



## Project Implementation Guidance for Local Project Owners

Reading this document:

- The project implementation guidance below describes the milestones that will be achieved at different phases in a project lifecycle. While information is presented in steps, it is likely that some items will be sequenced differently depending upon unique project circumstances. In particular, the point at which the Grant Disbursement Agreement is executed is variable and depends on the unique circumstances of a REDI Project.
- Milestones are presented in three phases- Preliminary Design Phase, Final Design Phase and Construction Phase. Specific deliverable items or actions needed from the Local Project Owner to monument the milestone achievement are identified.
- Milestone achievement will be reported by Local Project Owners using the REDI Program Milestone tracking system.

*When a Grant Application is submitted and when the Grant Disbursement Agreement (GDA) is executed depends on the unique circumstances of a REDI Project.*

*All pre-requisite milestones are indicated by asterisks and must be met before executing a GDA.*

**Milestone: Grant Application Submitted** REDI Grants are processed through the Dormitory Authority of the State of New York (DASNY) or the Environmental Facilities Corporation (EFC).

**Local Project Owner Consideration** Each REDI Grant Recipient who is the Local Project Owner must submit the Lake Ontario Resiliency and Economic Development Initiative (REDI) Application in order to access grant funding.

**Local Project Owner Deliverable** Items that the Local Project Owner should submit for each REDI Project to the appropriate Funding Authority include the Lake Ontario REDI Application, REDI Financial Checklist, Project Certificate, REDI Certificate of Municipal Site Control (when applicable), Municipal Grantee Questionnaire, W-9, as well as any associated attachments as requested. \$ @

**Milestone: Grant Disbursement Agreement (with required municipal resolution) signed and submitted** A Grant Disbursement Agreement is the contract between the Funding Authority (DASNY or EFC) and the REDI Grantee for the maximum allocation for which projects have been approved. REDI Grants provide 95% assistance to the Local Project Owner. Grant Disbursement Agreements may be executed when a project has preliminary engineering completed and a reasonable project budget. It is possible that additional engineering will be performed in order to execute the Grant Disbursement Agreement.

**Local Project Owner Consideration** After the Local Project Owner has submitted all REDI Grant Application materials and satisfied all requirements and received all approvals to execute a Grant Disbursement Agreement, reimbursement requests for eligible expenses can be made.

**Local Project Owner Deliverable** Local Project Owners are expected to complete projects within the scope and budget presented in the Grant Disbursement Agreement. Requests for scope or budget changes should be made by the Local Project Owner in writing to the REDI Oversight Agency and REDI Commission and will be determined on a case by case basis. Requests for reimbursement of costs in excess of the documented REDI Grant Notice Letter will not be considered. 🤝 \$

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## Preliminary Design Phase

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### Milestone: Engineering Design Firm Identified

**Local Project Owner Deliverable** The REDI Local Project Owner will identify the Engineering Firm that will complete the initial design for their project(s). This could be a consultant engineer or an engineer employed by the Local Project Owner. Local Project Owners were given an opportunity to participate in the REDI Engineering Report Program and could opt-in by December 2, 2019.

### Milestone: Permitting Pre-Application meeting to map the environmental permitting (SEQR) process





After design alternatives have been identified (Section 4 of the REDI Engineering Report has been completed), the Local Project Owner should work with the Oversight Agency to schedule a "permitting pre-application meeting" with involved permitting entities. The pre-application meeting is valuable to determine what actions the Local Project Owner may need to take before concluding a permit application and can help to avoid delays in the permitting application process.

**Local Project Owner Consideration** So that the permitting pre-application meeting is productive, it is important that the Local Project Owner prepare materials in advance of the meeting. In some instances, public review and comment may be needed as part of the permit application review.

**Local Project Owner Deliverable** Local Project owners should prepare project details and compile items like project plans, engineering drawings, photos in advance of the meeting so that permitting agency staff can advise on the permitting requirements and offer guidance about completing the permit application process. Local Project Owners should be aware that in some circumstances the project may have to be modified regarding what is permissible under the regulatory process. In some instances, public review and comment may be needed as part of the permit application review. 

