



New York State  
Department of Agriculture & Markets

## **REQUEST FOR PROPOSALS**

for the

## **FRESH CONNECT PROGRAM**

### **Food Box Pilot Project**

#### **INTRODUCTION**

The New York State Department of Agriculture and Markets, in cooperation with Empire State Development, invites proposals that will improve access to locally grown, fresh food by low-income and/or underserved communities across New York State.

#### **PROPOSAL SUBMISSION REQUIREMENTS**

Proposals must conform to the format and content specified in this RFP. Applicants must submit four (4) copies of each proposal plus a completed and signed Checklist for Proposal Eligibility and Completeness.

Envelopes must be clearly marked: "RFP-Fresh Connect Program- Food Box Pilot Project".

Proposals must be submitted to:

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

**Proposals must be received by the Department by 4:30 p.m. EDT on Wednesday April 3, 2013.**

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 this RFP must be submitted in writing (fax 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@agriculture.ny.gov

All questions must be submitted to Ms. McCabe by 4:30 p.m. Monday, March 18, 2013. Applicants must 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.agriculture.ny.gov](http://www.agriculture.ny.gov), along with the electronic version of this RFP. Questions and responses may be posted as questions are received. All questions and answers will be posted by Wednesday March 20, 2013. 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**

As highlighted in Governor Andrew M. Cuomo’s 2012 State of the State address, the New York Fresh Connect Program enhances nutrition and economic health in New York State by increasing access to locally grown, fresh foods by low-income and/or underserved communities across New York State. To achieve this goal in 2013, the Fresh Connect Program will partner and contract with local entities to develop and administer projects that will increase access to locally grown, fresh foods by low-income and/or underserved communities in New York State through direct marketing activities.

Article 23 of the Agriculture and Markets Law authorizes the Department to provide assistance to local government entities and not for profit organizations for the purpose of direct marketing activities in areas having poor consumer access to high quality and reasonably priced food and farm products.

Objectives of the New York State Fresh Connect Program are:

1. To serve low-income and/or underserved communities in New York State;
2. To provide additional opportunities for New York farmers to sell locally grown products;
3. To establish a framework that will make funded projects viable and replicable; and
4. To complement existing nutrition program objectives with respect to serving nutritionally at-risk consumers and benefitting New York farmers;
5. To achieve geographic diversity.

The Fresh Connect Program Food Box Pilot Project will promote an increase in access to local, fresh, healthy, fruit and vegetables in pre-packed boxes for low-income, underserved communities. Food Box customers will have the flexibility to pay for their boxes weekly, bi-weekly, or monthly depending on how each project has pick-up times scheduled. Food Box customers will have the option to use Supplemental Nutrition Assistance Program (SNAP) benefits to pay for their boxes.

This is not a food give-away project and funds will not be used to subsidize the cost of the food being provided. Funds will be used to cover eligible costs associated with procuring, transporting and distributing the food in appropriately sized individual shares to low-income, underserved communities.

Eligible projects must increase access to local farm and food products by low-income and/or underserved communities in New York State through direct marketing activities in connection with a Food Box project.

## **1.2 Funding Available**

There is a total of \$50,000 available for the Fresh Connect Program Food Box Pilot Project. Grants shall not exceed the lesser of seventy-five percent (75%) of the total project cost or twenty-five thousand dollars (\$25,000). Applicants may apply for and receive funding for more than one project, but not more than two; however, a separate application is required for each project for which funding is being requested. It is anticipated that at least two proposals of up to \$25,000 each will be selected to operate pilot projects as described above during the 2013 growing season/calendar year.

## **1.3 Match Requirements**

Grant recipients must provide a match of at least twenty-five percent (25%) of the total project cost with cash and/or in-kind services. For a grant of \$25,000 the total project cost would be \$33,333 of which 25 percent or \$8,333 must be a match provided by the project applicant. The match may be provided by the applicant or other supporters of the project. Letters of support detailing the source and dollar value of matching funds must be submitted with all applications for funding.

The cost of previous work leading to the proposed project, and costs unrelated to the proposed project, may not be considered as an applicant match. New York State funds may not be used as matching funds.

## **2. ELIGIBILITY & SCOPE**

### **2.1 Applicant Eligibility**

Eligible applicants include:

- local government entities;
- regional market authorities;
- public benefit corporations; and
- not-for-profit corporations.

### **2.2 Ineligible Applicants**

The following entities are not eligible to apply for funding:

- for-profit entities; and
- individuals.

## **2.4 Definitions**

For the purposes of this grant program:

- “Farm and food products” shall mean fruits and vegetables commonly grown in New York.
- “Direct marketing” means the sale of farm and food products directly from producers to consumers and food buyers.

