

Industrial and Commercial Abatement Program FINAL APPLICATION INSTRUCTIONS

Application Fee

The filing fee applies only to preliminary applications received on or after April 1, 2017. For preliminary application received prior to April 1, 2017, no fees are required for any part of the process (Final application and notice of completion)

- Preliminary Application - \$150.00 (certified check or money order only)
- Final Application - \$500.00 (certified check or money order only)
- Notice of completion - \$1000.00 (certified check or money order only)

Mail your check payable to "The Department of Finance"

Please be sure to complete all sections and sign this application.

Mail completed application and all required attachments to:

New York City Department of Finance, ICIP/ICAP, 59 Maiden Lane, 22nd Floor, New York, NY 10038

This is your Final Application and Instructions for a Preliminary Certificate of Eligibility.
This cover page provides a list of documents that must be submitted with your application.

The application includes:

Page 2: Section 1 – Site Information and Section 2: Applicant Information

Page 3: Section 3 – Applicant's Representative Information and Section 4 – Project Information

Page 4: Section 4 – Project Information, continued

Page 5: Section 5 – Minority and Women-owned Business Enterprise Firms Solicited

Page 6: Section 5 – Minority and Women-owned Business Enterprise Firms Solicited, continued

Page 7: Section 5 – Minority and Women-owned Business Enterprise Firms Solicited, continued and
Section 6 – Project Completion Instructions

Page 8: Section 7 – Employment Representations by Applicant

Page 9: Section 8 – Agreements and Representations and Section 9 – Application Affidavit

Page 10: Section 10 – Affidavit and Narrative Description

The following information also must be submitted with the Final ICIP/ICAP Application:

- ✓ Copy of the NYC Department of Buildings Work Permit(s).
- ✓ Copy of lease if you are not the owner of the property. The ICIP/ICAP applicant must be the party responsible for the payment of real estate taxes.
- ✓ Proof of zero outstanding real estate tax charges.
- ✓ No more than 20% of the total rentable square footage can be dedicated to residential purposes. If so, apportionment is required. See <http://www1.nyc.gov/apportionments> for more details.
- ✓ If a request for lot merger or apportionment has been filed with the surveyor, please enclose a copy of the RP-602.
- ✓ Affidavit and attachments of engineer or architect.
- ✓ For ICAP, please submit all open Fire DOB ECB violations.
- ✓ M/WBE Compliance Report and NYC Small Business Services Certificate of Approval for projects greater than \$2.5 million.

The Department of Finance reserves the right to ask for additional information to determine eligibility for ICAP benefits.

For inquiries about ICIP/ICAP, visit: nyc.gov/contacticipicap

ICAP

**Industrial and Commercial Abatement
FINAL APPLICATION FOR CERTIFICATE OF ELIGIBILITY**

**DATE
STAMP**

This final application must be filed NO LATER than one year after the effective date of eligibility if the Preliminary application filed before 3/10/2017. The effective date of eligibility is the date of the first building permit that allows construction to proceed, or if no permit is required, NO LATER than one year from the date that construction started. The one-year requirement was modified for preliminary applications filed after 3/10/2017.

Mail completed application and all required attachments to:

New York City Department of Finance, ICIP/ICAP, 59 Maiden Lane, 22nd Floor, New York, NY 10038

1. SITE INFORMATION

APPLICATION NUMBER	1. BOROUGH	2. BLOCK	LOT(S)
3. SITE ADDRESS			
CITY	STATE	ZIP	
4. IS THE PROPERTY PART OF A (CHECK ONE)			
<input type="checkbox"/> Commercial Revitalization District		<input type="checkbox"/> Economic Development Zone	
<input type="checkbox"/> EDC Industrial Park		<input type="checkbox"/> Empowerment Zone	

