



# **GUIDELINES AND APPLICATION INSTRUCTIONS**

New York State  
Department of Environmental Conservation  
**Hudson River Estuary Program**

*Round 42  
2023 Hudson River Estuary Grants  
for  
River Access*

*NYS Grants Gateway Application ID No.:  
DEC01-HRER42-2023*

**Application Due Date: (3:00 P.M. EST, July 12, 2023)**

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## Introduction

The New York State Department of Environmental Conservation is pleased to announce funding for projects that implement priorities of the *Hudson River Estuary Action Agenda* to conserve, restore and revitalize the estuary and its ecosystem.

Applications must be submitted through the NYS Grants Gateway (<https://grantsgateway.ny.gov>). Paper applications will NOT be accepted. Applicants are strongly encouraged to submit their applications prior to the application deadline. Late applications will not be accepted. For more information about Grants Gateway, please visit the Grants Management website (<https://grantsmanagement.ny.gov/>) or contact the Grants Gateway Team at: [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov). The [Grants Gateway help desk](#) can be reached at (518) 474-5595.

Grant application information is also available on the Department's website at [www.dec.ny.gov/lands/5091.html](http://www.dec.ny.gov/lands/5091.html).

## Timetable of Key Events

Event:	Date:
Application Period Begins	May 10, 2023
Question & Answer Period Ends	July 5, 2023
Applications Due	July 12, 2023; 3:00 p.m. ET
Award(s) Announced By (anticipated)	Approximately December 2023

## Applicant Eligibility

For the purposes of this grant program, the following entities are considered eligible applicants: Governmental Entities, Municipalities, and Quasi-Governmental Entities, including but not limited to Counties, Cities, Towns, Villages, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof, Public Benefit Corporations, Public Authorities, Municipal Corporations, Soil and Water Conservation Districts, School Districts, and Community Colleges, and 501(c)(3) not-for-profit corporations whose projects are located within the eligible geographic boundaries defined in this RFA.

For this grant opportunity, a "Not-For-Profit Corporation" (NFP) is subject to New York State's Not-For-Profit Corporation Law and is qualified for tax-exempt status under Section 501(c)(3) of the Federal Internal Revenue Code, has filed a Certificate of Incorporation to be incorporated in New York State and is current in their charities reporting requirements with the Office of the Attorney General.

Individuals and unincorporated groups are not eligible for this grant opportunity. However, an eligible applicant may apply on behalf of an individual or unincorporated group as a fiscal sponsor. The fiscal sponsor accepts responsibility of the grant and serves as a fiscal conduit for a DEC-funded project, receiving and disbursing funds related to the grant, and administering the requirements throughout the DEC grant process, including final reporting of grant activity.

**For Multi-Partner and Inter-Municipal Projects:** If a proposed project involves a cooperative agreement or partners, only one eligible, designated lead applicant must submit the application for grant funding. The lead applicant must assume the responsibility for the project application, performance of work consistent with this RFA, and the State of New York Master Contract for Grants (MCG). Letters substantiating the collaboration from each partner are required. These letters are to be uploaded to the Grants Gateway in a single PDF (see "Applicant Partners" on page 13).

# Grant Opportunity General Information and Conditions

## 1. Funding

Approximately \$350,000 is available from the NYS Environmental Protection Fund.

## 2. Proposed Project Timeframes

All projects must have defined objectives, tasks, and deliverables accounted for in performance measures that can be completed and invoiced within a three-year contract period/term of February 1, 2024 through January 31, 2027. Applicants should not begin their projects or incur costs until a MCG has been fully approved by DEC, and if applicable approved by the Attorney General and the State Comptroller. Time extensions beyond the contract term end date will be determined by the DEC based upon written justification from the Grantee. Applicants should not submit an application if they do not anticipate their project can be completed within the specified contract term.

## 3. Minimum and Maximum Award Amounts

The minimum grant amount is \$10,500. The maximum grant amount is \$75,000.

## 4. Application Limit/Award limit

Applicants may submit up to two (2) applications. Multiple applications may not be for the same project or project location. Additionally, applicants who submit more than one grant application will only be eligible to receive one grant award in this grant round, unless additional funding remains after all qualifying grant awards are made (at one per grantee). However, in the event additional funding remains after all qualifying grant awards are made (at one per grantee), additional grants for qualifying projects will be awarded to an entity already receiving a grant award in this grant round, starting with the next highest scoring application.

## 5. Eligible Project Locations

Eligible projects for grant funding must be located within defined geographic boundaries of the Hudson River Estuary watershed (see map in Appendix I). "Hudson River Estuary" refers to the legislatively designated Hudson River Estuarine District established in Environmental Conservation Law §11-0306, which extends from the Troy dam to the Verrazano Narrows and includes Upper New York Bay to Kill Van Kull and the East River to Hell Gate, focused on the tributaries that flow into any of these waters. The map of eligible boundaries may also be viewed at [www.dec.ny.gov/docs/remediation\\_hudson\\_pdf/hregrantmap.pdf](http://www.dec.ny.gov/docs/remediation_hudson_pdf/hregrantmap.pdf). A searchable Google Maps version is also available for download at: <https://www.dec.ny.gov/pubs/103459.html#hudson> (Data Set titled "Hudson River Estuary Grant Program boundaries" listed under the "Misc. Environmental Maps" Section).

