/uccforms.html>](http://www.dos.ny.gov/corps/uccforms.html).

³ Please be careful to use the appropriate UCC Exhibit A. The UCC-1 Exhibit A provides for the definition of "collateral" and the UCC-3 Exhibit A is almost identical, but it instead refers to the "deleted" collateral.

INFORMATION ONLY

UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Duval & Stachenfeld LLP
Third Floor
300 East 42nd Street
New York, NY 10017

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #
200301290204901 Dated January 29, 2003 (the "Financing Statement")

1b. This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS.

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☐ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☐ Debtor ☒ Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

☐ CHANGE name and/or address: Please refer to the detailed instructions in regards to changing the name/address of a party. ☐ DELETE name: Give record name to be deleted in item 6a or 6b. ☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7e-7g (if applicable).

6. CURRENT RECORD INFORMATION:

6a. ORGANIZATION'S NAME
The Young Women's Christian Association of the City of New York

OR

6b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME

OR

7b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

7c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY

7d. SEE INSTRUCTIONS ADD'L INFO RE ORGANIZATION DEBTOR 7e. TYPE OF ORGANIZATION 7f. JURISDICTION OF ORGANIZATION 7g. ORGANIZATIONAL ID #, if any ☐ NONE

Not Applicable

8. AMENDMENT (COLLATERAL CHANGE): check only one box.
Describe collateral ☒ deleted or ☐ added, or give entire ☐ restated collateral description, or describe collateral ☐ assigned.

See Exhibit A and Schedule I attached hereto

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME
CIT Technology Financing Services, Inc.

OR

9b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

10. OPTIONAL FILER REFERENCE DATA

EXHIBIT A

COLLATERAL DELETED

The **deleted** collateral (“Collateral”) shall include each and every one of the following:

1. All machinery, equipment, furniture and fixtures listed in Schedule I attached hereto, and all machinery, equipment, furniture and fixtures purchased, or paid for, or financed with the proceeds of certain funding (“Funding”) made available or intended to be made available by the City of New York, acting by and through its Department of Design and Construction, (the “City”) to Debtor pursuant to that certain Funding Agreement by and between the City and Debtor, including, without limitation, any such machinery, equipment, furniture and fixtures paid for by the City or for which Debtor was reimbursed with the proceeds of the Funding, wherever located and whenever acquired, whether now owned or existing or hereafter acquired or created, together with all accessions thereto and all substitutions and replacements thereof and parts therefor;
2. All ledger sheets, files, records, documents, and instruments (including, but not limited to, computer programs, tapes, and related electronic data processing software) relating to any Collateral; and
3. All cash or non-cash proceeds of the sale or other disposition of any Collateral and, to the extent not otherwise included, all amounts paid or payable under any policy of insurance (whether or not the City is named as a loss payee thereof), or any indemnity, warranty or guaranty, payable by reason of loss or damage, or otherwise with respect, to any Collateral.

SCHEDULE I
LIST OF CERTAIN ITEMS OF
MACHINERY, EQUIPMENT, FURNITURE AND FIXTURES
(SEPARATE ATTACHMENT)

Sheet
No. 1

DISCRETIONARY CAPITAL AWARD

PAYMENT REQUISITION: Part A

TITLE OF AWARD: Discretionary Equipment NAME OF ORGANIZATION: ABC Center, Inc.

ORGANIZATION'S ADDRESS: 123 West 11th St., New York, NY 10008

AWARD REGISTRATION NO.: 20181110123

FMS ID: 850AB467CDEF

AWARD REGISTRATION DATE: 1/1/17

REQUISITION NO.: 1 PAY PERIOD: FROM: 9/29/16 TO 3/5/18 AWARD AMOUNT \$125,711.00 PAYMENT TYPE: PARTIAL FINAL X

Item No.	DESCRIPTION	TOTAL SCHEDULED VALUE*	ADJUSTED VALUE**	WORK COMPLETED		TOTAL COMPLETED TO DATE (E+F)	% (G/D)	BALANCE TO FINISH
				FROM PREVIOUS APPLICATIONS	THIS PERIOD			
1	NVT EXTERIOR BOX STYLE CAMERA	\$1,372.50	\$1,372.50		\$ 1,372.50	\$ 1,372.50	100%	\$ -
2	NVT EXTERIOR CAMERA-DOME	\$6,822.00	\$6,822.00		\$ 6,822.00	\$ 6,822.00	100%	\$ -
3	NVT INTERIOR CAMERA-MEGA PIXEL	\$11,067.00	\$11,594.00		\$ 11,594.00	\$ 11,594.00	100%	\$ -
4	NVT NETWORK VIDEO RECORDER (NVR)	\$4,350.00	\$4,350.00		\$ 4,350.00	\$ 4,350.00	100%	\$ -
5	NVT CLEER POE SWITCH	\$8,646.00	\$8,646.00		\$ 8,646.00	\$ 8,646.00	100%	\$ -
6	NVT 48 PORT PATCH PANEL AND PATCH CORDS	\$366.00	\$366.00		\$ 366.00	\$ 366.00	100%	\$ -
7	NVT ELEVATOR INSTALLATION	\$2,800.00	\$2,800.00		\$ 2,800.00	\$ 2,800.00	100%	\$ -
8	NVT EXACQ VISION 8 STORAGE BOX	\$19,395.50	\$19,395.50		\$ 19,395.50	\$ 19,395.50	100%	\$ -
9	SB EXTERIOR BOX STYLE CAMERA	\$2,745.00	\$2,745.00		\$ 2,745.00	\$ 2,745.00	100%	\$ -
10	SB EXTERIOR CAMERA-DOME	\$5,685.00	\$5,685.00		\$ 5,685.00	\$ 5,685.00	100%	\$ -
11	SB INTERIOR CAMERA-MEGA PIXEL	\$16,864.00	\$16,337.00		\$ 16,337.00	\$ 16,337.00	100%	\$ -
12	SB NETWORK VIDEO RECORDER (NVR)	\$4,350.00	\$4,350.00		\$ 4,350.00	\$ 4,350.00	100%	\$ -
13	SB CLEER POE SWITCH	\$8,646.00	\$8,646.00		\$ 8,646.00	\$ 8,646.00	100%	\$ -
14	SB 48 PORT PATCH PANEL AND PATCH CORDS	\$366.00	\$366.00		\$ 366.00	\$ 366.00	100%	\$ -
15	SB ELEVATOR INSTALLATION	\$2,800.00	\$2,800.00		\$ 2,800.00	\$ 2,800.00	100%	\$ -
16	INSTALLATION MATERIALS	\$4,436.00	\$4,436.00		\$ 4,436.00	\$ 4,436.00	100%	\$ -
17	LABOR	\$25,000.00	\$25,000.00		\$ 25,000.00	\$ 25,000.00	100%	\$ -
	SUBTOTALS (THIS SHEET)	\$ 125,711.00	\$ 125,711.00	\$ -	\$ 125,711.00	\$ 125,711.00	100%	\$ -
	TOTALS (LAST SHEET)	\$ 125,711.00	\$ 125,711.00	\$ -	\$ 125,711.00	\$ 125,711.00	100%	\$ -

RECEIVED FROM CONTRACTOR BY: _____ [DDC CONTRACT MANAGER] DATE: _____

* Funding Agreement Amount ** Invoice Amount

Commented [L1(1)]: All the information on this payment requisition form will need to be filled out by your organization, before the UCC-3 amendment may be filed with the NYS Department of State.

Please also remember to first confirm with the Project Manager assigned to your organization's project that the payment requisition form has been reviewed for sufficiency by DDC.

Commented [L1(2)]: The address noted on this section of the payment requisition form should reflect the specific location of the equipment.

If multiple locations relate to your organization's equipment project, then please use multiple payment requisition forms and note the multiple sheets in the form's above-right corner.

Commented [L1(3)]: Please note that the City's Funding Agreement only allows for the submission of one (1) payment requisition to the agency for each discretionary funded project. Accordingly, please make sure to include all of the eligible equipment within one Payment Requisition request. Your organizations may use multiple sheets, if necessary, depending on the amount of equipment covered under the project.)

Attachment 4

Secured Party Disclaimer Letter

(Template letter for secured parties or lessors of equipment
that have security or lease interests in equipment similar
but distinguishable to the City-funded equipment)

(Please see documentation attached.)

[Template Secured Party Disclaimer Letter]

[Note: This letter must be on the Funding Receipt's Letterhead]

[date]

[name of authorized representative]
[creditor's/lender's name]
[address]
[address]

Re: [name of funding recipient/debtor] ("Funding Receipt")

Dear [authorized representative]:

The City of New York has financed the equipment, goods or personal property (the "Equipment") listed on the attached Attachment A by way of a capital funding agreement for the above-referenced Funding Receipt.

The City of New York will have a security interest in the Equipment.

This letter is to serve as your confirmation and agreement that (1) you do not claim any lien, claim, title or security interest in or to the Equipment, (2) you will not in the future claim any lien, claim, title or security interest in or to the Equipment that is or will be perfected pursuant to any financing statement currently on file, and (3) no other person has any lien, claim, title or security interest in or to the Equipment which such person has acquired or claims through you. Copies of your financing statements relating to Funding Receipt are also attached.

Please sign below to acknowledge your disclaimer of interest in the Equipment, and return to my attention at _____, or by fax to _____, or by e-mail to _____ as soon as possible, or call me with questions at _____. This disclaimer shall be binding on and inure to the benefit of you, the City of New York, and each party's respective successors and assigns.

Thank you.

[FUNDING RECEIPT]

_____, [Title]

ACKNOWLEDGED AND AGREED BY THE UNDERSIGNED (through an authorized representative)

[LENDER/CREDITOR/SECURED PARTY]

By: _____

Print Name: _____

Title: _____

Date: _____

Attachment (Equipment List)

Attachment 5

Procedures on How to File the City's UCC-1 Financing Statement for the City-Funded Equipment

This attachment serves to delineate the specific steps that are required by Stage 4 of the UCC Guidelines.