2. APPLICANT INFORMATION (Applicant must be the party responsible for real estate taxes)

5. APPLICANT NAME		
6. CONTACT PERSON (IF OTHER THAN APPLICANT)		
STREET ADDRESS		APT.
CITY	STATE	ZIP
TELEPHONE NUMBER	CELL NUMBER	
EMAIL ADDRESS	FAX NUMBER	
APPLICANT'S EMPLOYER ID NUMBER		
7. RELATIONSHIP TO PARCEL (CHECK ONE)		
<input type="checkbox"/> Owner		<input type="checkbox"/> Net Lessee
<input type="checkbox"/> Mortgagee in Possession		<input type="checkbox"/> Tenant
<input type="checkbox"/> Other _____		
8. <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have knowledge that any persons, entities, partners, directors or officers that have a substantial interest in the property has ever committed arson? (A substantial interest is defined as ownership or control of an interest of 10% or more in the property.)		

3. APPLICANT'S REPRESENTATIVE

If a representative is designated below, correspondence will be sent ONLY to the representative.

Check here if the applicant's representative has changed since the filing of the preliminary application.

9. REPRESENTATIVE NAME (FIRST, LAST)		
REPRESENTATIVE FIRM/BUSINESS NAME		
STREET ADDRESS		APT.
CITY	STATE	ZIP
TELEPHONE NUMBER	CELL NUMBER	
EMAIL ADDRESS	FAX NUMBER	

10. CONTACT FOR SITE INSPECTION:	
TELEPHONE NUMBER	EMAIL ADDRESS

4. PROJECT INFORMATION

11. TYPE OF PROJECT (CHECK ALL THAT APPLY)	
<input type="checkbox"/> New Building	<input type="checkbox"/> Alteration <input type="checkbox"/> Addition to Existing Space
12. THIS APPLICATION IS FOR (CHECK ONE)	
<input type="checkbox"/> Industrial Exemption	<input type="checkbox"/> Commercial Abatement <input type="checkbox"/> Industrial Abatement and Exemption
13. TOTAL SQUARE FOOTAGE OF SPACE THAT IS THE SUBJECT OF THIS APPLICATION	14. ESTIMATED COST OF CONSTRUCTION
sq. ft.	\$
15. PROPOSED USE	

ICAP Industrial and Commercial Abatement FINAL APPLICATION FOR CERTIFICATE OF ELIGIBILITY

16. IN THE SPACE PROVIDED, LIST THE BUILDINGS, FLOOR AND TOTAL SQUARE FEET.

BUILDING	FLOOR	TOTAL SQUARE FEET	CURRENT USE (SPECIFY BUSINESS USE)	PROPOSED PROPERTY USE DESIGNATION CODE AND SPECIFY BUSINESS USE
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

17. Yes No Have plans been filed with the Department of Buildings? If yes, date filed: _____

18. Yes No Does the construction work require a building permit? If yes, date issued: _____

19. Yes No Has construction commenced? If yes, date commenced: _____

20. Projected date of completion: _____ OR Actual date of completion: _____

21. Yes No Has an application been made previously for ICIP/ICAP benefits for this property?
If no, continue to question 9. If yes, give application number: _____

22. Yes No Has a Certificate of Eligibility been granted for the prior ICIP/ICAP application?

23. Yes No Has an application been made for any other New York City Exemption or Abatement Program, for example J-51, lease abatement, ECSP, prior ICIP, ICAP etc.? If yes, specify.

24. Estimate the number of permanent jobs for New York City residents that will be provided at the completion of the project. Retained: _____ Created: _____

INDUSTRIAL AND COMMERCIAL ABATEMENT PROGRAM (ICAP) APPLICANT RESPONSIBILITY CHECKLIST

<i>Submit PRELIMINARY Application for Certificate of Eligibility</i>					Submit FINAL Application for Benefits Stage
CONTRACT VALUE	SEARCH FOR FIRMS IN THE ONLINE DIRECTORY OF CERTIFIED FIRMS	SOLICIT BIDS FROM AT LEAST THREE CERTIFIED M/WBE FIRMS FOR EACH SUBCONTRACTING PROJECT*	SUBMIT A COPY OF THE ICAP M/WBE COMPLIANCE REPORT TO DLS	SUBMIT EMPLOYMENT REPORT TO DLS 15 DAYS BEFORE COMMENCEMENT OF WORK	SUBMIT ICAP M/WBE COMPLIANCE REPORT AND NYC SMALL BUSINESS SERVICES CERTIFICATE OF APPROVAL TO NYC DEPARTMENT OF FINANCE
Less than \$750,000	✓				
\$750,000—\$1.5 million	✓	✓	✓		
\$1.5 million—\$2.5 million	✓	✓	✓		
Greater than \$2.5 million	✓	✓	✓	✓	✓

*The applicant shall maintain records demonstrating its compliance with this provision.

The Department of Finance reserves the right to ask for additional information to determine eligibility for ICAP benefits.

Ready to search for certified firms? Visit www.nyc.gov/buycertified

The online directory of certified businesses provides a comprehensive, searchable tool that helps city buyers and contractors identify certified minority and women-owned business enterprises (M/WBEs) throughout the New York City tri-state area. Find detailed information on certified companies, including a brief description of their work history, contact information, and detailed information about their products or services. For complete ICAP Benefit Schedules, visit nyc.gov/finance

Local Law 67 of 2008 requires that all Industrial and Commercial Abatement Program (ICAP) beneficiaries include City-certified Minority and Women-owned Business Enterprises (M/WBE) firms in construction projects for which tax abatements are granted. The ICAP M/WBE Compliance Report that follows must be submitted with the Final Application for Certificate Eligibility.

5. MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE FIRMS SOLICITED

All ICAP applicants must reach out to M/WBE firms for the process of promoting contracting opportunities on the project. To find M/WBE firms, please visit the City’s Online Directory of Certified Businesses. To search for firms by commodity codes, locations, and keywords, go to www.nyc.gov/buycertified.

For projects over \$750,000, ICAP applicants must indicate below which outreach activities they have performed. Please note: Applicants must keep detailed records of the outreach activities accessible at their place of business.

- Project is less than \$750,000 Project is more than \$750,000 (see Outreach Activities below)

Outreach Activities (check all that apply):

- Advertised opportunities to participate in the project in general circulation media, trade and professional association publications, small business media, and publications of M/WBE organizations
- Provided written notices of specific opportunities to M/WBE firms inviting their participation
- Held meetings with M/WBEs prior to the date their bids or proposals were due, for the purpose of explaining in detail the scope and requirements of the work for which their bids or proposals were solicited
- Made efforts to negotiate with M/WBEs to perform specific subcontracts, or act as suppliers or service providers
- Made timely requests to the NYC Department of Small Business Services for help locating certified M/WBE firms
- Attempted to identify interested M/WBEs not currently on the list of City-certified firms

Applicants with construction projects \$750,000 and greater must complete the above requirements as well as list at least three M/WBE firms that were solicited to perform subcontracting work for each subcontract on the project.

Subcontract Description 1

Amount

NAME AND ADDRESS OF SOLICITED M/WBE FIRMS		SOLICITED MM/DD/YY	RESPONDED MM/DD/YY	AWARDED MM/DD/YY
1.	Source _____ Name _____ Phone _____			
2.	Source _____ Name _____ Phone _____			
3.	Source _____ Name _____ Phone _____			

Subcontract Description 2

Amount

NAME AND ADDRESS OF SOLICITED M/WBE FIRMS		SOLICITED MM/DD/YY	RESPONDED MM/DD/YY	AWARDED MM/DD/YY
1.	Source _____ Name _____ Phone _____			
2.	Source _____ Name _____ Phone _____			
3.	Source _____ Name _____ Phone _____			