## **2.5 Project Eligibility**

Eligible projects are:

- creating new Food Box customer pick-up location(s) serving low-income and/or underserved communities; and/or
- at a new Food Box customer pick-up location, creating a new or strengthening an existing nutrition incentive program to attract new customers from low-income and/or underserved communities; and/or
- at a new Food Box customer pick-up location, creating new or strengthening existing partnerships or programs to better connect low-income and/or underserved communities with local farm and food products.

The Adam Clayton Powell State Office Building on 125<sup>th</sup> Street in Harlem, New York is not an eligible site for this Request for Proposals.

## **2.6 Project Duration**

Proposed projects must be completed within one year of the contract start date.

## **2.7 Eligible Costs**

Grant funds may be used for any of the following purposes directly related to completion of an eligible project, including but not limited to:

- salaries and wages
- contractor services
- supplies and equipment
- promotional materials, signage, and advertising, including, but not limited to, radio, print, television, internet, billboards
- nutrition education and outreach
- insurance and permits
- transportation

**Eligible costs must be directly related to the eligible project.**

## **2.8 Ineligible Costs**

Grant funds may not be used for the following, including but not limited to:

- purchase of food items to sell and/or include in a Food Box
- purchase of a vehicle
- permanent physical/structural improvements
- cell phones
- computer hardware and office equipment
- salaries and wages unrelated to the proposal
- indirect and overhead costs
- fringe benefits
- costs associated with preparing an application
- costs incurred prior to the award of a grant

## **3. DOCUMENT REQUIREMENTS**

The following documentation must be provided with the Application Form at the time of submittal.

### **3.1 Food Box Customer Pick-up Location Control**

Applicant must provide documentation that they have permission from the landowner or operator of the property to have a Food Box customer pick-up occur on said property.

### **3.2 Acceptance of Government Benefits**

#### **3.2.1 Application Requirements**

At the time of the application, applicant or affiliated food box location must be a certified Supplemental Nutrition Assistance Program (SNAP) vendor, agree to accept SNAP benefits as part of the proposed project, and provide proof of certification. If the applicant or affiliated food box location is not a certified vendor at the time of application, proof of intent to participate, such as a completed application form, must be provided instead.

#### **3.2.2 Contract Requirements**

Prior to a contract being executed, applicants or affiliated food box location must be a certified Supplemental Nutrition Assistance Program (SNAP) vendor, agree to accept SNAP benefits as part of the proposed project, and provide proof of certification.

### **3.3 Workers' Compensation & Disability Insurance**

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.

Please refer to the Workers' Compensation and Disability Insurance Requirements posted on the Department's website, [www.agriculture.ny.gov](http://www.agriculture.ny.gov), under the heading of this RFP or visit the New York State Workers' Compensation Board website, [www.wcb.ny.gov](http://www.wcb.ny.gov), 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.

### **3.4 New York State Charities Bureau Registration**

All not-for-profits organizations contracting with the State or serving as a fiscal agent must be registered with the New York State Charities Bureau, unless a proper exemption is obtained. All applicants must, therefore provide either:

- The organization's charitable registration number and written documentation from the Office of the Attorney General that the charitable organization is currently up-to-date with its Charities Registration; or
- A statement from the applicant that the organization is exempt pursuant to one of the categories indicated on the Office of Attorney General's Request for Registration Exemption (Schedule E). The statement must identify the specific category under which the charitable organization is exempt.

To obtain written documentation of an organization's charities registration status, or if you have questions regarding the statutory requirements for registration, contact the New York State Office of the Attorney General, Bureau of Charities Registration, 120 Broadway, New York, NY 10271-0332, or call (212) 416-8402, email [charities.bureau@oag.state.ny.us](mailto:charities.bureau@oag.state.ny.us) or visit their website at <http://www.oag.state.ny.us/bureaus/charities/charities.html>.

Eligible 501(c)(3) not-for-profit corporations acting as the applicant must have a New York State Attorney General Charities Bureau Registration number or an Exemption Certificate issued by the New York State Attorney General Charities Bureau explaining why the organization is exempt from registering with the Charities Bureau.

## **4. PROPOSAL FORMAT**

### **4.1 Application Form**

Submit proposals using the attached Application Form, following these general instructions.

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 Form. Do not use binders, folders, report covers, etc.
5. 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.