The Funding Recipient's attorney must prepare and file a UCC-1 financing statement ("UCC-1") with the NYSDOS on behalf of the City/DDC. Once all competing Liens are addressed (as delineated in Stage 3 of the UCC Guidelines), the filing of the UCC-1 financing statement serves to grant the City with a first priority interest in the City-funded equipment.

- **The UCC-1 financing statement filed on behalf of the City with respect to the City-funded equipment MUST include:**
 - 1) The most up-to-date **UCC-1 financing statement form**, as provided by the NYSDOS.
 - Note: The UCC-1 form should be completed in the same manner as provided in the sample UCC-1 amendment statement attached hereto.
 - 2) **DDC's "UCC-1 Exhibit A" attachment** (which serves to define the term "Collateral").
 - DDC's UCC-1 Exhibit A attachment is available on DDC's website at: <https://www1.nyc.gov/site/ddc/contracts/not-for-profit-forms.page>.
 - 3) **A copy of the payment requisition** that lists the *exact* equipment that the Funding Recipient purchased and submitted to DDC for reimbursement.
 - Note: The items listed in the payment requisition form should match the items of equipment listed in Schedule I of the Funding Recipient's Security Agreement with the City for the equipment project.
- **Important Notices:**
 - Please keep in mind that pursuant to the Funding Agreement, **Funding Recipients may only seek reimbursement for the City-funded equipment** covered under a specific Funding and Security Agreement **within twelve (12) months of the date when the Funding Agreement is registered with the New York City Comptroller's Office.**
 - Once the Funding Recipient's attorney files the necessary UCC-1 financing statements and clears any and all competing liens, then **the Funding Recipient's attorney will need to complete and sign DDC's Attorney Equipment Lien Attestation form before the agency may begin the reimbursement process** for equipment purchases made by the Funding Recipient.
 - A copy of DDC's Attorney Equipment Lien Attestation form is available in Attachment 6 of the UCC Guidelines.

SAMPLE

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

John Doe, Esq.
Doe & Doe LLP
123 West 34th Street
4th Floor
New York, NY 10001

The filing attorney's
contact information is
entered in Box B.

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME
Your organization's full legal corporate name

OR

1b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

1c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY

123 Broadway, 4th Floor **New York** **NY** **10004** **USA**

1d. SEE INSTRUCTIONS ADD'L INFO RE ORGANIZATION DEBTOR 1e. TYPE OF ORGANIZATION 1f. JURISDICTION OF ORGANIZATION 1g. ORGANIZATIONAL ID #, if any

Not Applicable Corporation New York ☐ NONE

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME

OR

2b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

2c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY

2d. SEE INSTRUCTIONS ADD'L INFO RE ORGANIZATION DEBTOR 2e. TYPE OF ORGANIZATION 2f. JURISDICTION OF ORGANIZATION 2g. ORGANIZATIONAL ID #, if any

Not Applicable ☐ NONE

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME
The City of New York, acting by and through its Department of Design and Construction*

OR

3b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

3c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY

30-30 Thomson Avenue* **Long Island City*** **NY*** **11101*** **USA***

4. This FINANCING STATEMENT covers the following collateral:

See Exhibit A and Schedule I attached hereto*

***Must use this information as shown.**

5. ALTERNATIVE DESIGNATION [if applicable]: ☐ LESSEE/LESSOR ☐ CONSIGNEE/CONSIGNOR ☐ BAILEE/BAILOR ☐ SELLER/BUYER ☐ AG. LIEN ☐ NON-UCC FILING

6. ☐ This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS. Attach Addendum [if applicable] 7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) [optional] ☐ All Debtors ☐ Debtor 1 ☐ Debtor 2

8. OPTIONAL FILER REFERENCE DATA

EXHIBIT A
COLLATERAL

The collateral ("Collateral") shall include each and every one of the following:

1. All machinery, equipment, furniture, and fixtures listed in Schedule I attached hereto, and all machinery, equipment, furniture, and fixtures purchased, or paid for, or financed with the proceeds of certain funding ("Funding") made available or intended to be made available by Secured Party to Debtor pursuant to that certain Funding Agreement by and between Secured Party and Debtor, including without limitation, any such machinery, equipment, furniture, and fixtures paid for by Secured Party or for which Debtor was reimbursed with the proceeds of the Funding, wherever located and whenever acquired, whether now owned or existing or hereafter acquired or created, together with all accessions thereto and all substitutions and replacements thereof and parts thereof;
2. All ledger sheets, files, records, documents, and instruments (including, but not limited to, computer programs, tapes, and related electronic data processing software) relating to any Collateral; and
3. All cash or non-cash proceeds of the sale or other disposition of any Collateral and, to the extent not otherwise included, all amounts paid or payable under any policy of insurance (whether or not Secured Party is named as a loss payee thereof), or any indemnity, warranty, or guaranty, payable by reason of loss or damage, or otherwise with respect to any Collateral.

SCHEDULE I
LIST OF CERTAIN ITEMS OF
MACHINERY, EQUIPMENT, FURNITURE, AND FIXTURES
(SEPARATE ATTACHMENT)

Sheet
No. 1

DISCRETIONARY CAPITAL AWARD

PAYMENT REQUISITION: Part A

TITLE OF AWARD: Discretionary Equipment NAME OF ORGANIZATION: ABC Center, Inc.

ORGANIZATION'S ADDRESS: 123 West 11th St., New York, NY 10008

AWARD REGISTRATION NO.: 20181110123

FMS ID: 850AB467CDEF

AWARD REGISTRATION DATE: 1/1/17

REQUISITION NO.: 1 PAY PERIOD: FROM: 9/29/16 TO 3/5/18 AWARD AMOUNT \$125,711.00 PAYMENT TYPE: PARTIAL FINAL X

Item No.	DESCRIPTION	TOTAL SCHEDULED VALUE*	ADJUSTED VALUE**	WORK COMPLETED		TOTAL COMPLETED TO DATE (E+F)	% (G/D)	BALANCE TO FINISH
				FROM PREVIOUS APPLICATIONS	THIS PERIOD			
1	NVT EXTERIOR BOX STYLE CAMERA	\$1,372.50	\$1,372.50		\$ 1,372.50	\$ 1,372.50	100%	\$ -
2	NVT EXTERIOR CAMERA-DOME	\$6,822.00	\$6,822.00		\$ 6,822.00	\$ 6,822.00	100%	\$ -
3	NVT INTERIOR CAMERA-MEGA PIXEL	\$11,067.00	\$11,594.00		\$ 11,594.00	\$ 11,594.00	100%	\$ -
4	NVT NETWORK VIDEO RECORDER (NVR)	\$4,350.00	\$4,350.00		\$ 4,350.00	\$ 4,350.00	100%	\$ -
5	NVT CLEER POE SWITCH	\$8,646.00	\$8,646.00		\$ 8,646.00	\$ 8,646.00	100%	\$ -
6	NVT 48 PORT PATCH PANEL AND PATCH CORDS	\$366.00	\$366.00		\$ 366.00	\$ 366.00	100%	\$ -
7	NVT ELEVATOR INSTALLATION	\$2,800.00	\$2,800.00		\$ 2,800.00	\$ 2,800.00	100%	\$ -
8	NVT EXACQ VISION S STORAGE BOX	\$19,395.50	\$19,395.50		\$ 19,395.50	\$ 19,395.50	100%	\$ -
9	SB EXTERIOR BOX STYLE CAMERA	\$2,745.00	\$2,745.00		\$ 2,745.00	\$ 2,745.00	100%	\$ -
10	SB EXTERIOR CAMERA-DOME	\$5,685.00	\$5,685.00		\$ 5,685.00	\$ 5,685.00	100%	\$ -
11	SB INTERIOR CAMERA-MEGA PIXEL	\$16,864.00	\$16,337.00		\$ 16,337.00	\$ 16,337.00	100%	\$ -
12	SB NETWORK VIDEO RECORDER (NVR)	\$4,350.00	\$4,350.00		\$ 4,350.00	\$ 4,350.00	100%	\$ -
13	SB CLEER POE SWITCH	\$8,646.00	\$8,646.00		\$ 8,646.00	\$ 8,646.00	100%	\$ -
14	SB 48 PORT PATCH PANEL AND PATCH CORDS	\$366.00	\$366.00		\$ 366.00	\$ 366.00	100%	\$ -
15	SB ELEVATOR INSTALLATION	\$2,800.00	\$2,800.00		\$ 2,800.00	\$ 2,800.00	100%	\$ -
16	INSTALLATION MATERIALS	\$4,436.00	\$4,436.00		\$ 4,436.00	\$ 4,436.00	100%	\$ -
17	LABOR	\$25,000.00	\$25,000.00		\$ 25,000.00	\$ 25,000.00	100%	\$ -
	SUBTOTALS (THIS SHEET)	\$ 125,711.00	\$ 125,711.00	\$ -	\$ 125,711.00	\$ 125,711.00	100%	\$ -
	TOTALS (LAST SHEET)	\$ 125,711.00	\$ 125,711.00	\$ -	\$ 125,711.00	\$ 125,711.00	100%	\$ -

RECEIVED FROM CONTRACTOR BY: _____ [DDC CONTRACT MANAGER] DATE: _____

* Funding Agreement Amount ** Invoice Amount

Commented [L1(1): All the information on this payment requisition form will need to be filled out by your organization, before the UCC-1 financing statement may be filed with the NYS Department of State.

Please also remember to first confirm with the Project Manager assigned to your organization's project that the payment requisition form has been reviewed for sufficiency by DDC.

Commented [L1(2): The address noted on this section of the payment requisition form should reflect the specific location of the equipment

If multiple locations relate to your organization's equipment project, then please use multiple payment requisition forms and note the multiple sheets in the form's above-right corner.

Commented [L1(3): Please note that the City's Funding Agreement only allows for the submission of one (1) payment requisition to the agency for each discretionary funded project. Accordingly, please make sure to include all of the eligible equipment within one Payment Requisition request (your organizations may use multiple sheets, if necessary, depending on the amount of equipment covered under the project.)

Attachment 6

DDC's Attorney Equipment Lien Attestation Form

(Please see documentation attached.)



ATTORNEY EQUIPMENT LIEN ATTESTATION FORM

RE: RECORDATION AND PERFECTION OF THE CITY'S SECURITY INTEREST IN CITY-FUNDED EQUIPMENT
PURSUANT TO DDC'S FUNDING / SECURITY AGREEMENTS & ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE ("UCC")

PROJECT / CLIENT INFORMATION:

FUNDING RECIPIENT: _____

FUNDING AGREEMENT DATED AS OF _____, 20__ / SECURITY AGREEMENT DATED AS OF _____, 20__

EQUIPMENT FUNDING AMOUNT: \$ _____

FORM INSTRUCTIONS:

This form requires the Funding Recipient's attorney to attest that the Funding Recipient has complied with the requirements set forth in DDC's Funding and Security Agreement in order to secure a perfected security interest for the City pursuant to Article 9 of the UCC with respect to the City-Funded Equipment and other Collateral covered by the Security Agreement.

- The City's UCC-related requirements that apply to the completion of this form are specified in DDC's UCC Guidelines attached to this form.
- (Note: Capitalized terms included in this form are defined in the City's Funding and Security Agreement.)

FUNDING RECIPIENT'S ATTORNEY INFORMATION:

ATTORNEY NAME: _____
First Name Last Name

Work as: ☐ In-house Counsel for the Funding Recipient ☐ Law Firm Representing Client

Law Firm or Company Name: _____

Contact Information: _____
Address City State Zip Code
Telephone Number Email Address

LIEN SEARCH REPORT:

- Attach Lien Search Report: Please **attach to this form a copy of the UCC, judgment and tax lien search conducted by a reputable title company or other established lien search company reasonably satisfactory to the City.** The lien search report should evidence that there are no liens on the City-Funded Equipment and other Collateral covered by the Security Agreement except liens in favor of the City and permitted HUD liens.
- This **lien search should specifically use the full legal name of the Funding Recipient** as delineated in the Funding Agreement.

ATTESTATION:

As the attorney that is representing the above-mentioned Funding Recipient with the compliance of the UCC condition precedent requirements to the City's disbursement of City Funding pursuant to Section 6.02 of DDC's Funding Agreement, I attest, in reliance on the accuracy of the UCC, tax and judgment lien search report by a reputable title company or other established lien search company performed under the Funding Recipient's complete and official corporate name as found on file with the New York State Department of State and the Funding Recipient's representations relating to its UCC liens, tax liens and judgments, that: **(Check all applicable.)**

☐

Judgments and Tax Liens, as applicable:



ATTORNEY EQUIPMENT LIEN ATTESTATION FORM

RE: RECORDATION AND PERFECTION OF THE CITY'S SECURITY INTEREST IN CITY-FUNDED EQUIPMENT
PURSUANT TO DDC'S FUNDING / SECURITY AGREEMENTS & ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE ("UCC")

- The Funding Recipient has addressed and satisfied any and all pending judgments and tax liens, and has properly filed the necessary paperwork to remove any such Liens with the court and/or has submitted the requisite payment(s) to the appropriate Federal, State and/or City government offices.

☐

UCC-3 Amendment Statement(s), as applicable:

- The Funding Recipient has properly filed with the appropriate office of the New York State Department of State ("NYSDOS") the necessary UCC amendment financing statement form(s) ("UCC-3") required to terminate of record any Liens on the City-Funded Equipment and other Collateral covered by the Security Agreement, except Liens in favor of the City and Permitted HUD Liens.
- The amendment statement(s) utilized the City's required provisions and template exhibit (as noted in DDC's UCC Guidelines), and will serve to carve-out the City's security interest in the City-Funded Equipment and ensure the perfection of the City's security interest.
- Moreover, any and all competing liens with the Dormitory Authority of the State of New York ("DASNY") have also been amended with UCC-3 amendment statements.
- **Attach a copy of each UCC-3 Amendment Statement(s) filed with the NYSDOS.**

☐

Permitted HUD Lien Subordination Agreement(s), as applicable:

- The Funding Recipient has executed the template HUD and City approved subordination agreement with HUD and the HUD-insured lender(s) as listed in Schedule V of the Funding Agreement for the project (and as explained in DDC's UCC Guidelines.)
- The Funding Recipient has also ensured that the subordination agreement(s) has/have been properly filed as an UCC-3 amendment statement(s) against the competing HUD-related UCC lien(s) on file with the NYSDOS.
- **Attach a copy of each UCC-3 amendment statement(s) filed with the NYSDOS.**

☐

Mandatory UCC-1 Financing Statement:

- Upon first clearing any and all competing Lien interests (as listed above on this form), the Funding Recipient has properly filed with the appropriate office of the NYSDOS a Financing Statement Form ("UCC-1") with respect to City-Funded Equipment covered by the Reimbursement Request and other Collateral covered by the Security Agreement. Pursuant to the requirements of the City's Funding and Security Agreements, this UCC-1 filing will serve to perfect the City's security interest in the City-Funded Equipment, as any and all competing Liens on file with the NYSDOS have either been satisfied, amended or subordinated as above-noted.
- The UCC-1 financing statement must:
 - use the City's required provisions and template exhibit language (as shown in the sample provided in DDC's UCC Guidelines); and
 - include a DDC-approved equipment exhibit from DDC's Project Manager based on the payment requisition for the equipment reimbursement submitted to DDC by the Funding Recipient.
- **Attach a copy of the UCC-1 financing statement(s) filed with the NYSDOS.**

As checked-off above, I hereby attest that, in my opinion, the following items have been properly addressed, recorded and/or validly executed: the UCC-1 financing statement; satisfaction of judgment(s) (as applicable); release or withdrawal of tax lien(s) (as applicable); Permitted HUD Lien subordination agreement(s) (as applicable); and/or UCC-3 amendment statement(s) (as applicable). I certify under penalty of perjury that the foregoing information is true and correct.

Attorney Signature

Date

Phase 5: Reimbursement

Upon registration of a funding agreement with the Comptroller's Office, the DDC Project Manager will notify your organization that the agreement was registered and they will provide a list of items required to complete the Reimbursement Request (See [Page 58](#) on partial reimbursement submissions prior to registration). The reimbursement items vary, based on the project type. To receive reimbursement, the items must be purchased, paid in full, and put into use, liens are applied to the items without any competing lienholders, and the items have the appropriate insurance coverage in the event of loss, theft, or damage.

Once the Reimbursement Request is signed off by the DDC Law unit, it is uploaded in the agency's internal payment system for final approval. Final approval takes around two weeks. EFT is released five days after final approval, unless the fifth day falls on a weekend or holiday, in which case, it will be the next business day.

DDC will issue only one reimbursement per funding agreement, thus the organization must complete all purchases prior to submitting reimbursement documentation. The reimbursement package must be submitted within one year of the contract registration date. If your organization cannot meet this deadline, then provide a justification to DDC in writing, as we may allow an extension.

Payment Checklist Overview

Your DDC Project Manager will send you either the **Payment Checklist for Equipment** or **Payment Checklist for Vehicles**, depending on the funding agreement type. For funding agreements classified as **Vehicles & Equipment** (See [Page 50](#)), **both** checklists will be sent, due to separate lien coverage for the vehicle and its fixtures (DMV Certificate of Title), plus the moveable property mounted inside it (UCC-1 Financing Statement). Each checklist contains common items, along with items exclusive to each award, as noted below. Blanks and templates for many of these items are available on the DDC Not-for-Profit Forms page at <https://www.nyc.gov/site/ddc/contracts/not-for-profit-forms.page>. See Pages [94](#) through [113](#) for the Payment Checklists and information for each checklist item.

Required Reimbursement Items

All Projects

- Procurement Affirmation
- Enrollment in the Payee Information Portal (PIP)
- Payment Requisition Forms A & C
- Invoices and Proofs of Payment

Equipment/Initial Outfitting Projects

- Attorney Equipment Lien Attestation Form Package
- Certificates of Insurance
- Software License Agreements (if applicable)

Vehicle Projects

- Judgment and Tax Lien Search
- DMV Certificate of Title, showing DDC as the lienholder
- DMV Vehicle Registration
- NYS Insurance Identification Card

Payment Checklist for Equipment

PAYMENT CHECKLIST FOR EQUIPMENT: Documents To Be Provided within One (1) Year of Registration

Funding Recipient:
(Insert Full Corporate Name)

All items listed below must be e-mailed to the DDC Project Manager assigned to your organization's project in order to receive reimbursement. Include this checklist as a cover sheet with all the below-requested documents included as attachments -- incomplete submissions will not be accepted.

Payment Reimbursement Forms

DDC's Payment Reimbursement Forms are found under the "Payment Requisition Forms" section at:
<https://www1.nyc.gov/site/ddc/contracts/not-for-profit-forms.page>

☐ Procurement Affirmation

- Answer all questions and include any attachments, based on each response. The form must be notarized by your organization's CFO or equivalent.

☐ Enrollment in Payee Information Portal (PIP) and Confirmation of EFT Status

- Enrollment is required, to receive payments. PIP Enrollment information is available at <https://www.nyc.gov/site/mocs/opportunities/pip.page>
- To view EFT eligibility, go to the Account Information's Summary tab and scroll down to the EFT Information section. Forward the DDC Project Manager a screen capture showing the active EFT status.

☐ Payment Requisition Forms

- Complete both DDC Payment Requisition Forms A & C. The DDC Project Manager will assist you on what needs to be filled out for these forms.
- These forms must be accompanied with copies of all invoices, packing slips, and proof(s) of payment.

Legal Documents

The legal documents listed below are found under the "Legal, Insurance, & Licensing Forms" section at:
<https://www1.nyc.gov/site/ddc/contracts/not-for-profit-forms.page>

☐ Attorney Equipment Lien Attestation Form Package*

- Review the DDC UCC Guidelines for a detailed explanation of the agency's lien review and UCC filing requirements.
- The UCC, Judgement & Tax Lien search results must be done on your organization's legal name, come from a reputable lien search company, and should not be more than three months old.
- UCC searches must list all active filings with the New York State Department of State (NYS DOS) and include copies of the filings.
- Judgment search results must be done for each county within New York City. Tax lien search results must cover New York City.
- Provide proof of payment or evidence of satisfaction of any outstanding judgements, liens, or violations, as per the search results.
- Once all requirements mentioned in DDC's UCC Guidelines are complete, then the Funding Recipient's attorney must prepare and sign-off on DDC's Attorney Equipment Lien Attestation Form, after the necessary UCC-1 financing statement and any UCC-3 amendment statements, as applicable, are filed with the New York State Department of State.

☐ Certificates of Insurance

- Complete the Acord 25 (Certificate of General Liability Insurance) and the Property Insurance Certificate Acord 27 (Evidence of Property Insurance for equipment mounted in vehicles) or Acord 28 (Evidence of Commercial Property Insurance for equipment located in buildings).
- Acord 25 (General Liability Insurance) must list DDC as the Certificate Holder and Additional Insured. The Acord 27 or 28 (Property Insurance) must state the property that is insured, along with its location and list DDC as the Loss Payee.
- Include a notarized Certification by Insurance Broker with the Acord certificates.

☐ Software License Agreement(s), (if applicable)

- Submit the final versions of all applicable software license assignment agreement(s) for each licensor. See Schedule VI of the funding agreement for the list of licensors.

*** The Attorney Equipment Lien Attestation Form Package will be the last reimbursement item to submit, after all other items on this checklist are received and accepted. Your DDC Project Manager will notify you when to complete this and provide further instructions.**

Compliance and Inventory Reporting

Note: Pursuant to the Equipment Funding Agreement, all Funding Recipients that receive reimbursement from the City must also remember to submit: 1) a yearly Compliance Report; and 2) an Inventory of the City-funded Equipment, to the City at the following address:

Attn.: Compliance Officer, Counsel's Office
Office of Management and Budget
255 Greenwich Street
New York, New York 10007

Payment Checklist for Vehicles

PAYMENT CHECKLIST FOR VEHICLES: Documents To Be Provided within One (1) Year of Registration

Funding Recipient
(Insert Full Corporate Name)

All items listed below must be e-mailed to the **DDC Project Manager** assigned to your organization's project in order to receive reimbursement. Include this checklist as a cover sheet with all of the below-requested documents included as attachments -- **incomplete submissions will not be accepted.**

Payment Reimbursement Forms

DDC's Payment Reimbursement Forms are found under the "Payment Requisition Forms" section at:
<https://www1.nyc.gov/site/ddc/contracts/not-for-profit-forms.page>

☐ Procurement Affirmation

- Answer all questions and include any attachments, based on each response. The form must be notarized by your organization's CFO or equivalent.

☐ Enrollment in Payee Information Portal (PIP) and Confirmation of EFT Status

- Enrollment is required to receive payments. PIP Enrollment information is available at <https://www1.nyc.gov/site/mocs/opportunities/PIP.page>
- To view EFT eligibility, go to the Account Information's Summary tab and scroll down to the EFT Information section. Forward the DDC Project Manager a screen capture showing the active EFT status.

☐ Payment Requisition Forms

- Complete both DDC Payment Requisition Forms A & C. The DDC Project Manager will assist you on what needs to be filled out for these forms.
- These forms must be accompanied with copies of all invoices showing the VIN for each vehicle and proof(s) of payment.

DMV Documentation* & Judgement and Tax Lien Search

*The DMV Title Forms are found under the "Lien Recording Documents" section at:
<https://www1.nyc.gov/site/ddc/contracts/not-for-profit-forms.page>

☐ Judgement and Tax Lien Search*

- Search results must be done on your organization's legal name, come from a reputable lien search company, and should not be more than three months old.
- Judgment search results must be done for each county within New York City. Tax lien search results must cover New York City.
- Provide proof of payment or evidence of satisfaction of any outstanding judgements, liens, or violations, as per the search results.

☐ NYS Department of Motor Vehicles Certificate of Title showing DDC as the Sole Lienholder

- There are two approaches for filing the City's lien on a vehicle to be reimbursed by the agency:

Approach #1: (Recommended)	Approach #2
- Request that the dealership and/or manufacturer of each vehicle include the City's lien on the vehicle's certificate of title upon purchase. <u>DDC's Lien Filing code is: 67975</u> - The lienholder listed on the title certificate must state: "NYC Dept. of Design & Construction." - Your organization will submit copies of each title certificate issued by New York State, showing the above lienholder as the only one listed. - DMV Certificate of Title or lien status is searchable at: https://process.dmv.ny.gov/titlestatus/	- Provide DDC with the original certificate of title (no liens must be present) for each vehicle to DDC's Project Manager and retain a copy of the certificate. - Complete New York State Department of Motor Vehicles ("DMV") form MV-900 for each vehicle and submit an original signed copy to DDC (DMV will not accept photocopies or faxes of this document.) - The DMV MV-900 form can be found on the DMV's website at https://dmv.ny.gov/forms/mv900.pdf or on DDC's NRP website under the "Lien Recording Documents" section. - DDC will sign the original MV-900 Form and submit that and the title certificate to the DMV. Once the DMV files the City's lien on the certificate of title for each vehicle, your organization will receive the new title certificate and will email DDC any copies. - For more info on the lien filing, go to https://www1.nyc.gov/assets/ddc/downloads/not-for-profit/NewDDC%20Lien%20Application%20Process.pdf

☐ New York State Department of Motor Vehicles Registration

- Registration must be current. Year, Make, & VIN of the vehicle must match the DMV Certificate of Title.

☐ New York State Insurance Identification Card

- Insurance policy must be current. Year, Make, & VIN of the vehicle must match the DMV Registration & Certificate of Title.

*** The Judgment and Tax Lien Search will be the last reimbursement item to submit, after all other items on this checklist are received and accepted. Your DDC Project Manager will notify you when to order the search and provide further instructions.**

Compliance and Inventory Reporting

**** Note: Pursuant to the Vehicle Funding Agreement, all Funding Recipients that receive reimbursement from the City must also remember to submit: 1) a yearly Compliance Report; and 2) an Inventory of the City-funded Equipment, to the City at the following address:**

Attn.: Compliance Officer, Counsel's Office
Office of Management and Budget
255 Greenwich Street
New York, New York 10007

Procurement Affirmation

This affirmation acknowledges that your organization made a reasonable effort to obtain bids from at least three (3) vendors and accepted the lowest bid for all items to be reimbursed by the City. Your organization must retain all bid records, consisting of vendors and quoted prices for each item or item packages. Responses to each question require supporting attachments, as noted on the form.

****NOTE: THIS FORM MUST BE SUBMITTED TO DDC ALONG WITH ALL PAYMENT REQUISITIONS FOR CITY REIMBURSEMENT OF DISCRETIONARY FUNDED EQUIPMENT AND/OR VEHICLE PURCHASE PROJECTS.****



Procurement Affirmation

Insert Funding Recipient's Full Corporate Name Here:

Funding Recipient hereby affirms that it has read all of the provisions provided in the Funding and Security Agreements (the "Agreements") of the City of New York (the "City"), and acknowledges its obligation to abide by the terms and requirements set forth in the Agreements with respect to the procurement of the City-Funded Equipment and/or Vehicles.

Funding Recipient shall purchase City-Funded Equipment, Vehicles and/or procure other services for the costs of which Funding Recipient intends to seek reimbursement from the City from the vendor(s) whose bid(s) provide the most advantageous combination of price, quality and fitness for the intended purpose. Before purchasing the City-Funded Equipment or procuring services for the costs of which Funding Recipient intends to seek reimbursement from the City, as authorized by the Project Budget approved by the City, Funding Recipient shall make a reasonable effort to obtain bids from three (3) vendors and shall accept the lowest bid for all items to be reimbursed by the City.

- 1) **Bid Requirement:** Has your organization received bids from at least three (3) vendors with respect to all of the City-Funded Equipment and/or Vehicles noted in the Project Budget?

Yes ___ No ___

- a. If Yes, please attach a list with the names of at least three (3) vendors and prices. (Please label as Attachment 1.)
b. If No, please attach a written explanation why your organization does not have three (3) vendors.

- 2) **Vendor Selection Rationale:** Has your organization accepted the lowest bid with respect to all of the City-Funded Equipment and/or Vehicles noted in the Project Budget?

Yes ___ No ___

- a. If No, please select the reason below that best matches your organization's rationale and also attach a written explanation why your organization did not choose the lowest bidder. (Please label as Attachment 2.)
___ Product specification(s) best met organization's needs.
___ Needed to match compatibility with existing equipment and/or vehicles.
___ Sole provider or manufacturer of necessary item.
___ Pursuant to a City, State or National Purchasing Contract.
___ Other reason: _____

- 3) **Vendor Identification:** Please identify the vendors that your organization has chosen or intends to select for the project.

- a. **Note: Must attach a list of all the vendors** your organization has chosen to use with this affirmation. (Please label as Attachment 3.)

- 4) **Vendor Affiliation:** Are the selected vendors affiliated to your organization and/or any of your organization's staff?

Yes ___ No ___

- a. If Yes, did you first obtain the City's written approval? If so, please explain how the transaction consists of an arms-length transaction. (Please label as Attachment 4.)

I solemnly declare and affirm under penalties of perjury that the contents of this affirmation and its attachments are true and correct to the best of my knowledge and information. I also hereby affirm that I am the Chief Financial Officer of the Funding Recipient and that I possess the legal authority to make this affirmation on behalf of the Funding Recipient.

FUNDING RECIPIENT'S
CHIEF FINANCIAL OFFICER:

Subscribed and sworn to before me:

This ___ day of _____ 20__

By: _____
Name: _____
Title: _____
Date: _____

Notary Public

Commission Expires: _____ 20__

Procurement Affirmation Notes

For purchases of large quantities of line items, a bids listing template is available on the DDC Not-for-Profit Forms website, so that your organization can list the vendors and bids received for each line item, identify the selected vendors and bids, note the bid quotes and include copies of the quote, and note any specific details about the bids received. Below is a sample listing of bids.