Subcontract Description 3

Amount

NAME AND ADDRESS OF SOLICITED M/WBE FIRMS		SOLICITED MM/DD/YY	RESPONDED MM/DD/YY	AWARDED MM/DD/YY
1.	Source _____ Name _____ Phone _____			
2.	Source _____ Name _____ Phone _____			
3.	Source _____ Name _____ Phone _____			

6. PROJECT COMPLETION INSTRUCTIONS

Upon Final Application approval and issuance of a Preliminary Certificate of Eligibility, the following items will be required for ICAP benefit implementation:

1. Certification by a licensed engineer or architect that his narrative description submitted with the Final Application, as last amended, is an accurate description of the project.
2. If 1. above has been amended, include a copy of "as built" plans and amended narrative description.
3. Detailed statement, by trade or contract, of the final actual construction cost expenditures. Projects exceeding \$2,500,000 shall require certification by a certified public accountant.
4. Schedule of the cost expenditures by time periods.
5. Copy of the Final Certificate of Occupancy as proof of project completion. If a Temporary Certificate of Occupancy is issued, additional authorization may be required. If a new or amended Certificate of Occupancy is not required as a result of this project, submit an affidavit by the architect or contractor as to the date of completion of the project.

7. EMPLOYMENT REPRESENTATIONS BY APPLICANT

The applicant and its successors represent and agree that, upon the issuance of a certificate of eligibility for the project described in this application, they:

1. Will not discriminate against any employee or applicant for employment on the basis of race, color, creed, national origin, sex, age, handicap, or marital status, sexual orientation, disability, and citizenship status with respect to all employment decisions, including, but not limited to, recruitment, hiring, upgrading, demotion, downgrading, transfer, training, rates of pay or other forms of compensation, layoff, termination, and all other terms and conditions of employment in connection with any work on the project;
2. Will not discriminate in the selection of contractors and sub-contractors on the basis of any owner's, partner's, associate's, or shareholder's race, color, creed, national origin, sex, age, handicap, or marital status, sexual orientation, disability, and citizenship status in connection with any work on the project;
3. Will state in all solicitations or advertisements for employees placed by it or on its behalf in connection with any work on the project, that all qualified applicants will receive consideration for employment without regard to race, color, creed, national origin, sex, age, handicap, marital status, sexual orientation, disability, and citizenship status, or that they are equal opportunity employers;
4. Will send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or memorandum of understanding, written notification of their equal employment opportunity commitments in connection with any work on the project;
5. Will not award contracts or commence construction until the submission of a completed employment report to the Division of Labor Services (hereafter, "Division") and until the Division approves or fails to respond within 15 business days of receipt of a completed employment report;
6. Will permit the Division access to the project site and to all books and records, and will file certified payroll records, including computer tapes, as required by the Division;
7. Will not engage in moving employees from one job site to another in order to create the appearance of compliance with the rules or other applicable law, regulation or executive order designed to ensure equal employment opportunity;
8. Will submit to the jurisdiction of the Division for the purpose of determining compliance with these representations and will cooperate with the Division in attempting to cure any instances of noncompliance with the equal employment opportunity requirements of Executive Order No. 50 and amendments which the Division may find in connection with any work on the project;
9. Will terminate, suspend, cause to be terminated or suspended, or not award any contract or subcontract entered into in connection with the project described in the application with any contractor or subcontractor found by the Division or the Department of Finance (hereafter, "Department") to be in violation of any provision of these representations;
10. Will include or cause to be included in all contracts in excess of \$1,000,000 or subcontracts for amounts in excess of \$750,000, entered into in connection with the project, the following provision: in consideration for and as a condition of this contract, the contractor or subcontractor agrees that during its performance it: (this paragraph shall be followed by paragraphs (1) through (10) of this subdivision in their entirety);
11. Will complete any hearings commenced by the Director of the Division and comply with any direction of the Department, whether benefits have been granted or not;
12. Will comply with any direction of the Department made pursuant to section 22.601 of the rules, including a direction: (i) to terminate, suspend, cause to be terminated or suspended, or not award any contract between the applicant and a contractor or between contractors and subcontractors upon a finding that the contractor has failed to comply with the terms of this application or has failed to conciliate with the Division; (ii) to pay to the Department, applicant or contractor, an amount equal to 3% of the highest estimate of construction costs as set forth in this application, upon a finding that the applicant has failed to make a good faith effort to comply with the terms of this application or has failed to make a good faith effort to conciliate with the Division, provided that such payment shall be credited against any payment directed under subparagraph (iii) of this paragraph; (iii) to pay to the Department, applicant or contractor, an amount equal to 5% of the construction costs, as set forth in this application, upon finding that the applicant has failed to comply with any direction of the Department or the Division; (iv) not to file for a period of five years any application upon a finding that the applicant has willfully disregarded and willfully failed to comply with any direction of the Department; (v) to implement an employment program of corrective action imposed by the Director of the Division;
13. Understand, and will cause their contractors and subcontractors to understand, that in the event of their noncompliance with the nondiscrimination clauses of this application or contract or with Executive Order No 50 and amendments or the rules or orders promulgated thereunder, such noncompliance shall constitute a material breach of the contract or application and noncompliance with such rule, regulation or order and with Executive Order No. 50 and amendments. (b) The terms used in these representations shall have the meanings given in the rules governing the program;
14. Will comply with the Minority and Women-Owned Business Enterprise (M/WBE) requirements in accordance with provisions under Local Law 67 of 2008 including, but not limited to (i) conducting outreach to M/WBEs that may be qualified to perform contracting and subcontracting work on construction projects, as outlined in the ICAP M/WBE Compliance Report submitted with the Preliminary Application for Certificate of Eligibility, and (ii) keeping and maintaining detailed records, at your place of business, of outreach activities to M/WBEs in preparation for future audits of the program.