**\*Milestone: REDI Engineering Report and a REDI Engineering Report Cover Sheet with “before construction” project photos completed.** Using the REDI Engineering Report Template with REDI Engineering Report Cover Sheet, the Local Project Owner will demonstrate at least 10% design of the project and better articulate the scope and cost estimates. This report should help the Local Project Owner to undertake environmental review and to build a reasonable project budget and schedule. Local Project Owners when considering the resilience of a project must consider lake and river water elevation. REDI Project design should include discussion of, and state objectives for, incorporating natural resilience or soft engineering techniques for final design to degree feasible, and should identify the data or studies to be conducted to support 60% design elements.

**Local Project Owner Consideration** As the Local Project Owner completes the Lake Ontario REDI Application and SEQR, the REDI Engineering Report is a valuable source of facts about the project. REDI Project Engineering Reports must be accepted by the assigned Oversight Agency Technical Guide/Agency Project Manager. REDI Oversight Agencies will work with Local Project Owners to address any concerns that may be needed in order to “accept” the REDI Engineering Report.

**Local Project Owner Deliverable** The Local Project Owner will submit the completed REDI Engineering Report and REDI Engineering Report Cover Sheet, including pre-construction photographs of the asset or project site, to the Oversight Agency Point of Contact assigned to their project by February 14, 2020. In the instance that an REDI Engineering Report is used for multiple REDI projects, a unique REDI Engineering Report Cover Sheet is needed for each project and should indicate the related REDI project number and asset name.    

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**\*Milestone: SEQR Actions Completed/SEQR determination made** Implementation of projects under the Resiliency and Economic Development Initiative (REDI) require review under the State Environmental Quality Review Act (SEQR). Documentation of SEQR review will be needed by the funding agency. General guidance on SEQR is available on the Department of Environmental Conservation (DEC) website, including on-line “workbooks” and the Environmental Assessment Forms (available at: <https://www.dec.ny.gov/permits/6208.html>). Regional DEC staff can provide SEQR guidance to Local Project Owners.

**Local Project Owner Consideration** The Local Project Owner should determine whether SEQR applies to the project. No review under SEQR is required for a project that can be classified as a “Type II” action. When applicable, the Type II classification should be documented. For a list of Type II projects see the SEQR regulations at 6 NYCRR 617.5: <https://www.dec.ny.gov/regs/2488.html> . For projects that are not Type II actions, a review under SEQR must be conducted. Such projects are classified either as “Type I” or “Unlisted” actions. To ensure that all agencies involved in funding, approving or undertaking REDI projects have the necessary SEQR record to proceed expeditiously, all actions subject to SEQR should undergo a “coordinated” review. The procedures for a coordinated review are explained at: <https://www.dec.ny.gov/permits/6189.html>

**Lead Agency Designations:** Projects developed under REDI where there is local jurisdiction or sponsorship, it is appropriate for the local municipality to serve as the SEQR lead agency and conduct the coordinated SEQR environmental review. To ensure that the SEQR review reflects all relevant environmental issues and serves as a single review for purposes of all other involved agencies, municipalities should coordinate their reviews with the following agencies:

- NYS Dept. of Environmental Conservation, Regional Office  
(<http://www.dec.ny.gov/about/76070.html> )
- NYS Dept. of State, Coastal Consistency Unit  
(<https://www.dos.ny.gov/opd/programs/consistency/> )
- NYS Office of General Services, Bureau of Land Management  
( <https://www.ogs.ny.gov/real-estate/lands-now-or-formerly-underwater> )
- NYS Dept. of Transportation, Regional Office  
(<https://www.dot.ny.gov/regional-offices> )
- NYS Dept. of Health, Regional Office  
([https://www.health.ny.gov/facilities/cons/more\\_information/regional\\_offices.htm](https://www.health.ny.gov/facilities/cons/more_information/regional_offices.htm) )
- NYS Office of Parks, Recreation and Historic Preservation  
( <https://www.parks.ny.gov/shpo/environmental-review/> )
- Any other local or state agency with jurisdiction over the project; and
- The appropriate funding agency point-of-contact (e.g., DASNY, HCR, EFC, etc.)