Item Type	Make, Model, & Description	Bid #1		Bid #2		Bid #3		Selected Bid		Bid Reference	Notes
		Vendor	Price	Vendor	Price	Vendor	Price	Vendor	Price		
Dental chairs	A-Dec - 511B	Equip Brokers	\$35,220.00	Patterson	\$35,955.00	Alpine	\$37,490.00	Equip Brokers	\$35,220.00	Bid Group A	
Dry Vacuum	Midmark - PowerVac G	Equip Brokers	\$39,716.67	Pro Dental	\$42,553.33	Alpine	\$41,490.00	Equip Brokers	\$39,716.67	Bid Group B	
X Ray Sensors Size 1	Midmark - ClearVision	Equip Brokers	\$3,850.00	Patterson	\$4,758.08	Pro Dental	\$5,070.00	Equip Brokers	\$3,850.00	Bid Group C	

Quoted items should be consistent across the board with each vendor.

If three bids were not received nor the lowest bid was accepted, then provide an explanation. Examples include sole source provider, meeting compatibility requirements with existing equipment, and product specifications best meeting the needs of the organization. These reasons must include a detailed narrative.

If a selected vendor is affiliated with your non-profit organization, then written approval from the City is required.

All supporting documents for the Procurement Affirmation must note the Attachment number, based on their respective questions on the form.

The affirmation must be signed by your organization's CFO or equivalent and notarized.

Enrollment in the Payee Information Portal (PIP) and Confirmation of EFT Status

Your organization must enroll in PIP, in order to receive payments from the City. PIP enrollment information is available at [Payee Information Portal \(PIP\) | MOCS \(nyc.gov\)](#) . Provide DDC a screen capture of the PIP page showing your EFT eligibility status.

Payee Information Portal

Welcome, [REDACTED]

[View Frequently Asked Questions](#)

Self Service Application

Comptroller: DOE NYC.gov

[Home](#) | [Help](#) | [Accessible Help](#) | [Site Map](#) | [Privacy Report](#) | [Logout](#)

Account Information

Financial Transactions

Subcontract Information

Summary

Business Info

Addresses & Contacts

Users

EFT Enrollment

EFT Enrollment

Enroll in the City of New York's Electronic Funds Transfer (EFT)/Direct Deposit program for Vendor payments or modify your bank account information within the "Update EFT Information" section below.

Click the buttons to:

- Continue - Go to the next step to attach required bank account documentation.
- View Pending Changes - Display the EFT updates awaiting approval.

To guide you in entering your bank account information use [Check Info](#).

Contact the [City of New York's Department of Finance](#) for assistance with your enrollment or if you need to delete your account.

After you enroll for EFT your account information is displayed in the "Current EFT Information" section. When the EFT Status is "Prenote Pending" no changes are allowed. You must wait up to 10 business days for the bank to validate your account. This status is then updated to either "Prenote Rejected" or "Eligible for EFT." [EFT Status](#) defines your current enrollment stage.

▼ **Current EFT Information**

Vendor Name: [REDACTED]

Name on Bank Account: [REDACTED]

EFT Status: Eligible for EFT

Bank Account Number: [REDACTED]

▼ **Update EFT Information** 2

*Name on Bank Account: [REDACTED]

*Bank Account Number: [REDACTED]

*Bank Account Type: [REDACTED]

*ABA (Routing) Number: [REDACTED] Lookup

Continue
View Pending EFT Changes

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Payment Requisition Form A

This spreadsheet lists the purchased items and their costs, based on the funding agreement budget. List only the items from the budget that are eligible for reimbursement. For non-purchased budget approved items, there may be changes in their availability (e.g., change in model number, item discontinued) by the time the items are purchased. If this happens, your organization will provide DDC a written justification of these changes prior to ordering. Depending on the changes, you may need to re-submit a new budget, which will delay reimbursement. DDC typically does not reimburse for items that exceed the quantities listed in the approved budget. There are circumstances where this is allowable (see [Page 114](#)).

Sheet No: _____ 1 of 1 _____

**DISCRETIONARY CAPITAL AWARD
PAYMENT REQUISITION: Part A**

TITLE OF AWARD: IT Computer System Purchase NAME OF ORGANIZATION: ABC Community Center, Inc.

ORGANIZATION'S ADDRESS: 123 Main Street, New York, NY 10001

AWARD REGISTRATION NO.: CT1 850 20241234567 FMS ID: PWDNABCCC AWARD REGISTRATION DATE: 9/14/2023

REQUISITION NO.: 1 PAY PERIOD: FROM: 10/22/2023 TO: 10/22/2023 AWARD AMOUNT: \$ 69,000 PAYMENT TYPE: PARTIAL ☐ FINAL ☒

A	B	C	D	E		F	G	H	I
Item No.	DESCRIPTION	TOTAL SCHEDULED VALUE*	ADJUSTED VALUE**	WORK COMPLETED		TOTAL COMPLETED TO DATE (E+F)	% (G/D)	BALANCE TO FINISH	
				FROM PREVIOUS APPLICATIONS	THIS PERIOD				
1	Dell All In One 7760 W. Hard Drive Updated 27", 16G, 512HD, i7, Win10Pro, Qty. 25	\$ 38,097.00	\$ 38,097.00		\$ 38,097.00	\$ 38,097.00	100%	\$ -	
2	Optiplex 5060 w. 2x22" Monitors 3YR Pro Support 16G, 256G HD, i7, Win10Pro, Qty. 5	\$ 6,261.95	\$ 6,261.95		\$ 6,261.95	\$ 6,261.95	100%	\$ -	
3	PC Setup & Migration, Qty. 30	\$ 6,000.00	\$ 6,000.00		\$ 6,000.00	\$ 6,000.00	100%	\$ -	
4	55" NEC Screen Monitor, Qty. 1	\$ 1,415.05	\$ 1,415.05		\$ 1,415.05	\$ 1,415.05	100%	\$ -	
5	Logitech Meetup Conference Camera, Qty. 1	\$ 899.99	\$ 899.99		\$ 899.99	\$ 899.99	100%	\$ -	
6	Poweredge Server 128G Memory, 8x600g 15krpm Drives 2 Intel Xeon Quad Core Processors, Qty. 1	\$ 10,638.00	\$ 10,638.00		\$ 10,638.00	\$ 10,638.00	100%	\$ -	
7	Senior Engineer Special Project Rate, Qty. 50	\$ 8,000.00	\$ 8,000.00		\$ 8,000.00	\$ 8,000.00	100%	\$ -	
8	Labor Credit-MSP Customer Discount, Qty. 50	\$ (1,000.00)	\$ (1,000.00)		\$ (1,000.00)	\$ (1,000.00)	100%	\$ -	
9	Hardware Credit-Dell New Customer Discount, Qty. 1	\$ (1,312.00)	\$ (1,312.00)		\$ (1,312.00)	\$ (1,312.00)	100%	\$ -	
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
	SUBTOTALS (THIS SHEET)	\$ 69,000	\$ 69,000	\$ -	\$ 69,000	\$ 69,000	100%	\$ -	
	TOTALS (LAST SHEET)	\$ 69,000	\$ 69,000	\$ -	\$ 69,000	\$ 69,000	100%		

RECEIVED FROM CONTRACTOR BY: _____ [DDC CONTRACT MANAGER] DATE: _____

* Funding Agreement Amount ** Invoice Amount

Payment Requisition Form A Notes

Submit this document to DDC as an Excel file.

Pay Period From and To Dates is the date the payment was cleared, thus you will enter the same date in each field. If the reimbursement request contains multiple payments, then the pay period will be the latest payment cleared date.

Payment Type must be checked Final, as only one Reimbursement Request is allowed per award.

In the **Description** column, enter the type, make, model, and quantity of each item, based on the Schedule A Budget in the Funding Agreement (additional pages are provided) and/or invoices. Only include items from the approved budget that had **City Funded** amounts. If a purchased item (e.g. HP Pavilion TP01-2255t Desktop Computer) differs from a budgeted item (e.g. Dell OptiPlex 7050), then enter the details of the purchased item and after that, in parenthesis within the same cell, enter the details of the budgeted item it replaced. See below for an example:

DESCRIPTION	TOTAL SCHEDULED VALUE*	ADJUSTED VALUE**
HP Pavilion TP01-2255t Desktop Computer Qty 50 (replaces Dell Optiplex 7050 Desktop Computer Qty 50)	\$62,500.00	\$60,000.00

The **Scheduled Value** is the dollar amount of each budgeted item from the City Funded column of the Schedule A Budget Spreadsheet in the Funding Agreement.

The **Adjusted Value** is the dollar amount of each purchased item.

The **From Previous Applications** is left blank, as there will be only one Reimbursement Request per award.

The amount entered for the **This Period** column will be equal to the Adjusted Value for each item.

If the **Adjusted Value** total exceeds the **Award Amount**, the DDC Project Manager will make an adjustment to the **Adjusted Value** total, so that it equals the **Award Amount**. If the **Adjusted Value** total is less than the **Award Amount**, then you will receive reimbursement for the lesser dollar figure.

Header information such as **Title of Award**, **Award Registration No.**, **FMS ID**, **Award Registration Date**, and **Requisition No.**, will be provided by DDC, upon notification of the registration of your award.

This document is signed and dated by the DDC Project Manager.

Payment Requisition Form C

This requisition form acknowledges the amount that will be reimbursed. Some of the information to fill out in this form will be provided to you, upon notification of the funding agreement registration. As per the form's instructions, please note that not all fields are filled out by your organization.

DEPARTMENT OF DESIGN AND CONSTRUCTION DISCRETIONARY CAPITAL AWARD PAYMENT REQUISITION: FORM C	
Title of Award Agreement: _____	Payment No. _____
Award Registration No. _____	FMS ID: _____
(Organization to complete the header, Lines 1-6, and the Organization's Certificate)	
1. ORIGINAL FUNDING AGREEMENT AWARD AMOUNT	\$ _____
2. ANY NET CHANGE	\$ _____
3. AWARD AGREEMENT AMOUNT TO DATE (1 + or - 2)	\$ _____
4. TOTAL COMPLETED (Column G from Payment Requisition Form A*)	\$ _____
*Total Completed amount cannot exceed the Award Agreement Amount from Line 3.	
5. LESS TOTAL OF ALL PREVIOUSLY APPROVED PAYMENT REQUISITIONS	\$ _____
6. CURRENT PAYMENT DUE	\$ _____
7. AMOUNT WITHHELD BY RE/PM	\$
REASONS:	
8. PAYMENT DUE	\$ _____
9. AMOUNT WITHHELD BY EAO	\$
REASONS:	
10. PAYMENT AMOUNT APPROVED BY EAO	\$ _____
11. AMOUNT WITHHELD BY CFO	\$
REASONS:	
12. PAYMENT AMOUNT APPROVED BY CFO	\$ _____
ORGANIZATION'S CERTIFICATE	
The undersigned Organization certifies that all items, units, quantities and material shown on this requisition is correct; that all work has been performed and material supplied in full accordance with the terms and conditions of the Funding Agreement between the Department of Design and Construction of the City of New York and (Organization) dated _____, 20____, and all authorized changes thereto; that all Funding Agreement reports are attached; and that the above is a true and correct statement of the Funding Agreement account up to and including the last day of the period covered by this requisition and that no part of the "Current Payment Due" has been received.	
Signature _____	Federal taxpayer I.D. # _____
Name (Print) _____	Date _____
Title (Print) _____	
PROJECT MANAGER'S CERTIFICATE	
I certify that I have verified this requisition and that to the best of my knowledge and belief it is a true and correct statement of the materials supplied by the Organization and that all work and material included in this estimate has been inspected by me or my duly authorized assistants and has been found to comply with the terms and conditions of the corresponding Funding Agreement and authorized changes thereto.	
Signature _____	Date: _____
Name (Print) _____	
Title (Print) _____	

Invoices and Proofs of Payment Overview

Your organization will provide all invoices associated with the funding agreement purchases, along with proofs of payment, showing that all amounts due were paid in full. Proofs of payment can vary, with each type having specific requirements as noted in the next page.

Notes

Only include invoices for budget approved items or their equivalent, if the original items are no longer available for purchase.

Some equipment purchases are billed in milestone payments. Make sure that all invoices and payments for such purchases are accounted for.

If items were purchased through a contractor, then provide both the contractor and vendor invoices that tie to the contractor's billing, along with proof of payments made to the contractor.

As previously mentioned on [Page 21](#), shipping addresses on invoices should be consistent with the addresses of where the equipment will be used as per the budget. For any inconsistencies, provide a confirmation letter acknowledging that all items for the award will be used at the site noted in the budget.

Vehicle sales orders must include the Vehicle Identification Number (VIN). This is essential in verifying that the DMV documentation lines up with the invoice(s) associated with the reimbursement.

Proofs of Payment

Your organization will provide documentation proving that the invoices/sales orders were paid in full. Below is a list of acceptable proofs of payment.

Payment Type	Notes
Cancelled Check	Both the front and back of the check must be scanned, along with the financial institution's stamp on the back of the check, showing that the check was cleared. See the example below.
Electronic Wire Transfer/ACH/Debit Card Payment	The Funding Recipient will provide a copy of the bank statement highlighting the transaction(s). Redact any sensitive information from these statements, such as the account numbers, except for the last 5 digits.
Credit Card	Funding Recipients will provide a copy of the credit card statement highlighting the transaction(s), along with a copy of the cancelled check or EFT transaction showing that the statement balance was paid in full. Any sensitive information should be redacted.

Sample Cancelled Check

This is a legal copy of your check. You can use it the same way you would use the original check.

123456789
01/04/2004
123456789012345

145

JAN 1, 2004

JAMES C MORRISON
MARY B MORRISON
2760 N. CEDAR DRIVE
YOUR CITY, STATE 5000

NORTH POLE, INC. \$ 295.45

Two Hundred Ninety Five and 45/100 DOLLARS

Ohward Bancshares, Inc.
203 N. Main Street
Maquoketa, Iowa 52060

James C. Morrison

10000078940 12345678 0145 0000029545

10000078940 12345678 0145 0000029545

1800539446

01/04/2004

FOR DEPOSIT ONLY
Ohward Bancshares, Inc.
ACCOUNT 1234567890123
NORTH POLE, INC.

DO NOT SIGN/WRITE/STAMP BELOW THIS LINE
FOR FINANCIAL INSTITUTION USAGE ONLY

1800539446

01/04/2004

123456789012345

Do not endorse or write below this line.

Proofs of Payment Additional Notes

If the payment amount(s) does not match the invoice amount (e.g., \$70,000 check for a \$50,000 invoice), then you must provide a full list of invoice numbers and amounts the payment covers, to ensure that the invoice in question is part of the payment. Your internal payment system should be able to provide such a list.

Multiple credit card statements with proofs of payment, until any past balances are closed out, may be required if an outstanding card balance is not paid in full for the statement period in which the purchases were made. Make sure that the credit card statements include the cover page showing the card balance.

Screenshots from your organization's internal payment system showing that an invoice was paid, is not an acceptable primary means of proof of payment. All proofs of payment must come from your financial institutions. It is imperative that your organization safeguard all payment records for these purchases.

Attorney Equipment Lien Attestation Form Package (For Equipment/ Initial Outfitting Projects)

This form (see [Pages 90](#) and [91](#)) requires your organization's attorney to attest that they have complied with the requirements set forth in DDC's Funding and Security Agreement to secure a perfected security interest for the City pursuant to Article 9 of the Uniform Commercial Code (UCC) with respect to the City-Funded Equipment and other Collateral covered by the Security Agreement. The items listed below are required for this form. Refer to the **UCC Guidelines** within this handbook for more information on each item.

UCC, Judgment, and Tax Lien Search

Search results must be under your organization's full legal corporate name, based on the Articles and Certificate of Incorporation, and ordered from a reputable title search company. The search must list all active UCC filings with the New York State Department of State (NYSDOS) and include copies of the filings, to determine if they consist of broad liens based on the stated collateral (e.g. all inventory whether owned now or acquired later), which would require a UCC-3 Amendment. Judgment search results must cover jurisdictions of each county within New York City. Tax lien search results must cover The City of New York. If these results, which must include supporting pages, yield outstanding judgments, tax liens, or violations, your organization must provide evidence that any such judgments were satisfied and/or payments were made for tax liens and violations.

UCC-3 Amendment Statements

If the search results list creditors that hold a UCC security interest/lien that impacts the City-funded equipment, including the Dormitory Authority of the State of New York (DASNY), then the creditor or your organization's attorney, with the creditor's approval, must file a UCC-3 Amendment Statement (UCC-3) to address each competing UCC lien. The UCC-3 is filed with the NYSDOS, which carves out (excludes) the City-funded equipment from a creditor's lien. The carve out attachments include the Exhibit A (Collateral Deleted) and Schedule I (List of Equipment) pages, along with Payment Requisition Form A, which lists the excluded equipment. The Exhibit A and Schedule I pages are available on the DDC Not-for-Profit Forms website.

HUD Lien Subordination Agreements

The Funding Recipient has executed the HUD and City approved subordination agreement with HUD and the HUD-insured lender(s) and have been properly filed as a UCC-3 amendment statement against the competing HUD-related UCC lien(s) on file with the NYSDOS.

UCC-1 Financing Statement

Upon clearing all matters noted above, your organization will file a UCC-1 Financing Statement (UCC-1) with the NYSDOS, with respect to City-Funded Equipment covered by the Reimbursement Request and other Collateral covered by the Security Agreement. Attached to the UCC-1 will be the Exhibit A (Collateral) and Schedule I (List of Equipment) pages, along with Payment Requisition Form A, which lists the secured equipment. The UCC-1 filing places a DDC lien on the equipment for a period of 5 years. See the next page on [UCC filing acknowledgments](#).

UCC Filing Acknowledgments

Prior to filing any UCCs with the NYSDOS, draft copies must be sent to DDC for review and acceptance. For each filed UCC, you should receive a NYSDOS filing acknowledgment letter (see lower left sample redacted letter). This letter notes the filing number, filing date, number of pages in the filing. Each letter should be accompanied by the UCC filing with all pages, with the filing number printed on the first page. If the letter includes only the first page of the UCC filing, then your attorney needs to fill out a UCC filing acknowledgment letter of their own (see lower right UCC-1 template letter), which will include the same information as the NYSDOS letter. Attached to the letter will be all pages used for the UCC filing, based on the accepted draft provided to DDC prior to filing, the NYSDOS filing acknowledgment letter, and the UCC page with the filing number. The NYSDOS UCC search website may not always allow us to view the UCC filings, which necessitates the need for this letter. Template letters are available for UCC-1 and UCC-3 filings.



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA, 99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

FILING ACKNOWLEDGMENT
July 8, 2022

Attached is the acknowledgment copy of your recently submitted filing. This filing consists of a total of 4 pages; however, only the first page of the filed document is returned as part of this acknowledgment. This document has been filed with the New York State Department of State, Uniform Commercial Code Division.

The Financing Statement has been assigned Filing Number: [REDACTED] Filing Date: 06/30/2022 and is currently reflected in our automated database as follows:

Debtor's Name & Address

Secured Party's Name & Address

THE CITY OF NEW YORK, ACTING BY AND THROUGH ITS DEPARTMENT OF DESIGN AND CONSTRUCTION
30-30 THOMSON AVENUE
LONG ISLAND CITY NY 11101

This filing will lapse on 06/30/2027, unless continued. We encourage filers to take full advantage of the six-month window of opportunity in which to file a Financing Statement Amendment (Continuation). Submission of your documents at the onset of the six-month window will allow ample time to rectify potential filing errors and help to assure timely recording of your filing.

If you have any concerns regarding the way this document is recorded, please contact one of our Customer Service Representatives at (518) 473-2492, or respond in writing to the UCC Data Processing Unit at the address indicated above.

Sincerely,

Uniform Commercial Code Division
Data Processing Unit

REF #: [REDACTED]

UCC-1 Filing Acknowledgment Letter

[Letter should be on the filing attorney's organizational letterhead]

[Date]

[Enter filing attorney's name, organization, address, city, state, & zip]

To whom it may concern,

This letter is to confirm that the enclosed UCC-1 between [Enter the name of the Non-Profit Organization] and the City of New York, acting by and through its Department of Design & Construction, was submitted to the New York State Department of State for filing. The UCC-1 filing included the attached UCC-1 Financing Statement Form, Exhibit A, Schedule I, and the Payment Requisition Form.

Per the Filing Acknowledgment received from New York State, Filing Number [Enter filing number], filed on [Enter filing date], consists of a total of [Enter number of pages] pages, however, only the first page of the document was returned as a part of the acknowledgment.

Should you have any questions or require additional information, please don't hesitate to contact me.

Thank you,

[Filing Attorney's Signature]

[Enter filing attorney's name, title, email, and phone number]

Attorney Equipment Lien Attestation Form Package Notes

The UCC, judgment, & tax lien search should be ordered after all other reimbursement items have been received and accepted. This is to ensure that the search results and UCC filings are as current as possible before the reimbursement request is submitted for approval. The DDC Project Manager will notify you on when to order the search and provide detailed instructions on how to complete the Attorney Equipment Lien Attestation Form Package.

Your organization's name listed on all UCC filings must match the name noted in the Articles and Certificate of Incorporation. Be mindful of the spelling and grammar of your organization's name on the filings, as those with misspelled names will be difficult to search for in the NYSDOS site. Such misfiled UCCs will require re-filing.

Once you receive and resolve all items on the Attorney Equipment Lien Attestation Form, you will complete the form and include all supporting files for submission to and review by the DDC attorney. This package should be submitted as single pdf with all documents bookmarked.

Certificates of Insurance

Your organization will provide DDC copies of your Certificates of Insurance, as proof that the appropriate property and liability coverages are in place. The following certificates are required:

- Certificate of Liability Insurance (Acord 25)
- Evidence of Property Insurance (Acord 27) for removable equipment mounted in vehicles
- Evidence of Commercial Property Insurance (Acord 28) for equipment located in buildings
- Insurance Broker's Certification

Notes:

All Certificates

The legal name of your organization must be listed as the policy holder.

The applicable boxes for insurance coverage and policy data must be checked off or filled in.

Acord 25

DDC's name and address (City of New York Department of Design & Construction, 30-30 Thomson Ave., Long Island City, NY 11101) must be listed as a Certificate Holder and the City of New York as an Additional Insured. Refer to the **Insurance Responsiveness Checklist** from the **Registration** phase for more information.

If the Acord 25 certificate that was provided prior to registration, is still valid when the reimbursement request is submitted, then you don't need to re-send it. Your DDC Project Manager will notify you if you need to re-submit it.

Acord 27 & 28

Enter the address of the property covered (Acord 28) or description and location of the vehicle (Acord 27) and include a description (item type, make, model, and quantity) of the equipment in the Location/Description box. DDC will provide a list of covered property. Attach **Acord 101, Additional Remarks Schedule**, if you need more space than what is available in the Location/Description box.

DDC's name and address (see above) must be entered in the **Additional Interest** section and checked off as a **Loss Payee**.

Insurance Broker's Certification

The broker's certification must be notarized on or after the dates on all Acord certificates. Revisions to any Acord certificates require updated certifications.

Software License Agreement

Upon registration of the funding agreement, the licensor will execute the Software License Agreement for any non-transferable software licenses. This agreement grants a transferable license to the City, allowing use of the equipment, if the City were to repossess it due to an Event of Default under the terms of the funding agreement.

Notes:

The list of applicable licensors, if any, are found in Schedule VI of your funding agreement.

- If a licensor changes from the one listed in the agreement, then an amendment to the funding agreement must be done to reflect this change.

The City will identify to the licensor the person(s) or entity that will make use of the software, if there is an Event of Default.

Licenses must be transferable to the City at no additional cost.

Substantive changes to the Software License Agreement are not allowed.

[NYC TEMPLATE ASSIGNMENT OF SOFTWARE LICENSE AGREEMENT]
[Note: This letter must be on the Licensor's letterhead and all bracketed references must be removed to include the necessary information.]

_____, 20____

The City of New York
Department of Design and Construction
30-30 Thomson Avenue
Long Island City, New York 11101

Dear Sirs and Madams:

Re: Funding Agreement dated as of _____, 20____ ("Funding Agreement") by and between The City of New York acting by and through its Department of Design and Construction (the "City") and _____ ("Funding Recipient"); Security Agreement dated as of _____, 20____ ("Security Agreement") by Funding Recipient in favor of the City; and License Agreement dated as of _____, 20____ (the "License Agreement") by and between the undersigned ("Licensor") and Funding Recipient.

Funding Recipient has advised Licensor that the City has provided funding ("Funding") to Funding Recipient pursuant to the Funding Agreement to finance the acquisition of certain equipment ("Equipment") and software ("Software") necessary to operate said Equipment. Licensor is the holder of all copyrights and trademarks and owns all rights, benefits and privileges appurtenant to the Software. Licensor has licensed the Software to Funding Recipient pursuant to the License Agreement.

Funding Recipient has further advised Licensor that it is a condition of the Funding that, among other things, for a period commencing on the date that the City makes the first disbursement of the Funding for the Equipment to Funding Recipient, and ending five (5) years from the date that the City makes the final disbursement of such Funding to Funding Recipient, Funding Recipient grant to the City a first priority lien on the Equipment, and that Funding Recipient collaterally pledge, transfer and assign to the City and/or the City's designee the rights, benefits and privileges of Funding Recipient with respect to the Software under the License Agreement. Accordingly, upon the occurrence of an Event of Default under the Funding Agreement, the City may avail itself of all of its rights against the Equipment under the Security Agreement, and the City and/or its designee shall be vested with all of the rights, benefits and privileges of Funding Recipient with respect to the Software under the License Agreement.

At the request of Funding Recipient, Licensor hereby consents to the pledge, transfer and assignment to the City and/or the City's designee of the rights, benefits and privileges of Funding Recipient with respect to the Software under the License Agreement for the remaining term of the License, provided that prior to exercising its rights with respect to the Software as collateral assignee of the License Agreement: (i) the City shall give notice to Licensor of the occurrence of an Event of Default under the Funding Agreement; and (ii) the City shall identify to Licensor the person or entity that will make use of the Software, including, name and address and such other information as Licensor shall reasonably request.

Licensor further agrees that the pledge, transfer and assignment to the City and/or the City's designee of the rights, benefits and privileges of Funding Recipient with respect to the Software, and the use thereof by the City and/or the City's designee during the Performance Term shall be at no cost whatsoever to the City and/or the City's designee.

Very truly yours,
[LICENSOR]

By: _____
Name: _____
Title: _____

Funding Recipient hereby collaterally pledges, transfers and assigns to the City and/or the City's designee all the rights, benefits and privileges of Funding Recipient with respect to the Software under the License Agreement. Accordingly, upon the occurrence of an Event of Default under the Funding Agreement and notice of the occurrence thereof by the City to Licensor as provided above, the City and/or its designee shall be vested with all of the rights benefits and privileges of Funding Recipient with respect to the Software under the License Agreement.

[FUNDING RECIPIENT]

By: _____
Name: _____
Title: _____

Judgment & Tax Lien Search (Vehicle Projects)

Your organization will obtain a judgment and tax lien search (see redacted sample below) from an independent lien search company to verify that any past unpaid taxes (federal, state, or local) and/or judgments against the organization have been cleared and that there are currently none outstanding.

Notes:

The search is conducted on the organization, with the judgment results covering each county of New York City and the tax lien results covering the City of New York. Proofs of satisfaction of settled judgments, violations, and/or liens must be provided.

Searches must be as up to date as possible, thus the search should be conducted after all other reimbursement items are received and accepted. The DDC PM will notify you on when to order the search.




UCC/LIEN SEARCH REPORT

Report Date: 

Project/Client Reference: 

NAME SEARCHED: 

JURISDICTION: NEW YORK COUNTY CITY REGISTER, NEW YORK

SEARCHED:	THROUGH:	FINDINGS:
Uniform Commercial Code / Fixture Filings		NO RECORD
Federal Tax Liens		NO RECORD
State Tax Liens		1 ACTIVE FILING
Abstract of Judgment Liens		3 ACTIVE FILINGS

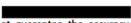
Note: In compliance with Revised Article 9, the government agencies providing these results may have included terminated and/or lapsed filings. However, if copies were retrieved, then only copies of active filings were obtained unless otherwise directed.

DETAILED FINDINGS:

STATE TAX LIEN	FILE #: 	FILE DATE: 
JUDGMENT	FILE #: 	FILE DATE: 
JUDGMENT	FILE #: 	FILE DATE: 
JUDGMENT	FILE #: 	FILE DATE: 

PLEASE SEE ATTACHED COPIES

- 1 -

Information contained in this report was obtained directly from public records that are maintained by government officials.  in no way undertakes or assumes any part of the customer's business, legal, or similar risks, and does not guarantee the accuracy, completeness, or timeliness of the information provided, and shall not be liable for any losses or injuries whatsoever resulting from any contingency beyond its control, or from negligence, regardless of the cause.

Department of Motor Vehicles (DMV) Documentation

Vehicle purchases require documentation from the DMV such as the Certificate of Title, Registration, and Insurance ID Card. See [Page 113](#) for sample documentation.

Notes:

The Vehicle Identification Number (VIN), Make, and Model, & Year must be consistent across all DMV documents and match what appears on the invoice.

The organization will place the DDC lien on the vehicle, prior to completing the reimbursement package by filling out the DMV Form MV-900. See the next page for instructions on completing this form and submitting the lien request. Your DDC Project Manager will provide a memo on these instructions, which includes DMV links. This memo is also available on the DDC Not-for-Profit Forms website.

