

REQUEST FOR PROPOSALS (RFP)

RFP0323 - Agricultural Nonpoint Source Abatement and Control Program (ANPSACP)

New York State Department of Agriculture and Markets

Round 30 – Information for Applicants

RFP Timeline

	Deadline
Release Request for Proposals	November 2024
Begin posting Questions and Answers	November 12, 2024
Deadline for submittal of questions	January 10, 2025
Final Questions and Answers Posted	January 21, 2025
Deadline for Proposal Submission	February 24, 2025
Award Announcement	May 2025

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1. INTRODUCTION

1.1 Overview

This Request for Proposals (RFP) applies to proposals submitted for funding consideration from the Environmental Protection Fund (EPF) and 2022 Clean Water, Clean Air, Green Jobs Bond Act (Bond Act).

The New York State Soil and Water Conservation Committee (State Committee) invites Soil and Water Conservation Districts, or groups of Districts acting jointly, to submit proposals for funding under the Agricultural Nonpoint Source Abatement and Control Program. Program funds are available for nonpoint source abatement and control projects that plan (AEM Tier III) or implement (AEM Tier IV) Agricultural Best Management Practice Systems on New York State farms. All projects must consist of activities that will reduce, abate, control, or prevent nonpoint source pollution originating from agricultural sources. Applications must be for ONE of the following: planning activities (AEM Tier III), OR implementation (AEM Tier IV).

1.2 Goal of the Program

Led by the New York State Soil and Water Conservation Committee, in coordination with the Department of Agriculture and Markets, the goal of the Agricultural Nonpoint Source Abatement and Control Program is to reduce and/or prevent the nonpoint source contribution from agricultural activities in watersheds across the state. The program utilizes the Agricultural Environmental Management (AEM) framework and provides cost-share funds through Soil and Water Conservation Districts for activities, plans, and the implementation of Best Management Practices (BMPs) Systems, as defined in Section 3 of the Soil and Water Conservation Districts Law.

1.3 Available Funding

The State Committee has made a total of \$25 million available for Round 30 competitive projects. \$14 million is available from the State Fiscal Year 2023-2024 EPF and \$11 million is available from the Bond Act.

Applicants are required to indicate on the application form whether they are pursuing funding through the EPF Track or the Bond Act Track. Projects will be reviewed, ranked, and awarded separately within each Track. Applicants may not submit the same application to both tracks.

1.4 Eligible Applicants

Proposals for funding will be accepted from Soil and Water Conservation Districts, or a group of Districts acting jointly, who will be referred to as "Project Sponsors." Groups of Districts acting jointly should submit one application with one district assuming lead sponsor status. It will be the lead sponsor's responsibility to ensure the project is completed and necessary reports are accepted and filed with the New York State Soil and Water Conservation Committee.

2. DESCRIPTION OF WORK TO BE PERFORMED

2.1 Eligible Projects

Applicants must propose to do ONE of the following:

- 1) conduct planning activities (AEM Tier III) OR

2) implement (AEM Tier IV) Agricultural BMP Systems.

Planning

Applicants requesting State funding to conduct planning projects must have completed a current AEM Tier I inventory and an AEM Tier II assessment on all participating farms. Planning projects should follow the tiered planning process set forth in the current “AEM Base Program Manual,” as adopted by the State Committee and accessible on the State Committee’s SharePoint site. Comprehensive Nutrient Management Plan (CNMP) updates for regulated farm operations are not eligible for cost share through the Ag Non-Point Source Program. Plan updates for non-regulated farms with CNMPs that are greater than three years old will be eligible for cost share.

Planning projects cannot be supported with Bond Act funding.

Implementation

Applicants requesting State funding for the implementation of eligible Best Management Practice Systems must have completed an AEM Tier 3 plan, which could include a Tier 3A that addresses the resource concern identified for implementation, a Tier 3B CNMP, or a Tier 3C Whole Farm Plan.

The Agricultural Best Management Practice Systems Catalogue shall serve as guidance for eligible BMP System selection. Funds may be used for preventative initiatives, remedial initiatives, or both. All BMPs proposed for implementation must meet New York State NRCS Standards and Specifications or demonstrate that a variance has been issued. If no NYS NRCS Standards or Specifications exist, then the practice must be designed to meet nationally recognized standards (e.g., American Concrete Institute Standards). All practices implemented must be approved by an individual with appropriate approval authority in accordance with the Knowledge, Skills, and Abilities chart.

If applying under the Bond Act Track, eligible BMP Systems will have bondable lifespans of at least 10 years, including, but not limited to:

- Access Control System
- Agrichemical Handling and Storage System
- Composting System – Animal
- Erosion Control System – Structural
- Forestry / Agroforestry System
- Irrigation Water Management System
- Livestock Heavy Use Area Management System
- Manure and Agricultural Waste Treatment System
- Pathogen Management System
- Petroleum and Oil Products Storage System
- Prescribed Rotational Grazing System
- Process Wash Water Management System
- Riparian Buffer System
- Short Term Waste Collection and Transfer System
- Silage Leachate Control and Treatment System
- Stream Corridor and Shoreline Management System
- Waste Storage and Transfer System

Appendix 1 of the application form, “Screening Tool for Roofs and Covers for Heavy Use Areas, Barnyards and Feedlots”, must be filled out for each applicant requesting State funding for the implementation of a covered barnyard or heavy use area. Roofs and Covers associated with a Waste Storage Facility (NRCS NY – 313 Waste Storage Facility) do not require the completion of Appendix 1 of the application form.

Applicants requesting State funding for the implementation of a Waste Storage Facility (NRCS NY – 313 Waste Storage Facility) that is part of a Waste Storage and Transfer System, including Bedded Pack and Composted Bedded Pack systems, must demonstrate that a CNMP has been completed for the farm(s) prior to the submission of an application pursuant to this RFP. Waste Storage Facilities (NRCS NY – 313 Waste Storage Facility) implemented as a component practice of a Short-Term Waste Collection and Transfer System must demonstrate that one of the following plan requirements have been completed: a combined AEM Tier 3A Farmstead and Nutrient Management Core Plan, a combined AEM Tier 3A Farmstead and Full 590 Plan, or a CNMP. Short-Term Waste Collection and Transfer Systems supported through the AGNPS program must adhere to the guidelines established in the Agricultural Best Management Practice Systems Catalogue. Appendix 2 of the application, the “Tier 3A Screening Tool for Agricultural Waste Storage Facility” must be filled out to document the existing resource concern and define the proposed project.

When considering applying for a new or relocated bunk silo, anaerobic digester, bedded pack system or covered heavy use area you will need to refer to the respective AGNPS Program policy for a list of components eligible for cost share. **Long term manure storages constructed under animal housing facilities (i.e., under barn manure storages) or heavy use areas are strictly prohibited through the AGNPS program.**

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 (see attached BMP Operation & Maintenance Guidelines, page 18).

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 shall be evaluated based on the District or County ethics policy. 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 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 Round 30 AGNPS application is mentioned. Such recusals are intended for discussion and decision making related to a specific project within the Round 30 AGNPS 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 Round 30 AGNPS 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.

2.2 BMP Operation and Maintenance Guidelines

A BMP that is funded by the Agricultural Nonpoint Source Abatement and Control Program must be maintained and properly operated for the conservation purposes for which the practice was approved. The project sponsor must ensure that active BMPs, at a minimum, be operated and maintained by the Landowner and/or Operator for the lifespan period. For information on BMPs including life spans please refer to the Agricultural Best Management Practice Systems Catalogue. See page 18 of the RFP for the BMP Operation and Maintenance Guidelines.

2.3 Eligible Costs

Eligible expenses include:

- Personal services for contract administration.
- Technical services to implement individual farm-level plans or BMP systems.
- Architectural, engineering, consultant, and legal services.
- Plans and specifications, including personal services to conduct individual farm level agricultural nonpoint source abatement and control plans.
- Other direct expenses related to planning and implementation (*e.g.* funding for cultural resource impact determinations for ground disturbing BMPs).
- Best Management Practice System implementation costs.

Proposed Waste Storage and Transfer Systems that include an impermeable cover and flare system for water quality and other conservation benefits (*e.g.*, greenhouse gas mitigation) are eligible through the AGNPS Program; however, State assistance payments may not be used to reimburse the cost of the flare and its associated components. These costs will be eligible as landowner match only.

State assistance payments may not be used to cover the lease or purchase of equipment not directly related to the function of the BMP. If the equipment is directly related to the function of the BMP state assistance payments can be used. Equipment costs may also be an eligible match contribution. 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.

When applying for a planning grant, State assistance payments may be used to cover the costs associated with the development of a Tier 3A, Tier 3B CNMP or Tier 3C Whole Farm Plan and associated plan update costs for two additional years.

Costs associated with the update of an existing CNMP may be utilized as landowner or operator match **ONLY when** applying for Waste Storage Facilities (NRCS NY – 313 Waste Storage Facility). All costs associated with the operation and maintenance of BMPs will be the sole responsibility of the landowner and/or operator and cannot be used as a match to State funding. The project sponsor must require that the landowner and/or operator maintain the practice during its expected life span.

2.4 Match Requirements

If the proposal contains no contribution from the owner or operator of agricultural land, then the State may fund up to 75 percent of the total eligible costs for planning **or** BMP implementation. The amount of State funding may be increased by a percentage equal to the percentage of the total eligible costs that are contributed by the landowner or operator provided, however, that in no event shall the amount of State funding exceed 87.5 percent of total eligible costs. The State funded contribution in

dollars or percentages cannot increase because of budget changes or variations.

Landowner or operator contributions used to increase the State portion of the project cost may be in the form of cash, 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 committee.

If the Project Sponsor will be contributing match, the contribution may be in the form of in-kind services and/or cash (non-state funds). Recommended or actual hourly rates may be used to determine the value of Project Sponsor in-kind services. Funds from the Agricultural Nonpoint Source Abatement and Control Program will be provided contingent upon the sponsor receiving necessary funds to provide the required match. Sponsor and landowner contributions and expenditures made or incurred prior to the contract start date or after contract completion, as designated by the Department of Agriculture and Markets (Department), may not be utilized as matching funds, or reimbursed by the State.

2.5 Round 30 Ag NPS Grant Hourly Rate Recommendation

The following hourly rates are the FY 2024-2025 SWCD Hourly Rates Recommendations from the State Committee. The new 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 Round 30 AGNPS Grants are as follows:

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

*10 years of experience or more

In the above figures, the NRCS Area Engineer Rate and the \$5 per hour overhead cannot be paid with State funds but needs to be shown in the Sponsor column under Engineering and 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. If a SWCD Engineer opts to use their actual salary, overhead expenses cannot be used.

These rates, including overhead expenses, can also be used for local agency personnel (NRCS, CCE) as well as private sector consultants. These individuals will also have the option to use and fully justify their own actual rates. Overhead expenses cannot be used for 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 cannot be used for landowners.

Prevailing Wage Requirements for Bond Act Track Projects

Prevailing wages and reporting requirements set by the NYS Department of Labor are required for all projects pursuing cost-share under the Bond Act Track. Project sponsors will be responsible for confirming if projects will require prevailing wage by contacting their County Procurement Officer and/or local NYS Department of Labor. It is suggested that Project Sponsors obtain confirmation and wage schedules during the application phase to allow for appropriate budget development and SW form completion, however, reporting documentation will only be required to be submitted for awarded projects.

3. PROPOSAL FORMAT, CONTENTS AND SUBMISSION

3.1 Submission Requirements

Proposals for funding under the Agricultural Nonpoint Source Abatement and Control Program must be submitted through the **NYS SWCC SharePoint Site by 4:30 p.m. local time, February 24, 2025.**

Applicants are responsible for the timely submission of proposals. *Proposals will not be accepted after the due date and time.* 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. A notification e-mail must be sent to the Program Manager documenting the inability to upload prior to submitting the proposal via e-mail. The Department reserves the right to request paper copies as necessary.

3.2 Questions and Answers

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

Jason Kokkinos
New York State Soil & Water Conservation Committee
10 B Airline Drive Albany, NY 12235
(518) 457-7374 (phone)
jason.kokkinos@agriculture.ny.gov

All questions must be submitted in writing to Jason Kokkinos by the deadline indicated in Section 3.1 Request for Proposals Timeline. Applicants should note that all clarifications are to be resolved prior to the submission of a proposal. A list of questions about the RFP, answers to those questions as well as any addenda to the RFP, will be added to the Frequently Asked Questions Document posted on SharePoint along with the electronic version of this RFP and other program attachments. All questions and answers shall be incorporated into the RFP as a formal addendum.

3.3 Proposal Format

Planning Application Packet (Please use forms provided)

For planning (Tier III) proposals, applicants **MUST** submit the following attachments through the SharePoint Site:

- The completed project Application Form*
- SW Workbook, including
 - SW1 – List of Participating Landowners - list of farms to be addressed by the proposal with applicable information*

- SW2 – Budget Form - completed budget form with cost share amounts and source of sponsor and landowner contributions noted, and designation of match as cash (C) or in-kind (IK)*
- SW4 – Personnel Form - completed project personnel worksheet*
- SW 5 – Plan of Work – completed plan of work with covering entire duration of contract*
- SW6 – Other Direct Expenses (if needed for this project)*
- SWCD Board Resolution authorizing this project application to the Agricultural Nonpoint Source Abatement and Control Grants Program**
- 8½ x 11 map(s) of the watershed(s). All maps must be legible and must include the following:**
 - Location of the Impacted waterbody(ies)
 - Location of farm(s) participating in the grant
 - Names of townships within the watershed boundary
 - Boundary and numeric labels of the HUC 8 and HUC12 watersheds where projects will occur
- If “Yes” is checked in Question 19 on the application to providing a benefit to a Disadvantaged Community, also include an 8½ x 11 map(s) showing the project location and that it’s within the HUC10 and upstream of the benefit to the Disadvantaged Community)**
- Signed Landowner Commitment and Signature form for each participating landowner**

Implementation Application Packet (Please use forms provided)

For implementation (Tier IV) proposals, applicants **MUST** submit the following attachments through the Sharepoint Site:

- The completed project Application Form*
 - If applicable, completed Appendix 1: Screening Tool for Roofs and Covers for Heavy Use Areas, Barnyards, and Feedlots
 - If applicable, completed Appendix 2: Ag Waste Storage Screening Tool
- SW Workbook, including
 - SW1 – List of Participating Landowners - a list of farms to be addressed by the proposal with applicable information*
 - SW2 – Budget - completed budget form with cost share amounts and source of sponsor and landowner contributions noted, and designation of match as cash (C) or in-kind (IK)*
 - SW3 – Best Management Practice List - a list of all BMP Systems and Component Practices for each landowner indicating the type and cost*
 - SW4 – Personnel Form - completed project personnel worksheet*
 - SW 5 Plan of Work – completed plan of work with covering entire duration of contract*
 - SW6 – Other Direct Expenses (if needed for this project)*
- SWCD Board Resolution authorizing this project application to the Agricultural Nonpoint

Source Abatement and Control Grants Program**

- 8½ x 11 map(s) of the watershed(s). All maps must be legible and must include the following:**
 - Location of the Impacted waterbody(ies)
 - Location of farm(s) participating in the grant
 - Names of townships within the watershed boundary
 - Boundary and numeric labels of the HUC 8 and HUC12 watersheds where projects will occur
- If “Yes” is checked in Question 19 on the application to providing a benefit to a Disadvantaged Community, also include an 8½ x 11 map(s) showing the project location and that it’s within the HUC10 and upstream of the benefit to the Disadvantaged Community)**
- A topographical layer may be added to each farmstead or field map **OR** a separate 8 ½ x 11 topographical map of each project site may be included. Separate maps must be legible, utilize an appropriate scale, and include the following:**
 - North arrow
 - Project site location(s) **OR** a topographic layer may be added to each farmstead or field map
- Farmstead or field map from the AEM Plan that includes the following: **
 - The proposed project area
 - Flow path direction and distance (in feet) to the impacted watercourse or groundwater recharge area. If a topographic layer has been added the layer should be set to an appropriate level of transparency.
- NYS Cultural Resources Information System Map (SHPO) for practices that are designated as having a Potential Effect or Effect to historic properties.**
 - A map will not be required for practices that have a No Effect designation.
- If applying for riparian forest buffer points, the SW3 BMP Implementation list is included with the appropriate BMP System and units listed for each Landowner.
 - **ALL** Landowners included in the application must commit to implementing riparian forest buffers and include livestock exclusion when proposed on grazing lands.
 - **SW-5 Must** identify implementation of the riparian forest buffer within 2 years of contract start date.
- Signed Landowner Commitment and Signature form for each participating landowner. **

THE SWCD MANAGER MUST FILL OUT AND SIGN THE CHECKLIST WITH EACH APPLICATION SUBMISSION.

*** Items marked with an asterisk are essential required elements of the proposal.** Failure to provide the item(s) by the deadline for proposal submission will constitute an incomplete proposal and the application will not be considered for funding.

****Items marked with a double asterisk are required elements that if determined to be missing the applicant will be notified by email and provided 5 business days to submit the missing item(s).** Failure to provide the item(s) by the designated deadline will constitute an incomplete proposal and the application will not be considered for funding. If the item(s) are received by the designated deadline the proposal will be considered for funding and receive a 5-point reduction penalty from the final aggregated score. *Applications that received a 5-point penalty are not eligible to receive AGNPS preference points.*

3.4 Deliverables

Deliverables are the anticipated end-product of the proposal. The primary deliverables for this program will be **ONE** of the following: plans (Tier III) **OR** the implementation of BMP Systems (Tier IV) to control and/or prevent agricultural nonpoint source pollution.

3.5 Proposed Scope and Budget

The total project cost for any proposed project may not exceed \$5 million.

A Participating Landowners Form (SW-1), Project Budget Form (SW-2), Key Personnel Worksheet (SW-4), Plan of Work (SW 5), and SW-6 Other Direct Expenses (if needed) must be completed for each project submitted. A BMP implementation list (SW-3) must be completed for each implementation (Tier IV) project submitted. These forms should indicate State assistance payments requested by expenditure category, as well as the amount, type (cash or in-kind) and source (SWCD, landowner, EQIP) of the Project Sponsor's and landowner's matching contribution. Please refer to the "Match Requirements" section of this RFP for additional information.

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. When implementing best management practices in accordance with the NYS SWCC Soil Health Policy utilizing flat rates, projects will NOT be eligible for contingency funds. The Budget Form (SW-2) will NOT automatically calculate the "Contingency Account". The Project Sponsor will be responsible for manually entering this amount into the form. 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 Agricultural Nonpoint Source Abatement and Control Program Manager for final approval.

Implementation projects supported by the Bond Act will be required to comply with prevailing wage requirements pursuant to Labor Law § 220, hours, wages, and supplements. Applicants are responsible for obtaining a determination from their local NYS Department of Labor Office on the wage rates applicable to the project and verifying that contractors are able to report certified payroll.

3.6 Source Water Assessment Program Maps/Susceptibility Summary Analysis and Drinking Water Source Protection Plans

Source Water Assessment Program reports were mailed to each Soil and Water Conservation District (SWCD) in February 2005 by the NYS Department of Health, Bureau of Water Supply Protection. The reports may be useful to SWCD program activities. As appropriate, SWCDs are encouraged to include portions of these reports as supporting documentation for AGNPS Program proposals. If these reports are not available, a determination can be made by a representative from the Department of Health. Location determination requests or questions regarding source water protection and public water supplies can be addressed to Patrick Palmer, Bureau of Water Supply Protection at 518-402-7650 or patrick.palmer@health.ny.gov.

A list of communities with completed Drinking Water Source Protection Plans can be found on the NYS Department of Environmental Conservation – Drinking Water Source Protection Program website: <https://dec.ny.gov/environmental-protection/water/water-quality/dwsp2>.

3.7 Status of WI/PWL Reports

To access information on Waterbody Inventory/Priority Waterbodies List, please visit the online map tool - NYS DEC InfoLocator: <https://gisservices.dec.ny.gov/gis/dil/>. To view the WI/PWL factsheets, select 'Environmental Monitoring' in the left column and select the Waterbody Inventory/Priority Waterbodies List. Zoom in until the waterbodies appear on the map. Locate the waterbody of interest and click on the segment or lake. A hyperlink will appear that will take you to the Fact Sheet. As appropriate, SWCDs are encouraged to include portions of these reports as supporting documentation for AGNPS Program proposals.

4. EVALUATION CRITERIA AND METHOD OF AWARD

4.1 Funding Criteria

Applicants are required to indicate on the application form whether they are pursuing funding through the EPF Track or the Bond Act Track. While the funding criteria are the same for both tracks, projects will be reviewed, ranked, and awarded separately within each Track. **Only one Funding Track per Application is allowed; the same project may not be applied to different tracks on separate applications.**

Scoring is based on the Proposal Rating Sheet. Evaluators will record proposal scores in each of the four scoring categories. The scores of the evaluators will be aggregated and preference (5 points) or penalty points will be assessed on the aggregated score to make up proposal's grand total score. All proposals will then be ranked within each Track by their grand total score from highest to lowest to make up the Ranked Lists for awards. The maximum available aggregated score is 300 points based on six evaluators awarding a maximum score of 50 points each. Proposals that receive a score of less than 150 or 50% of the maximum available aggregated score, before preference points are assigned, will not be considered for funding. With all preference points earned (see below) the maximum grand total score is 305.

The State Committee shall give preference to proposals located within a watershed or sub watershed of a priority waterbody as identified by the Commissioner of Environmental Conservation, pursuant to Section 17-1407 of the Environmental Conservation Law. [DEC defines such priority waterbodies to include the Priority Waterbodies List (PWL) for surface water and for groundwater - unconsolidated aquifers (including primary, principal and other aquifer areas, as illustrated on a series of five maps entitled, "Potential Yields of Wells in Unconsolidated Aquifers in Upstate New York" and on other more detailed aquifer maps published by the U.S. Geological Survey), and wellhead protection areas (determined by municipalities, county agencies and regional planning agencies consistent with the New York State Wellhead Protection Program).]

The State Committee shall also give preference to projects proposed to promote participation in or further the priorities of the AEM program and the specific five-year AEM County Strategies (Agriculture & Markets Law Article 11-a).

Consideration will be given to the following factors in rating proposals:

1. Project clearly addresses identified need or opportunity
2. Project supports other conservation efforts
3. Adequate scope of work
4. Project is cost effective

All proposals must include sufficient information to allow the above factors to be evaluated. The State Committee reserves the right to conduct site reviews of the proposed project areas as part of the

selection process.

All eligible proposals will be graded according to the stated criteria and ranked in order of overall score from highest to lowest. The Advisory Members will recommend projects for funding to the full State Committee. The voting members of the State Committee, through adoption of a written resolution, will authorize funding for projects based on the recommendations of the advisory members until the scoring threshold has been reached or available funds are exhausted. Consideration will be given to any provisions governing or restricting the use of the available funds. The resolution shall be made available as part of the SWCC official meeting minutes. The State Committee shall notify in writing those districts selected for funding.

4.2 Preference Points

Preference Points will be assessed by the Program Manager based on the submission of the required information as defined in the Request for Proposals. If the required information for preference point consideration is not received, the proposer will not be notified, and bonus points will not be assessed. Applications that receive a 5-point penalty will not be eligible to receive preference points.

The State Committee shall give five (5) preference points to projects proposing to implement riparian forest buffers on all participating farms in the proposal. Note, all participating farms must implement and commit to maintaining riparian forest buffers through the duration of the Contract and BMP Lifespan. The application Plan of Work (SW-5) must identify implementation beginning within two years of contract. The buffer must be accompanied with Access Control or Livestock Exclusion if proposed on grazed or pastured land.

5. AWARDS

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.

Implementation proposals which are selected for funding may be subject to further review by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) prior to development of a contract. The State Committee reserves the right to request such additional information from sponsors as is necessary to allow the OPRHP to make a determination regarding the impact of a project.

5.1 Debriefing of Non-Awardees

Following the announcement of the applicants awarded funding agreements under this RFP, unsuccessful applicants may request a debriefing from the Department's 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, AGNPS Program Manager via e-mail at jason.kokkinos@agriculture.ny.gov.

6. CONSIDERATIONS

6.1 Contracts

Once an application has been selected for funding, the State Committee will notify the sponsor of the need to provide information necessary to complete the contract.

If the State Committee and the Department are unsuccessful in negotiating a contract which will

achieve the deliverables in a manner consistent with the proposal as approved by the State Committee, the RFP, and any applicable laws or regulations, the Committee reserves the right to rescind its approval of the proposal for funding and instead award the funding to other eligible unfunded project proposals.

For planning projects, the standard term will be three years. The standard term for implementation projects will be five years. The NYS Soil and Water Conservation Committee reserves the right to modify the standard contract term for planning and/or implementation projects. The contract term will be provided to each awardee in the Plan of Work Memo.

Sub-contracts

Any subcontract utilized by the SWCD 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.

For implementation projects, the SWCD 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 Contractor shall require the landowner and/or operator to obtain 3 written quotes for all purchases over \$20,000. The Contractor 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 Contractor shall notify the Department if either the farm landowner or the Contractor intends to perform any of the BMP Implementation Work when such work is valued at \$20,000 or more. The Contractor 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 Contractor shall follow its own procurement policies.

6.2 Payment

Payments to the project sponsor 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 Contractor (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 Contractor (project sponsor) shall comply with the Comptroller of the State of New York's procedures to authorize electronic payments. Contractor (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 Contractor (project sponsor) in a separate interest-bearing account. Prior to the final payment, the Contractor (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.

6.3 Reporting Requirements

State Committee staff will monitor the progress of each funded project.

The State Committee reserves the right to modify the reporting requirements during the course of the project. At a minimum, progress reports shall be filed with the Committee when requesting payments and/or when submitting a contract amendment. Additional progress reports may be requested by State Committee staff as necessary. In addition, an original comprehensive final report will be required within sixty (60) days following completion of the project.

The final report shall include a final report and checklist including a description of the work completed and problems encountered (reviewed and signed by SWCC staff); final budget report detailing income and expenditures; final SW forms 1, 3, and 4 (including SWCD timesheets); and Landowner Summary which includes a Project Expenditure Summary form, invoices, proofs of payment, and landowner time logs, Procurement Record form, Consultant Engineer's Certification form, and photographs.; and such other information as the State Committee may deem necessary.