#### **4.2 Checklist for Proposal Eligibility & Completeness**

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

### **5. FUNDING CRITERIA**

#### **5.1 Evaluation Factors**

All eligible proposals will be competitively rated by a panel designated by the Department. A total of one hundred (100) points can be achieved from the following criteria. The evaluation panel shall consider the following factors in rating proposals:

- Reasonableness of cost relative to nature of work to be performed (20 points)
- Demonstrated quantifiable benefits and impact of the project to the target population, including but not limited to: (1) number of New York farmers participating, per food box location, (2) projected SNAP sales goal, per food box location (\$ SNAP), (3) projected sales goal (\$ dollars), per market day, broken out by market location (4) project reach, per food box location (number food box customers), (5) increase in access to local farm and food products (number of opportunities to purchase a food box) (e.g. 2 locations, for 10 weeks is  $2 \times 10 = 20$  potential food box purchases)(20 points)
- Demonstrated experience and qualifications of key persons involved, including but not limited to: (1) experience running/administering a food box style program, (2) operating SNAP EBT programs, (3) wholesale/retail experience, (4) working with NYS farmers, and (5) working with low-income populations (20 points)
- Defined plan of work for the operation of the project for the term of the grant; plan of work addressing the feasibility and sustainability of the proposed project to become self sustaining in a 3 year timeframe (20 points)
- Committed level of support for the project from community partners and farmers, including but not limited to a list of committed farmers (20 points)

#### **5.2 Bonus Points**

Eligible applicants may receive a maximum of five (5) bonus points if, in addition to the proposed project, the applicant will administer a food donation program for excess New York farm or food products in connection with the proposed project. A letter of participation from a food donation center is required.

#### **5.3 Geographic Distribution**

After completing the above evaluation utilizing the Application Form and criteria set forth in it, the EPC may then award up to a total of five (5) additional points per application to help achieve

geographic diversity for the Fresh Connect program. The following two (2) regions will be used for this purpose:

**Region One:**

**Western New York:** Allegany, Cattaraugus, Chautauqua, Erie, Niagara

**Finger Lakes:** Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates

**Southern Tier:** Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga, Tompkins

**Central New York:** Cayuga, Cortland, Madison, Onondaga, Oswego

**Mohawk Valley:** Fulton, Herkimer, Montgomery, Oneida, Otsego, Schoharie

**North Country:** Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, St. Lawrence

**Capital Region:** Albany, Columbia, Greene, Saratoga, Schenectady, Rensselaer, Warren, Washington

**Region Two:**

**Mid-Hudson:** Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester

**New York City:** Bronx, Kings, New York, Richmond, Queens

**Long Island:** Nassau, Suffolk

## **6. 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 State will provide up to 75% of the total cost of a project, not to exceed \$25,000. Applicants must provide at least 25% of the cost of the project. Be aware that for a grant request of \$25,000 a minimum match of \$8,333 (25 percent of a total project cost of \$33,333) is required. In-kind contributions and/ or cash by or on behalf of the application may satisfy the match requirement. An applicant may submit and be funded for more than one project, but no more than two; however no single entity will be awarded more than \$25,000 in aggregate. 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 project details 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.agriculture.ny.gov](http://www.agriculture.ny.gov).

## **7. REIMBURSEMENT FOR FUNDING**

Once the contract is fully executed, grant funds will be disbursed on a reimbursement basis.

Awardees may request, at the discretion of the Department, an initial payment of up to twenty-five percent (25%) of the total grant award.

The Department shall retain ten percent (10%) of the budget amount to be disbursed to the contractor until such time as the final report is accepted.



A New York State Claim for Payment Form must be submitted to the Department in order for the contractor to be reimbursed for funds expended.

Payment to the contractor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, at the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary state procedures and practices. The Contractor shall comply with the State Comptroller of New York's procedures to authorize electronic payments. Contractor acknowledges that it will not receive payment on any Claim for Payment Form submitted under this agreement if it does not comply with the State Comptroller of New York's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

## **8. REPORTING REQUIREMENTS**

### **8.1 Weekly Reports**

Awarded applicants will be required to submit brief weekly reports to the Department to provide timely information on the success of the project. A weekly report template will be provided by the Department and this template must be used to generate weekly reports. Reports must include a short summary of the project activities for that week, and other required facts and statistics relevant to the project, specified in the weekly report template. Claim for Payment Forms submitted will be withheld for projects that are not up to date with the filing of their weekly reports.

### **8.2 Reimbursement Request Reports**

The Department will monitor contract performance. An interim progress report that summarizes work completed on the project shall accompany each Claim for Payment Form request for reimbursement of project expenses. The Department reserves the right to modify reporting requirements during the course of the project.

### **8.3 Final Report**

A final report will be required within thirty (30) days following completion of the project. The final report shall include a reasonably detailed description of the work completed; an assessment of the potential for future viability of the project; 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. NYS OFFICE OF PARKS, RECREATION & 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.

#### **11. 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.

#### **12. 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.

#### **13. FREEDOM OF INFORMATION**

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

#### **14. APPENDIX A**

Appendix A, which is posted on the Department's website at [www.agriculture.ny.gov](http://www.agriculture.ny.gov) contains standard clauses which are required in all State contracts. Appendix A will be a part of any contract awarded under the "Fresh Connect Program - Food Box Pilot Project", and successful applicants will be responsible for complying with the terms and conditions contained therein.