

RFP0326 - REQUEST FOR PROPOSALS (RFP)

CAFO Enhanced Nutrient and Methane Management Program

New York State Department of Agriculture and Markets

TIMETABLE OF KEY EVENTS:

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## **1. INTRODUCTION**

### **1.1 Overview**

The New York State Department of Agriculture and Markets (Department) invites Soil and Water Conservation Districts to submit proposals for funding under the Concentrated Animal Feeding Operation (CAFO) Enhanced Nutrient and Methane Management Program (hereafter CAFO ENMP). Program funds are available for the implementation of enhanced waste management and precision feeding projects that address water quality through nutrient management and climate mitigation by reducing methane and nitrous oxide emissions from manure and livestock management on facilities regulated by the New York State Department of Environmental Conservation ECL SPDES General Permit for CAFOs (“CAFO General Permit”).

Funding for this RFP is from the Clean Water Infrastructure Act (CWIA) funds originally appropriated in 2017 for water quality protection projects on farms classified as Concentrated Animal Feeding Operations (CAFOs) as defined in 6 NYCRR 750-1.2(a)(23). \$29 million of the originally allocated \$50 million was awarded over three rounds through the CAFO Waste Storage and Transfer System Program. \$21 million of those funds remain and the Department is authorized to use the funds for this CAFO Enhanced Nutrient and Methane Management Program.

### **1.2 Goal of the Program**

The goal of CAFO ENMP is to provide cost-share funds through Soil and Water Conservation Districts to CAFOs for the implementation of projects that will further enhance the reduction/prevention of nonpoint source nutrient contributions to water and methane and nitrous oxide emissions from agricultural activities relative to current conditions/management. The Program aims to help CAFO-permitted farmers further advance or enhance manure management systems that prevent methane and nitrous oxide emissions; collect and destroy (combust) methane emissions; and conserve manure nutrients applied to fields and soil for both water quality protection and greenhouse gas emissions reductions. The Program also supports advancements in precision feed management to further improve nitrogen and phosphorus use efficiency and reduce enteric methane emissions per unit of production (growth or milk). All projects must propose practice systems that improve nutrient management for water quality and result in a reduction or avoidance of additional methane or nitrous oxide emissions (or both) relative to the operation's current conditions/management.

### **1.3 Available Funding**

\$14 million is available through this RFP for the implementation of enhanced waste management and precision feeding projects on farms regulated by the CAFO General Permit. An additional \$7 million will be available through a second RFP for this Program to be released at a later date.

The Program includes two tracks of funding with \$7 million allocated to each round: Track A for Nutrient and GHG Management BMP Systems and Track B for Manure Storage Cover and Flare Projects and associated practices (see Table 1 – Eligible Funding Systems and Maximum State Cost Share %). Available funds will be awarded to eligible projects in ranked order within each Track. If there are funds remaining in one Track after all eligible projects have been awarded the remaining funds will be applied to the other Track; funds will then be awarded in that Track to the next eligible projects in ranked order that can be fully funded. Partial awards may be offered as necessary after reallocation if remaining funds are not enough to fully fund the next eligible projects in ranked order.

## 1.4 Eligible Applicants

Proposals for funding will be accepted from New York State Soil and Water Conservation Districts, who will be referred to as "Project Sponsors." It will be the Project Sponsor's responsibility to ensure project completion and necessary reports are accepted and filed with the Department.

## 2 DESCRIPTION OF WORK TO BE PERFORMED

### 2.1 Eligible Projects

Projects funded through this RFP must have a direct benefit to nutrient and methane management on farms. Applications must be for ONE of the Tracks described in Table 1 below.

**Table 1.** CAFO ENMP Eligible Funding Systems and Maximum State Cost Share %

Track		Available Funding	Max State Cost-Share %	Eligible Systems
<b>A</b>	Nutrient and GHG Management BMP Systems	\$7,000,000	Up to 80%	Composting System – Animal Erosion Control System – Structural Feed Management System Manure and Agricultural Waste Treatment System Nutrient Management System – Cultural Prescribed Rotational Grazing System Silage Leachate Control System - w/ VTA Silage Leachate Control System - Total Collection Waste Storage and Transfer System
<b>B</b>	Manure Storage Cover and Flare Projects (and associated practices)	\$7,000,000	Up to 100%	Waste Storage and Transfer System (C&F)

**2.1.1 Eligible Track A Systems** – The following Systems from the Agricultural Best Management Practice Systems Catalogue are eligible for funding in this grant for up 80% State Cost-Share:

- **Composting System – Animal** safely produces soil-enriching compost from livestock mortalities, resulting in a beneficial soil amendment, on-farm nutrient cycling, and reduced/avoided anaerobic conditions and associated methane production.
- **Erosion Control System – Structural** supports soil health by reducing erosion and nutrient and sediment loss while also decreasing instances of excessive ponding and anaerobic conditions.
- **Feed Management Systems** optimize livestock feeding, nutrient use efficiency, and production providing an overall benefit for nutrient management on farms while reducing methane production per unit of production. The grant will support cost-share of services, equipment, and monitoring necessary to implement and enhance precision feed management on farms. Precision feed management tools for dairy and beef cattle can be found at Cornell CNCPS.

<https://cals.cornell.edu/animal-science/outreach-extension/publications-resources-software/cornell-net-carbohydrate-and-protein-system>

- **Manure and Agricultural Waste Treatment Systems** enhance existing nutrient collection and treatment facilities and processes for improved on-farm nutrient cycling (or off-farm sale or export of nutrients) for water quality and reduced greenhouse gas production relative to current conditions/management. Systems may include but are not limited to: solid / liquid separation equipment (e.g., mechanical screw press, sand separation), bedding alternatives to sand for cover and flare preparation (e.g., livestock stall adjustments or conversions); waste management through composting; and innovative manure treatment technologies that improve nutrient management and reduce greenhouse gas production (provided they sufficiently demonstrate both a nutrient benefit and greenhouse gas reduction). Such systems may serve as a phased project within the CAFO ENMP necessary for a future, further enhanced system, such as a manure storage cover and flare project.
- **Nutrient Management System – Cultural** enhances rate, placement, and timing of nutrient applications for crops, thereby resulting in a direct benefit for farm nutrient management and long-term reduction of greenhouse gas production. This Program will cost-share funds for:
  - Application equipment/systems for manure incorporation/injection or reduction in synthetic fertilizer use (e.g., manure incorporation/injection/dribble bar equipment, drag hose systems) with an existing Comprehensive Nutrient Management Plan (CNMP)
  - Custom Applicator Services
    - The service should be clearly discussed in the narrative and the costs should be itemized and explained either within the application or on a separate attachment to the application.
  - Forage or grain yield monitor systems with GPS, mass flow meter, and dry matter sensing capabilities to improve adaptive nutrient (especially nitrogen) management planning and implementation.
- **Prescribed Rotational Grazing System** reduces the amount of manure to be stored in anaerobic conditions and associated methane production (i.e., from manure storages and other farmstead facilities) while herd groups are on pasture during warmer months and promotes enhanced soil health and nutrient cycling through perennial forage-based prescribed grazing systems.
- **Silage Leachate Control and Treatment Systems** effectively manages nutrients by collection and treatment of low- and high-flow leachate without producing excessive anaerobic, methane-producing conditions. Systems must either incorporate low-flow collection with high-flow treatment through a VTA or, if implementing a total collection method, incorporate irrigation or other means of efficient field application to the plan and system.
- **Waste Storage and Transfer Systems** enhance nutrient collection and use for improved on-farm nutrient cycling, water quality, and soil health, but can increase methane production if manure is stored for longer periods as a liquid, especially during warmer temperatures. Waste Storage and Transfer Systems designed to manage manure in aerobic conditions and for shorter periods of time may provide water quality benefits and greenhouse gas mitigation/prevention relative to current conditions/management. Systems may include but are not limited to: composted bedded

pack livestock facilities; short-term waste collection and transfer systems; and innovative waste storage and transfer projects that improve nutrient management and reduce greenhouse production (provided they sufficiently demonstrate both a nutrient benefit and greenhouse gas reduction).

**2.1.2 - Eligible Track B Systems** – Track B of the CAFO ENMP is focused on manure storage cover and flare projects and associated/necessary practices. Cover and flare projects involve installing an impermeable cover over a manure storage facility, collecting separated liquid manure in the storage, piping the captured gases to a flare, burning the piped gas in a flare (thereby converting methane to carbon dioxide for the greenhouse gas mitigation, effectively destroying methane), collecting and transferring precipitation from the cover to a stable outlet, and periodically applying the manure to crop fields for its nutrient value per the farm’s CNMP. To accomplish such projects, the following Systems from the Agricultural Best Management Practice Systems Catalogue are eligible for funding in this grant up 100% State Cost share:

- **Waste Storage and Transfer Systems** are acknowledged for their benefit to water quality and soil health by facilitating efficient on-farm nutrient cycling of manure nutrients for crop production through management of application timing, rate, and method. The practice of storing liquid manure in anaerobic conditions, alone, however, can increase methane production relative to the pre-storage condition. Enhancing liquid manure storages with cover and flare technology can mitigate methane production from these traditionally water-quality designed systems. This grant provides funding for construction of new storages with cover and flare technology along with retrofitting existing storages with covers and flares. Equipment and implementation of processes necessary for proper function of the cover and flare components, such as manure liquid/solid separation, are also eligible for this grant. Eligible component BMPs for cover and flare projects within a Waste Storage and Transfer System, include:
  - Roofs and Covers (NRCS 367)
  - Waste Storage Facility (NRCS 313)
  - Waste Transfer (NRCS 634)
  - Pumping Plant (NRCS 533)
  - Waste Treatment (NRCS 629; includes the flare component and waste processing and nutrient recovery systems)
  - Waste Separation Facility (NRCS 632; for solid/liquid separation equipment, e.g., mechanical screw press, sand separation)
    - Three-phase power is an eligible expense when necessary for the implementation of the proposed practices.
  - Nutrient Management (NRCS 590; for plan updates)
  - Water Conveyance Off Manure Storage Cover:
    - Pond (NRCS 378) (ponds must consider design conditions to reduce methane i.e., proper siting, bubblers)
    - Critical Area Planting (NRCS 342)

- Grass Waterway (NRCS 412)
- Lined Waterway or Outlet (NRCS 468)

Additionally, the following is required for system efficiency and monitoring.

- Manure liquid/solid separator equipment (to reduce solids accumulation in the storage; may currently exist on farm or be a part of the CAFO ENMP project); a dairy farm that uses organic bedding materials (i.e., non-sand bedding) is an ideal candidate for a cover and flare project.
- A flare with:
  - auto-ignition, powered by battery/solar or direct connection to electrical service,
  - a windshield, and
    - monitoring equipment to measure and log gas flow (e.g., a meter) and flare combustion status (e.g., a thermocouple) to allow the farmer and/or District to gauge methane destruction and operation and maintenance needs over time.

New storages for liquid manure are eligible for cost-share only if they are accompanied by cover-and-flare. New earthen liquid manure storages must include a synthetic or concrete liner as a component of the system.

## **2.2 Greenhouse Gas (GHG) Mitigation and Water Quality Quantification**

Greenhouse gas emission reduction estimates should be quantified when possible and at least described in the application for Track A projects. Quantified greenhouse gas reduction estimates as well as descriptions must be provided for any project submitted through this program for Track B (see methods, below). Applicants for either Track A or B should quantify when possible and at least describe the water quality benefits and risk reductions from the proposed project relative to their current CNMP, using vetted analysis tools such as the Phosphorus Runoff Index, Nitrate Leaching Index, RUSLE2.

### *GHG Reduction Estimation for Other Practices (Track A)*

An estimation of the reduction in GHG emissions may be calculated using USDA-NRCS COMET-Planner or COMET-Farm tool. The COMET-Planner or COMET-Farm estimate should be used for applicable practices to answer application questions relating to GHG reduction estimates. Other tools may be used with a description justifying its use.

The calculator tool is available at:

COMET-Planner - <http://comet-planner.com/>

-OR-

COMET-FARM - <https://comet-farm.com/>

### *Cover and Flare GHG Reduction Estimation (Track B)*

Agricultural waste storage covers capture the methane emitted from the waste, and the flare component converts the methane (CH<sub>4</sub>) into carbon dioxide (CO<sub>2</sub>). Since CH<sub>4</sub> has 84 times the global warming

potential of CO<sub>2</sub> on a 20-year timescale, this conversion results in significant GHG emission savings, as equated in CO<sub>2</sub> equivalents (CO<sub>2</sub>eGWP<sub>20</sub>). The annual amount of CO<sub>2</sub>eGWP<sub>20</sub> saved through the process depends on the volume of the storage, number, and type of animals the storage services, shape of the storage, and feed management.

To aid in GHG reduction estimates from future covered and flared liquid storages, annual baseline CO<sub>2</sub>eGWP<sub>20</sub> emissions have been calculated for three scenarios of existing manure storages using the 2006/2019 IPCC methods, below (<https://www.ipcc-nggip.iges.or.jp/public/2019rf/vol4.html>). Estimates are provided for a mature cow's worth, and a heifer's worth of manure stored in each scenario. Choose the scenario that best describes the current storage proposed to be covered/flared and multiply the emission estimates by the total number of cows and/or heifers contributing to the storage (note, all calculations are in metric tons, MT).

Scenario 1: long-term (e.g., 6-month periods) anaerobic storage of liquid/slurry manure

- Mature dairy cow manure stored anaerobically for 6 months: 9.6 MT CO<sub>2</sub>eGWP<sub>20</sub>/cow/year.
- Dairy heifer manure stored anaerobically for 6 months: 2.9 MT CO<sub>2</sub>eGWP<sub>20</sub>/heifer/year.

Scenario 2: solid separation and long-term (e.g., 6-month periods) anaerobic storage of separated liquid manure

- Mature dairy cow manure stored anaerobically for 6 months: 4.8 MT CO<sub>2</sub>eGWP<sub>20</sub>/cow/year.
- Dairy heifer manure stored anaerobically for 6 months: 1.5 MT CO<sub>2</sub>eGWP<sub>20</sub>/heifer/year.

Scenario 3: anaerobic digestion, solid separation, and long-term (e.g., 6-month periods) anaerobic storage of separated liquid digestate

- Mature dairy cow digestate stored anaerobically for 6 months: 1.6 MT CO<sub>2</sub>eGWP<sub>20</sub>/cow/year.
- Dairy heifer digestate stored anaerobically for 6 months: 0.5 MT CO<sub>2</sub>eGWP<sub>20</sub>/heifer/year.

### 2.3 Additional Requirements

**Each proposal is limited to a project on one farm in one track (A or B); no multi-farm or multi-track proposals will be accepted.** A single project from a farm may be comprised of multiple BMP Systems from the Agricultural Best Management Practice Systems Catalogue, as long as all BMP Systems are eligible for the CAFO ENMP funding track selected (A or B). Soil and Water Conservation Districts are not limited in the number of proposals; however, a single farm may only apply for funding through one proposal submitted under this RFP.

The Agricultural Best Management Practice Systems Catalogue shall serve as guidance for selection of component practices to be installed as part of the CAFO ENMP project. The Agricultural Best Management Practice Systems Catalogue has been made available as a download on SharePoint.

Proposed projects need to address the current herd size and not planned or future herd size. BMPs to be implemented on rented property should not be submitted for funding unless there is a written lease for the use of the property for the life span of the BMP.



Participating farms must be regulated by the CAFO General Permit and will need to provide the SPDES ID Number (e.g., NYA000123). CAFO ENMP requires that participating farms be compliant with all federal, state, and local laws, rules, and regulations. Applicants must be considered in compliance with the appropriate CAFO General Permit requirements to be considered for funding. Funding cannot be provided to a CAFO that has an unresolved Notice of Violation under the terms of the CAFO General Permits. In cases where an enforcement action is underway, to be considered eligible for funding, a Consent Order with a compliance schedule must be enacted or the Notice of Violation must otherwise be resolved.

#### **2.4 Conflict of Interest**

If the project application includes eligible participating landowner(s) who are also District employees or District directors or have a business or family relation to a District employee or director, the potential conflict of interest must be disclosed. A person with a potential conflict of interest must disclose the existence of such an interest and be given the opportunity to disclose all material facts to the SWCD Board.

The person with a potential conflict of interest must recuse themselves from all discussions regarding the application. A recusal means NOT acting in their official capacity. This is accomplished by leaving the meeting space during any discussions, questioning, commenting, and voting on the issue while operating in their official capacity, whether during a Board meeting or, for employees, while logging hours as District staff. When in a Board meeting setting, the recusal must be reflected in the meeting minutes and shall occur every time the CAFO ENMP application and contract is mentioned. Such recusals are intended for discussion and decision making related to a specific project within the CAFO ENMP contract.

The Project Sponsor must submit a copy of the official Board Meeting minutes that reflect the process for the selection of the farm(s), disclosure of potential conflicts of interest, and necessary recusals from the authorizing resolution. The names of the persons who were present for discussions and votes relating to the CAFO ENMP project shall be noted in the meeting minutes. When a recusal is made to avoid a conflict of interest, this shall be noted in the minutes with the name(s), reason(s) for recusal, and times when the person left and returned to the meeting.

#### **2.5 Federal Eligibility Requirements (Track B Only)**

Funds issued from this program will serve as a portion of the State's matching funds for the U.S. Department of Agriculture, Natural Resources Conservation Service Climate-Smart Commodities grant received by the New York State Department of Environmental Conservation for the NYS Connects: Climate Smart Farms and Forests Project. This Project will expand markets for America's climate-smart commodities, leverage the greenhouse gas benefits of climate-smart commodity production, and provide direct, meaningful benefits to production agriculture and the environment.

To comply with the federal grant eligibility requirements, the following items are **required** for participating farms to be eligible for funding under Track B:

- The farm business must be registered with the USDA Farm Service Agency (FSA) by establishing a Farm Record (farm, tract, and field numbers are in place).
- Complete an FSA Customer Data Worksheet to facilitate the collection of customer data for Business Partner Record (AD-2047).
- All managed land must be mapped and in compliance with federal Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) regulations (Form AD-1026).

- Certify they are not a foreign person or entity.
- Develop and submit an Environmental Review on USDA Form CPA-52 completed through Section O for review.
- Have an updated Comprehensive Nutrient Management Plan (CNMP) including up-to-date soil and manure tests.
- Completion of additional, project-level federal reporting requirements upon enrollment and project completion (SWCC SW-7 Form).

**NOTE: The above requirements do not need to be accomplished or submitted with the CAFO ENMP application package but must be met for awarded projects prior to contracting and for the term of the contract. If a farm that is included in a project awarded under Track B cannot meet the federal requirements the award will be cancelled. Farms will submit a copy of their FSA Subsidiary Print report annually during the contract period for verification; an FSA release form will help facilitate this process.**

## **2.6 BMP Operation and Maintenance Guidelines**

A BMP system funded by CAFO ENMP must be maintained and properly operated for the conservation purposes for which the practice was approved. The project sponsor must ensure that BMP Systems be operated and maintained by the Landowner and/or Operator for their lifespan period. For more information on BMP systems, including lifespans, please refer to the Agricultural Best Management Practice Systems Catalogue. The Landowner and/or Operator agrees to operate equipment associated with component NRCS practices within BMP systems for the purpose intended for at least five years.

If the project is selected for funding and is completed pursuant to approved scope and budget, the farmer agrees to have their CNMP updated to reflect the new waste stream volumes and nutrient levels, as well as, spreading schedules. The farmer agrees to have updates as required for the lifespan of the BMP System.

If the project is selected for funding and is completed pursuant to approved scope and budget, the Project Sponsor agrees to evaluate the project as necessary for the designated lifespan to ensure that the farmer is operating and maintaining the system and the system is performing as designed and constructed and is fulfilling its intended use.

## **3. PROJECT COSTS**

### **3.1 Eligible Costs**

The following expenses are eligible in the CAFO Enhanced Nutrient and Methane Management Program:

- Personal services for contract administration
- Architectural and/or engineering services
- Consultant and legal services
- Personal and Technical services to implement individual farm-level BMP systems
- Implementation expenses
  - Site Preparation

- Construction of structural components
- Waste storage closures (in support of new cover and flare storages)
- Equipment Directly Related to BMP Implementation
  - e.g., manure solid/liquid separators, drag hose, incorporation/injection/dribble bar implements, pumps
- Other direct expenses related to implementation (e.g., funding for erosion and sediment control plans, cultural resource impact determinations for ground-disturbing BMPs).

State assistance payments may only be used to cover the lease or purchase of equipment that is directly related to the function of the BMP. Equipment costs may also be an eligible match contribution. Standard manure application equipment will not be considered for funding but can be considered as part of the farmer's match if the system being implemented requires the farmer to purchase a different type of spreader or equipment (e.g., liquid spreader). Specialized manure drag hose equipment and injection, incorporation, or dribble bar equipment may be considered for funding. It is advisable for applicants to request clarification on the eligibility of specific equipment during the open questions and answers period and all determinations will be added to the Questions and Answers document.

The landowner and/or operator is solely responsible for the costs associated with the operation and maintenance of BMPs. These costs cannot be reimbursed by the State or used as a match to State funding.

### 3.2 Match Requirements

The State will provide up to a maximum of **80 percent of the total eligible costs for the project in Track A**. The State funded contribution in dollars or percentages cannot increase because of budget changes or variations. The remaining percentage of the total eligible costs must be contributed by the landowner, operator, and/or project sponsor. This contribution may be in the form of cash, federal grant or in-kind services which are calculated using an assigned cash value. An assigned cash value provided by the landowner or operator must be reasonable and is subject to adjustment by the Department. If the Project Sponsor will be contributing to the 20 percent match, the contribution may be in the form of in-kind services and/or cash (non-state funds). Recommended or actual hourly rates (see Section 3.3) may be used to determine the value of Project Sponsor's in-kind services.

**For Track B, the State match will be up to 100 percent of the total eligible cost;** this can include implementation of the entire Waste Storage and Transfer System, provided that it includes a cover-and-flare.

Sponsor and landowner contributions and expenditures that were made or incurred prior to the contract start date or after contract completion, as designated by the Department may not be utilized as matching funds or reimbursed by the State.

PLEASE NOTE: A combination of State funds and match funds may not result in a payment to the Landowner that is greater than 100% of the final project costs.

### 3.3 Hourly Rate Recommendations

The following rates were derived from an inquiry of hourly rates for each of the listed positions from SWCDs. The following hourly rates are the FY 2024-2025 SWCD Hourly Rates Recommendations from the State Committee. The hourly rates which can be used by SWCDs, in lieu of providing justification for

calculating their actual salary, benefit and overhead, to calculate total personnel services costs for the CAFO ENMP are as follows:

	<b>Hourly Rate</b>	<b>Overhead</b>	<b>Total</b>
<b>Managerial</b>	\$69.00	\$5.00	\$74.00
<b>Senior Technical*</b>	\$55.00	\$5.00	\$60.00
<b>Technical</b>	\$47.00	\$5.00	\$52.00
<b>Secretarial</b>	\$45.00	\$5.00	\$50.00
<b>Engineer</b>	\$70.00	\$5.00	\$75.00

\*10 years of experience or more

In the above figures, the \$5 per hour overhead rates cannot be paid with State funds but needs to be shown in the Sponsor column under Overhead Expenses. The budget form provides a column for the \$5 per hour overhead figures. The remainder of the hourly rate figures for each category can be requested for State funding if there is adequate match in the grant.

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

These rates, including the \$5 per hour overhead rates, can also be used for local agency personnel (e.g., NRCS, CCE) as well as private sector consultants. These individuals will also have the option to use and fully justify their own actual rates.

Hourly rates have not been specified for landowners wishing to contribute in-kind match. Districts may name a reasonable hourly rate based on the work the landowner will be performing. The \$5 per hour overhead rate cannot be used for landowners.

#### **4 PROPOSAL FORMAT, CONTENTS AND SUBMISSION**

##### **4.1 Application Contents**

The application will be made available through the Department's website and the State Committee SharePoint site. To be considered complete, the entire application packet must consist of:

- Application Form with the signed proposal checklist
- SW Workbook, including
  - SW1 – List of Participating Landowners
  - SW2 – Budget
  - SW3 – Best Management Practice List
  - SW4 – Personnel Form
  - SW5 – Plan of Work
  - SW6 – Other Direct Expenses (if needed for this project)

- LO Commitment and Signature Agreement
- Board Resolution Supporting the Application (Approved at a Board Meeting and Signed)
- SHPO Map
- Financial Hardship Supporting Material (if responding “Yes” to Questions 2 or 3 in the Preference Points section of the application)
- Pictures and Maps with Labels of Project Location/Conditions, Additional Supporting Material (Optional)
- Additional/Supporting Materials (Optional)

**Proposed Scope and Budget**

A Participating Landowners Form (SW-1), Project Budget Form (SW-2), BMP Implementation List (SW-3), and Personnel Worksheet (SW-4) must be completed for each project submitted. The SW-2 and SW-3 forms should indicate State assistance payments requested by expenditure category, and the amount, type (cash or in-kind) and source (SWCD, landowner, EQIP) of the Project Sponsor’s and landowner’s matching contribution. The SW-4 form should indicate key personnel that will be involved with the project, the number of hours each person will commit, hourly rate, and overhead costs (if applicable). Please refer to Section 3.3 of this RFP for additional information. Please note, all numbers should be rounded up to the nearest whole number.

The Project Sponsor may include a “Contingency Account” in the proposed budget to cover unanticipated cost overruns. The proposed budget may include up to 10 percent of the BMP Implementation expenditures. Use of contingency funds for eligible BMP Systems, will require a sponsor and/or landowner contribution that is the same as the match percentages of the BMP(s). The match can be in the form of cash or in-kind services. The Project Sponsor must submit a formal request to use contingency funds to the appropriate Associate Environmental Analyst for review and approval. The request will then be forwarded to the CAFO Enhanced Nutrient and Methane Management Program Manager for final approval.

**Cultural Resource (SHPO) Map Instructions**

For self-determination, please see the attached *Instructions for Using NYS Cultural Resource Information System website*. Copy and paste the map into a Microsoft document (e.g., Word, Publisher, etc.) and include the following information:

- CAFO ENMP Proposal #
- Farm or Landowner Name
- BMP System Title(s)

If the project is located in an archeological sensitive area, further review will be required if the project receives funding. Funds may be included in the project budget under Other Direct Expenses to cover the additional expenses within the funding cap. Instructions for submitting the project for review will be provided after project awards are made.

## **Board Resolution**

The Board Resolution should be voted upon, approved, and signed during a board meeting with a quorum, complying with Open Meeting Law.

## **Support Letters**

Support letters should **not** be included with proposals. Support or partners for the project should be clearly detailed in the application narrative.

## **4.2 Proposal Submission Method**

Proposals for funding under the CAFO ENMP must be submitted through the **NYS SWCC SharePoint Site**. For the submittal to SharePoint, each District will need to create a folder labeled 'CAFO ENMP RFP' within their folder in the Districts Upload Portal section. When your application and corresponding documents are ready to be submitted, please upload your materials as **ONE COMPLETE PDF PACKET (including the SW worksheets) as well as the active Excel Workbook with forms SW-1, SW-2, SW-3, SW-4, SW-5, and SW-6**. When submitting multiple applications, separate folders will need to be created within the CAFO ENMP RFP folder. For example, if you are submitting applications for three separate farms then three separate folders (uniquely named for each project) should be created within the RFP folder. Uploads will be time stamped to verify the date and time of application submission. The proposals will not be reviewed until the submission deadline. Do NOT delete or re-upload documents after the application submission deadline.

Applicants are responsible for the timely submission of proposals. Proposals will only be accepted during an Open Proposal Period and will not be accepted after the due date and time (See Section 4.4 - Submission Timeline). Mailed, delivered, or faxed proposals will not be accepted. If delays or other upload issues are experienced when submitting to SharePoint, proposals may be e-mailed to the Program Manager at [Jason.Kokkinos@agriculture.ny.gov](mailto:Jason.Kokkinos@agriculture.ny.gov). A notification e-mail must be sent to the Program Manager documenting the inability to upload to SharePoint prior to submitting the application via e-mail. The Department reserves the right to request paper copies as necessary. Incomplete or late proposals may be re-submitted during subsequent proposal periods.

To be considered for funding, the proposal form and all necessary supporting documentation must be submitted by the designated due date. If proposals are found to be incomplete, they will not be considered for funding.

## **4.3 Questions and Answers**

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

Jason Kokkinos  
New York State Soil and Water Conservation Committee  
10 B Airline Dr.  
Albany, NY 12235  
[Jason.Kokkinos@agriculture.ny.gov](mailto:Jason.Kokkinos@agriculture.ny.gov)

All questions shall be submitted to Jason Kokkinos no later than September 5, 2024. All questions must be submitted in writing (e-mail will be accepted.) Applicants should note that all clarifications are to be resolved prior to the submission of a proposal and review of the Questions and Answers document is encouraged. A list of questions about the RFP, answers to those questions as well as any addenda to the

RFP, will be added to a Questions and Answers Document and posted to the NYS Department of Agriculture and Markets website <http://www.agriculture.ny.gov/RFPS.html> under CAFO Enhanced Nutrient and Methane Management Program. This document will also be uploaded to the NYS SWCC SharePoint site. Hard copies can be requested by contacting the Program Manager. All questions and answers shall be incorporated into the RFP as a formal addendum.

#### 4.4 Submission Timeline

<b>RFP Release:</b>	<b>June 2024</b>
<b>Questions Submittal Due Date:</b>	<b>September 5, 2024</b>
<b>Questions and Answers Final Posting:</b>	<b>September 26, 2024</b>
<b>Proposal Due Date:</b>	<b>October 28, 2024</b>
<b>Awards Announced</b>	<b>December 2024</b>

Proposals for funding under the CAFO Enhanced Nutrient and Methane Management Program must be received by **4:30 PM local time, October 28, 2024**, to be considered for funding.

## 5 EVALUATION CRITERIA AND METHOD OF AWARD

### 5.1 Evaluation Criteria

Proposals that have been deemed eligible and complete will be evaluated and ranked by Track. Funds will be allotted separately to each Track as detailed in Section 1.3 of this RFP. Each proposal will be scored based on the following criteria:

1. Scope of Work (10 points)
  - a. Project description
  - b. Status of project plans/designs
  - c. Feasibility and shovel-readiness
2. Project Demonstrates Identified Benefits (30 points)
  - a. Greenhouse gas mitigation benefits
  - b. Water quality enhancements
  - c. Proportion of animal units and acres benefiting from the project
3. Project Cost Effectiveness (10 points)
  - a. Budget and cost-share percentage
  - b. BMPs to be implemented are cost effective relative to the expected greenhouse gas and water quality benefits

#### Financial Hardship Preference Points (3 Points Total)

- Farm equity percentage
- Inability to secure capital investment loan from private lender
- Operating with an FSA Guaranteed Farm Loan (or required to for credit from a private lender)

## **5.2 Method of Award**

Evaluators will record proposal scores in each of the three scoring categories. The scores of the evaluators will be aggregated and preference points will be assessed based on responses to the financial hardship questions in the application. These preference points will be added to the aggregated score of the evaluators. The maximum available aggregated score is 150 points based on three evaluators awarding a maximum score of 50 points each. The maximum grand total score with preference points assessed is 153 points. Proposals will be ranked by their grand total score from highest to lowest to make up the ranked list for awards in each Track. Proposals must score a minimum of 50 points before preference points are assigned to be considered eligible for funding. If a proposal receives an aggregated score of less than 50 points it will not be considered for funding.

## **6. AWARDS**

### **6.1 Award Notification**

Awards will be made by December 31, 2024, and sponsors whose proposals are selected for funding will be notified as soon as possible. Selected proposals must comply with all applicable Federal, State, and local laws and rules and regulations for funding to be awarded. Evidence of such compliance may be required.

Only one award per Track will be made per CAFO permittee (i.e., per CAFO SPDES ID Number).

### **6.2 Debriefing of Non-Awardees**

Following the announcement of the applicants awarded funding agreements under this RFP, unsuccessful applicants may request a debriefing from the Program Manager no later than fifteen (15) days from the date of the non-award notification. This briefing will be limited to a discussion of the failed aspects of the subject application. To request a review of an unsuccessful application, contact Jason Kokkinos, Program Manager via e-mail at [jason.kokkinos@agriculture.ny.gov](mailto:jason.kokkinos@agriculture.ny.gov).

## **7. CONTRACTS & PAYMENT TERMS**

### **7.1 Contracts**

Once a proposal has been selected for funding, the Department will notify the Project Sponsor of the need to provide information necessary to complete the contract. If the Department is unsuccessful in negotiating a contract with the Project Sponsor which will achieve the deliverables in a manner consistent with the proposal as approved by the Department, the RFP, and any applicable laws and regulations, the Department reserves the right to rescind the award and instead award the funding to other eligible unfunded proposals.

The standard term for projects will be five years. The Department reserves the right to modify the standard contract term. The contract term will be provided to each awardee in the Plan of Work Memo. The Project Sponsor may submit a written request for a different term, if necessary. Funding of proposals that extend over more than one State fiscal year will be subject to the re-appropriation of funds.



