**ONLY for NOT-FOR-PROFIT GRANTEES REQUESTING START DATE PRIOR TO CONTRACT EXECUTION**

**WAIVER OF INTEREST AGREEMENT Project Number: PKS-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

WHEREAS, **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) desire to enter into a contract whereby **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** will provide services identified in the Legislative Intent Form; and

WHEREAS, **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** desires to provide services under a contract with OPRHP that has a retroactive start date; and

WHEREAS, the reasons for the retroactive start date are:

* OPRHP could not prepare a contract until approval was received from the NYS Division of Budget, which occurred on **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**.
* OPRHP could not prepare a contract until documentation was received from the **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** which did not occur until after \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date of grantee document submittal).
* **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** wishes to apply funding toward services that were or will have been begun before a contract could be executed and approved by all parties.

WHEREAS, OPRHP met the time frames of Article XI-B of the State Finance Law and Part 22 of Title 2 of the NYCRR in relation to the subject contract; and

WHEREAS, subdivision 7 of Section 179-v of the State Finance Law permits the waiver of interest; and

WHEREAS, OPRHP would otherwise be liable for interest to **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** due to a retroactive contract start date;

NOW THEREFORE, in consideration of the terms hereinafter mentioned and also the covenants and obligations moving to each party thereto from the other, the parties do hereby agree as follows:

1. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** hereby waives its right to any interest which may be due pursuant to Article XI-B of the State Finance Law and part 22 of Title 2 of the NYCRR.

2. OPRHP hereby agrees to expeditiously process the subject contract which provides for a retroactive start date.

3. This agreement is null and void if the time frames required by Article XI-B of the State Finance law and Part 22 of Title 2 of the NYCRR were not complied with by OPRHP.

4. This agreement shall not be effective to waive interest unless the Comptroller determines that a waiver of interest is warranted and approves this agreement.

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| Office of Parks, Recreation and Historic Preservation | **Organization :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
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| Signature | Signature |
|  | |
| By: Beatrice L. Gamache | Name: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| Title: Director, Grants Bureau | Title: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| Date: | Date: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |