

**NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS
REQUEST FOR PROPOSALS**

**for State Assistance Payments for the
FARMERS' MARKET GRANT PROGRAM**

for

CAPITAL IMPROVEMENTS TO FARMERS' MARKETS

INTRODUCTION

The New York State Department of Agriculture and Markets invites proposals for the construction, reconstruction, improvement, expansion, or rehabilitation of farmers' markets in New York State.

Proposals *MUST BE RECEIVED* by the Department's Division of Fiscal Management by 4:30 p.m. EDT on July 27, 2009.

Proposal Submission Requirements

Proposals should conform to the format and content specified in section 3 this RFP. Applicants should submit four (4) copies of each proposal plus a completed and signed Checklist for Proposal Eligibility and Completeness. Envelopes should be clearly marked: **"RFP - Capital Improvements to Farmers' Markets."**

Proposals must be submitted to:

Lucy Roberson, Director
Division of Fiscal Management
NYS Department of Agriculture and Markets
10B Airline Drive
Albany, New York 12235

Applicants, not delivery services or other intermediaries, are responsible for the timely submission of proposals. Faxed and e-mailed proposals will not be accepted. Proposals delivered after the scheduled date and time will be returned to applicants and not considered for funding.

QUESTIONS CONCERNING THE RFP

All questions about requirements contained in this RFP **must be submitted in writing** (facsimile or e-mail will be accepted) to:

Meg McCabe
NYS Department of Agriculture and Markets
10B Airline Drive
Albany, NY 12235
Fax: (518) 457-2716
E-mail: meg.mccabe@agmkt.state.ny.us

All questions must be submitted to Ms. McCabe by Monday, July 6, 2009. Applicants should note that all clarifications are to be resolved prior to the submission of a proposal. A list of questions about the program which are received from potential applicants, and answers to those questions, as well as any changes, additions or deletions to the RFP, will be posted in the "Funding Opportunities" section of the Department's website, www.agmkt.state.ny.us, along with the electronic version of this RFP. Questions and responses may be posted as questions are received with the final list posted by Monday, July 13, 2009. Applicants are urged to check the Department's website frequently for notices of any changes, additions or deletions to the RFP. If you are unable to access the website, please contact Ms. McCabe to arrange for alternate delivery. All questions and answers shall become a formal addendum to the RFP.

1. GENERAL PROGRAM INFORMATION

1.1 Program Description

Article 22 of the Agriculture and Markets Law authorizes the Department to make grants for the purpose of providing state assistance for the construction, reconstruction, improvement, expansion or rehabilitation of farmers' markets. In administering this program, the Commissioner is directed, to the extent feasible, to ensure an equitable distribution of awards to rural areas and other areas of the State.

1.2 Funding Available

- There is a total of \$150,000 available state-wide for the program.
- Grants shall not exceed the lesser of fifty percent (50%) of the project cost or twenty five thousand dollars (\$25,000).

1.3 Match Requirements

Grant recipients must match awards made under this program with at least equal amounts of cash, in-kind services, or other resources including indirect and overhead costs. Indirect and overhead expenses offered as a match must be directly related to the proposed project and shall not exceed 15 percent of total amount of grant funds requested. The match may be provided by the applicant or other supporters of the project. The cost of previous work leading to the proposed project, and the cost of work

performed in the course of normal market operation, may not be considered as an applicant match. New York State funds may not be used as matching funds.

2. ELIGIBILITY

2.1 Applicant Eligibility

Eligible applicants include:

- municipal corporations;
- regional market authorities;
- public benefit corporations;
- not-for-profit corporations; and
- agricultural cooperatives organized pursuant to the Cooperative Corporations Law.

Ineligible applicants include:

- for-profit entities; and
- individuals.

2.2 Farmers' Market Eligibility

For the purposes of this grant program,

- A Farmers' Market is any building, structure, or place, the property of a municipal corporation or under lease to or in the possession of a private or public agency, individual or business used or intended to be used by two or more producers for the **direct sale** of a diversity of farm and food products from producers to consumers and food buyers.
- "Farm and food products" shall mean any agricultural, horticultural, forest or other product of the soil or water, including but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, fruit juice, wine, ornamental or vegetable plants, nursery products, flowers, firewood and Christmas trees.

2.3 Farmers' Market Ownership and Control Requirements

If the project involves permanent improvements to property, including new and/or existing facilities, not owned by the applicant, an executed (signed) written agreement between the landowner and the applicant to retain the farmers' market and permanent improvements on said property through the year 2014 must be provided with the application.

If the applicant does not operate the farmers' market, evidence that the applicant has control over the farmers' market must be provided with the application. Evidence that the applicant has control over the farmers' market shall consist of a formal written

and executed (signed) agreement between the applicant property owner and the farmers' market operator stating, at a minimum, the operational hours, operational months, location(s), insurance coverage responsibility and any other controls or restrictions in place or required.

2.4 Project Eligibility

The following activities will be considered:

- construction
- reconstruction
- improvements
- expansion
- rehabilitation

The proposal must involve a physical improvement to the Farmers' Market site, including, but not limited to:

- construction
- site preparation or improvement
- electrical improvements
- water improvements
- fixed permanent signage
- related architectural or engineering designs
- tents or other non-permanent shelters
- equipment, such as refrigeration, cooking demonstration equipment

The following activities will NOT be considered for funding:

- market feasibility studies
- advertising or promotion
- portable signs
- directional signs or equipment

2.5 Project Duration

Proposed projects should be completed within two construction seasons. However, the length of the project period will not be considered when the proposal is scored.

2.6 Eligible Costs

Grant funds may be used for any of the following purposes directly related to completion of an eligible project:

- salaries and wages
- contractor services
- architectural and engineering services

- construction supplies and materials
- equipment related to the operation of the market
- temporary structures related to the operation of the market
- construction equipment rental

Contingency Account

The proposed budget may include a “Contingency Account” of up to 10 percent of Contractor Services expenditures for projects involving construction to cover cost overruns. The “Contingency Account” must include an applicant match (cash only) of at least 50% of the total budget amount for the Contingency Account. The State portion of the Contingency Account may be used only with prior approval by the Department.

2.7 Ineligible Costs

Grant funds may NOT be used for the following;

- advertising, including, but not limited to, radio, print, television, billboard, non-permanent signs
- salaries and wages related to the general operation of the market
- rental costs for space
- indirect and overhead costs associated with the day-to-day operation of the market
- purchase of construction equipment
- fringe benefits
- travel costs
- costs associated with preparing an application
- costs incurred prior to the award of a grant

3. PROPOSAL FORMAT

3.1 Application Form

Submit proposals using the attached Application Form.

General Instructions for Completing the Application Form

1. Provide all information requested in the application form. Failure to complete all parts and answer all questions may result in a reduced rating or disqualification of the proposal.
2. Type or print legibly.
3. Submit four (4) copies of the proposal.
4. Staple each copy of the proposal in the upper left hand corner of the Application. *Do not use binders, folders, report covers, etc.*

5. Identify all pages of the Application in numerical order.
6. Attach all required attachments, drawings, photos, support letters, etc. at the end of the Application Form.

The Department and State Comptroller's Office reserve the right to audit the applicant's books and records relating to the performance of the project during and up to six years after the completion of the project.

3.2 Checklist for Proposal Eligibility and Completeness (See Application Form)

Complete and sign the checklist and submit it with your application to ensure that your proposal is eligible to be considered for funding.

4. FUNDING CRITERIA

The Commissioner shall consider the following factors in rating proposals:

- the relative impact of the proposed farmers' market project on the economy of the area to be served;
- the anticipated level of municipal and local participation in the project;
- the extent to which New York farmers would benefit through the direct sale of farm and food products;
- the anticipated quantity of non-farm jobs which would be created and retained due to the proposed project;
- the reasonableness of the cost relative to the work to be performed;
- the feasibility of the proposed project and work plan;
- the demonstrated need for and benefits of the proposed project; and
- the qualifications of key personnel to conduct the work to be performed.

The Commissioner shall, to the extent feasible, ensure the equitable geographic distribution of grant awards to rural areas and other areas of the State.

5. NYS OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION REQUIREMENTS

Projects which include ground disturbing activities, construction of new buildings, or modification of buildings over 50 years old will be subject to further review by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP). The Department reserves the right to request such additional information as is necessary to allow OPRHP to make a determination regarding the potential impacts of the project on historical sites or artifacts and possible alternatives which avoid or mitigate adverse impacts.

6. NYS ENVIRONMENTAL QUALITY REVIEW ACT REQUIREMENTS

Some projects may be subject to review under the New York State Environmental Quality Review Act (SEQRA). The Department reserves the right to request additional information as needed to comply with SEQRA requirements.

7. AWARDS

All proposals deemed eligible by the Department will be evaluated according to the criteria stated in the RFP. Evaluators' scores will be averaged and a rank order list developed. The Commissioner may determine that certain proposals will be funded first in order to achieve geographic distribution of awards to rural areas and other areas of the State. After proposals are funded based upon geographic distribution, if any, the Commissioner will award remaining funds based upon his consideration of the rank order list.

Grant awards for any individual project shall not exceed \$25,000. The Department will send written notice to each applicant of its funding decisions. A contract defining all terms and conditions and responsibilities of the successful applicant shall be developed by the Department subsequent to the awarding of funds. The contract will incorporate the project description, plan of work form, and a budget approved by the Department, among its provisions. A copy of the standard clauses that set forth the general terms and conditions required in all contracts awarded by the Department under this program is posted on the Departments' website at www.agmkt.state.ny.us.

Upon agreement by the contractor and the Department to the provisions of the contract, it will be submitted for approval to the Attorney General of the State of New York and the Comptroller of the State of New York. Grant funds will be disbursed on a reimbursement basis only after the contract is fully executed, *i.e.*, has been signed by all involved parties.

8. REPORTING REQUIREMENTS

The Department of Agriculture and Markets will monitor contract performance. An interim progress report that summarizes work completed on the project shall accompany each request for reimbursement of project expenses. The Department reserves the right to modify reporting requirements during the course of the project. A final report will be required within sixty (60) days following completion of the project. The final report shall include a reasonably detailed description of the work completed under the Agreement; an assessment of the potential for enhanced economic viability of the market and its participating vendors as a result of the work completed; and a description of problems encountered, if any, which affected completion of the project. In addition to the final report, the Department reserves the right to conduct a follow-up survey of funded projects in order to determine long-term impacts.

9. LIABILITY

The Department shall not be held liable for any costs incurred by any party for work performed in the preparation of and production of a proposal or for any work performed prior to the formal execution of a contract.

10. WORKERS' COMPENSATION AND DISABILITY INSURANCE REQUIREMENTS

New York State Workers' Compensation Law sections 57 and 220 require that the Department not enter into a contract unless proof of Workers' Compensation and Disability Insurance in a form satisfactory to the New York State Workers' Compensation Board has been secured.

Recipients of grants under this RFP will be required to produce proof of Workers' Compensation and Disability Insurance in a form satisfactory to the New York State Workers' Compensation Board prior to the execution of the contract.

Please refer to the Workers' Compensation and Disability Insurance Requirements posted on the Department's website, www.agmkt.state.ny.us under the heading of this RFP or visit the New York State Workers' Compensation Board website, www.wcb.stat.nys.us for more information. You may contact the Board's Bureau of Compliance with any questions related to workers' compensation or disability insurance at (866) 298-7830.

11. OTHER CONSIDERATIONS

The Department reserves the right to:

- reject any or all proposals received with respect to this RFP;
- waive or modify minor irregularities in proposals received after prior notification and concurrence of the applicant;
- utilize any or all ideas submitted in the proposals received unless those ideas are covered by legal patent or proprietary rights;
- request from an applicant additional information as deemed necessary to more fully evaluate its proposal;
- amend the program's specifications after their release, with appropriate written notice posted on the Department's website;
- select only certain portions of proposals for state funding;
- make all final decisions with respect to the amount of State funding and the timing of payments to be provided to an applicant; and
- negotiate the terms of the budget.

All proposals submitted in response to this RFP will become the property of the New York State Department of Agriculture and Markets.

12. FREEDOM OF INFORMATION

All proposals submitted and all related contracts and reports may be subject to disclosure under the Freedom of Information Law.

13. APPENDIX A (*Standard Clauses for All State Contracts*)

Appendix A, which is posted on the Department's website at www.agmkt.state.ny.us contains standard clauses which are required in all State contracts. Appendix A will be a part of any contract awarded under the Farmers' Market Grant Program, and successful applicants will be responsible for complying with the terms and conditions contained therein.