



New York State
Department of Agriculture & Markets
REQUEST FOR PROPOSALS

for the

FRESH CONNECT PROGRAM

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 should conform to the format and content specified in Section 3 of 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 – Fresh Connect Program".

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 Monday, April 2, 2012.

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 Tuesday, March 20, 2012. 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.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 Thursday, March 22, 2012. 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 2012, 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.

1.2 Funding Available

There is a total of \$300,000 available statewide for the program. Grants shall not exceed the lesser of seventy-five percent (75%) of the total project cost or ten thousand dollars (\$10,000). Applicants may apply for and receive funding for more than one project, but must submit a separate application for each project for which funding is being requested.

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. 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*.

*Unincorporated community groups, volunteer associations, for-profit organizations and individuals seeking to participate in this program must be sponsored by a not-for-profit corporation or municipality to act as a fiscal agent for program funding. The fiscal agent must apply for, contract for, and administer the grant.

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 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.

- “Direct marketing” means the sale of farm and food products directly from producers to consumers and food buyers.
- 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.

2.5 Project Eligibility

Eligible projects must increase access to New York farm and food products by low-income and/or underserved communities in New York State through direct marketing activities. Eligible projects can include, but are not limited to:

- new farmers’ markets serving low-income and/or underserved communities;
- satellite youth markets that bring New York farm and food products to low-income and/or underserved communities;
- delivery systems that bring New York farm and food products to low-income and/or underserved communities, which could include but are not limited to mobile markets;
- transportation to bring low-income and/or underserved communities to a farm, farmers’ market or other entity engaged in direct marketing of New York farm and food products;
- establishing or supporting a Community Supported Agriculture (“CSA”) program to serve low-income and/or underserved communities, wherein a community establishes a relationship with a farmer or group of farmers and receives shares of farm and food products produced by those farmers;
- creating a new nutrition incentive program to attract new customers from low-income and/or underserved communities; and/or
- forming new partnerships or programs to better connect low-income and/or underserved communities with New York farm and food products.

The Adam Clayton Powell State Office Building on 125th Street in Harlem, New York will be the subject of a separate procurement and, therefore, that location is not an eligible site for this Request for Proposals.

2.6 Project Duration

Proposed projects must be completed within one year of the grant award.

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 directly related to the proposal
- contractor services

- supplies and equipment directly related to the proposal
- advertising, including, but not limited to, radio, print, television, internet, billboards
- promotional materials and signage
- nutrition education and outreach
- insurance and permits directly related to the proposal
- transportation

2.8 Ineligible Costs

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

- 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 should be provided with the Application Form at the time of submittal. If not provided with the application, the following documentation must be provided prior to execution of the contract.

3.1 Farmers' Market Ownership & Control

Applicant must provide evidence of authority to execute the proposed project. If the applicant is proposing to operate a farmers' market, applicant must provide proof of authority to operate a farmers' market at the proposed location, including copies of all necessary permits, proof of permit application(s), or a signed letter of consent addressed to the applicant and signed by the property owner.

If applicant is not proposing to operate a market, but to operate a project in connection with a farmers' market, applicant shall submit evidence of the associated market's willingness to cooperate and participate in the proposed project through a formal written and executed (signed) agreement between the applicant and the farmers' market operator.

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 2015 must be provided with the application.

3.2 Acceptance of Government Benefits

All awarded applicants or affiliated markets must be a certified Food Stamp vendor, agree to accept Food Stamps as part of the proposed project, and provide proof of certification at the time of application, unless not applicable to the type of project proposed. If the applicant or market 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.

Applicants are also encouraged to accept all other nutrition program benefits applicable to the proposed project, including Farmers' Market Nutrition Program benefits, Senior Farmers' Market Nutrition Program benefits, and WIC Vegetable & Fruit checks.

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, under the heading of this RFP or visit the New York State Workers' Compensation Board website, 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 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 benefits and impact of the project (15 points)
- Project is open and available to targeted population (5 points)
- Project likely to increase access to New York farm and food products by low-income and/or underserved communities (20 points)
- Demonstrated experience and qualifications of key persons involved (10 points)
- Project is unique and exhibits creativity that will excite the intended audience (10 points)
- Feasibility and sustainability of the proposed project and plan of work (10 points)
- Anticipated level of community and farmer support for the project (5 points)
- Extent to which New York farmers will benefit (5 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 plans to 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 evaluation panel may then award up to a total of five (5) additional points per application to help achieve geographic diversity for the Fresh Connect program.

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 \$10,000. Applicants must provide at least 25% of the cost of the project. In-kind contributions 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; however no single entity will be awarded more than \$50,000 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.

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 advance 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.

Invoices for payment shall be submitted to the Department on a New York State standard voucher provided by the Department. A progress report detailing work performed must accompany each voucher. Payment for invoices submitted by the contractor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in 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 invoices 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.

7. REPORTING REQUIREMENTS

7.1 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. Reports must include a short summary of the project activities for that week, and other key facts and statistics relevant to the project.

7.2 Other Reports & Requests for Reimbursement

The Department 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 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.

8. 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.

9. 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.

10. 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.

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

Appendix A, which is posted on the Department's website at 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 Farmers' Market Program, and successful applicants will be responsible for complying with the terms and conditions contained therein.