**Notes about Historic Preservation and Coastal Consistency Review:**

- Each applicant seeking financial assistance must consult with New York's State Historic Preservation Office (SHPO) to determine potential impacts to cultural resources. Information about coordinating with SHPO is available at: <https://www.parks.ny.gov/shpo/environmental-review/>
- Projects subject to SEQR (not Type II) and located within the coastal area of NYS, including areas near Lake Ontario and connected waterways within the State’s coastal boundary, require state coastal consistency review. SEQR Type II actions may also require federal consistency review. The State agency conducts state coastal consistency review and the Local Project Owner would submit documentation for federal consistency review where applicable. While state coastal consistency review is part of the SEQR process, federal consistency review and any applicable local consistency reviews are not. Information

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on coastal consistency review is available from the NYS Dept. of State at:  
<https://www.dos.ny.gov/opd/programs/consistency/>

**Local Project Owner Deliverable** The Local Project Owner must submit documentation of completed SEQR to the Funding Authority to complete the Lake Ontario REDI Application.      




**\*Milestone: REDI Local Project Owner confirms property ownership/site control** Funding Authorities require that the Local Project Owner demonstrate site control for property needed to build and maintain the REDI project.

**Local Project Owner Consideration** Local Project Owners will need to take action prior to REDI project construction to acquire control of the project site.


**Local Project Owner Deliverable** Local Project owners may complete the "Lake Ontario Resiliency and Economic Development Initiative (REDI) Certificate of Municipal Site Control". When the Local Project Owner is not a municipality, demonstration of site control may be through a different instrument like a deed, an easement or land use agreement.   

**\*Milestone: Engineers Preliminary Construction Cost Estimate** The project budget that details the proposed sources and uses of funds to be utilized to complete the REDI Project is an important part of the Lake Ontario REDI Application.

**Local Project Owner Consideration** Local Project Owners gain valuable insight about the estimated cost of construction from the REDI Engineering Report.

**Local Project Owner Deliverable** Local Project Owners should use those costs to complete the Lake Ontario REDI Application, Section 4. This is submitted to the assigned REDI Funding Authority.   



**Milestone: Estimated Construction Start and End Dates** Construction start and end dates should be included in the REDI Engineering Report. While these dates may be amended due to various factors, it is important for Local Project Owners to advance projects to completion with urgency in the interest of public safety.

**Local Project Owner Deliverable** Local Project Owners should indicate the estimated construction start and end dates on the REDI Engineering Report Cover Sheet for each project. 

## Final Design Phase

**Milestone: 60% Design completed and reviewed by Oversight Agency** REDI Local Project Owners will have completed at least 10% preliminary design by February 14, 2020. As project design is progressed, at the 60% design milestone a constructability review is possible that demonstrates major design elements. For example, 60% design generally includes the project site location has been mapped and progress drawings/plans include the final scope of the improvement with existing property ownership identified; environmental impacts are confirmed and any required mitigation is identified; and utility impacted are identified and resolved.

**Local Project Owner Consideration** Thereafter, Local Project Owners should advance their projects through the design phase in partnership with REDI Oversight Agencies.

**Local Project Owner Deliverable** Local Project Owners will report the date on which 60% design is completed to REDI Oversight Agency personnel.  

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**Milestone: 90% Design completed and reviewed by Oversight Agency** When project design is nearly complete and ready for pre-construction contract review it is considered at the 90% design milestone.

**Local Project Owner Deliverable** If the 90% design scope of work differs from the GDA, the Local Project Owner will have to take action as the REDI Funding Authority requires to amend the Grant Disbursement Agreement. ✓ 📅 \$

**Milestone: Engineers 90% Construction Cost Estimate** The project budget presented in the Grant Disbursement Agreement presents what the Funding Authority expects to be the legitimate project costs. Upon 90% design, the project costs will be better defined.

**Local Project Owner Deliverable** If the 90% Construction Cost Estimate differs from the GDA, the Local Project Owner will have to take action as the REDI Funding Authority requires to amend the Grant Disbursement Agreement. \$

**Milestone: 100% design completed and reviewed by Oversight Agency; Confirm Construction Start and End Dates (Final Contract Documents)** When the project design is 100% complete and ready for construction and advertisement for construction bids, it is considered at 100% design. The construction start date indicates a "ground breaking" and the end date indicates a "ribbon cutting" when the project is at substantial completion.

**Local Project Owner Consideration** REDI Local Project Owners should use the final design documents to record key milestones.

**Local Project Owner Deliverable** REDI Local Project Owners will report all environmental and other permits received, MWBE best efforts, confirm the project's resiliency and economic development benefits. REDI Local Project Owners will report that information, as well as, confirmed construction start and end dates on the REDI Pre-Construction Report Form. ✓ 📅

**Milestone: Construction by Competitive Bid or Force Account (Internal Labor)** In some instances, the REDI Local Project Owner has a skilled workforce capable of properly completing the REDI project. Most frequently, Local Project Owners will contract with a third party through a competitive bid process in accordance with General Municipal Law §103, §104-b.


**Local Project Owner Consideration** REDI Local Project Owners are expected to follow General Municipal Law, as well as, local procurement policies. Documentation to support the use of in house labor, materials and equipment must comply with the requirements of the Funding Authority. \$

**Milestone: Authorization to Bid/Bid Advertisement (N/A if Force Account)** The REDI Local Project Owner has final plans, specifications with work itemized for bidding and an engineer's cost estimate in place to be used as the basis of bid comparison and is ready to advertise for the competitive construction bid. Project Specifications include an "invitation to bidders" that establishes the legal framework upon which the bidder submits its bid.

**Local Project Owner Consideration** REDI Local Project Owners are expected to comply with General Municipal Law, as well as, local procurement policies. 📅




**Milestone: Bid Letting (N/A if Force Account)** Bid Letting marks when the competitive construction bid is opened by the Local Project Owner and is part of the legal framework surrounding the competitive bid process.

**Local Project Owner Consideration** REDI Local Project Owners are expected to comply with General Municipal Law, as well as, local procurement policies. 


### **Construction Phase**

**Milestone: Bid Award (N/A if Force Account)** General Municipal Law §103 requires that the public owner award the contract to the lowest responsible bidder. A "responsible" bidder is one that does not have a record that would bare on their honesty, trustworthiness or their ability to complete the project, including the requisite experience for the particular type of work involved. In addition to the bidder being "responsible", a bid must be responsive. A responsive bid must provide a price quote for every item for which the owner solicited a bid. A "Notice of Award" is issued to the lowest responsible bidder and the bidder executes contract. State Finance Law §137 requires bidder demonstrates performance bond and labor and material payment bond to the municipality.

**Local Project Owner Deliverable** In order to determine if the bidder is responsible, the Local Project Owner should check the bidders' references, as well as, arrange a review of the bid with the bidder to make sure that the bidder has a complete understanding of the scope of work to be performed and can meet expectations. A municipality can require certain minimum experience requirements for bidders on public contracts. 


### **Milestone: Contractor Name (N/A if Force Account)**

**Local Project Owner Deliverable** REDI Local Project Owners should record and report the name of the contractor on quarterly milestone achievement reports submitted in March, June, September and December. (Once construction is underway, monthly project progress reports will be completed).

**Milestone: Construction Contract Executed (N/A if Force Account)** Local Project Owner enters into an agreement for construction of the REDI Project with the awarded contractor. 

