

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

State Assistance Payments to Not-for-Profit Conservation Organizations

QUESTIONS AND ANSWERS

The following questions have been submitted to the Department regarding the Request For Proposals (RFP) for State Assistance Payments to Not-for-Profit Conservation Organizations for Farmland Protection Activities. Duplicative questions were omitted and some questions were revised to provide greater clarification.

All questions were submitted in writing to the Department's Farmland Protection Program Manager after the announcement of the RFP. While questions from two parties were received *after* the stated deadline of 4:00PM on April 3, 2009, they are incorporated below because those questions were deemed by the Department to be informative to all potential applicants and providing answers to them would not provide an unfair advantage to those particular inquirers.

Q1: How much funding is available for this program?

A: State assistance payments awarded shall not exceed \$50,000 to any applicant in any fiscal year, and shall not exceed \$500,000 to all applicants in any fiscal year.

Q2: (a) What activities qualify as "capacity building " as defined by the grant program?

(b) For example, could a grant awarded under this program pay for land trust staff time to assist a local government to –

(1) complete or otherwise assist with application forms to prepare a Town or a County to apply for Farmland Protection Planning Grants (FPPG) funding?

(2) complete or otherwise assist with application forms to prepare a Town or a County to apply for Farmland Protection Implementation Grants (FPIG) funding?

A: (a) Funds awarded pursuant to this RFP must be used to help a land trust build and maintain staff capacity and enhance its technical capabilities to facilitate the accomplishment of activities that will assist counties and municipalities with their agricultural and farmland protection efforts. Please refer to the Eligible Activities section of the RFP on pages 3-4 for a list of activities that can be conducted by the land trust using staff and technical resources funded under this grant program.

(b) No, with the exception of staff time used to assist with the preparation of a site plan and/or draft conservation easement for insertion into a FPIG grant application, grant funds cannot be used to cover any costs incurred by a land trust to assist with preparation of FPPG or FPIG applications.

Q3: Our president is a farmer, but he has only three (3) acres under production. However, his farm is a Community Supported Agriculture (CSA) operation. Does he qualify as an “active farmer”?

A: There is insufficient information provided in this question to enable the Department to make a determination of whether the person is an “active farmer.” As stated on page 3 (refer to “Applicant Eligibility”) of the RFP, if the person is engaged in the activities of a “farm operation” as defined in section 301(11) of Article 25-AA of the New York Agriculture and Markets Law AND can provide evidence of his/her commercial farming activity, then the person will be deemed an “active farmer.” See <http://www.agmkt.state.ny.us/AP/agsservices/2008C115.pdf> for a copy of Article 25-AA.

Q4: We are a community coalition of farmers, citizen activists, community groups and businesses. We are interested in reviving the presently dormant Agricultural and Farmland Protection Board (AFPB) and developing a Land Trust for our county. Does it sound like we might qualify to apply for this grant?

A: There is insufficient information provided in this question to enable the Department to make a determination as to whether your organization is an eligible applicant. As stated on page 3 of the RFP only not-for-profit conservation organizations as defined in subdivision two of section 49-0303 of the New York State Environmental Conservation Law are eligible to receive funds under this grant program. Unless your “coalition” meets this definition of a not-for-profit conservation organization it would not be eligible to apply.

Pursuant to section 49-0303 (2) of the Environmental Conservation Law a “not-for-profit conservation organization” is a not-for-profit corporation organized inter alia for the conservation or preservation of real property and which has the power to acquire interests in real property. Such organization must have qualified as exempt for federal tax purposes pursuant to Section 501 (c) (3) of the internal revenue code or any similar successor statutory provision.

Q5: Under this grant there is \$5000 (not to exceed 10% per year) allowable towards equipment purchase. Can we purchase equipment in advance, and then use funding from the grant (if awarded) toward that purchase?

A: No, any activity that occurs prior to the date of an award under this grant program will be deemed an ineligible cost.

Q6: (a) Does “working with municipalities” include Towns and Villages?

(b) Do we need to have a written agreement with said municipalities to qualify for this grant? If not, what sort of documentation of our working relationship is required?

A: (a) Yes.

(b) No, but it would be necessary to reflect in the proposed scope of work the name of each municipality that your not-for-profit conservation organization will be assisting as well as the number and type of farmland protection activities in which your organization will be assisting each respective municipality.

