

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

for State Assistance Payments for

**ROUND 15
FARMLAND PROTECTION IMPLEMENTATION GRANTS PROGRAM**

Option Agreement Projects

2018

TABLE OF CONTENTS

I.	Application Submission Requirements.....	3
II.	Questions and Answers.....	3
III.	General Program Information.....	3
IV.	Eligibility.....	4
V.	Detailed Specifications and Deliverables of the Funding Agreement.....	7
VI.	Administrative Requirements and Related Considerations.....	13
VII.	Completing the Application.....	17
VIII.	Application Review and Awarding of Successful Applications.....	18
APPENDIX A-1: SAMPLE Project Eligibility Criteria Checklist - Central Region.....		21
APPENDIX A-2: SAMPLE Project Eligibility Criteria Checklist - Eastern Region.....		22
APPENDIX A-3: SAMPLE Project Eligibility Criteria Checklist - Hudson Valley Region.....		23
APPENDIX A-4: SAMPLE Project Eligibility Criteria Checklist - Long Island Region.....		24
APPENDIX A-5: SAMPLE Project Eligibility Criteria Checklist - Western Region.....		25
APPENDIX B-1: SAMPLE Closing Statement Spreadsheet for Option Agreement Project with Landowner Bargain Sale Donation.....		26
APPENDIX B-2: SAMPLE Closing Statement Spreadsheet for Option Agreement Project with 25% Cash Contribution.....		27

TIMELINE

Release Request For Applications (RFA)	mid-January 2018
Questions and Answers	Questions and answers will be posted on an ongoing basis as they are received.
Deadline for Applications	NONE
Announce and Award Grants	Beginning mid-March 2018 and ongoing thereafter.

I. APPLICATION SUBMISSION REQUIREMENTS

Applications for funding under the Round 15 Farmland Protection Implementation Grants (FPIG) Program – Option Agreement to Purchase a Perpetual Conservation Easement must conform to the format provided in the Grants Gateway. **APPLICATIONS MUST BE SUBMITTED via the Grants Gateway** to be considered for funding. Faxed, mailed or e-mailed applications will not be accepted.

II. QUESTIONS AND ANSWERS

All questions about requirements contained in this RFA must be submitted in writing (via mail or delivery service or by facsimile or e-mail) to:

David Behm
NYS Dept. of Agriculture and Markets
10B Airline Drive
Albany, New York 12235
Fax: (518) 457-3412
E-mail: david.behm@agriculture.ny.gov

To the degree possible, each inquiry should cite the RFA title, section and paragraph to which it refers. Applicants should note that all clarifications are expected to be resolved prior to the submission of an application. A list of questions about the program received from potential applicants, and answers to those questions, as well as any changes, additions or deletions to the RFA, will be posted in the “Funding Opportunities” section of the **Department’s** web site, www.agriculture.ny.gov, under the heading “Questions and Answers” along with the electronic version of this RFA. Questions and responses will be posted as questions are received. **Applicants are urged to check the Department’s web site frequently for notices of any changes, additions or deletions to the RFA.** If you are unable to access the web site, please contact David Behm to arrange for alternate delivery. All questions and answers shall become a formal addendum to the RFA.

III. GENERAL PROGRAM INFORMATION

A. Intent of Request for Applications (RFA)

The New York State Department of Agriculture and Markets (the “**Department**”) invites applications for financial assistance to implement certain farmland protection implementation activities described in or otherwise consistent with agricultural and farmland protection plans that have been adopted by counties or municipalities.

This grant opportunity is being offered to enable eligible applicants to exclusively implement an **Option to Purchase a Perpetual Conservation Easement** (an “Option Agreement Project”) with owners of viable agricultural lands that are at risk of conversion to non-farm uses. Only those applicants and landowners who intend to enter into an Option Agreement (as described herein) and then subsequently close on a perpetual conservation easement transaction should consider submitting an application in response to this grant opportunity.

Grant applications will be accepted on a continuous basis. The RFA will remain open and awards will be made until such time as available funds are fully committed, or the RFA is closed.

B. Background

Article 25-AAA of the Agriculture and Markets Law authorizes the Commissioner to maintain a State agricultural and farmland protection program to provide financial and technical assistance, within funds available, to assist locally-led efforts in developing agricultural and farmland protection plans and in the implementation of such plans.

C. Purpose

The purpose of this funding opportunity is to provide State financial assistance to enable local initiatives that are intended to maintain the economic viability of the State's agricultural industry and its supporting land base and to protect the environmental and landscape preservation values associated with agriculture.

IV. ELIGIBILITY

A. Applicant Eligibility

Applications for funding will only be accepted from:

- (1) any county agricultural and farmland protection board in a county with an approved county plan developed pursuant to Section 324 of Article 25-AAA of the Agriculture and Markets Law; **OR**
- (2) any municipality which has in place a local farmland protection plan, provided the proposed project is endorsed for funding in a letter provided by the agricultural and farmland protection board for the county in which the municipality is located; **OR**
- (3) any not-for-profit conservation organization that will assist a county or municipality to implement a county or municipal agricultural and farmland protection plan approved by the commissioner, provided the proposed project is endorsed for funding in a letter provided by the county agricultural and farmland protection board for the county in which the proposed project is located and the proposed project must also be endorsed for funding in a letter provided by the municipality in which the proposed project is located; **OR**
- (4) any soil and water conservation district that will assist a county or municipality to implement a county or municipal agricultural and farmland protection plan approved by the commissioner, provided the proposed project is endorsed for funding in a letter provided by the county agricultural and farmland protection board for the county in which the proposed project is located and the proposed project must also be endorsed for funding in a letter provided by the municipality in which the proposed project is located.

For purposes of this section, a "local farmland protection plan" may include a town, village or city comprehensive plan as defined in the Town Law, the Village Law, or General City Law, if such plan includes an element which considers agricultural uses and needs; an open space plan adopted by the municipality which presents strategies for the preservation of viable agricultural land; or any other formal agricultural and farmland protection planning document *provided that if* the plan was developed on or after January 1, 2006, it must comply with section 324-a of Article

25-AAA of the Agriculture and Markets Law. **Any applicant intending to submit an application for the first time for a proposed farmland protection implementation project is urged to contact the Department regarding the applicant's eligibility prior to submitting its application. Any application submitted by an ineligible applicant shall not be considered for funding under this RFA.**

The applicant must be the entity entering into an Option Agreement with the participating landowner(s) and the Grantee (or "holder") of the conservation easement for which the Option Agreement is being proposed. The entity serving as the Option Holder for an awarded Option Agreement Project must be the applicant for any subsequent proposal seeking funding from a future FPIG RFA for the intended conservation easement transaction. Also, if two entities will now serve as joint Option Holders, then those same two entities must later serve as co-Grantees for the eventual perpetual conservation easement(s) encumbering the subject property of this Option Agreement Project.

New York State vendors must register in the Grants Gateway to become established users in the system. Therefore, **each entity that intends to submit an application in response to this RFA must be registered.** If your entity has not registered, you will be unable to access this grant opportunity and unable to submit any applications.

Furthermore, **all not-for-profit conservation organizations that intend to submit an application must also be pre-qualified prior to the submission of your application(s).** If your not-for-profit conservation organization has not pre-qualified in the Grants Gateway by the time you submit your application(s), each application you submit will be rejected. However, each rejected application may be resubmitted and considered for funding under this RFA once your not-for-profit conservation organization has become pre-qualified provided this RFA is open to receive applications and make awards by the time that the application is resubmitted.

B. Project Eligibility

Projects eligible for an award through this RFA are limited to those that will acquire an option to purchase a perpetual agricultural conservation easement on viable agricultural land. Viable agricultural land means land highly suitable for a Farm Operation as that term is defined in Section 301 of Article 25-AA of the Agriculture and Markets Law.

An eligible project must satisfy all project eligibility criteria:

1. region-specific¹ minimum acreage (i.e., size of Option Agreement Project);
2. region-specific¹ minimum percentage (%) for Extent of Active Agricultural Production;
3. region-specific¹ minimum acreage for Extent of Prime Soils (not "Prime if drained");
4. use the Department's **"Option Agreement,"** without modification, **which:**
 - a. **requires the landowner** to maintain the subject property in Agricultural Use and as a Farm Operation (as each term is defined in the Option Agreement) throughout the duration of the Option Agreement,

¹ Please refer to Appendices A-1 through A-5 for the region-specific minimum requirement for the particular region (i.e., Central, Eastern, Hudson Valley, Long Island, or Western) in which the proposed project is located.

- b. **prohibits the landowner** from converting the subject property to predominantly non-farm uses prior to the expiration of the Option Agreement, and
 - c. **requires the landowner** to fully refund the option agreement payment if the landowner is unwilling or unable to convey the eventual perpetual agricultural conservation easement, **and, if that should occur, to then also require the awarded applicant** to use such proceeds for another farmland protection implementation activity;
5. prepare a site plan for Option Agreement Project that is fully consistent with Department guidance regarding land planning for an agricultural conservation easement project (please refer to “Policy Guidance” on page 10 of this RFA); and
6. use **one of the following conservation easements**:
- a. Department’s “**2016 Model Agricultural Conservation Easement**” (or the most current subsequent version available at the time that the option agreement is entered into) without modification thereto, **OR**
 - b. applicant easement containing the Department’s “**FPIG Program Required Easement Provisions (2016 version)**” (or the most current subsequent version available at the time that the option agreement is entered into) without modification thereto, **provided the applicant easement**:
 - i. contains no reference to §247 of New York State General Municipal Law, **and**
 - ii. shall not unreasonably restrict or regulate Farm Operations in contravention of the purposes of Article 25-AA of the Agriculture and Markets Law.

To be eligible for funding under this RFA, each proposed project must be located in areas proposed to be protected in a county’s or a municipality’s agricultural and farmland protection plan (i.e., pursuant to Section 324 or Section 324-a, as applicable, of Article 25-AAA of the Agriculture and Markets Law). Furthermore, each proposed project must be endorsed for funding in a letter provided by the agricultural and farmland protection board for the county in which the proposed project is located. If the applicant entity associated with the proposed project is a not-for-profit conservation organization or a soil and water conservation district, the application must also be endorsed for funding in a letter provided by the municipality in which the proposed project is located.

Each proposed project must be associated with *at least one* (1) Farm Operation (as that term is defined in Section 301 of Article 25-AA of the Agriculture and Markets Law). However, any given Farm Operation may be the subject of more than one application provided that requested funding does not overlap the same land. **Any application that does not involve at least one (1) Farm Operation shall not be considered for funding under this RFA.**

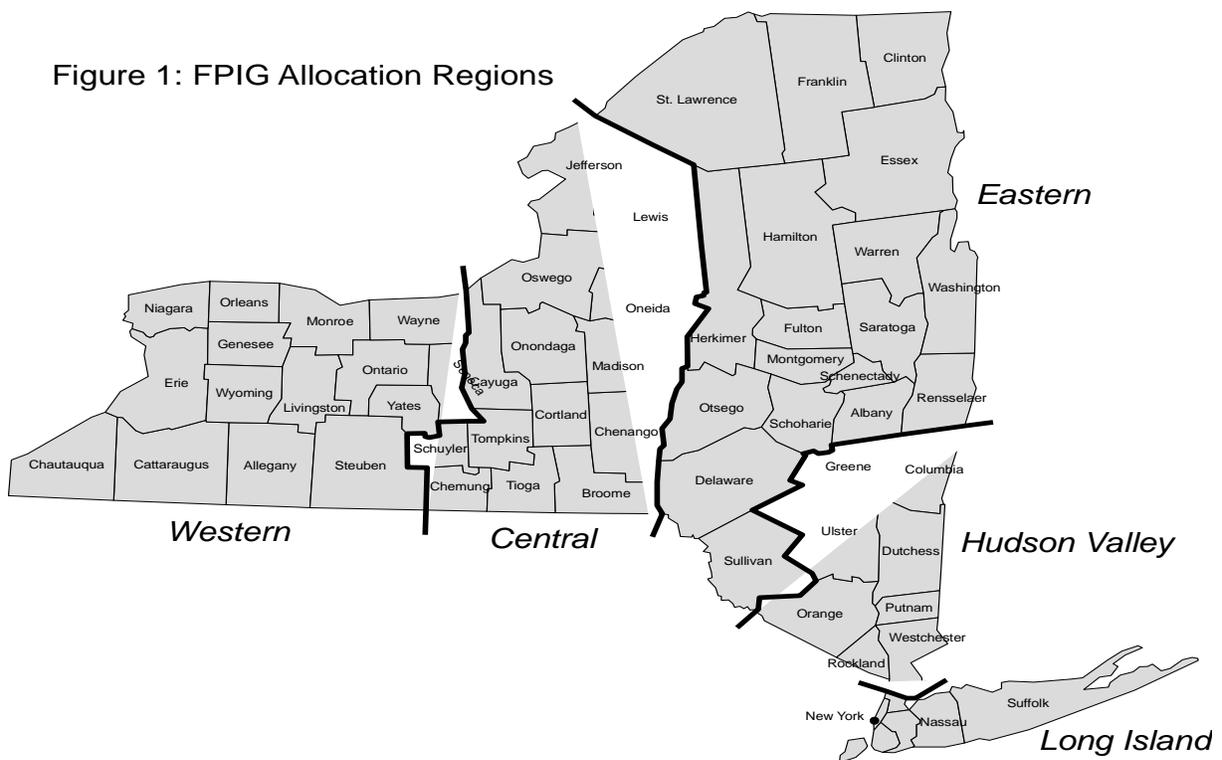
V. DETAILED SPECIFICATIONS AND DELIVERABLES OF THE FUNDING AGREEMENT

A. Anticipated Time Frames

The start date for initially awarded funding agreements (i.e., those FPIG contracts between the State and the awarded applicant entity) resulting from this RFA is anticipated to be on or around March 12, 2018. Each funding agreement shall have a four-year contract period.

B. Available Funds

The **Department** has made available \$5.0 million for awards under this RFA through an open application and awards process with \$1.0 million available within each of five (5) regions across the state (see Figure 1 below). Maximum funding to any individual awarded project shall be \$500,000. After March 31, 2019, the Commissioner may award available funds to eligible projects without regard to regional boundaries.



C. Project Costs

(1) Eligible Project Costs

Eligible project costs include:

- (1) option payment not to exceed three percent (3%) of “land only” assessed value from the most recent final assessment roll following an indexing adjustment to 100% Uniform Percent of Value; and
- (2) transactional costs limited to the following:
 - a. stipend for a commitment for title insurance;
 - b. one appraisal report (per proposed conservation easement);
 - c. project partners’ legal fees to prepare the Option Agreement and to review title reports and, as applicable, prepare necessary title curatives;
 - d. project partners’ staff time to administer the Option Agreement and administer the awarded funding agreement;
 - e. recording fees; and
 - f. any other transactional cost acceptable to the **Department** that is directly associated with this Option Agreement Project.

(2) Ineligible Project Costs

Any costs incurred prior to the start date of a funding agreement shall not be deemed eligible costs under this RFA. Furthermore, the following are ineligible project costs:

- landowner’s cost for legal or financial advisors;
- state or local real estate transfer taxes;
- any easement stewardship fee or other contribution deposited to a legal defense fund or for conservation easement defense liability insurance;
- applicant’s or project partners’ indirect or overhead costs (i.e., office rent, office utilities, and any other cost that is indirectly incurred by the applicant or a project partner); and
- Option to Purchase at Agricultural Value (OPAV) or Preemptive Purchase Right (PPR) or Right of First Refusal (RFR) or similar provision contained in any document (e.g., purchase agreement, conservation easement, etc.) associated with any project awarded through this RFA.

D. Match Requirements

There are particular match stipulations associated with each of the two differing levels of available State financial assistance as noted below and as summarized in the table shown on the next page.

For Option Agreement Projects requesting a State contribution of 87.5% of total project costs:

- The landowner shall solely and exclusively provide the local match contribution of 12.5% of total eligible project costs.
- The only allowable in-kind contribution shall be the landowner's "bargain sale donation" associated with the option payment.

For Option Agreement Projects requesting a State contribution of up to 75.0% of total project costs:

- Local match contribution must be at least 25% of total eligible project costs, which must include a cash contribution of at least 25% of the total option payment amount to be paid to the participating landowner(s).
- Local match contribution may be provided, but only in part, by the participating landowner(s).
- Any governmental entity providing a cash contribution must provide a letter from an authorized representative formally acknowledging its proposed contribution².
- Any other entity providing a local cash match must provide a letter from an authorized representative formally acknowledging the amount of its contribution.
- None of the local cash contribution(s) shall be from a State source.
- Cash and in-kind match shall only be used to cover the expense of eligible project costs.
- Cash and in-kind match may be provided by the applicant or other supporters of the project.
- The amount of in-kind contributions shall be limited to no more than 80% of total administrative costs of the proposed project, or \$25,000, whichever is less.
- Local cash contribution may include funding from any Federal source.

² If a governmental entity receives an award through this RFA, a copy of a resolution from its governing body formally obligating its cash match must be submitted before the State will approve the funding agreement.

State Contribution Limits and Local Contribution Requirements				
Maximum State Award	Maximum State Contribution	Other “Caps” on State Contribution	Minimum Local Match	
			%	Cash
\$500,000	87.5% of total project costs	\$700 per acre per year toward Option Agreement payment	12.5% of total project costs <i>(solely from landowner)</i>	None
\$500,000	75.0% of total project costs	\$700 per acre per year toward Option Agreement payment	25.0% of total project costs	25.0% of option payment amount to be paid to landowner

E. Policy Guidance

The **Department** is providing the following guidance documents to assist in the compilation of an application and all required project deliverables:

- [“Farmland Protection and Agricultural Districts \(GD#1\)”](#);
- [“Developing a Land Plan for an Agricultural Conservation Easement \(GD#3\)”](#);
- [“Conservation Easements – Title Curative Letter”](#);
- [“2016 Model Agricultural Conservation Easement”](#) (*recommended for all conservation easements resulting from the exercise of the option to purchase a conservation easement, but required if a subsequent FPIG award will be sought requesting a State contribution of 87.5% of eligible total project costs for the subsequent Conservation Easement Project*);
- [“Farmland Protection Implementation Grants \(FPIG\) Program Required Easement Provisions \(2016 version\)”](#) (if the **Department’s** model conservation easement is not used, then these provisions are *required* to be incorporated into the applicant’s conservation easement document); **AND**
- [“Appraisals for Conservation Easements \(GD#6\)”](#).

The **Department’s** Division of Land and Water Resources shall evaluate the proposed conservation easement document and proposed site plan (as submitted in each application and subsequently submitted in each project deliverable resulting from an awarded project) for conformance with **Department** policies contained in the guidance documents listed above.

Any application containing a conservation easement or site plan deemed by the **Department’s** Division of Land and Water Resources to be unacceptable shall not be considered for funding. Further, if a conservation easement or site plan subsequently submitted as project deliverables for an awarded project is deemed unacceptable and is not modified to

become acceptable to the **Department**, then the contract associated with that project shall be canceled.

All applicants are urged to submit applications and subsequent project deliverables that embody the following expectations.

Pursuant to GD#1 (page 2):

The critical right to farm protections of the Agricultural Districts Law (Article 25-AA including Sections 303, 305 and 308) guide NYSDAM in its administration of the farmland protection program and in its review of various aspects of farmland protection projects including land use planning and conservation easement drafting.

Consequently, NYSDAM will review proposed easement language to determine that proposed projects are not *unreasonably restrictive of farm operations.*

Pursuant to GD#3 (page 1):

The land plan and conservation easement should:

- Provide opportunities for active, economically viable Farm Operations on protected farmland now and in the future.
- Establish adequate flexibility for farmers operating on protected farms to grow, adapt and change to new market conditions.
- Create opportunities for farmers to own protected farms with the ability to develop housing for farm families and farm labor, agricultural buildings and structures that support rural businesses compatible with agriculture.
- Reduce the likelihood of conflicts between farmers operating on protected farms and their non-farm neighbors.
- Facilitate the protection of natural resources in a manner compatible with commercial Farm Operations, consistent with the provisions of the Agricultural Districts Law and reasonably within the stewardship capacity of the conservation easement holder.

Ultimately, the right to farm protections of Article 25-AA of the Agricultural Districts Law (including Sections 303, 305 and 308) will guide NYSDAM in its review of various aspects of farmland protection projects including land planning and conservation easement drafting (See Guidance Document #1, "Farmland Protection and Agricultural Districts").

F. Project Deliverables

Preliminary Review

All Option Agreement Projects must receive the **Department's** preliminary approval **before proceeding to compile a complete project file**. The project deliverables required for a preliminary review are described as follows:

1. **Title report plus title curatives letter³** from Option Holder attorney explaining how clear title will be ensured for the *subsequent* proposed conservation easement transaction; and
2. Draft version of **Option Agreement** with all exhibits attached thereto.

These project deliverables must be submitted within six (6) months of state approval of the funding agreement.

Project File

After the **Department** has given its preliminary approval of the proposed **Option Agreement Project**, the local project manager shall submit to the **Department** the required project deliverables:

1. **Appraisal report** (one per conservation easement to be submitted as one (1) digital file (PDF) plus two (2) paper copies of each appraisal report); and
2. **Landowner Intent to Enter Into a Conservation Easement Purchase Option Agreement**.

These project deliverables must be submitted within ten (10) months of state approval of the funding agreement.

Final Report

After the **Department** approves the project file, a complete final report must be submitted by the local project manager to the **Department** within one hundred twenty (120) calendar days of receipt of interim payment #2. The project deliverables required for a final report review are as follows:

1. **Option Agreement (recorded version)**; and
2. **Closing Statement Spreadsheet** for Option Agreement Project (appropriate version; *either*: **Landowner Bargain Sale** (please refer to Appendix B-1 of this RFA) *or* **Local Cash Match** (please refer to Appendix B-2 of this RFA)).

³ Applicant shall submit to the **Department** a title report issued by a New York State licensed title insurance company which proves that the Owner owns fee title to the subject property and that such ownership is insurable. The title report must include at least a 40-year search for all liens and encumbrances which may affect the property. The applicant does not need to provide a title insurance commitment showing clear title to the property, free of all liens and encumbrances. The **Department** will review the title report to ensure that the Owner owns fee title to the property which is insurable; and provide comments to the applicant. The **Department** may request, and the Applicant shall provide, further information about any liens and encumbrances which are identified in the title report. The **Department's** comments shall include that the Owner must provide clear title upon the conveyance of the conservation easement.

VI. ADMINISTRATIVE REQUIREMENTS AND RELATED CONSIDERATIONS

A. Issuing Agency

This RFA is issued by the New York State Department of Agriculture and Markets. The **Department** is responsible for the requirements specified herein and for the evaluation of completeness of all applications.

B. The Department's Reserved Rights

The **Department** reserves the right to:

1. Reject any or all applications received in response to this RFA.
2. Withdraw the RFA at any time, at the **Department's** sole discretion.
3. Make an award under the RFA in whole or part.
4. Award more than one funding agreement to the same successful applicant resulting from this RFA.
5. Disqualify any applicant whose conduct and/or proposal fails to conform to the requirements of the RFA.
6. Seek clarifications and revisions of applications.
7. Amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available and with appropriate written notice to all potential applicants by posting amendments on the **Department** web site (www.agriculture.ny.gov) and on the New York State Grants Gateway (https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportals.aspx).
8. Direct applicants to submit application modifications addressing subsequent RFA amendments.
9. Change any of the scheduled dates.
10. Waive any requirements that are not material.
11. Waive or modify minor irregularities in applications received after prior notification to the applicant.
12. Require clarification at any time during the grant process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's application and/or to determine an offerer's compliance with the requirements of the RFA.
13. Negotiate with successful applicants any matter within the scope of the RFA in the best interests of the State.
14. Eliminate any mandatory, non-material specifications with which all applicants cannot comply.
15. The value of in-kind services must be reasonable and documented to the satisfaction of the **Department**, and such value and documentation are subject to adjustment by the **Department**.
16. Make all final decisions with respect to the amount of State funding and the timing of payments to be provided to an applicant.

C. Term of Funding Agreement

Each funding agreement shall be for a four-year term. However, if each performance measure is achieved by the contract milestone described in Attachment D of the funding agreement, each proposed **Option Agreement Project** should be completed within two (2) years from the date of State approval of the funding agreement.

Continued funding throughout this period is contingent upon satisfactory contractor performance and availability of funds. The **Department** also reserves the right to revise the funding amounts for awards as necessary due to changes in the availability of funds.

D. Payment & Reporting Requirements of Successful Applicants

Each funding agreement will contain a table of milestones, which shall include a schedule of payments authorized under that awarded funding agreement (refer to “Payment and Reporting Schedule” table, on next page).

Option Agreement Projects - PAYMENT AND REPORTING SCHEDULE

TIMING	MILESTONES / DELIVERABLES ⁴	SCHEDULED PAYMENT ⁵ (State Contribution)
Contract Approval Date	Department notification to successful applicant of approval of funding agreement by New York State.	Advance Payment includes: <ul style="list-style-type: none"> • Title report stipend (\$1,500) • Project partners' staff time (1/2 of state contribution) • Project partners' legal fees (1/2 of state contribution)
Month 1 to 6 (After Department notification of State approval of funding agreement)	Submission for Preliminary Review: <ul style="list-style-type: none"> • Title report and title curatives letter • Draft version of Option Agreement with all exhibits 	
- -	Department Preliminary Approval of project.	Interim Payment #1 includes: <ul style="list-style-type: none"> • Appraisal (one per conservation easement) • Project partners' staff time (1/2 of state contribution) • Project partners' legal fees (1/2 of state contribution)
Month 6 to 10 (After Department notification of State approval of funding agreement)	Submission of Project File for Review: <ul style="list-style-type: none"> • Appraisal report (one per conservation easement) • Landowner Letter of Intent 	
- -	Department approval of Project File.	Interim Payment #2 includes: <ul style="list-style-type: none"> • Balance of contract award, less Final Payment.
120 Calendar Days (After receipt of Interim Payment 2)	Submission of Final Report for Review: <ul style="list-style-type: none"> • Copy of recorded version of Option Agreement • Closing Statement spreadsheet 	
- -	Department approval of Final Report.	Final Payment (10% of award amount) upon Department approval of final report.

⁴ Successful applicant must adhere to the anticipated dates for the specified milestones and project deliverables to ensure prompt completion of the projects associated with funding agreements awarded through this RFA; doing so will enable efficient and predictable State disbursements. Failure to achieve the noted milestone may result in termination of that funding agreement upon the **Department's** examination of the circumstances surrounding the delay.

⁵ All payments are disbursed on a first approved, first paid basis. All disbursements to successful applicants are as authorized by the NYS Division of the Budget and the NYS Office of State Comptroller.

E. Vendor Access to Grants Gateway

New York State vendors must register in the Gateway and establish users in the system. To start this process, from the Grant Opportunity Portal (https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx), under Registration, click "Request Access Now!" to view your options.

For existing NYS vendors, there is only one step. You must submit a Registration Form for Administrators identifying a Delegated Administrator responsible for managing your organization's profile and users.

To find out if your organization has already registered, enter its SFS Vendor ID number and search. If your organization is registered, the search result will include contact information for its delegated administrator, and you can contact this individual to request access to the system. If your organization is not registered, the search result will provide a link to the Request Form for Administrator, which you will need to complete and submit pursuant to the instructions provided.

If your organization is not currently doing business with NYS, you will need to submit a Substitute W-9 Form to obtain a NYS SFS Vendor ID, in addition to the Registration Form for Administrators, in order to register.

Therefore, **each entity that intends to submit a proposal in response to this RFA must be registered**. If your entity has not registered prior to the submission of your proposal(s), each proposal you submit will be rejected and not considered for funding under this RFA.

Furthermore, **all not-for-profit conservation organizations that intend to submit a proposal in response to this RFA must also be pre-qualified prior to the submission of your proposal(s)**. If you have not pre-qualified in the Grants Gateway by the time that you submit your proposal(s), each proposal you submit will be rejected and not considered for funding under this RFA. For more information regarding the pre-qualification process, please view [FAQs About Prequalification](#) as provided by the New York State Grants Reform Team.

Grants Gateway Help Desk:

Email: grantsgateway@its.ny.gov

Phone: 518-474-5595

Hours: Monday through Friday 8:00 am to 4:00 pm

(User Roles, Application Completion, Policy, Registration, and Prequalification questions)

Agate Technical Support Help Desk:

Phone: 1-800-820-1890

Hours: Monday through Friday 8:00 am to 8:00 pm

Email: helpdesk@agatesoftware.com

(User roles and system questions)

F. General Specifications

1. **Contractors** will possess, at no cost to the State, all qualifications, licenses and permits to engage in the required business as may be required within the jurisdiction where the work specified is to be performed. Workers to be employed in the performance of this funding agreement will possess the qualifications, training, licenses and permits as may be required within such jurisdiction.
2. Submission of a proposal indicates the applicant's acceptance of all conditions and terms contained in this RFA, including the terms and conditions of the funding agreement. Any exceptions allowed by the **Department** during the question and answer phase (Section II) must be clearly noted in a cover letter attached to the proposal.
3. Provisions Upon Default
 - a. In the event that the Applicant, through any cause, fails to perform any of the terms, covenants or promises of any funding agreement resulting from this RFA, the **Department** acting for and on behalf of the State, shall thereupon have the right to terminate the funding agreement by giving notice in writing of the fact and date of such termination to the Applicant.

G. Miscellaneous Considerations

1. New York State Environmental Quality Review Act Requirements (SEQRA). Some projects may be subject to review under SEQRA. Municipalities should go to the New York State Department of Environmental Conservation web site www.dec.ny.gov for further information regarding applicability.
2. Freedom Of Information Law (FOIL). All proposals submitted and all related funding agreements and reports may be subject to disclosure under the Freedom of Information Law.
3. 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 funding agreement.

VII. COMPLETING THE APPLICATION

A. Application Format

Applications must be submitted through the New York State Grants Gateway. All sections of the application must be completed in order for you to be enabled to submit your digital application.

B. Application Content

Applicants must respond to each of the sections as provided in the Grants Gateway to create each application to be submitted to the **Department**. Each application is comprised of responses to Program Specific Questions (including the uploading of certain completed forms or other required documentation) and developing a scope of work for the proposed Option Agreement Project.

Please be advised that there are space limits for your response to each question in the online application. Evaluation of your application will be limited to review and consideration of only the information contained in your responses comprising your application. Material that is not required or otherwise specifically requested to be included in the application should not be submitted.

For information regarding how to navigate the online application, please refer to the “Grants Gateway Application Submission Instructions” document available on Grants Gateway associated with this grant opportunity or as posted on the **Department’s** web site ([“Funding Opportunities”](#) web page).

VIII. APPLICATION REVIEW AND AWARDING OF SUCCESSFUL APPLICATIONS

A. Review Process

1. Pass / Fail Criteria

Applications must be submitted via the New York State Grants Gateway. Applications will be assigned a unique number based on the order of its creation in the Grants Gateway.

Grant applications will be accepted on a continuous basis. The RFA will remain open and awards will be made until such time as available funds are fully committed, or the RFA is closed.

All applications will be reviewed on the following pass/fail criteria. Any application that fails any one of these criteria will be rejected:

1. application describes a project that meets or exceeds the region-specific minimum acreage requirement;
2. application describes a project that meets or exceeds the region-specific minimum % of active agricultural production;
3. application describes a project that meets or exceeds the region-specific minimum % of prime soils;
4. application contains a sample purchase and sale contract as an exhibit to the option agreement;
5. application contains a site plan that is fully consistent with **Department** guidance;
6. application contains a proposed conservation easement that is not deemed to be unreasonably restrictive **and**, as determined by the applicant, either (a) **Department’s** most current “Model Agricultural Conservation Easement” without modification or (b) a conservation easement that contains all provisions as stipulated in the most current [“Farmland Protection Implementation Grants \(FPIG\) Program Required Easement Provisions”](#);
7. application includes all required content of the online application as stipulated in this RFA;
8. application requests a State contribution of no more than \$500,000 per project; or
9. application requests a State contribution of no more than \$700/acre/year toward the option agreement payment;
10. for an application requesting –
 - (a) up to 75.0% State cost-share assistance, no more than 75.0% of total project costs are shown to be paid by the State award;
 - (b) 87.5% State cost-share assistance, no more than 87.5% of total project costs

- are shown to be paid by the State award; or
 - (c) 87.5% State cost-share assistance, no less than 87.5% of total project costs are shown to be paid by the State award unless a “cap” stipulated elsewhere in this RFA would limit the actual State contribution to be less than 87.5% of total project costs; or
11. application contains no ineligible project cost.

Eligible applicants may resubmit a previously rejected application after addressing each failed criteria.

2. Advisory Council on Agriculture (ACA)

ACA members will be notified about and afforded the opportunity to provide comments to the **Department’s** Program Manager regarding those applications eligible for an award. Any comments received by the Program Manager shall be considered prior to an award being made to an applicant.

B. Determination of Awardees and Non-Awardees

The **Department** shall compile a list of eligible projects for award consideration. Awards shall be determined pursuant to the procedures described below.

1. Funding of Acceptable Projects and Notification of Awardees

All applications will be reviewed for eligibility and completeness based upon the respective regional Project Eligibility Criteria Checklist. All eligible applicants shall receive funding for approved project costs in the order that complete eligible applications are deemed acceptable for an award until all funds allocated for awards arising from the RFA are exhausted. The Commissioner will notify successful applicants and provide information regarding funding agreements that will be forthcoming from the **Department**.

Applicants whose projects were not funded will be notified by the Land and Water Resources Division Director.

2. Funding Agreements

A funding agreement defining all terms, conditions and responsibilities shall be developed by the **Department** upon the **State’s** approval of an awarded application. New York State has developed a standard “Master Contract” containing standard clauses required in all State Contracts. The Master Contract will be used for all projects awarded under this RFA, and applicants are responsible for complying with the terms and conditions contained therein. The Master Contract can be found at http://www.grantsreform.ny.gov/sites/default/files/docs/nys_master_contract_for_grants_42913.pdf. Attachments to the Master Contract shall include: (A-1) “Specific Terms and Conditions of this Agreement”; (B-2) “Performance Based Budget”; (C) “Work Plan”; and (D) “Payment and Reporting Schedule”.

Once the funding agreement has been fully executed, State funds will be disbursed on the basis of scheduled payments subject to the “Payment and Reporting Schedule” described in the “Payment & Reporting Requirements of Successful Applicants” section of this RFA. The **Department** shall retain ten percent (10%) of the award amount that is to be disbursed to the

Contractor until such time that the final report for the funding agreement has been accepted by the **Department**.

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

3. Debriefings

Following the announcement of the applicants awarded funding agreements under this RFA, unsuccessful applicants may request a debriefing from the **Department's** Program Manager no later than thirty (30) days from the date of the non-award notification. This debriefing will be limited to a discussion of the failed aspects of the subject application.

APPENDIX A-1 (SAMPLE ILLUSTRATION):
“Project Eligibility Checklist-Option Agreement Projects-Central Region”

FOR NYSDAM USE ONLY

Project Eligibility Criteria Checklist for Round 15 FPIG-RFA Option Agreement Projects - Central Region

		RESULT	
		PASS	FAIL
Size of Option Agreement Project =	<input type="text" value="0.0000"/> acres	<input type="checkbox"/>	<input type="checkbox"/>
<i>If <566 acres, this project shall not be awarded.</i>			
Extent of Active Agricultural Production =	<input type="text" value="0.0"/> acres	<input type="checkbox"/>	<input type="checkbox"/>
<i>If <78%, this project shall not be awarded.</i>			
Extent of Prime Soils (NOT "Prime if drained) =	<input type="text" value="0.0"/> acres	<input type="checkbox"/>	<input type="checkbox"/>
<i>If <46%, this project shall not be awarded.</i>			
Option Agreement		<input type="checkbox"/>	<input type="checkbox"/>
<i>If a sample purchase and sale contract is not submitted in the application as an exhibit to the option agreement, this project shall not be awarded.</i>			
Site Plan for Option Agreement Project		<input type="checkbox"/>	<input type="checkbox"/>
<i>If site plan is not fully consistent with Department guidance, this project shall not be awarded.</i>			
Conservation Easement for Option Agreement Project		<input type="checkbox"/>	<input type="checkbox"/>
Select ONE:			
<input type="checkbox"/>	Department Model Agricultural Conservation Easement		
<input type="checkbox"/>	Applicant Easement containing Department-required provisions		
This project shall not be awarded if:			
(1)	conservation easement contains any reference to §247 of General Municipal Law as authority to acquire conservation easements, or	<input type="checkbox"/>	
(2)	conservation easement contains any unreasonably restrictive provision, or	<input type="checkbox"/>	
(3)	conservation easement has omitted any Department-required provision, or	<input type="checkbox"/>	
(4)	(if applicable) Department model easement has had any modification made to its template language.	<input type="checkbox"/>	
Application includes all required content of the online application.		<input type="checkbox"/>	<input type="checkbox"/>
Application requests State contribution of no more than \$500,000.		<input type="checkbox"/>	<input type="checkbox"/>
Application requests State contribution toward the option agreement payment of no more than \$700/acre/year.		<input type="checkbox"/>	<input type="checkbox"/>
For an application requesting -		<input type="checkbox"/>	<input type="checkbox"/>
87.5% State cost-share assistance:			
(1)	no more than 87.5% of total project costs are shown to be paid by the requested State award; and	<input type="checkbox"/>	
(2)	no less than 87.5% of total project costs are shown to be paid by the requested State award, UNLESS a "cap" stipulated in the RFA otherwise requires the actual State contribution to be less than 87.5% of total project costs.	<input type="checkbox"/>	
up to 75.0% State cost-share assistance:			
(1)	no more than 75.0% of total project costs are shown to be paid by the requested State award.	<input type="checkbox"/>	
Application contains no ineligible project cost.		<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX A-2 (**SAMPLE ILLUSTRATION**):
 "Project Eligibility Checklist-Option Agreement Projects-Eastern Region"

FOR NYSDAM USE ONLY

Project Eligibility Criteria Checklist for Round 15 FPIG-RFA Option Agreement Projects - Eastern Region

		RESULT	
		PASS	FAIL
Size of Option Agreement Project =	<input type="text" value="0.0000"/> acres	<input type="checkbox"/>	<input type="checkbox"/>
<i>If <261 acres, this project shall not be awarded.</i>			
Extent of Active Agricultural Production =	<input type="text" value="0.0"/> acres	<input type="checkbox"/>	<input type="checkbox"/>
<i>If <70%, this project shall not be awarded.</i>			
Extent of Prime Soils (NOT "Prime if drained) =	<input type="text" value="0.0"/> acres	<input type="checkbox"/>	<input type="checkbox"/>
<i>If <30%, this project shall not be awarded.</i>			
Option Agreement		<input type="checkbox"/>	<input type="checkbox"/>
<i>If a sample purchase and sale contract is not submitted in the application as an exhibit to the option agreement, this project shall not be awarded.</i>			
Site Plan for Option Agreement Project		<input type="checkbox"/>	<input type="checkbox"/>
<i>If site plan is not fully consistent with Department guidance, this project shall not be awarded.</i>			
Conservation Easement for Option Agreement Project		<input type="checkbox"/>	<input type="checkbox"/>
Select ONE:			
	<input type="checkbox"/> Department Model Agricultural Conservation Easement		
	<input type="checkbox"/> Applicant Easement containing Department-required provisions		
<i>This project shall not be awarded if:</i>			
	(1) conservation easement contains any reference to §247 of General Municipal Law as authority to acquire conservation easements, or	<input type="checkbox"/>	
	(2) conservation easement contains any unreasonably restrictive provision, or	<input type="checkbox"/>	
	(3) conservation easement has omitted any Department-required provision, or	<input type="checkbox"/>	
	(4) (if applicable) Department model easement has had any modification made to its template language.	<input type="checkbox"/>	
Application includes all required content of the online application.		<input type="checkbox"/>	<input type="checkbox"/>
Application requests State contribution of no more than \$500,000.		<input type="checkbox"/>	<input type="checkbox"/>
Application requests State contribution toward the option agreement payment of no more than \$700/acre/year.		<input type="checkbox"/>	<input type="checkbox"/>
For an application requesting -		<input type="checkbox"/>	<input type="checkbox"/>
87.5% State cost-share assistance:			
	(1) no more than 87.5% of total project costs are shown to be paid by the requested State award; and	<input type="checkbox"/>	
	(2) no less than 87.5% of total project costs are shown to be paid by the requested State award, UNLESS a "cap" stipulated in the RFA otherwise requires the actual State contribution to be less than 87.5% of total project costs.	<input type="checkbox"/>	
up to 75.0% State cost-share assistance:			
	(1) no more than 75.0% of total project costs are shown to be paid by the requested State award.	<input type="checkbox"/>	<input type="checkbox"/>
Application contains no ineligible project cost.		<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX A-3 (**SAMPLE ILLUSTRATION**):
 "Project Eligibility Checklist-Option Agreement Projects-Hudson Valley Region"

FOR NYSDAM USE ONLY

Project Eligibility Criteria Checklist for Round 15 FPIG-RFA Option Agreement Projects - Hudson Valley Region

		RESULT	
		PASS	FAIL
Size of Option Agreement Project = If <178 acres, this project shall not be awarded.	<input type="text" value="0.0000"/> acres	<input type="checkbox"/>	<input type="checkbox"/>
Extent of Active Agricultural Production = If <67%, this project shall not be awarded.	<input type="text" value="0.0"/> acres	<input type="checkbox"/>	<input type="checkbox"/>
Extent of Prime Soils (NOT "Prime if drained) = If <21%, this project shall not be awarded.	<input type="text" value="0.0"/> acres	<input type="checkbox"/>	<input type="checkbox"/>
Option Agreement If a sample purchase and sale contract is not submitted in the application as an exhibit to the option agreement, this project shall not be awarded.		<input type="checkbox"/>	<input type="checkbox"/>
Site Plan for Option Agreement Project If site plan is not fully consistent with Department guidance, this project shall not be awarded.		<input type="checkbox"/>	<input type="checkbox"/>
Conservation Easement for Option Agreement Project Select ONE: <input type="checkbox"/> Department Model Agricultural Conservation Easement <input type="checkbox"/> Applicant Easement containing Department-required provisions This project shall not be awarded if: (1) conservation easement contains any reference to §247 of General Municipal Law as authority to acquire conservation easements, or (2) conservation easement contains any unreasonably restrictive provision, or (3) conservation easement has omitted any Department-required provision, or (4) (if applicable) Department model easement has had any modification made to its template language.		<input type="checkbox"/>	<input type="checkbox"/>
Application includes all required content of the online application.		<input type="checkbox"/>	<input type="checkbox"/>
Application requests State contribution of no more than \$500,000.		<input type="checkbox"/>	<input type="checkbox"/>
Application requests State contribution toward the option agreement payment of no more than \$700/acre/year.		<input type="checkbox"/>	<input type="checkbox"/>
For an application requesting - 87.5% State cost-share assistance: (1) no more than 87.5% of total project costs are shown to be paid by the requested State award; and (2) no less than 87.5% of total project costs are shown to be paid by the requested State award, UNLESS a "cap" stipulated in the RFA otherwise requires the actual State contribution to be less than 87.5% of total project costs.		<input type="checkbox"/>	<input type="checkbox"/>
up to 75.0% State cost-share assistance: (1) no more than 75.0% of total project costs are shown to be paid by the requested State award.		<input type="checkbox"/>	<input type="checkbox"/>
Application contains no ineligible project cost.		<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX A-4 (**SAMPLE ILLUSTRATION**):
 "Project Eligibility Checklist-Option Agreement Projects-Long Island Region"

FOR NYSDAM USE ONLY

Project Eligibility Criteria Checklist for Round 15 FPIG-RFA Option Agreement Projects - Long Island Region

		RESULT	
		PASS	FAIL
Size of Option Agreement Project =	<input type="text" value="0.0000"/> acres	<input type="checkbox"/>	<input type="checkbox"/>
<i>If <23 acres, this project shall not be awarded.</i>			
Extent of Active Agricultural Production =	<input type="text" value="0.0"/> acres	<input type="checkbox"/>	<input type="checkbox"/>
<i>If <98%, this project shall not be awarded.</i>			
Extent of Prime Soils (NOT "Prime if drained) =	<input type="text" value="0.0"/> acres	<input type="checkbox"/>	<input type="checkbox"/>
<i>If <96%, this project shall not be awarded.</i>			
Option Agreement		<input type="checkbox"/>	<input type="checkbox"/>
<i>If a sample purchase and sale contract is not submitted in the application as an exhibit to the option agreement, this project shall not be awarded.</i>			
Site Plan for Option Agreement Project		<input type="checkbox"/>	<input type="checkbox"/>
<i>If site plan is not fully consistent with Department guidance, this project shall not be awarded.</i>			
Conservation Easement for Option Agreement Project		<input type="checkbox"/>	<input type="checkbox"/>
Select ONE:			
<input type="checkbox"/>	Department Model Agricultural Conservation Easement		
<input type="checkbox"/>	Applicant Easement containing Department-required provisions		
<i>This project shall not be awarded if:</i>			
(1)	conservation easement contains any reference to §247 of General Municipal Law as authority to acquire conservation easements, or	<input type="checkbox"/>	<input type="checkbox"/>
(2)	conservation easement contains any unreasonably restrictive provision, or	<input type="checkbox"/>	<input type="checkbox"/>
(3)	conservation easement has omitted any Department-required provision, or	<input type="checkbox"/>	<input type="checkbox"/>
(4)	(if applicable) Department model easement has had any modification made to its template language.	<input type="checkbox"/>	<input type="checkbox"/>
Application includes all required content of the online application.		<input type="checkbox"/>	<input type="checkbox"/>
Application requests State contribution of no more than \$500,000.		<input type="checkbox"/>	<input type="checkbox"/>
Application requests State contribution toward the option agreement payment of no more than \$700/acre/year.		<input type="checkbox"/>	<input type="checkbox"/>
For an application requesting -		<input type="checkbox"/>	<input type="checkbox"/>
87.5% State cost-share assistance:			
(1)	no more than 87.5% of total project costs are shown to be paid by the requested State award; and	<input type="checkbox"/>	<input type="checkbox"/>
(2)	no less than 87.5% of total project costs are shown to be paid by the requested State award, UNLESS a "cap" stipulated in the RFA otherwise requires the actual State contribution to be less than 87.5% of total project costs.	<input type="checkbox"/>	<input type="checkbox"/>
up to 75.0% State cost-share assistance:			
(1)	no more than 75.0% of total project costs are shown to be paid by the requested State award.	<input type="checkbox"/>	<input type="checkbox"/>
Application contains no ineligible project cost.		<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX A-5 (**SAMPLE ILLUSTRATION**):
 "Project Eligibility Checklist-Option Agreement Projects-Western Region"

FOR NYSDAM USE ONLY

Project Eligibility Criteria Checklist for Round 15 FPIG-RFA Option Agreement Projects - Western Region			RESULT	
			PASS	FAIL
Size of Option Agreement Project = If <518 acres, this project shall not be awarded.	<input type="text" value="0.0000"/> acres		<input type="checkbox"/>	<input type="checkbox"/>
Extent of Active Agricultural Production = If <82%, this project shall not be awarded.	<input type="text" value="0.0"/> acres	<input type="text" value="#DIV/0!"/>	<input type="checkbox"/>	<input type="checkbox"/>
Extent of Prime Soils (NOT "Prime if drained) = If <52%, this project shall not be awarded.	<input type="text" value="0.0"/> acres	<input type="text" value="#DIV/0!"/>	<input type="checkbox"/>	<input type="checkbox"/>
Option Agreement If a sample purchase and sale contract is not submitted in the application as an exhibit to the option agreement, this project shall not be awarded.			<input type="checkbox"/>	<input type="checkbox"/>
Site Plan for Option Agreement Project If site plan is not fully consistent with Department guidance, this project shall not be awarded.			<input type="checkbox"/>	<input type="checkbox"/>
Conservation Easement for Option Agreement Project Select ONE: <input type="checkbox"/> Department Model Agricultural Conservation Easement <input type="checkbox"/> Applicant Easement containing Department-required provisions This project shall not be awarded if: (1) conservation easement contains any reference to §247 of General Municipal Law as authority to acquire conservation easements, or (2) conservation easement contains any unreasonably restrictive provision, or (3) conservation easement has omitted any Department-required provision, or (4) (if applicable) Department model easement has had any modification made to its template language.			<input type="checkbox"/>	<input type="checkbox"/>
Application includes all required content of the online application.			<input type="checkbox"/>	<input type="checkbox"/>
Application requests State contribution of no more than \$500,000.			<input type="checkbox"/>	<input type="checkbox"/>
Application requests State contribution toward the option agreement payment of no more than \$700/acre/year.			<input type="checkbox"/>	<input type="checkbox"/>
For an application requesting - 87.5% State cost-share assistance: (1) no more than 87.5% of total project costs are shown to be paid by the requested State award; and (2) no less than 87.5% of total project costs are shown to be paid by the requested State award, UNLESS a "cap" stipulated in the RFA otherwise requires the actual State contribution to be less than 87.5% of total project costs.			<input type="checkbox"/>	<input type="checkbox"/>
up to 75.0% State cost-share assistance: (1) no more than 75.0% of total project costs are shown to be paid by the requested State award.			<input type="checkbox"/>	<input type="checkbox"/>
Application contains no ineligible project cost.			<input type="checkbox"/>	<input type="checkbox"/>

