



**Agriculture
and Markets**

LAND TRUST GRANTS PROGRAM - ROUND 4

REQUEST FOR PROPOSALS - RFP0254

for State Assistance Payments for

APPRAISALS FOR PROPOSED AGRICULTURAL CONSERVATION EASEMENTS

Winter 2022

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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 providing funds to cover the appraisal costs for landowners considering the sale or donation of development rights on viable agricultural lands. Appraisals are the principal factor used to determine the value of development rights for conservation projects.

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)	January 27, 2022
Deadline for Questions	February 28, 2022
Final Questions and Answers Posted	March 7, 2022
Deadline for Proposals	June 24, 2022 at 4:00PM
Announce and Award Grants	Early August 2022

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, February 28, 2022. 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

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 March 7, 2022, in the Funding Opportunities section of the Department’s website at <https://agriculture.ny.gov/funding-opportunities> 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 at the time of application or shall provide for the appointment of a farmer to their board of directors in a manner approved by the Commissioner.

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.

Documentation that an active farmer is currently a member of the applicant’s board of directors must be provided at the time of application. If an organization does not have an active farmer on the board of directors at the time of application, the application must include a Resolution from the board of directors authorizing the submission of the application and providing for the appointment of an active farmer to the organization’s board of directors within 60 days of receiving an award under this RFP.

2. PROJECT REQUIREMENTS

2.1 General Requirements

Eligible projects will pay for the cost of qualified appraisals (see section 2.2.1) for landowners considering selling or donating a perpetual conservation easement on viable agricultural land. Each appraisal project in the application must have a site plan approved by the Department before funds will be made available for the appraisal. (See section 2.2.2)

An “Acknowledgement of Consistency with a Local Plan” must be submitted for **each** appraisal project in the application. This form acknowledges that the subject property is included in agricultural land identified in a county or municipal farmland protection plan.

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

2.2 Guidance Documents

2.2.1 Appraisals

- [Guidance Document #6: Appraisals for Conservation Easements](#)

2.2.2 Site Plan

- [Guidance Document #3: Developing a Land Plan for an Agricultural Easement](#)

2.3 Conservation Easement

All appraisals submitted as part of this grant must include an agricultural conservation easement. Additional points will be scored on proposals that use the Department's model easement or that include the Department provisions below:

- [2016 Model Agricultural Conservation Easement](#)
- or**
- [Farmland Protection Implementation Grants \(FPIG\) Program Required Easement Provisions](#)

The Department encourages the applicant's easements to reference Article 49 of the New York State Environmental Conservation Law instead of §247 of the New York State General Municipal Law. Also, easement provisions must not contain unreasonable restrictions to Farm Operations in contravention of the purposes of Article 25-AA of the Agriculture and Markets Law.

2.4 Eligible Costs

- Applicant's administrative costs (not to exceed 5% of award amount)
- Qualified appraisals consistent with Department guidance (see Section 2.2.1)

Funds awarded under this RFP cannot be used as match for any other State funded project.

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 indirect or overhead costs

Contingency funds are not available. Additional project costs beyond requested State funds are the obligation of the Applicant.

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 August 1, 2022 and projects are expected to be completed within two years from the date of contract approval.

3. PROPOSAL REQUIREMENTS

3.1 Proposal Format

All proposals must be submitted online through the [Grants Gateway](#) by 4:00 PM local time on Friday, June 24, 2022. Applicants, and not computers or servers, are responsible for the timely submission of proposals. Proposals received after the scheduled date and time will not be accepted. Faxed, mailed, or e-mailed proposals will not be accepted.

3.2 Grants Gateway Registration

New York State applicants must register in the Grants Gateway and establish users in the system. To start this process, please read the instructions found here: <https://grantsmanagement.ny.gov/register-your-organization>.

The following table provides a snapshot of which roles are allowed to Initiate, Complete, and Submit the Grant Application(s) in the Grants Gateway.

Role	Create and Maintain UserAccounts	Initiate Application	Complete Application	Submit Application
Grantee Delegated Administrator	X			
Grantee		X	X	
Grantee Contract Signatory		X	X	X
Grantee Payment Signatory		X	X	
Grantee System Administrator		X	X	X

For existing NYS vendors, there is only one step to complete the registration process in the Grants Gateway. 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, go to the [Grant Opportunity Portal](#) under Registration, click “Request Access Now!”, enter your organization’s SFS Vendor ID number and search. If your organization is registered, the search result will include contact information for the 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.

3.3 Pre-Qualification in the Grants Gateway

All not-for-profit organizations that intend to submit a proposal in response to this RFP must be prequalified by the date and time applications are due. **Your proposal will be rejected and not considered for funding under this RFP if your organization is not prequalified in the Grants Gateway by the date and time applications are due.** 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.

Note: Once your organization is pre-qualified in the Grants Gateway you should be sure to maintain prequalification status between funding opportunities. Three of a not-for-profit’s essential financial documents – the IRS990, Financial Statement, and Charities Bureau filing – expire on an annual basis. If these documents expire, the organization’s prequalification status expires as well, and it will not be eligible for State grant funding until the documentation is updated and approved, and prequalified status is reinstated. For more information regarding the pre-

qualification process, please view the [Vendor Prequalification Manual](#) and [Maintaining 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.

3.4 Completing an Application

After registering and prequalifying in Grants Gateway, applicants may begin the application by following these steps:

1. Log into the Grants Gateway as either a “Grantee”, “Grantee System Administrator”, or “Grantee Contract Signatory.”
2. On the Grants Gateway home page, click the “View Opportunities” button.
3. Use the search fields to locate an opportunity; search by State agency (AGM) or by the name or partial name. Searching for the phrase “companion animal” will locate the Grant Opportunity.
4. Click on the “Search” button to initiate the search.
5. Click on the name of the Grant Opportunity from the search results grid and then select the “APPLY FOR GRANT OPPORTUNITY” button located bottom left of the Main page of the Grant Opportunity.
6. Work through the “Forms Menu”. Everything that is required of you will be found in the “Forms Menu” of the application. The Forms Menu includes several pages of forms and documents that you must complete and save. This includes your project address, questions to be answered (Program Specific Questions), your budget, a work plan, and required attachments.

3.5 Submitting an Application

1. Only individuals with the roles “Grantee Contract Signatory” or “Grantee System Administrator” can submit an application.
2. Review and confirm all information requested in the “Forms Menu” of the application is provided.
3. Upload all required documents.
4. Submit the application. Click on Status Changes and apply the status of Application Submitted.

3.6 Technical Assistance with Grants Gateway

Reference materials and videos are available for Grantees applying to funding opportunities on the NYS Grants Gateway. Please visit the Grants Management website at the following web address: <https://grantsmanagement.ny.gov/>. and <https://grantsmanagement.ny.gov/resources-grant-applicants>.

Grants Gateway Videos are available at: <https://grantsmanagement.ny.gov/videos-grant-applicants>.

Training webinars are also provided by the Grants Gateway Team. Dates and times for webinar instruction can be located at the following web address: <https://grantsmanagement.ny.gov/live-webinars>.

To reach the technical assistance team contact:

Grants Gateway Help Desk

Email: grantsgateway@its.ny.gov (fastest method of contact) Phone: 518-474-5595

Hours: Monday thru Friday 8am to 4pm

(User roles, prequalification, and registration 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. Members of the ACA 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

A total of 50 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- 20 points*

- How well does the proposal align with purposes of this opportunity? (1 to 10 Points)
- Percentage of proposed easements using model easement or FPIG provisions (see section 2.2.3)? (0 to 5 Points)
- Does the proposal narrative convey the need for appraisals to facilitate farmland preservation projects? (1 to 5 Points)

2. *Adequate Capacity to Complete the Required Work- 15 points*

- How well does the applicant demonstrate organizational capacity to successfully complete the project? (1 to 8 points)?
- How well does the applicant demonstrate landowner readiness to convey a perpetual agricultural conservation easement? (1 to 7 points)

3. Project is Cost Effective - 15 points

- What is the average cost per acre for this proposal? (1 to 5 points)
- How many appraisals are proposed to be prepared? (1 to 5 points)
- Has the applicant provided any matching funds? (0 to 5 points)

4.4 Awards

Awards will be made to those proposals receiving the highest scores above the threshold score (35 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) Estimated percentage of productive farmland (*i.e.*, sum of prime soils plus soils of statewide importance) on proposed projects (see Appraisal Projects Summary Worksheet),
- 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 the Division of Fiscal Management, via e-mail at 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 PAYMENT AND REPORTING REQUIREMENTS

5.1 Initial Payment

Upon contract approval, the Department will make an initial payment to the Contractor of 25% of the award amount. This payment will be used by the Contractor to get cost estimates for each appraisal project.

5.2 Project File and Interim Payment

A Project File is due within 6 months of the contractor's receipt of the Initial Payment. The Project File must include: (1) a digital version of the site plan for each project identified in the application, and (2) a single PDF of the cost estimates for each appraisal. An Interim Payment of 65% of the award amount will be disbursed upon approval of the Project File.

5.3 Final Report and Final Payment

A Final Report will be required within sixty (60) days following the contract end date. The Final Report must include: (1) a digital copy of each appraisal, (2) a single PDF of paid receipts for each appraisal, and (3) revised Appraisal Projects Summary Worksheet. Upon approval of the Final Report, a Final Payment of 10% will be disbursed.

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 used for all projects awarded under this RFP, and applicants are responsible for complying with the terms and conditions contained therein. 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”.

6.3 Payment

Once the contract has been executed and approved, grant funds will be disbursed per the performance-based payment schedule outlined in section 5 of the RFP. 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, 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 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.
- 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.