8. AGREEMENTS AND REPRESENTATIONS

The undersigned agrees and represents that:

1. He or she has personal knowledge or information sufficient to make a materially correct response to the questions asked in this application form, and that he or she knows or believes all matters stated herein to be true.
2. The applicant and its employees and agents will comply with all provisions of law and rules relating to the program.
3. All taxes and charges due on property within the project site have been paid or are currently being paid pursuant to an installment agreement.
4. The applicant will pay all taxes due on the property within the project site, including taxes due upon revocation pursuant to the rules.
5. The applicant has paid the application fee and will pay all other fees and penalties payable under the rules.
6. The applicant agrees to be personally liable for the payments described in items (4) and (5) to the extent provided by the rules.
7. The applicant will seek benefits only to the extent described in the application and any amended application permitted by the rules.
8. The applicant will not seek benefits in excess of those awardable on the basis of the determination of eligibility made by the Department pursuant to article 18 of the rules, unless such determination is changed upon review sought and obtained in the manner provided by the rules.
9. The applicant will comply with all applicable provisions of law and rules relating to the construction, maintenance and operation of buildings.
10. The applicant or subject property does not have any adjudicated uncured code violations as listed in § 11-266, subdivision b of the administrative code of the city of New York.
11. Within seven years immediately preceding the date of application, neither the applicant nor any person having a substantial interest in the project site, was finally adjudicated by a court of competent jurisdiction to be guilty of arson or harassment, or was an officer, director or general partner of any such person at the time such act or harassment was committed.
12. The applicant will comply with the Rules of the Office of the Mayor for implementation of Executive Order no. 50 (1982) and amendments, relating to equal employment programs, to the same extent as if the applicant was a contractor with the City of New York, and will not commence construction, or award any contract to a contractor for construction work if required, until at least 15 days have elapsed without comment after filing Employment Reports for itself and each such contractor. Employment Reports forms are available from the Division of Labor Services. Employment Reports shall be filed with the:
 Department of Small Business Services
 Labor Services Unit
 110 William Street, 7th Floor
 New York, NY 10038
 (212) 513-6323
13. The applicant will comply with the provisions outlined under Local Law 67 of 2008, with the understanding that no ICAP benefits shall be granted for any construction work unless the applicant participates in the program, established in section 11-278 of the law, to encourage meaningful participation of M/WBEs in construction work for which the applicant receives benefits.
14. The applicant will notify the Department of Finance in writing within fifteen (15) days before commencing any demolition or construction work at the project site.
15. The applicant will submit the above reports, and any others required by this or other departments at a later date, as described in the rules.
16. The Department of Finance may deny, reduce, suspend, revoke, or terminate any benefits under this program, if the recipient:
 - a) fails to comply with the requirements of this program;
 - b) knowingly misstates or omits information in the application;
 - c) is discovered to have building, fire or air pollution control code violations on the subject property;
17. The applicant(s) agrees to submit to the jurisdiction of the Department over any determination of eligibility or noncompliance under the program and will submit any claim under the program to administrative review as provided in the rules before seeking any other remedy.

