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TO: State Agencies and Authorities Receiving Recovery Act Funds

FROM: Timothy Gilchrist

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SUBJECT: Recovery Act Policy Goals

State agencies and public authorities are directed to take the following considerations into account, to the extent permitted by law and practicable, in developing policy goals for the use of Federal Recovery Act funds.

Ensuring Long-Term Public Benefit and Optimizing Results

State agencies and public authorities are to develop transparent, merit-based selection criteria to guide their decision-making in selecting projects and/or awarding funding under the American Recovery and Reinvestment Act for grants and any other form of financial assistance. Such criteria are to be consistent with legal requirements, may be tailored to the particular funding activity, and shall be formulated to promote job creation, economic recovery, and other purposes of the Recovery Act. Each agency or authority shall develop "merit-based selection criteria" that:

- (i) Promote programmatic results;
- (ii) Maximize economic activity;
- (iii) Produce the greatest number of jobs created or saved in relation to dollars spent;
- (iv) Achieve long-term public benefits;
- (v) Invest in technological advances in science and health to increase economic efficiency and improve the quality of life in New York;
- (vi) Invest in transportation, environmental protection, and other infrastructure that provides long-term economic benefits;

- (vii) Foster energy independence;
- (viii) Improve educational quality; and,
- (ix) Satisfy all transparency and accountability objectives of the Recovery Act.

Ensuring Compliance with Equal Opportunity Laws

All State agencies are directed to take steps to ensure that recipients of Recovery Act funds comply fully with their responsibilities under the full range of civil rights laws, including but not limited to: Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, and Titles I and Title V of the Americans with Disabilities Act of 1990.

Further, State agencies should encourage recipients to implement best practices for ensuring that all individuals regardless of race, gender, age, national origin or sexual orientation benefit from the Recovery Act.

Promoting Local Hiring

All State agencies shall seek to maximize the economic benefits of a Recovery Act-funded investment in a particular community by supporting projects that seek to ensure that the people who live in the local community get the job opportunities that accompany the investment.

Providing Maximum Opportunities for Small Businesses

Recognizing the role that small businesses play in economic growth and job creation, State agencies and public authorities shall support projects that provide maximum opportunities for them, as practicable. State agencies are to provide maximum opportunities for small businesses to compete and participate as prime and subcontractors in contracts awarded by agencies, while ensuring that the government procures services at fair market prices.

Providing Equal Opportunity for DBE's and MWBE's

State agencies and public authorities shall work to provide equal opportunities for Disadvantaged Business Enterprises (DBE), and Minority and Women Owned Business Enterprises (MWBE), in awarding contracts under the Recovery Act. Goals and performance measures shall be published by each agency or authority to their public website. Goals and measures shall be aggregated and reported for each program and, to the extent practicable, for each project.

Encouraging Sound Labor Practices

State agencies and public authorities awarding Recovery Act funds will seek to support entities that have a sound track record of creating good jobs. In addition, when awarding

Recovery Act funds, State agencies shall consider the record of firms with regard to Wage and Hour Laws, Occupational Safety and Health Laws, and Collective Bargaining Laws.

Engaging Community-Based Organizations

State agencies and public authorities shall seek to support projects that make effective use of community-based organizations in connecting disadvantaged people with economic opportunities.

Transparency

For each Recovery Act program, the relevant State agencies or public authorities shall publish on their public website a memoranda describing and detailing: selection criteria, policy goals, and the performance measures that will be used to track outcomes.