### *Subcontracts*

Any subcontract utilized by the Project Sponsor shall be in writing and shall clearly describe the goods or services to be provided and the total cost of such goods or services. Subcontracts for services shall separately state the rate of compensation on a per-hour or per-day basis.

The Project Sponsor must have an executed funding agreement with each participating landowner prior to submitting claims for payment for implementation funds under this Agreement. The landowner must acknowledge and agree that they will be responsible for the total BMP implementation costs and that all state assistance payments will be made on a reimbursement basis. The funding agreement must also state that all cost overruns will be the responsibility of the landowner. The amount and source of all landowner contributions must be identified, and a commitment of match for contingency funds must be included. If the source of the landowner contribution originates from a Federal or local program the amount and specific source should be identified. The landowner must also acknowledge and agree that the total amount of state assistance payments and matching funds received from Federal or local sources cannot exceed 100% of the final project costs and that state assistance payments may be reduced accordingly.

For all subcontracts with a farm landowner and/or operator involving the purchase of goods and/or services for BMP implementation projects, the Project Sponsor shall require the landowner and/or operator to obtain 3 written quotes for all purchases over \$20,000. The Project Sponsor shall require the landowner and/or operator to document all quotes and justify in writing any instances where purchases were not made from the lowest responsible bidder. Additionally, the Project Sponsor shall notify the Department if either the farm landowner or the Project Sponsor intends to perform any of the BMP Implementation Work when such work is valued at \$20,000 or more. The Project Sponsor shall retain documentation of all purchases in a manner that is readily available for review if requested by the Department. For all other subcontracts the Project Sponsor shall follow its own procurement policies.

### **7.2 Payment**

Payments cannot be made until the contract is fully executed. A minimum of 10 percent of the State assistance payment will be withheld pending satisfactory completion of the contract.

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

Monies received pursuant to the contract shall be deposited by the Project Sponsor in a separate interest-bearing account. Prior to the final payment, the Project Sponsor must submit to the Department a statement of interest earned during the term of this Agreement. The final payment will be offset by the amount of any interest earned.

### **7.3 Reporting Requirements**

Department staff will monitor the progress of each funded project. The Department reserves the right to modify the reporting requirements during the project. When submitting a payment request other than the initial advance, a progress report (SW 5 – Plan of Work/Interim Report Form) shall be filed with the Department. A progress report (SW 5 – Plan of Work/Interim Report Form) must also be submitted when submitting a contract amendment request. A comprehensive final report must be submitted no later than sixty (60) days following completion of the project or contract end date.

The final report shall include a final budget report detailing expenditures; a Program Project Completion Report (reviewed and signed by Department staff); a description of the work completed, and problems encountered, if any, and such other information as the Department may deem necessary. The Program Project Completion Report will also include photographs of the work site before and after construction, BMP Procurement Records, Project Expenditure Summary Form, Consultant Engineer's Certification of BMPs (if needed) and details of the operation of the funded systems regarding greenhouse gas mitigation and climate adaptation as specified in the application.

The Department reserves the right to conduct a follow-up evaluation of funded projects to determine long-term impacts.

The Department and the Office of the State Comptroller reserve the right to audit the Project Sponsor's books and records relating to the performance of the project during and up to six (6) years after the completion of the project.

### **7.4 State of New York Contract for Grants**

New York State has developed a standard contract for grants that is required for all State grant contracts. The State of New York Contract for Grants will be executed for all projects awarded under the CAFO-ENMP, and the Project Sponsor is responsible for complying with the terms and conditions contained therein. A Sample Contract will be made available through the Department's website and the State Committee SharePoint site.

### **7.5 Liability**

The State will not be held liable for any costs incurred by the Project Sponsor 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.

## **8. OTHER CONSIDERATIONS**

### **8.1 Reserved Rights**

The Department reserves the right to:

- Reject any or all proposals received with respect to this RFP.
- Withdraw the RFP at any time, at the Department's sole discretion.
- Make an award under the RFP in whole or in part.
- Disqualify any applicant whose conduct and/or proposal fails to conform to the requirements of the RFP.
- Seek clarifications and revisions of proposals.

- Prior to the deadline for proposals, amend the RFP 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's website.
- Prior to the deadline for proposals, direct applicants to submit proposal modifications addressing subsequent RFP amendments.
- Change any of the scheduled dates.
- Eliminate any mandatory, non-material specifications with which all applicants cannot comply.
- Waive any requirements that are not material.
- 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 applicant's proposal and/or to determine an applicant's compliance with the requirements of the RFP.
- Waive or modify minor irregularities in proposals received after prior notification and concurrence of the applicant.
- Award more than one funding agreement to the same successful applicant resulting from this RFP.
- Negotiate with successful applicants any matter within the scope of the RFP in the best interests of the State.
- Make all final decisions with respect to the amount of State funding and the timing of payments to be provided to an applicant.

All eligible proposals submitted in response to this RFP will become the property of the Department.

## **8.2 Freedom of Information**

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