9. APPLICATION AFFIDAVIT

STATE OF	
COUNTY	DATE
<p>_____, being duly sworn, says under penalty of perjury that s/he is the applicant or the _____ of the applicant, that the statements contained in this application, including any attachments to this application, are true to his/her knowledge.</p>	
SIGNATURE OF APPLICANT OR REPRESENTATIVE	AFFIX OFFICIAL STAMP OR SEAL OF THE NOTARY HERE
Subscribed and sworn to before me this _____ day of _____, 20_____	
NOTARY PUBLIC OR COMMISSIONER OF DEEDS SIGNATURE	

10. AFFIDAVIT AND NARRATIVE DESCRIPTION

If the project does not have an associated engineer or architect, the general contractor for the project should complete the following:

APPLICATION NUMBER

BOROUGH	BLOCK	LOT
SITE ADDRESS		
NAME OF ENGINEER OR ARCHITECT: (IF NO PLANS ARE REQUIRED, NAME OF CONTRACTOR AUTHORIZED TO SUBMIT DETAILS OF WORK.)		
EMAIL	TELEPHONE	

In addition to this affidavit, attach the following:

- Executed construction contracts or a statement from the engineer or architect detailing cost estimate AND
- Narrative description, which MUST include the following:
 - A written description of the proposed project stating the specific work to be undertaken including the floor area (below grade and above grade floors and roof) and location within the property of space created or affected by the work. List each permit number and the work associated with such permit. List any work that did not require a permit. List any work at the project site or any permit that overlaps the effective date that is excluded from the application for ICAP benefits;
 - Date of start of construction;
 - Estimated date of completion of project OR actual date of 1st temporary certificate of occupancy (C.O.) OR Final certificate of occupancy. Include copies of any C.O. issued;
 - Contractors and sub-contractors by trade, including addresses;
 - Costs of construction broken down by major categories of expenses;
 - Number and location of buildings on project property. Where multiple buildings exist on a lot or project site, include a survey showing each building;
 - Statement of current or prior use by square feet; OR Statement of proposed use by square feet; for commercial and/or residential.

REPRESENTATION AND AGREEMENT

The engineer, architect or general contractor named below agrees and represents that the attachments to this affidavit accurately describe the work to be done on the property for which the ICAP application is made.

AFFIDAVIT

STATE OF	
COUNTY	DATE
<p>_____, being duly sworn, says under penalty of perjury that s/he is the _____ for this project and that the statements contained in this application, including any attachments to this application, are true to his/her knowledge.</p>	
SIGNATURE	AFFIX OFFICIAL STAMP OR SEAL OF THE NOTARY HERE
<p>Subscribed and sworn to before me this _____ day of _____, 20_____</p>	
NOTARY PUBLIC OR COMMISSIONER OF DEEDS SIGNATURE	

THIS AFFIDAVIT AND ATTACHMENTS MUST BE FILED IN CONJUNCTION WITH AND AT THE SAME TIME AS THE FINAL APPLICATION FOR THIS PROJECT.