

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

ADDENDUM 2

(Issued January 8, 2025)

This Addendum 2 includes the following:

1. Revised RFP page 8.
2. Guidance on Bond Act Prevailing Wage Requirements.

Page 8 of the RFP is revised as follows:

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.~~

1. PROPOSAL FORMAT, CONTENTS AND SUBMISSION

1.1 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.

1.2 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.

1.3 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*

Guidance on Bond Act Prevailing Wage Requirements

The Labor Standards provisions of the Bond Act (Environmental Conservation Law § 58-1301(1)) provide that projects funded under the Bond Act must comply with prevailing wage requirements pursuant to section 220 of the Labor Law. Section 220(3) of the Labor Law provides that prevailing wages must be paid to laborers, workmen or mechanics for employment on “public works”. The Department of Labor applies a three-prong test to determine if a particular project is a “public work”, and therefore subject to the prevailing wage requirements of § 220: (1) a public agency must be a party to a contract involving the employment of laborers, workmen, or mechanics; (2) the contract must concern a project that primarily involves construction-like labor and is paid for by public funds; and (3) the primary objective or function of the work product must be the use or other benefit of the general public. See New York State Department of Labor, Article 8 Frequently Asked Questions, at <https://dol.ny.gov/article-8-frequently-asked-questions>. Generally, projects funded through the AgNPS and AEM Programs do not satisfy the third prong of this three-prong test since the primary function of the work product (i.e., the implementation of BMPs on privately-owned and operated farms) is for the use or benefit of private interests, any public gain through the protection of water quality is secondary.