The State Committee reserves the right to conduct a follow-up evaluation of funded projects in order to determine long-term impacts.

The Department and Comptroller's Office reserves 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.

Projects awarded cost-share from Bond Act Funds will be required to report the necessary documentation of prevailing wage and certified payroll. Specific reporting requirements will be communicated to the Project Sponsor by the Program Manager at time of award.

6.4 State of New York Contract for Grants

New York State has developed a standard contract for grants containing standard clauses required in all State Contracts. The State of New York Contract for Grants will be executed for all projects awarded under the Agricultural Nonpoint Source Abatement and Control Grant Program, and awardees are responsible for complying with the terms and conditions contained therein. The Master Contract can be found at:

<https://grantsmanagement.ny.gov/system/files/documents/2023/12/january-2024-contract-for-grants.pdf>.

Attachments to the Contract will include: (A-1) "Agency Specific Terms and Conditions"; (A-2) "Program Specific Terms and Conditions"; (B-5) "Budget" (Form SW-2); (C-1) "Work Plan" (Project Application); (D) "Payment and Reporting Schedule"; and (E) "BMP Operations and Maintenance Guidelines".

6.5 Liability

The State will not be held liable for any costs incurred by any District 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.

6.6 Freedom of Information

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

6.7 Other Considerations

The State Committee reserves the right to:

- 1) Modify proposal submission requirements as deemed necessary with appropriate written notice to all potential applicants.
- 2) Reject any or all proposals received in response to this RFP.
- 3) Withdraw the RFP at any time, at the State Committee's sole discretion.
- 4) Make an award under the RFP in whole or part.
- 5) Disqualify any applicant whose conduct and/or proposal fails to conform to the requirements of the RFP.
- 6) Seek clarifications and revisions of proposals.
- 7) Amend the RFP specifications prior to the deadline for proposals 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](#).
- 8) Direct applicants to submit proposal modifications addressing subsequent RFP amendments prior to the deadline for proposals.
- 9) Change any of the scheduled dates.
- 10) Eliminate any mandatory, non-material specifications with which all applicants cannot comply.
- 11) Waive any requirements that are not material.
- 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 applicant's proposal and/or to determine an applicant's compliance with the requirements of the RFP.
- 13) Waive or modify minor irregularities in proposals received after prior notification to the applicant.
- 14) Award more than one funding agreement to the same successful applicant resulting from this RFP.
- 15) Negotiate with successful applicants any matter within the scope of the RFP in the best interests of the State.
- 16) 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 New York State Soil and Water Conservation Committee.

BMP Operations and Maintenance Guidelines

1. A BMP that is funded by the NYS Agricultural NPS Abatement & Control Program must be maintained and properly operated for the conservation purposes for which the practice was approved. BMPs must, at a minimum, be maintained by the Landowner and/or Operator for the lifespan period in years set forth below.
2. In the event a Landowner and/or Operator modifies or ceases their enterprise and a BMP becomes idle but remains intact, the BMP should be considered to be maintained and the BMP life span shall include the idle period.
3. Under special circumstances such as financial or management difficulties, the SWCD Board of Directors may recommend that the Landowner and/or Operator be exempt from the requirement to maintain and operate the BMP(s).
4. Under the following conditions, these guidelines should not apply if the SWCD determines that:
 - The Landowner's and/or Operator's Conservation Plan no longer requires operation and maintenance of the BMP.
 - Failure to operate and maintain the BMP was because of conditions beyond the Landowner's and/or Operator's control or the Landowner involuntarily loses control of the land.
 - The BMP was discontinued to perform another BMP that provides comparable water quality benefits.
5. The following list of BMP life spans are for practices implemented under the New York State Agricultural NPS Abatement & Control Grant Program.

Access Control System (10)	Pathogen Management System (10)
Agrichemical Handling and Storage System (10)	Petroleum and Oil Products Storage System (10)
Composting System – Animal (10)	Prescribed Rotational Grazing System (10)
Erosion Control – Structural System (10)	Process Wash Water Management System (10)
Feed Management System (1)	Riparian Buffer Systems (10)
Forestry / Agroforestry System (10)	Short-Term Waste Collection and Transfer System (10)
Integrated Pest Management System <ul style="list-style-type: none"> • IPM Plan (1) 	Silage Leachate Control and Treatment (10)
Various Application Equipment (up to 10) <ul style="list-style-type: none"> • Irrigation Water Management System (1) 	Soil Conservation Systems – Cultural (1-5)
Livestock Heavy Use Area Runoff Management System (10)	Stream Corridor and Shoreline Management System (10)
Manure and Agricultural Waste Treatment System (10)	Waste Storage and Transfer System (10)
Nutrient Management – Cultural (1)	

For more information on BMPs and their associated life spans, please refer to the Agricultural Best Management Practice Systems Catalogue and the NRCS Electronics Field Office Technical Guide (E-FOTG).

**RFP 0323 AG NONPOINT SOURCE ABATEMENT & CONTROL GRANT PROGRAM
 ROUND 30
 PROPOSAL RATING SHEET**

Preference Points – Awarded to the Aggregate Score	Available Points
<p>Riparian Forest Buffer, NRCS Standard 391</p> <ul style="list-style-type: none"> • *All participating farms must implement and commit to maintaining through the duration of the Contract and BMP Lifespan. The application Plan of Work (SW-5) must identify implementation beginning within two years of contract. The buffer must be accompanied with Access Control or Livestock Exclusion if proposed on grazed or pastured land. 	5

1. Project Clearly Addresses Identified Need or Opportunity (Maximum Score = 25 points)	Available Points per Category
Watershed Analysis/Assessment/Planning Has Already Been Conducted to Document the Pollutants of Concern and Likely Nonpoint Sources of that Pollution in the Watershed.	Proposal may receive up to 10 points
<ul style="list-style-type: none"> ○ Application narrative clearly describes the watershed analysis that has been conducted to document pollutants of concern (i.e. PWL, 303(d) List of Impaired Waters Requiring a TMDL Clean Water Plan, SWAP, Drinking Water Source Protection Plan, Harmful Algal Bloom Action Plan, watershed based management plan, local study, etc.). 	
<ul style="list-style-type: none"> ○ Agriculture has been identified as a potential source of pollution/impairment through documented watershed analysis. 	
<ul style="list-style-type: none"> ○ If there are no documented impairments, the environmental risk and opportunity to prevent water quality degradation is explained and well documented. 	
<ul style="list-style-type: none"> ○ The AEM priority planning unit is summarized, and the project will address water quality and/or aquatic habitat problem(s) described. 	
Project Addresses a Significant Identified Need or Opportunity.	Proposal may receive up to 15 points
<ul style="list-style-type: none"> ○ The SWCD has rated this proposal as one of their highest priorities (project ID). 	
<ul style="list-style-type: none"> ○ Project watershed (HUC 10) intersects with Disadvantaged Communities and a clear benefit or opportunity is defined. Note, this extends to scenarios where the HUC 10 and Disadvantaged Community boundaries do not intersect, but the project provides a clear and direct benefit to the Disadvantaged Community (e.g., drinking water is piped from the watershed to the Disadvantaged Community). 	
<ul style="list-style-type: none"> ○ Project includes farms that have never been awarded a CRF or AGNPS grant. 	
<ul style="list-style-type: none"> ○ Project is located within a watershed or sub watershed of a priority waterbody as identified by the Commissioner of Environmental Conservation - [DEC defines such priority waterbodies to include the Priority Waterbodies List (PWL) for surface water and for groundwater - unconsolidated aquifers (including primary, principal and other aquifer areas, as illustrated on a series of five maps entitled, "Potential Yields of Wells in Unconsolidated Aquifers in Upstate New York" and on other more detailed aquifer maps published by the U.S. Geological Survey), and wellhead protection areas (determined by municipalities, county agencies and regional planning agencies consistent with the New York State Wellhead Protection Program).] 	

<ul style="list-style-type: none"> ○ Project proximity to the water resource being addressed suggests close relationship between impairment of water resource and potential pollutant source. 	
<ul style="list-style-type: none"> ○ BMP selection is based on an AEM Strategic Plan, a watershed analysis, an AEM Tier 2 environmental risk assessment and a Tier 3 Conservation Plan for the agricultural pollutant source(s) being addressed by the application. 	
<ul style="list-style-type: none"> ○ Selected BMPs are needed to address existing natural resource concerns as identified through the AEM process or are needed to address an executed consent order for compliance with the State CAFO Permit. 	
<ul style="list-style-type: none"> ○ Plans to be prepared will advance BMP System implementation and adoption. 	
<ul style="list-style-type: none"> ○ Maps, photos, and other supporting documents have been used to illustrate the problem described in the proposal narrative. 	
<ul style="list-style-type: none"> ○ Projects propose BMP Systems or Practices that are the first attempts by the farm to address the resource concern or have not been recently implemented on the farm. 	
<ul style="list-style-type: none"> ○ For implementation projects on permit compliant Concentrated Animal Feeding Operations (CAFOs), projects demonstrate how nutrient and water quality management will be further enhanced or improved over current conditions. 	
<ul style="list-style-type: none"> ○ Practice solutions to existing resource concerns are prioritized over BMPs proposed to prevent pollution from farm expansion or where a resource concern has not been identified through AEM process. 	

2. Project will support other conservation efforts (Maximum Score = 5 points)	Available Points per Category
Evidence that the proposed project will support other conservation efforts is documented.	Proposal may receive up to 5 points
<ul style="list-style-type: none"> ○ Project will promote participation in or further the priorities of the AEM program. 	
<ul style="list-style-type: none"> ○ Project addresses goals and objectives outlined in a watershed-based management plan, Watershed Agricultural Advisory Committee plan, and/or County AEM Strategy. 	

<ul style="list-style-type: none"> ○ Implementation projects proposed for funding are located on agricultural lands that have been permanently protected from conversion to non-farm development by perpetual conservation easements. 	
<ul style="list-style-type: none"> ○ The project will promote the adoption of additional BMPs in the watershed beyond by innovation, education (e.g., demonstration of a novel practice or location), or support of AEM Base Outreach and Education Goals. 	
<ul style="list-style-type: none"> ○ Project will assist in meeting federal and other state environmental conservation programs and program requirements/objectives (e.g., Clean Water Act, Safe Drinking Water Act, Coastal Zone Act Reauthorization Amendments, Farm Bill, Conservation Reserve Enhancement Program, Source Water Assessment Programs, Climate Resilient Farming, Agricultural Environmental Management, Source Water Buffer Program, Climate Leadership & Community Protection Act, Climate Action Council Scoping Plan, etc.). 	

3. Adequate Scope of Work (Maximum Score = 10 points)	Available Points per Category
The project scope and feasibility of the project is clearly demonstrated	Proposal may receive up to 10 points
<ul style="list-style-type: none"> ○ Project proposal is comprehensive, coordinated and integrated and uses an interdisciplinary team of public and/or private sector professionals to maximize the feasibility of the project. Local AEM Stakeholders such as agricultural or environmental actions groups, resource managers, or local government have a role in developing and carrying out this project. 	
<ul style="list-style-type: none"> ○ Project deliverables are clearly defined and consistent with program goal. Proposal describes what will be done, how the project will be done, who will do it and when it will be done. 	
<ul style="list-style-type: none"> ○ Project proposal includes engineering/technical services commensurate with BMP deliverables 	
<ul style="list-style-type: none"> ○ The shovel-readiness and level of planning of the project is described. The proposal has sufficient detail regarding any necessary post-installation monitoring and management during the contract to ensure long term functioning or survivability of BMPs. 	
<ul style="list-style-type: none"> ○ The application clearly defines the capacity of the District to complete proposed activities. Sponsor has demonstrated the ability to fulfill program reporting requirements. Sponsor has no past due (six months past contract expiration date) final close out reports. 	

4. Project is Cost Effective (Maximum Score = 10 points)	Available Points per Category
Project Budget Development and Evidence of Match Contribution is documented	Proposal may receive up to 4 points
<ul style="list-style-type: none"> ○ Estimated costs for plan development or BMP Systems are appropriate and reflect thorough budget development. 	
<ul style="list-style-type: none"> ○ Estimated personnel work hours, for administrative or technical/engineering services are reasonable for the plans to be prepared or BMPs to be implemented and reflect an appropriate percentage of the total project cost. 	
<ul style="list-style-type: none"> ○ Landowner provides a match in cash or in-kind services to State funds requested. 	
<ul style="list-style-type: none"> ○ The project leverages additional funding (e.g., District/Local, EQIP, CREP, CRP, EPA 319, other), especially if requesting a substantial amount of State grant funds. 	
The cost effectiveness of the project is demonstrated	Proposal may receive up to 6 points
<ul style="list-style-type: none"> ○ Plans to be prepared or BMP systems to be implemented are cost effective relative to the expected water quality benefit. 	
<ul style="list-style-type: none"> ○ Project is a complete system and solution to the resource concerns/opportunities, but also sets groundwork for future conservation efforts (e.g., cover and flare retrofits, silage leachate total collection and application, other future practices). 	
<ul style="list-style-type: none"> ○ Project proposes to implement agronomic, and/or vegetative BMPs (soil health practices, riparian herbaceous buffers, etc.) that have a demonstrated water quality benefit. 	

NYS Soil and Water Conservation Committee – Soil and Water Conservation Resource Mapping Tool

<https://experience.arcgis.com/experience/94a4216a6f8d45dfb3cf4c60ef391ff6/>

This web service map can be used to search and identify HUC 8 and HUC 12 watersheds and other commonly utilized resources. The following layers are included in the tool:

- **NYS Wetlands:** Includes **1.** NYSDEC regulated freshwater wetlands that are currently mapped under the state's Freshwater Wetlands Act (outside the Adirondack Park). **2.** NYSDEC Regulated Tidal wetlands, Hudson River from the Troy Dam south to the southern tip of Staten Island, and along the entire shoreline of Long Island, including the shorelines of Gardiners Island, Shelter Island and Fishers Island. **3.** Adirondack Park Freshwater Wetland maps promulgated for Clinton, Essex, Lewis, Oneida, and Warren Counties inside the Adirondack Park.
- **NYS Karst:** USGS Carbonate Bedrock symbolized by rock type.
- **NYS Ag Districts:** Geographic boundaries for lands that are under the protection of NYS Agricultural District Law, administered by the New York State Department of Agriculture and Markets.
- **Disadvantaged Communities:** Identifies areas throughout NYS that meet the definition of disadvantaged community, as voted on by the Climate Justice Working Group.
- **NRCS Urban Areas:** As defined by the USDA Natural Resources Conservation Service.
- **Electric Power:** **1.** This feature class/shapefile represents electric power, high voltage, transmission lines. **2.** NYS Substation locations. As more data becomes available, 3-phase line locations will be uploaded to this tool.
- **NYS Hydrology:** NYSDECs priority waterbody list including **1.** Lakes **2.** Estuaries **3.** Streams and **4.** Shorelines.
- **HUC8 & HUC12 Watersheds:** HUC reference layers for both HUC8 and HUC12s. This is the most up-to-date layer from USGS. Note- HUC12 are being updated across the US including NY. It may take time to update and cross reference historical HUCs, please utilize this tool for grant related work. Use the 'search for HUC12' bar in the upper right hand corner to verify or search for specific HUC12s.
- **Other NYS Reference Layers:** NYS Streets, State, county and town boundaries

Disclaimer: This tool may not show all natural resources which are regulated by other agencies, including but not limited to NYSDEC, NYSDOT, and NYSDOH. NYSAGM and SWCC do not recommend utilizing this tool for regulatory or legal purposes. Always verify whether a permit is needed or not with the proper regulatory authority.