**Milestone: Pre-Construction Meeting Held (N/A if Force Account)** The Pre-Construction meeting, or kick-off meeting, provides an opportunity for the REDI Local Project Owner to communicate requirements and expectations about the construction project to the contractor.

**Local Project Owner Consideration** The role of Project Engineer as the owner's representative is to coordinate the kick-off meeting with the Local Project Owner and the contractor.


**Local Project Owner Deliverable** The Local Project Owner will report the achievement of this milestone on the quarterly milestone achievement reports submitted in March, June, September and December. (Once construction is underway, monthly reports will be completed). 

**Milestone: Construction Notice to Proceed Given by Municipality (N/A if Force Account)** A "Notice to Proceed" is required to commence work with the contractor.



**Local Project Owner Consideration** During construction, the owner's representative should monitor the contractor's work to bid specifications through weekly progress meetings (or as needed). The owner's representative will certify what payments are due based on level of completion. (A "schedule of values"




can be used as a dashboard tool for municipal owners to monitor project financing and provides a summary of the project budget cost lines.)

**Local Project Owner Deliverable** Local Project Owner's submitting invoices for reimbursement are expected to ensure that the work invoiced is clearly described as related to the REDI capital expense. During the construction phase, Local Project Owners will submit monthly milestone achievement reports.  \$




**Milestone: Construction Start (Ground Breaking)** As projects commence, the State of New York will be there to celebrate the milestone.

**Local Project Owner Deliverable** REDI Local Project Owners should provide the actual construction start date to the Oversight Agency and REDI Program representatives.  



**Milestone: Anticipated Construction (Substantial) Completion Date** A REDI project achieves substantial completion when it is it publicly available for its beneficial use.

**Local Project Owner Deliverable** REDI Local Project Owners should record and report the project completion date on quarterly milestone achievement reports submitted in March, June, September and December. (Once construction is underway, monthly reports will be completed). 


**Milestone: Change Order on Contract (Changes to the Resiliency or Economic Development Goals must be approved by the REDI Commission)** A change order may be needed to amend the scope of work described in the project contract.

**Local Project Owner Deliverable** REDI Local Project Owners must notify the REDI Oversight Agency and Funding Authority to determine how the change order requested will impact the Grant Disbursement Agreement. Additionally, any changes to the Resiliency or Economic Development Goals must be reported on an updated REDI Engineering Report Cover Sheet and approved by the REDI Commission.   

**Milestone: Substantial Completion** Congratulations! At this milestone, it is expected that the resilience and economic development goal for your project is met. When the REDI project is publicly available for its beneficial use, it has achieved substantial completion.

**Local Project Owner Deliverable** The REDI Local Project Owner's representative will issue a "Certificate of Substantial Completion". REDI Local Project Owners should notify the REDI Commission and the REDI Oversight Agency via email of anticipated substantial completion at least eight (8) weeks in advance of the milestone date, including photographs of completed work. After substantial completion is determined, a "punch list" that details the items of work yet to be completed by the contractor and identifies items of work that were performed incorrectly but which must be corrected in order for the contractor to receive its final payment is created by the owner's representative.  

**Milestone: Actual Construction Completion** Construction Completion- or Final Completion- of the contract means that the Local Project Owner is accepting the construction project as complete.

**Local Project Owner Deliverable** The REDI Local Project Owner will issued a "Certificate of Acceptance". 

**Milestone: Start Project Close Out** Project close out will likely include the conclusion of grant reimbursement as final invoices are processed.

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## Milestone: Project Close Out Complete

### Milestone: Grant Disbursement Agreement Close Out Request with “after construction” project photos

**Local Project Owner Deliverable** Local Project Owner must notify the REDI Regional Project Manager via email upon the submission of the last REDI grant fund reimbursement request in order to indicate the close out of the project and to submit after construction photos. \$ ✓ @



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