



**LAND TRUST GRANTS PROGRAM - ROUND 3**

**REQUEST FOR PROPOSALS - RFP0213**

for State Assistance Payments for

**FARMLAND ACCESS OUTREACH ACTIVITIES**

**Fall 2019**

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## 1. INTRODUCTION

### 1.1 Purpose/Overview

This Request for Proposals (RFP) applies to proposals submitted for funding consideration under Agriculture and Markets Law Section 325-a, State assistance payments to not-for-profit conservation organizations.

The New York State Department of Agriculture and Markets (the “Department”) invites eligible not-for-profit conservation organizations (Land Trusts) to submit proposals for financial assistance to conduct activities that will assist counties and municipalities with their agricultural and farmland protection efforts.

Specifically, State funding under this grant opportunity will support local agricultural and farmland protection goals by informing owners of viable agricultural land of the mechanisms and programs available to protect their lands from conversion to non-farm uses. Projects will consist of outreach activities intended to reach the owners of viable agricultural land utilizing an inventory of viable agricultural lands and a screening process to identify subsets of landowners to focus on for such outreach activities.

Availability of funding for this program is from the Farmland Protection Line of the New York State Environmental Protection Fund.

### 1.2 Timeline

|                                     |                                    |
|-------------------------------------|------------------------------------|
| Release Request for Proposals (RFP) | November 19, 2019                  |
| Deadline for Questions              | December 16, 2019                  |
| Final Questions and Answers Posted  | December 24, 2019                  |
| <b>Deadline for Proposals</b>       | <b>February 21, 2020 at 4:00PM</b> |
| Announce and Award Grants           | March 2020                         |

Proposals for funding under the Farmland Access Outreach Activities Grant must be submitted through the NYS Grants Gateway by **4:00 PM local time on Friday, February 21, 2020** to be considered for funding.

### 1.3 Questions and Answers

All questions about requirements contained in this RFP must be submitted in writing and must be received at the Department by 4:00PM, December 16, 2019. Please submit all written questions to the coordinator for this grant opportunity:

Jeff Kehoe  
NYS Dept. of Agriculture and Markets  
10B Airline Drive  
Albany, New York 12235  
E-mail: [jeffrey.kehoe@agriculture.ny.gov](mailto:jeffrey.kehoe@agriculture.ny.gov)

A list of questions about the program which are received from potential applicants, and answers to those questions, as well as any changes, additions, or deletions to the RFP, will be posted by December 24, 2019, in the Funding Opportunities section of the Department's website at <https://www.agriculture.ny.gov/RFPS.html> under the heading "Questions and Answers," along with the electronic version of this RFP.

#### **1.4 Available Funding**

Funding in the amount of \$500,000 will be available under this RFP. The maximum State award will be up to \$50,000 per proposal/applicant. Each qualified land trust (applicant) may submit only one (1) proposal in response to this RFP.

#### **1.5 Eligible Applicants**

Proposals for funding will be accepted from New York not-for-profit conservation organizations (as defined in the New York Environmental Conservation Law ([§ 49-0303](#))) that are organized for, among other purposes, the conservation or preservation of real property.

##### *Active Farmer as Board Member*

Pursuant to New York State Agriculture and Markets Law (AML) Section 325-a, to be eligible for state assistance payments under this program, an organization must have at least one active farmer on their board of directors. If an organization does not have an active farmer on their board of directors at the time of application an active farmer must be appointed to such board of directors within 60 days of receiving an award.

An active farmer is engaged in the production of "crops, livestock, or livestock products" as part of a "Farm Operation" as those terms are defined in section 301 of the New York State Agriculture and Markets Law.

Upon award, the Department will request documentation that an active farmer is a member of the awardee's board of directors before a contract is issued.

## **2. PROJECT REQUIREMENTS**

### **2.1 General Requirements**

Eligible activities will focus on the utilization and conservation of agricultural lands using the following required project elements:

- 1) an inventory of viable agricultural lands;
- 2) a screening process; and
- 3) outreach activities targeted to the owners of viable agricultural land.

Projects must be conducted over a proposed study area wholly contained within New York State. This study area must be clearly identified on a NYS municipal base map submitted in the proposal.

Projects must receive a written endorsement from the County Agricultural Farmland Protection Board (AFPB). If a study area covers multiple counties each County AFPB must endorse the project.

## **2.2 Prerequisite Elements**

Prior to conducting outreach activities applicants must either agree to develop or already have (1) an inventory of viable agricultural lands; and (2) a screening process that will result in the identification of subsets of landowners to be targeted for outreach activities.

Applicants may request up to \$2,500 to develop or update an inventory plus an additional \$2,500 to develop or update a screening process.

### *2.2.1 Viable Agricultural Lands Inventory*

A Viable Agricultural Lands Inventory must meet the following criteria:

- use software compatible with Geographic Information Systems (GIS), be available for electronic submission, and be specific to the geographic study area within which the applicant will conduct its proposed outreach activities.

### **AND**

Include an analysis of the following data at a minimum:

- basic real property parcel data;
- parcels receiving an agricultural assessment;
- parcels enrolled in an Agricultural District;
- prime soils;
- soils of statewide importance;
- viable agricultural lands of local importance; and
- an imagery analysis of lands deemed potentially viable for agriculture.

Awardees will be required to submit a representation of the inventory of viable agricultural lands for Department review and approval prior to utilizing a screening process or conducting outreach activities.

### *2.2.2 Screening Process*

An effective screening process will enable the applicant to identify subsets of owners of inventoried parcels within the study area to be targeted for outreach activities. Awardees are encouraged to collaborate with project partners, including county and municipal representatives in the development of the screening process.

Awardees will be required to submit a representation of their screening process for Department review and approval prior to implementation.

## **2.3 Outreach Activities**

For each outreach activity, the audience must have been targeted or otherwise identified as a subset of landowners derived from an existing or newly developed screening process.

Proposed outreach activities are to be performed within the applicant defined study area.

Eligible outreach activities are limited to the following topics:

- connecting non-farming farmland owners with farmers;
- mechanisms to transfer agricultural land;
- understanding or negotiating leases on agricultural land;
- farm and farmland succession planning;

- new and beginning farmers;
- tax benefits of farmland conservation;
- local property tax exemptions and beneficial assessments;
- Farm Friendliness; and
- Land Appraisals.

If an applicant is collaborating with another applicant on a project, but submitting individual applications, duplication of outreach activities must be avoided within any overlapping study areas identified in each respective proposal.

## **2.4 Eligible Costs**

- Personnel costs directly related to the development of a viable agricultural land inventory or a screening process.
- Professional services necessary to complete tasks.
- Direct costs associated with conducting outreach activities (e.g. workshops, seminars, roundtable discussions, field trips, one-on-one consultations, webinars, podcasts, publications, targeted mailings, etc.).
- Transportation for participants (limited only to that necessary to (i) conduct field trips associated with an eligible outreach activity, or (ii) bring presenters to/from the venue at which eligible outreach activities are conducted).
- Printing, Geographic Information Systems (GIS), website hosting (if applicable) for the term of the contract for allowed outreach activities and/ or associated with presentation materials.
- Accreditation fees associated with offering continuing education credits to licensed professionals (e.g. accountants, appraisers, attorneys, etc.) attending one or more outreach activities.

## **2.5 Ineligible Costs**

- Costs incurred prior to the start date of an executed contract;
- Costs associated with promotion, fundraising, staff or volunteer recruitment, board member development, or any other organizational development activity;
- Applicant's or project partners' indirect or overhead costs; and
- Purchase or lease of personal computers or computing systems and software.

## **2.6 Match Requirements**

There is no match requirement for this grant opportunity, however matching funds are encouraged.

## **2.7 Project Duration**

The start date for awarded contracts is anticipated to be on or about March 31, 2020 and projects are expected to be completed within three years from date of contract approval.

### 3. PROPOSAL REQUIREMENTS

#### 3.1 Proposal Format

All proposals must be submitted online through the [Grants Gateway](#).

#### 3.2 Grants Gateway Registration and Pre-Qualification

New York State vendors must register in the Grants Gateway and establish users in the system. To start this process, from the New York State Grants Management website at <https://grantsmanagement.ny.gov/>, click “Register Your Organization” to view your options.

All not-for-profit organizations that intend to submit a proposal in response to this RFP must also be prequalified prior to the submission of your proposal(s). **If you have not prequalified in the Grants Gateway by the time the proposals are due each proposal you submit will be rejected and not considered for funding under this RFP.** To prequalify, a not-for-profit organization must register with Grants Gateway and complete an online Prequalification Application. This includes completing a series of forms by answering basic questions regarding the organization and uploading key organizational documents. For more information regarding the prequalification process, please view [FAQs About Prequalification](#) as provided by the New York State Grants Reform Team.

**If you have not yet registered (or, as a not-for-profit, prequalified), please do so immediately. New York State reserves 5-10 business days from the receipt of complete Prequalification applications to conduct its review. If supplementary information or updates are required, review times will be longer.**

#### Grants Gateway Help Desk:

Email: [grantsgateway@its.ny.gov](mailto: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](mailto:helpdesk@agatesoftware.com) Technical  
(User roles and system questions)

### 4. PROPOSAL EVALUATION & AWARDS

#### 4.1 Receipt of Proposals

The Department will first screen applications to ensure that they meet all eligibility and proposal completeness requirements. All proposals deemed eligible by the Department will be competitively rated by evaluator(s) designated by the Department.

#### 4.2 Advisory Council on Agriculture (ACA)

A summary of all eligible proposals shall be provided to the ACA; ACA members may provide comments on those proposals to the Department’s coordinator for this grant opportunity. Any comments received by the coordinator shall be provided to the designated evaluator(s).

#### 4.3 Scoring Criteria

Regardless of the status of the applicant’s inventory and screening process, *only the proposed outreach activities portions of the application will be evaluated.* In evaluating applications, priority will be given to activities that 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 lands and other agricultural interests. A total of 100 points are available based on the scoring criteria below; scores will be averaged and ranked in order from highest to lowest.

**1. Project Clearly Addresses the Purpose of this Opportunity- 35 points**

- Does the proposal demonstrate the need for the outreach activities proposed within the study area?
- How well do the proposed outreach activities align with purpose of the program?

**2. Adequate Capacity to Complete the Required Work- 10 points**

- How well does the applicant demonstrate organizational capacity to successfully complete all required elements of the outreach project?
- Does proposal demonstrate the qualifications of project partners and staff?
- Does applicant have experience conducting outreach activities?

**3. Evidence of Local Collaboration is Documented- 30 points**

- How well does this proposal convey collaboration with local governments?
- How well does this proposal convey collaboration with project partners to conduct the outreach?

**4. Project is Cost Effective- 25 points**

- Regardless of proposed match, how cost effective is the State's contribution in relation to the total outreach project costs?
- How cost effective are the proposed outreach activities?
- How cost effective is the proposal based on extent of study area?

#### **4.4 Awards**

Awards will be made to those proposals receiving the highest scores above the threshold score (85 points) and continuing until available funds are exhausted, or until all such proposals are funded, whichever occurs first.

If two or more proposals have the same final score and there are not enough available funds remaining to fully fund all those proposals, then the projects to be awarded shall be determined by the following tie-breaking procedure (in order of priority sequence).

- a) Greatest percentage of leveraged funds including all forms of match;
- b) applicant is currently accredited by the Land Trust Alliance; or, if necessary,
- c) coin flip.

The Commissioner will approve a final list of proposed awards pursuant to the award procedures described above.

#### **4.5 Debriefing**

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, via e-mail at [procurement.info@agriculture.ny.gov](mailto:procurement.info@agriculture.ny.gov). A debriefing must be requested within fifteen (15) calendar days of the date of the notice of non-award.

## **5. PROJECT REPORTING REQUIREMENTS**

### **5.1 Preliminary Review**

Upon contract approval, Awardees have up to 6 months to submit a preliminary review package which includes a detailed description and representation of the Viable Agricultural Lands Inventory for the proposed study area and the Collaborative Screening Process.

The Viable Agricultural Lands Inventory submission must include a list of the data sets used; additional factors considered; and detailed steps taken to determine parcels to be included in the viable agricultural lands inventory. Maps including a narrative analysis are acceptable but not required.

The Collaborative Screening Process submission must include a description of the proposed/existing screening process, including key factors used to identify potential outreach activity participants; examples of supplemental materials anticipated to be used as part of the process (e.g. pre-application, questionnaires, informational pamphlets etc.); the identification of any consultants and/or project partners anticipated to be used or used as part of the screening process development, utilization, or review.

### **5.2 Progress Reports**

An interim progress report and an updated revised budget that summarizes work completed to date shall accompany each request for reimbursement of project expenses (Claim for Payment Form). The Department will monitor contract performance and reserves the right to modify reporting requirements during the project term.

### **5.3 Final Report**

A Final Report will be required within thirty (30) days following completion of the project. Using a Final Report Template provided by the Department, the Final Report will include a detailed description of the work completed; an assessment of the potential for future viability of the project; a description of problems encountered, if any, which affected completion of the project and other information as identified.

## **6. CONTRACTS & PAYMENT TERMS**

### **6.1 Contracts**

A contract defining all terms and conditions and responsibilities of the successful applicant shall be developed by the Department after funds have been awarded. The contract will incorporate project details and a budget approved by the Department, among its provisions.

Upon agreement by the awardee and the Department to the provisions of the contract, it will be submitted for approval to the Attorney General of the State of New York and the Comptroller of the State of New York.

### **6.2 New York State Master Contract**

New York State has developed a standard "Master Contract" containing standard clauses required in all State Contracts. The Master Contract will be executed for all projects awarded under the Land Trust Grants Program, and applicants are responsible for complying with the terms and conditions contained therein.

### **6.3 Payment**

Once the contract is fully executed, grant funds will be disbursed on a reimbursement basis. Awardees may request, at the discretion of the Department, an initial payment of up to twenty-five percent (25%) of the total grant award. The Department shall retain ten percent (10%) of the award amount to be disbursed to the contractor upon acceptance of the Final Report. A signed New York State Claim for Payment Form must be submitted to the Department for the contractor to be reimbursed for funds expended.

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

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

New York State Workers' Compensation Law sections 57 and 220 require that the Department not enter into a contract unless proof of Workers' Compensation and Disability Insurance in a form satisfactory to the New York State Workers' Compensation Board has been secured.

Please visit the New York State Workers' Compensation Board website, [www.wcb.ny.gov](http://www.wcb.ny.gov), for more information. You may contact the Board's Bureau of Compliance with any questions related to workers' compensation or disability insurance at (866)298-7830.

### **6.5 Liability**

The Department shall not be held liable for any costs incurred by any party for work performed in the preparation of and production of a proposal or for any work performed prior to the formal execution of a contract.

## **7. CONSIDERATIONS**

### **7.1 Reserved Rights**

The Department reserves the right to:

- reject any or all proposals received with respect to this RFP;
- waive or modify minor irregularities in proposals received after prior notification and concurrence of the applicant;
- utilize any or all ideas submitted in the proposals received unless those ideas are covered by legal patent or proprietary rights;
- request from an applicant additional information as deemed necessary to more fully evaluate its proposal;
- amend the program's specifications after their release, with appropriate written notice posted on the Department's website;
- select only certain portions of proposals for state funding;
- conduct a follow-up survey of funded projects to determine long-term impacts;

- make all final decisions with respect to the amount of State funding and the timing of payments to be provided to an applicant; and
- negotiate the terms of the budget.

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

## **7.2 Freedom of information**

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