Q7: Do applicants have access to the scoring/rating point system when preparing the proposal?

A: See the attached Proposal Evaluation Form.

Q8: If accepted, when do applicants receive the first payment of funds?

A: As stated on page 7 of the RFP (refer to “Contract Terms”, “Payments”), the not-for-profit conservation organization may request an advance payment upon approval of the contract. At this time, it is unknown when awards will be announced for this grant program and therefore it is impossible to determine any such date. However, approval of a contract typically takes 5-6 months and up to another month to receive a disbursement following a written request from the not-for-profit conservation organization.

Q9: Would Cornell Cooperative Extension be eligible for this assistance? We do have an active farmer on our board.

A: It seems unlikely that Cornell Cooperative Extension meets the definition of a “not-for-profit conservation organization” as defined in section 49-0303 (2) of the Environmental Conservation Law (ECL). As referenced in the Answer to Question 4, a “not-for-profit conservation organization” is defined in the ECL as a not-for-profit corporation organized inter alia for the conservation or preservation of real property and which has the power to acquire interests in real property. Such organization must have qualified as exempt for federal tax purposes pursuant to Section 501 (c) (3) of the internal revenue code or any similar successor statutory provision.

Q10: What will be the award date and/or start date for the grant?

A: The award date will be the day that these awards are publicly announced. That date is not known at this time. The initial day (“start date”) of the contract period will be identical to the day of announcement of the grant awards.

Q11: Will the grant permit funding support to the official station office if the office is a partner agency? If so, what are the requirements to document these expenses?

A: No, the awarded funds can not be subsequently passed from an eligible applicant to another entity that will then actually conduct the assistance to the farmland protection activities of the local government(s) specified in the applicant’s scope of work.

Q12: Can we attach supplemental material to the proposal (e.g., organization's newsletter)?

A: The RFP does not require or encourage the submission of supplemental materials such as an organization’s newsletter. The RFP does require that a complete application include a project narrative (not exceeding four pages in length) that addresses all five (5) questions listed on page 5 of the RFP (refer to “Proposal Format”). Therefore, please do not simply attach any information as a substitute to providing a narrative response. If

you do so, the application will be deemed incomplete and it will not be considered for funding.

Q13: Is there a Scope of Services list illustrating specific Tasks beyond what is described in the RFP? If so, where can this be found?

A: No; please refer to the list of “Eligible Activities” on pages 3-4 of the RFP as your guide.

Q14: Can the “active farmer” serving on the board of directors be located outside of New York State, as long as they are located within the geographic service area of the applicant?

A: Yes.

Q15: Are there any match requirements?

A: No.

Q16: If applying for the full \$50,000 per year for the two year contract, will the State fund less than what is requested?

A: Successful proposals will be awarded the full amount requested within the limits of available funds.

Q17: When can an awardee begin using the grant money for expenses incurred?

A: Expenses incurred prior to the date of the award announcement shall not be eligible for reimbursement under this grant program as that date is the start date of the contract period. Disbursements associated with an award will be authorized only after a contract has been approved by the Office of State Comptroller. A disbursement will be initiated by the Department upon receipt from the awardee of a signed Standard Voucher. Applicants are *strongly advised* not to incur any costs for which they expect to be reimbursed pursuant to an award under this program until they receive a contract that has been signed by the Department AND approved by the Office of the State Comptroller.

Q18: Which types of projects will be given priority? How will points be allocated between projects?

A: See attached Proposal Evaluation Form.

Q19: Regarding “providing support for existing staff responsibilities;” (refer to page 4 of RFP, “Eligible Costs”) –

(a) Does this cover consultant fees?

(b) Does this cover present, full-time staff already at the land trust?

(c) Does this cover staff training?

(d) What is the staff rate that is covered? Loaded rate or actual rate?

(e) Is overhead covered (Other Than Personnel Services)?

(f) Are informational materials covered, such as creation, production, and printing of brochures and surveys? If so, what types of brochures and surveys will be covered?

(g) Is postage for mailings covered? Is distribution covered?

A: (a) Yes.

(b) Yes, provided the existing staff time equivalent is either increased to address farmland protection activities of the local government(s) identified in the Scope of Work, OR the duties of the existing staff are redirected to focus on farmland protection activities of the local government(s) identified in the Scope of Work.

(c) Yes, provided the training covers topics associated with farmland protection activities.

(d) There is no pre-determined or otherwise established staff rate. You identify staff expenses in Form B per the line items provided and you may add other line items, as necessary and as shown on Form B.

(e) No, the administrative overhead costs of a not-for-profit conservation organization are not covered as this grant program is intended to enable each awarded organization to build its staff capacity.

(f) No, the cost of such materials themselves are not covered as this grant program is intended to enable each awarded not-for-profit conservation organization to build its staff capacity. Other funding sources must be sought to provide the funding necessary to produce, print or distribute outreach materials or to cover the non-staff costs associated with conducting outreach activities. However, this funding could be used to cover the staff expense associated with the creation/development of such outreach materials as well as the staff expense associated with conducting such outreach activities.

(g) No, the cost of postage and delivery fees are not covered as this grant program is intended to enable each awarded not-for-profit conservation organization to build and maintain its staff capacity and enhance its technical capabilities. Please also refer to the answer immediately above.

Q20: Regarding “Facilitate landowner meetings or workshops about planning considerations related to participation in the FPIG program, including land, business, financial and estate planning issues; and otherwise encourage participation in farmland protection activities” (refer to page 4 of RFP, “Eligible Activities”) –

(a) Are agriculture workshops covered? What types of agricultural workshops will be covered?

(b) Will this cover speaker fees, travel expenses, materials?

A: (a) Only the staff expenses and equipment purchases (subject to the limitations set forth in the Eligible Costs section of the RFP) associated with facilitating such “agriculture workshops” are covered provided the workshops address landowners’ planning considerations associated with their participation in farmland protection activities.

(b) No, the cost of speaker fees, speaker travel expenses and workshop materials are not covered as this grant program is intended to enable each awarded not-for-profit conservation organization to build and maintain its staff capacity and enhance its technical capabilities.

Q21: Regarding “Assist landowners, municipalities and counties with the completion of perpetual conservation easement transactions on viable agricultural land provided that the policy content of each such easement is consistent with the Department’s Model Agricultural Conservation Easement (August 2008 version)” (refer to page 4 of RFP, “Eligible Activities”) –

(a) Which are eligible expenses: baseline documentation costs, appraisal (one or two), survey, title certificate, Attorney, Environmental assessment, recording fees?

(b) Are such easements limited to those only associated with projects funded through the Farmland Protection Implementation Grants (FPIG) program?

(c) Are there mandatory provisions of the Department’s Model Agricultural Conservation Easement (August 2008 version) that must be incorporated into the conservation easements whose transactions will be completed with the assistance of staff funded under this grant program? Can the Conservation Easement allow for sub-surface gas extraction?

(d) Does the particular parcel have to be identified in a farmland protection plan?

(e) Can the award be used towards an ongoing project or must the award be used towards a completely new project? For example, can the award be used toward a project for which we have not yet completed a baseline documentation, a title commitment/policy, a final version of the conservation easement, etc., but we drafted the conservation easement.

(f) Can the award be used to cover eligible expenses for an FPIG grant application that has not yet been awarded by the Department, but has already been approved by the County Farmland Protection Board? What are the eligible expenses that the applicant can apply towards the FPIG program?

(g) Can the award be used for staff time needed to acquire farmland? If a county or municipality own farmland, can the grant money be used to cover the land trusts overhead costs and staff time that are necessary to lease the property to a farmer?

(h) Can the award be used for an agricultural resource website? How long can the award be used to develop the website? Can the awardee sub-contract the maintenance of the website to another entity? If so, what type of entity does it have to be, government or non-profit?

(i) Can the award be used to cover the land trust staff time to help update the County farmland protection plan?

(j) Can the award be used to cover an initiative to educate the public about the importance of farming and supporting the local farming economy; for example, a shop local campaign?

A: (a) An award under this grant program is to cover staff expenses associated with assisting the farmland protection activities of local governments. Therefore, the staff

time necessary to compile a baseline documentation report associated with a conservation easement whose policy content is compatible with Department policies would be an eligible cost under this grant program. However, if that staff expense is for work associated with an open FPIG contract, then that FPIG project budget must then be revised to remove the corresponding “in-kind” contribution or any local cash match contribution and the corresponding “outside easement expertise” expense associated with that staff time. Those revisions must be made to any such FPIG project budget so as to ensure that State funds awarded from FPIG are not being matched with other State funds awarded under this grant program. Lastly, none of the other costs that you identify are eligible under this grant program.

(b) No, **all** conservation easements (regardless of their funding source(s)) for which the staff funded under this grant program have assisted in completing shall have policy content consistent with the Department’s Model Agricultural Conservation Easement (August 2008 version).

(c) Yes. Please refer to the following guidance document available on the Department’s web site (“Farmland Protection” program page): http://www.agmkt.state.ny.us/AP/agservices/guidancedocuments/FS_CE%20provisions_FINAL.pdf.

(d) No.

(e) An award under this grant program is to cover staff expenses associated with assisting the farmland protection activities of local governments. Therefore, the award could be used toward the staff expense in preparing and compiling a baseline documentation report and the overall drafting of a conservation easement document, but the award shall not be used toward the cost of a title report or toward the premium for a title insurance policy. However, if that staff expense is for work associated with an open FPIG contract, then that FPIG project budget must then be revised to remove the corresponding “in-kind” contribution or any local cash match contribution and the corresponding “outside easement expertise” expense associated with that staff time. Those revisions must be made to any such FPIG project budget so as to ensure that State funds awarded from FPIG are not being matched with other State funds awarded under this grant program. NOTE: Grant funds can only be used for expenses incurred after the date of award.

(f) Yes, provided that expense is limited only to the staff time necessary to prepare a site plan and draft conservation easement that will be submitted in an FPIG grant application.

(g) No.

(h) None of these expenses are eligible under this grant program, except that the expense of the staff of the not-for-profit conservation organization to develop or maintain the web site would be an eligible expense. However, none of the award shall be used to retain a sub-contractor solely for such activities as this grant program is intended to enable each awarded not-for-profit conservation organization to build its staff capacity.

(i) An award under this grant program is to cover staff expenses associated with assisting the farmland protection activities of local governments. Therefore, the award could be used toward the staff expense in helping a County update its Agricultural and Farmland Protection Plan. However, the project budget associated with the contract awarded under the Farmland Protection Planning Grants (FPPG) program must then be revised to remove the corresponding “in-kind” contribution or any local cash match

contribution and the corresponding expense associated with that staff time. Those revisions must be made to any such FPPG project budget so as to ensure that State funds awarded from FPPG are not being matched with other State funds awarded under this grant program.

(j) No, unless such activities are part of the local government's farmland protection efforts and such activities are described in the Scope of Work.

**NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS
STATE ASSISTANCE PAYMENTS TO NOT-FOR-PROFIT CONSERVATION ORGANIZATIONS
PROPOSAL EVALUATION FORM**

Proposer's Name: _____

EVALUATION CRITERIA	POINTS	POINTS AWARDED
A. Applicant's commitment to farmland protection. (Refer to applicant response to narrative items #1, #3 and #5.)	0-15	
B. Applicant's need for capacity building and potential for enhancement of current and future projects. (Refer to applicant response to narrative items #2.)	0-20	
C. Applicant's experience with past farmland protection projects, including any associated with open or closed FPIG contracts. (Refer to applicant response to narrative item #3.)	0-10	
D. Applicant's involvement with the agricultural community (including County Agricultural & Farmland Protection Board(s)) and its demonstrated consistency with County Agricultural & Farmland Protection Plan(s). (Refer to applicant response to narrative item #5.)	0-15	
E. Applicant's demonstration that the state investment in professional and organizational capacity will assist counties and municipalities with their agricultural and farmland protection efforts by disseminating information and providing technical assistance to county and municipal governments, owners of agricultural land and other agricultural interests and result in a greater level of farmland protection over the next 2-5 years. (Refer to applicant response to narrative items #2, #4, #5 and Form C.)	0-25	
F. Applicant's overall understanding and knowledge of the FPIG program and farmland protection generally. (Refer to applicant response to narrative items #1, #2, #3, and #4.)	0-10	
G. Cost of the proposal in relation to (i) the type(s) of farmland protection project(s) that will be undertaken and (ii) the number of county and municipal governments, owners of agricultural lands and other agricultural interests that will benefit from the applicant's activities. (Refer to applicant response to narrative items #4 and #5, Form B and Form C.)	0-5	
TOTAL POINTS	0-100	

Comments: _____

Evaluated By:
