

**NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS**

**Ecosystem Based Management
Genesee River Erosion and Sediment Control Implementation Grants
Round 2**

REQUEST FOR PROPOSALS (RFP)

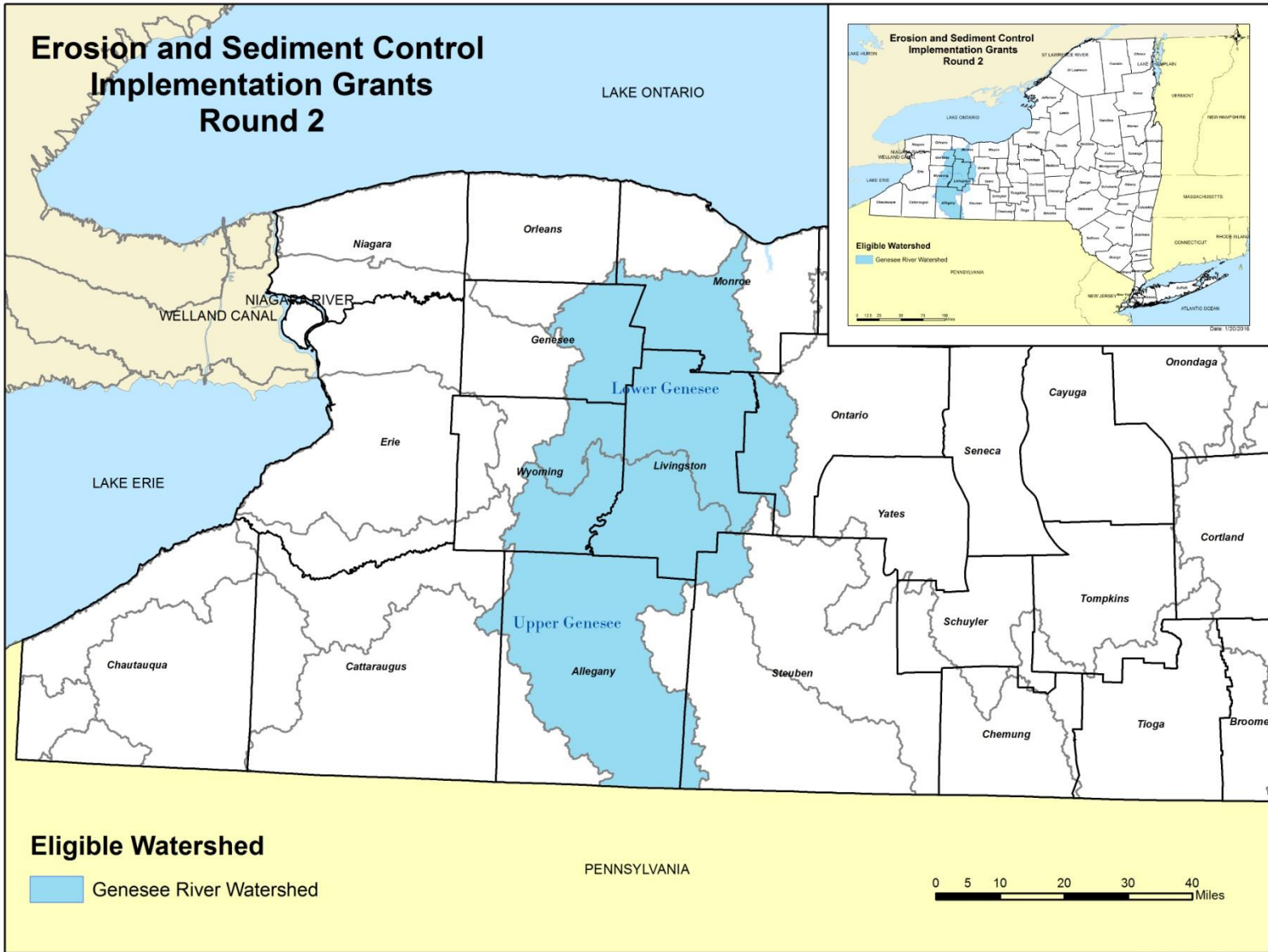
Funds to improve the water quality of Lake Ontario at the Rochester Embayment

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TIMELINE

Release RFP	February 26 th , 2016
Deadline for Questions	April 1 st , 2016
Final Questions and Answers Posted	April 8 th , 2016
Deadline for Proposals	April 15 th , 2016
Announce and Award Grants	July 2015



PROPOSAL SUBMISSION REQUIREMENTS

Proposals for funding under the Ecosystem Based Management Erosion and Sediment Control Implementation Grants **must be submitted through the NYS SWCC SharePoint by 4:30 p.m. local time on April 15, 2016** to be considered for funding. Applicants, and not computers or servers, are responsible for the timely submission of proposals. *Proposals received after the scheduled date and time will not be accepted.* Faxed, mailed or e-mailed proposals will not be accepted.

QUESTIONS AND ANSWERS

Prospective applicants with questions concerning this RFP should present those questions to:

Lauren Prezorski
New York State Department of Agriculture and Markets
10 B Airline Drive
Albany, NY 12235
(518) 457-3738 (phone)
Lauren.prezorski@agriculture.ny.gov

Applicants should note that all clarifications are to be resolved prior to the submission of a proposal. A list of questions about the RFP, answers to those questions as well as any addenda to the RFP, will be added to the Frequently Asked Questions Documented posted on SharePoint along with the electronic version of this RFP and other program attachments. Questions and responses will be posted starting no later than March 4, 2016 through April 8, 2016. All questions and answers shall be incorporated into the RFP as a formal addendum.

1. GENERAL PROGRAM INFORMATION

1.1 Introduction

This Request for Proposals (RFP) applies to proposals submitted for funding consideration from the Environmental Protection Fund (EPF) Ocean and Great Lakes Initiative (Ecosystem Based Management).

The New York State Department of Agriculture and Markets (Department) and the New York State Soil and Water Conservation Committee (State Committee) invites Soil and Water Conservation Districts to submit proposals for funding under the Ecosystem Based Management (EBM) Program. Funds are available for erosion and sediment control practices within the New York portion of the Genesee River Watershed.

1.2 Background Information

In 2006, the New York State Ocean and Great Lakes Ecosystem Conservation Council (OGLECC) was established to coordinate and address the contaminants that are threatening the integrity of the State's water resources. Through the OGLECC, the Ecosystem Based Management Program factors human impacts and economic needs with environmental needs. The result is a more holistic approach that uses sound science as a background for implementing environmental improvements.

The Genesee River Watershed is a high priority area for the OGLECC, primarily due to sources of sediment and phosphorus being discharged into Lake Ontario at Rochester, New York. This area is known as the Rochester Embayment and is identified as an Area of Concern (AOC) via the Lake Ontario Lakewide Management Plan (LaMP). Sediment and nutrients have caused degradation of water quality as evidenced by eutrophication in the near shore areas and outbreaks of harmful algal blooms around the mouth of the Genesee River. Many of these pollutants originate from agricultural sources within tributary watersheds. Addressing agricultural concerns has been a consideration of watershed planning efforts identified within the Lake Ontario LaMP, the Rochester Embayment AOC Restoration Action Plan and the Genesee River Nine Element Watershed Plan.

To address these concerns, the Department of Agriculture and Markets seeks to fund projects on agricultural lands that will reduce erosion and diminish the impacts of sediment and associated nutrients entering Lake Ontario via the Genesee River. Funding is available on a competitive basis for high priority projects identified through the local AEM process up to \$10,000.

1.3 Information for Applicants

The New York State Department of Agriculture and Markets and the New York State Soil and Water Conservation Committee are pleased to announce the availability of funds to support water quality improvement in the Genesee River. This funding comes from the Environmental Protection Fund (EPF), as part of the Ocean and Great Lakes Initiative. Reducing the pollutant load within the Genesee River will improve the near shore waters of Lake Ontario. For this reason, \$269,000 has been allocated to support efforts that will result in the reduction of sediment and nutrients from waters within the Genesee River Watershed.

1.4 Available grant funding and match requirements

Approximately \$269,000 is available for the Implementation of Erosion and Sediment Control Practices within the Genesee River Watershed, with a maximum award level of \$10,000 per application. The Department reserves the right to award a portion of a grant request.

1.5 Match requirements

Although funding requests do not require matching funds, they are strongly encouraged.

Eligible forms of match include other grants from non-state funding sources, SWCD personnel salaries devoted to the project, if not funded with other State grant sources, overhead expenses, consultant services, supplies, materials, farmer time and labor, equipment use, etc. The cash value of services must be reasonable, and is subject to adjustment by the Department. The State funded portion of the project cannot be increased as a result of budget changes or variations.

Letters of commitment from all landowners/operators and employers of all partners and entities providing monetary or technical assistance (either State funded or match) must be submitted as part of the application.

2. ELIGIBILITY

2.1 Applicant eligibility

Eligible applicants are County Soil and Water Conservation Districts within the eligible geographic boundaries identified in this RFP. Counties are not limited to the number of applications that may be submitted.

2.2 Project Location

Eligible projects must be located within the geographic boundaries of the New York portion of the Genesee River Watershed as identified on page 3 of this RFP.

2.3 Project Eligibility

Proposed projects must meet the following project eligibility criteria in order to be fully evaluated and scored:

- All projects must directly address erosion and sediment control on agricultural lands.
- Projects should demonstrate a link to the County Agricultural Environmental Management (AEM) Strategy.
- Be based on sound agricultural practices and follow the AEM planning process.
- All projects must have defined measurable outcomes or deliverables.
- Must have the capability of being completed and invoiced within two years of signing a Letter of Agreement with the Department of Agriculture and Markets.
- Must be for the implementation of conservation practices not previously funded under the Genesee River Erosion and Sediment Control Implementation Grants (Round 1) or other New York State funded programs.

2.4 Project Completion Terms

It is anticipated that the Department will announce grant awards by July 2016. A proposed project must be capable of being completed and fully reimbursed no later than two years after signing a Letter of Agreement with the Department. If you receive a grant award, the Department will monitor the progress of the proposed work and will recapture awarded project funding if significant progress is not made by the grantee.

3. PROJECT COSTS

3.1 Eligible expenses include:

- Architectural and/or engineering services
- Personal services to implement individual farm level erosion and sediment control practices
- Consultant and legal services
- Other direct expenses related to implementation (e.g. funding for cultural resource impact determinations for ground disturbing BMPs).

State assistance payments may not be used to cover the lease or purchase of equipment unless the equipment is part of the funded BMP. It is advisable for

applicants to request clarification on the eligibility of specific equipment during the open questions and answers period and all determinations will be added to a Frequently Asked Questions Document.

All costs associated with the operation and maintenance of BMPs and equipment will be the sole responsibility of the landowner and/or operator and cannot be used as a match to State Funding.

3.2 Ineligible Expenses

Ineligible expenses include costs paid from other State resources and costs incurred prior to contract approval from the Department. These expenses will not be reimbursed by the State.

4. PROPOSAL FORMAT

4.1 Application Form Instructions

Proposals must follow the questions on page 12 of this RFP. Applicants must attach a map showing distance of project to the nearest named watercourse and a certification of a District Board Resolution authorizing the submittal of the proposal. Photographs documenting project need are optional, but encouraged. It is the responsibility of the applicant to describe current conditions, project need and environmental benefits to be achieved. Lack of information provided may result in lower scores by reviewers.

5. PROJECT EVALUATION AND SCORING

All applications that meet all the eligibility criteria will be further evaluated and scored by at least three (3) evaluators. Evaluators will record proposal scores based on the criteria in section 5.1 of this RFP. The scores of the evaluators will be aggregated to make up the proposals total score. All proposals will then be ranked by their grand total score from highest to lowest to make up the final ranked list for awards. Proposals that receive a score of less than 50% of the maximum available aggregate score will not be considered for funding. Proposals will be funded in the order of rank until eligible funding is exhausted or no eligible applications remain.

5.1 Consideration will be given to the following factors in rating proposals:

1. Project reduces sediments and/or associated nutrients from entering the Genesee River or its tributaries. (Maximum score 30 points)
2. Scope of Work and Time Frame (Maximum score of 10 points)
3. Cost Effectiveness (Maximum score of 10 points)

Applications that demonstrate the following will receive higher scores:

- Close proximity to the Genesee River
- Significant reductions in sediment and/or phosphorus entering the Genesee River
- Leverages federal or local resources

- Alignment with Ecosystem Based Management Principles (see Appendix for list of EBM Principles)

5.2 Tie Breaker

If there is a numerical tie after the application has been scored, the application with the greatest percentage of leveraged overall grant funds will determine placement on the ranking list. For example, if two applications score 75 points, and one leverages 15%, the other 10%, the one with greater (15%) match contribution will be funded first. If both applications leverage an identical match, then the project that is closest to the Genesee River will be funded. In the event that two projects are still equal, the final determination will be made by a coin flip.

6. AWARDS

Sponsors whose proposals are selected for funding will be notified as soon as possible. Selected proposals must comply with all applicable federal, State and local laws and rules and regulations for funding to be awarded. Evidence of such compliance may be required.

Proposals selected for funding may be subject to further review by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) prior to issuing a Letter of Agreement as described in section 13 of this RFP.

7. AGREEMENTS

Once an application has been selected for funding, the Department will notify the sponsor of the need to provide information necessary to initiate a “Letter of Agreement” with the Department. Work may begin once the signed Letter of Agreement is received. Funded projects may receive an advance payment of 50% of the project cost. The remaining project costs will only be made once the project is completed and documentation is submitted.

If the Department is unsuccessful in negotiating an agreement which will achieve the deliverables in a manner consistent with the proposal as approved and any applicable laws or regulations, the Department reserves the right to rescind its approval of the proposal for funding and instead award the funding to other eligible unfunded project proposals.

The standard term for all projects will be two years plus two months for project administration and completion of the final report. The project start date will be the date of issue on the Letter of Agreement. Funding of proposals that extend over more than one State fiscal year will be subject to the reappropriation of funds.

Amendments to project scope or location will not be approved. If an awardee is unable to complete the approved project as described in the approved location, termination of the Agreement will result.

8. PAYMENT

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 Comptroller of the State 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 Comptroller of the State of New York's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

9. REPORTING REQUIREMENTS

Department staff will monitor the progress of each funded project.

The Department reserves the right to modify the reporting requirements during the course of the project. At a minimum, progress reports will be required two (2) times per year as specified by Department. In addition, an original and one copy of a comprehensive final report will be required within sixty (60) days following completion of the project. For all projects, the final report shall include a final budget report detailing expenditures and expenditure documentation; a detailed description of the work completed, problems encountered, if any, and lessons learned, as well as, such other information as the Department may deem necessary. In addition, the Department reserves the right to visit any or all of the projects during or after project completion.

- Final reports for projects shall also include photographs of the work site before and after practice implementation, BMP Procurement Records, and Consultant Engineer's Certification of BMPs (if needed).
- The Department reserves the right to make all final reports available to the NYS Ocean and Great Lakes Ecosystem Conservation Council and the general public.
- The Department reserves the right to conduct a follow-up evaluation of funded projects in order to determine long-term impacts.
- The Department and Comptroller's Office reserves the right to audit the Project Sponsor's books and records relating to the performance of the project during and up to six (6) years after the completion of the project.

10. LIABILITY

The State will not be held liable for any costs incurred by any District for work performed in the preparation of and production of a proposal, or for any work performed prior to the formal execution of an agreement.

11. FREEDOM OF INFORMATION

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

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;
- 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 to all potential applicants;
- select only certain portions of proposals for State funding;
- negotiate the terms of any agreement proposed by the applicant; and
- make all final decisions with respect to the amount of State funding and the timing of payments to be provided to an applicant.

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

13. 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.

14. 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.

15. DEBRIEFING

Pursuant to section 163(9)(c) of the State Finance Law, an unsuccessful bidder has the right to a debriefing regarding the reasons its application was not selected for award. Upon request, the Department will provide a debriefing to any unsuccessful applicant as to the reasons that the proposal submitted was not selected for an award. To request a review of an unsuccessful application contact Ms. Judy Giovannetti, Division of Fiscal Management, by phone at: (518) 457-6172 or via e-mail at judy.giovannetti@agriculture.ny.gov A review should be requested by an unsuccessful applicant within thirty (30) days of the date of the notice that its proposal was not selected for an award.

16. 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.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.

**Grant Application Form
Erosion and Sediment Control in the Genesee River Watershed – Round 2**

Please Answer ALL Questions

Part 1: Applicant Information

1. Applicant Soil and Water Conservation District: [Click here to enter text.](#)
2. Contact Person: [Click here to enter text.](#)
3. Mailing Address: [Click here to enter text.](#)
4. Phone: [Click here to enter text.](#)
5. Email Contact: [Click here to enter text.](#)

Part 2: General Project Information:

1. Farm Name: [Click here to enter text.](#)
2. Project Location: [Click here to enter text.](#)
3. Type of Farm Operation: [Click here to enter text.](#)
4. Number of animal units (if any): [Click here to enter text.](#)
5. Acres Owned: [Click here to enter text.](#)
6. Acres Operated: [Click here to enter text.](#)
7. Complete the table below:

Farm Name	BMP to be Implemented	NRCS Practice Code	Units

Part 3: Project Timing and Costs:

1. Proposed Start Date: [Click here to enter a date.](#)
2. Expected Completion Date: [Click here to enter a date.](#)

3. If you have applied/received any additional funding for the projects within this proposal, indicate the funding source and amount:

Source(s): [Click here to enter text.](#)

Amount(s): [Click here to enter text.](#)

4. Has this project (or any component) been funded in the past? If yes, please include in the project description. Yes No

Part 4: Project Narrative

1. Short Project Description (up to 250 characters): [Click here to enter text.](#)
2. Describe the project, including: what will be done, how it will be accomplished, the farm need, and how it links to your AEM Strategy goals: [Click here to enter text.](#)
3. Described who will do the project, their affiliation, role and qualifications: [Click here to enter text.](#)
4. Describe the water quality benefits to be achieved: [Click here to enter text.](#)
5. Please provide a timeline description for how the project will be completed in two years or less: [Click here to enter text.](#)

Part 5: Budget

1. Please provide a project budget and narrative using the following categories for both State requested funds and matching funds:

Budget Category	State Requested	Match	Total Cost	Narrative (State requested and match expenses; for match, include source)
Personal Services				
Supplies and				
Contractual Services				
Equipment				
Other				
Administration				
Total				

Part 6: Additional Information

1. Has a Tier 3a (or higher) plan been developed for the farm?
 Yes No (if no, the project is not eligible for funding through this program)
2. Does this project address a concern identified in the plan?
 Yes No

3. If CAFO farms are part of the target audience, are they compliant with appropriate requirements:
(CAFO = Concentrated Animal Feeding Operation)
- Yes No N/A *(If no, the farm is not eligible to participate in this program)*
4. Is the project located in a Culturally Sensitive Area as identified by the NYS Office of Parks, Recreation and Historic Preservation? Yes No
- 4a. If yes, is the proposed practice(s) listed as ground (G) disturbing or potentially ground (PG) disturbing by the State Historic Preservation Office (SHPO)?
- Yes No N/A [Ground Disturbing Potential of Conservation Practices](#)
5. How far is the project from the nearest named watercourse: [Click here to enter text.](#)
6. What is the name of the watercourse: [Click here to enter text.](#)
7. What is the hydrologic unit code (HUC) #(s) of the watercourse: [Click here to enter text.](#)

SWCD Resolution and Certification

Please attach a resolution or this certification that a resolution exists authoring the submission of this proposal.

A resolution authorizing the project proposal identified below has been approved and is on record with the County Soil and Water Conservation District.

Project Proposal Name: [Click here to enter text.](#)

I hereby affirm under penalty of perjury that information provided on this form and attached statements and exhibits is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

(Title) _____ of (entity)

(date) _____ (signature) _____ (print name)

NOTE: If the project application may include participating landowner(s) that are either SWCD Board Members or Employees, please attach a copy of the official Board Meeting minutes that reflect the process for the selection of the farm(s), disclosure of interests, and necessary recusals from the authorizing resolution.

BMP Operation and Maintenance Guidelines

A BMP that is funded by this Genesee River Erosion and Sediment Control Grant – Round 2 opportunity must be maintained and properly operated for the conservation purposes for which the practice was approved. The project sponsor must ensure that active BMPs, at a minimum, be operated and maintained by the Landowner and/or Operator for the lifespan period. For information on BMPs including life spans please refer to the Draft Agricultural Management Practices Catalog.

Available Funding

The Department of Agriculture and Markets has made available approximately \$269,000 for Genesee River Erosion and Sediment Control Round 2 competitive projects through NYS Oceans and Great Lakes Initiative funding.

Genesee River Erosion and Sediment Control Grant Hourly Rate Recommendation

The following rates were acquired from SWCDs as a result of our inquiry as part of the 2014 annual reports submitted.

The hourly rates which can be used by SWCDs, in lieu of providing justification for calculating their actual salary, benefit and overhead, to calculate total personnel services costs are as follows:

	<u>Hourly Rate</u>	<u>Overhead</u>	<u>Total</u>
Managerial	\$52	\$5	\$57
Technical	\$35	\$5	\$40
Secretarial	\$36	\$5	\$41

Districts may use their actual salary, benefit and overhead figures in lieu of the above set rates. In those cases, full documentation must be provided to obtain payment. In cases where interns, seasonal or part-time employees are used, actual hourly rates will have to be used and justified.

These rates, including overhead expenses, can also be used for local agency personnel (NRCS, CCE) as well as private sector consultants. These individuals will also have the option to use and fully justify their own actual rates. Overhead expenses cannot be used for actual rates.

Ecosystem Based Management Principles

What is Ecosystem-based Management?

In the New York Ocean and Great Lakes Ecosystem Conservation Council's Report, "*Our Waters, Our Communities, Our Future*," ecosystem-based management (EBM) is defined as an innovative approach to management that is distinct from traditional models. EBM recognizes that humans are integral parts of any ecosystem and that ecosystems are vital in supporting human life. It emphasizes the need to establish strong partnerships to address complex and often contentious issues and requires the integration of ecological, social, economic, and institutional perspectives.

The principles that generally guide EBM are:

- EBM emphasizes the *protection* of ecosystem structure, functioning, and key processes based on science;
- EBM is *place-based* in focusing on a specific ecosystem and the range of activities affecting it;
- EBM explicitly accounts for the *interconnectedness within systems*, recognizing the importance of interactions among many target species or key services and other non-target species;
- EBM acknowledges the *interconnectedness among systems*, such as air, land and sea;
- EBM *integrates* ecological, social, economic, and institutional perspectives, recognizing their strong interdependencies and mutual influences;
- EBM emphasizes *collaborative governance processes*, working together with citizens, landowners, businesses, local governments, interested organizations, and others to face problems, identify opportunities, make feasible improvements, and find common solutions. The processes are often as unique as the situation, but the common theme is the active participation of partners.

New York Ocean and Great Lakes Ecosystem Conservation Council's Report, "[Our Waters, Our Communities, Our Future](#)".

New York State Department of Agriculture and Markets

**2016 Ecosystem Based Management
Erosion and Sediment Control Implementation Grants for the Genesee River Watershed – Round 2**

EVALUATION SCORE SHEET

Instructions: *Evaluate each component of the proposal, per criteria described in the left hand column. Provide comments at the bottom.*

SCORING KEY

Total Points Available	Excellent	Great	Very Good	Good	Poor	Meets No Requirements
30	25 – 30	19 – 24	13 - 18	7 - 12	1 - 6	0
10	9-10	7-8	5-6	3-4	1-2	0

Review Criteria	Max Points	Score
<p><i>Project reduces sediment and/or nutrients from entering the Genesee River or its tributaries. -- How well does the applicant address the following:</i></p> <ul style="list-style-type: none"> • The project addresses an identified need or opportunity to reduce sediment from entering the Genesee River or one of its tributary streams. • The proximity to the watercourse being addressed suggests a close relationship between the farm resource concern and the potential pollutant source to the watercourse. • The BMP selection is appropriate for the concern and is based on a recommendation from a conservation plan. • Sufficient information has been provided (narrative, map, photos) to clearly describe the pollution concern being addressed by the proposed project. • The project is consistent with Ecosystem Based Management Principles 	30	

<p><i>Adequate Scope of work and Time Frame -- How well does the applicant address the following:</i></p> <ul style="list-style-type: none"> • The feasibility of the project is clearly demonstrated. • There is demonstrated experience and ability of the sponsor and project staff to undertake the proposed activity. • Project deliverables are clearly defined and consistent with RFP objectives. Proposal clearly defines what is to be done, how it will be done, who will do it and when it will be done. • Practices to be installed are listed in DEC's Agricultural Management Practice Catalog 	10	
<p><i>Project is cost effective -- How well does the applicant address the following:</i></p> <ul style="list-style-type: none"> • BMP(s) to be implemented are cost effective relative to the ecosystem benefits. • Estimated time to complete and hourly rates being charged for technical/engineering services and administration are reasonable. (e.g. reflect average costs documented in the NRCS Field Office Technical Guide; administrative, technical, and engineering services reflect an appropriate percentage of the total project cost) 	10	
TOTAL Points	50	

Reviewer's Comments:

Name: _____

Signature: _____ Date: _____