DDC will be listed as the only lienholder on the DMV Certificate of Title. No exceptions.

DMV Registration and NYS Insurance ID Cards must be current.

If a vehicle is stolen or damaged beyond repair, the organization is required to replace the vehicle and notify DDC and OMB in writing about the incident, so that a new lien can be applied to the replacement vehicle. The 5-year performance period does not reset for a replacement vehicle.

Once 5 years have passed from the date the DDC lien was placed on the Certificate of Title and the organization received reimbursement, a lien removal request is required for DDC to release the lien.

DMV Lien Filing Instructions

1. Your organization receives a Certificate of Title from the NYS Department of Motor Vehicles (DMV). The certificate must not list any lienholders. The certificate date must be current, as per the Check Title or Lien Status search engine results on the DMV's website.
2. Upon receipt of the Certificate of Title, you will complete the DMV Form MV-900–Notice of Lien. All data in the Vehicle, Owner, and Lien Information sections must be typed in. The data entered in the first two sections mentioned above must match what is shown on the Certificate of Title. In the Lien Information Section, the following information is entered for the fields listed below:
 - a. Lien Filing Code: This code is provided by the DDC Project Manager (DDC PM)
 - b. Lienholder's Name: NYC Dept. of Design & Construction
 - c. Street Address: 30-30 Thomson Ave.
 - d. City, State, & Zip Code: Long Island City, NY 11101
3. Once the MV-900 is filled out, the organization types in their name and title in the noted areas and signs and dates the form. The signature must be done in ink. E-signatures are not allowed. The organization checks off Yes for the issuance of a Certificate of Title, located at the bottom of the form. They are **not** to sign the Lienholder's signature block.
4. After completing the MV-900, the organization emails the DDC PM a copy of the form, along with the Certificate of Title, so that it can be reviewed for accuracy. Once the DDC PM approves the form, the organization sends the original signed MV-900 and original issued Certificate of Title to the DDC PM via physical mail.
5. When the DDC PM receives the completed MV-900 and Certificate of Title, they sign and date the form and prepare a vehicle lien recording request letter, which places DDC as the lienholder on the Certificate of Title. The letter also exempts DDC from paying the \$5 filing fee, as per the Lien Filing Code provided in the MV-900. The DDC PM mails out the MV-900, Certificate of Title, and lien recording request letter to the DMV. The DMV reviews the lien request package and upon acceptance, issues a new Certificate of Title to the organization, showing DDC as the sole lienholder on the vehicle. The organization emails a copy of the new title certificate to the DDC PM.

Department of Motor Vehicles (DMV) Documentation Samples

NYS DMV Certificate of Title

000077

CERTIFICATE OF TITLE
NEW YORK STATE
dmv.ny.gov

Title and Identification No. [REDACTED] Year 2019 Make FORD Model Code N/A Body/Hull SUBN

Color WH Wt/Sts./Lgh. 9090 Fuel GAS Cyl/Prop. 10 New or Used NEW Type of Title VEHICLE Date Issued [REDACTED]

Name and Address of Owner(s) [REDACTED] ODOMETER READING: 00041 ACTUAL MILEAGE 00041

LIENS
Document No. [REDACTED]

VOID IF ALTERED

This document is your proof of ownership for this vehicle, boat or manufactured home. Keep it in a safe place, not with your license or registration or in your vehicle or boat. To dispose of your vehicle, boat or manufactured home, complete the transfer section on the back and give this title to the new owner.

Lienholder [REDACTED] Lienholder [REDACTED]

NYC DEPT. OF DESIGN & CONSTRUCTION
30-30 THOMSON AVE
LONG ISLAND CITY NY 11101

ONE LIEN RECORDED

ONE LIEN RECORDED

ONE LIEN RECORDED

DEPARTMENT OF MOTOR VEHICLES

NYS DMV Registration

STOP DON'T PEEL STICKER FROM FRONT - SEE BACK! **STOP** Keep this document to show to the police and courts.

NEW YORK STATE REGISTRATION DOCUMENT

G AMB
15076EV
2016 CHEVR NONTRANSFERABLE
SUBN WH/BL [REDACTED]
010064 D 8 DEC 01 2017
Wt/Sts. Fuel/Cyl EDE HSBC1B Expires 12/31/18

12 2016 CHEVR SUBN 15076EV AMB 6 G 18

ANNUAL CHG
AUTOMATICALLY \$20.00

VOID IF ALTERED EXCEPT FOR ADDRESS 0.00

STOP

NYS Insurance ID Card

NEW YORK STATE INSURANCE IDENTIFICATION CARD

888 NYS DMV TEST MUTUAL

Name & Address of Issuer DMV All Lines Agency
6 Empire State Plaza
Albany NY 12228

An authorized NEW YORK insurer filed a financial security bond with the Department of Motor Vehicles complying with Article 6 of the New York Vehicle and Traffic Law on behalf of:

MOTORIST, MICHAEL, M
123 SWAN STREET
ALBANY NY 12228

Bond Number NYBOND12345

Effective Date 12/11/2000 Expiration Date 12/11/2001
12:01 a.m. 12:01 a.m.
(Not acceptable to obtain registration after 45 days from effective date.)
Applicable with respect to the following Motor Vehicle:
2001 FERRA
Year Make
NYDMVVIN123456789
Vehicle Identification Number

THIS ID CARD MUST BE CARRIED IN THE INSURED VEHICLE FOR PRODUCTION UPON DEMAND

WARNING: Any person who issues or produces an ID card knowing that an Owner's Policy of insurance is not in effect may be committing a misdemeanor. In addition, a person who presents an ID card if insurance is not in effect may be committing a misdemeanor.

The name of the registrant and the name of the insured must coincide

REPLACEMENT VEHICLE NOTATION: DMV WILL ONLY PROCESS A VEHICLE CHANGE (RE-REGISTRATION) USING THE REPLACED VEHICLE'S CURRENT REGISTRATION.

FS-43

Final Notes on the Reimbursement Phase

While work on the legal requirements may take place prior to registration, DDC recommends that lien placements (UCC-1) on equipment be the last item completed in the Reimbursement Request. This is so that the lien period (5 years) overlaps the performance term of the funding agreement (5 years after reimbursement) as close as possible, in case there are delays in compiling the other reimbursement items. This does not apply to vehicle liens, as their lien periods have no automatic lapse dates.

It is possible for the reimbursement amount to be less than the funding agreement amount. If this happens, the reimbursement amount must meet the minimum award dollar figures noted in the **Award Types & Eligibility Overview** section on [Page 8](#).

As with the Registration phase, some reimbursement items, such as insurance certificates and registrations have expiration dates. You may need to provide renewals for such items if there are delays in completing the reimbursement package.

Purchasing city-funded equipment via a loan will create a competing lien on the item. The City cannot place its lien until the loan is paid off and the competing lien is cleared.

Notify DDC of any delays in delivery of equipment/vehicles and confirmation as to when they are delivered, as reimbursement cannot commence, even if the items are paid in full.

If there are significant changes to the proposed equipment, due to availability and unit cost, notify DDC in writing of these changes. Upon acceptance of these changes, DDC will prepare an Equipment Budget Amendment, to allow a modification of the budget, so that these items can be reimbursed. One example includes an increase in the purchased quantity of an item, due to lower unit costs than what was budgeted. Any changes requires a review from OMB to determine eligibility, which will delay reimbursement.

City-funded equipment and vehicles must have tags indicating they were funded by the City of New York and that the City has a first-priority lien. These tags cannot be removed until the expiration of the performance term of the funding agreement, which is 5 years after receiving reimbursement, as per the City Purpose Covenant in Section 4.01a of your funding agreement.

After receiving reimbursement, your organization must complete and submit a Compliance Report to OMB on an annual basis during the performance term. During this time, the OMB Compliance Officer must be notified of any circumstances such as loss, theft, damage, or re-location of the equipment. For the first three events, items must be replaced at your own expense. The use of any replacement items do not reset the clock on the performance term period.

Final Notes on the Capital Award Process and Handbook

The information provided in this handbook covers the basics of each phase of the capital award process. All awards are handled differently, to include those with nearly identical purchases. There are circumstances that may arise during the process that require you to provide information or documentation to DDC or OMB that is not covered in this handbook. We have an FAQ section on our website that covers additional information not found in this handbook.

The timeframes mentioned in each phase are best case scenarios. They do not account for the time it takes your organization to compile the required phase documents or DDC internal reviews for some phases, as such estimates can vary greatly depending on the type of award and its complexity.

There are circumstances that can delay submission and approval of documentation packages for each award phase, such as difficulty in obtaining documentation from outside sources, construction/renovation delays, change in legal name of the organization, outstanding tax warrants or ECB violations, or supply shortages of the proposed items. Always notify DDC of such obstacles, as we can assist you in resolving some of these matters.

DDC recommends that your organization have at least two individuals working on an award, as it keeps the flow of the award process moving, in case one staff member is away for an extended period or departs your organization. For the latter, try to transfer any knowledge of the award to the next staff member that takes on the award.

Throughout the capital award process, your organization will submit dozens of files. For ease of review, all files should have names that clearly identify what item is being submitted.

Your organization may work on multiple capital awards at once. Each capital award is assigned a unique Project ID. This ID is provided upon notification of the award. All email correspondence for a specific award must reference its assigned Project ID in the email subject. This will simplify the process of researching email communications throughout the award process.

Respond to any inquiries and comments from DDC or OMB in a timely manner. DDC reports the progress of all capital awards to OMB and this information is passed on to the elected officials. Prolonged inactivity without a valid reason may lead to the rescindment of your award, as the capital monies need to be reallocated towards other projects.

If your organization is unable to proceed with a capital award, notify DDC for the reason in a written memo. You may be able to repurpose the allocation towards a future award, if approved by your elected official(s), unless the items do not meet the eligibility requirements or have already been purchased. Repurposing is done when you apply for a future CapGrants award.

END OF HANDBOOK