## 6. Match Requirement and Expenditures

Match is the portion of project expenditures not paid for with grant funds. Match can be from local and/or in-kind contributions. Local sources can include funding from other non-state and/or non-federal grant sources or from project partners. In-Kind contributions are non-cash donations provided by non-state and/or non-federal third parties, which can include equipment, supplies, services, and other expendable property. Matching share contributions must support the objectives outlined in the Work Plan.

For this grant opportunity, applicants must match at least 15% of the grant funding amount. Applicants providing 30% match or more will receive additional points in the scoring.

Eligible sources of match funds cannot come from other New York State or federal funding sources. Applicants will be required to provide the sources of all matching funds using the Match Worksheet in the Grants Gateway.

## 7. New for this Grant Round

- Eligible project types remain unchanged for this round.

## 8. Inquiries & Designated Contact Information

For general information on completing this application and for clarification of application requirements, contractual terms and procedures, contact: Susan Pepe, Hudson River Estuary Program Grants Coordinator; [HREPgrants@dec.ny.gov](mailto:HREPgrants@dec.ny.gov).

For technical information regarding the Grants Gateway application, direct questions to: NYS Grants Management, [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov) or (518) 474-5595.

Include **2023 Round 42 Access RFA** in the **subject line** of the email. Questions regarding this grant opportunity will be accepted by the DEC until C.O.B. July 5, 2023. All questions, and answers, will be uploaded in the Grants Gateway application for all applicants to view.

## 9. Department of Environmental Conservation Oversight

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity;
- Partially fund an application if the partially-funded portion can be demonstrated to meet the criteria for this RFA;
- Reject any or all applications in response to the RFA at the agency's sole discretion;
- Reduce an award from the amount requested in the application, so long as the reduced funding does not jeopardize the viability of the project to proceed at the reduced funding level;
- Reduce an award from the amount requested in the application, should the project budget contain costs considered ineligible under this grant program;
- Not fund projects that are determined not to be consistent with NYS's Smart Growth Public Infrastructure Policy Act.
- Not fund projects that are determined not to be consistent with the Climate Change Leadership and Community Protection Act or its' implementing regulations.
- Award an agreement for any or all parts of the RFA in accordance with the method of award, or withdraw the RFA at any time at DEC's sole discretion;
- Award to the next highest scoring application in the event a grantee fails to execute a grant contract with DEC within 60 days of a grant award; or
- Monitor the progress of all grant awards and withdraw grant funding, if the grantee fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.

## 10. Application Submission

Applications must be submitted through the NYS Grants Gateway (<https://grantsgateway.ny.gov>). Using **Microsoft Edge** to access the Grants Gateway is recommended. Using other browsers may cause errors in the Work Plan section of the application.

Paper applications will NOT be accepted. Applicants are strongly encouraged to submit their applications prior to the application deadline. **Late applications will not be accepted under any circumstances.** Please note: those logged in as Grantees may work on the application, only those logged in as a Grantee Contract Signatory or a Grantee System Administrator can submit the application to the State. When the application is ready for submission, click the Status Changes tab, then click the "Apply Status" button under "Application Submitted."

All Applicants must be **Registered** with Grants Gateway to submit an application. In addition to registration, **not-for-profits** must also be **Prequalified** at the time and date that the application is due. If you are not Prequalified at that time and date, your application will not be considered.

**PLEASE DO NOT DELAY IN BEGINNING AND COMPLETING THE  
PREQUALIFICATION PROCESS.**

**THE STATE RESERVES 5 DAYS TO REVIEW SUBMITTED  
PREQUALIFICATION APPLICATIONS. PREQUALIFICATION APPLICATIONS  
SUBMITTED TO THE STATE FOR REVIEW LESS THAN 5 DAYS PRIOR TO  
THE DEADLINE FOR THIS APPLICATION MAY NOT BE CONSIDERED.  
APPLICANTS SHOULD NOT ASSUME THAT THEIR PREQUALIFICATION  
INFORMATION WILL BE REVIEWED IF THEY DO NOT ADHERE TO THIS  
TIMEFRAME.**

### **Applicant Prequalification**

Pursuant to the New York State Division of Budget Bulletin H-1032, Revised, effective July 16, 2014, New York State has instituted key reform initiatives to the grant contract. Information on these initiatives can be found on the [Grants Management Website](#).

All Applicants must be Prequalified in the Grants Gateway at the time and date that the application is due. Applications received from nonprofit Applicants that have not registered and are not Prequalified in the Grants Gateway by the application due date and time listed at the beginning of this document cannot be evaluated. If you are not Prequalified at that time and date, your application will not be considered. **Such applications will be disqualified from further consideration.**

Below is a summary of the steps that must be completed to meet registration and Prequalification requirements. [Vendor Prequalification](#) on the Grants Management Website provides details the requirements and an online tutorial is available to further explain the process.

**PLEASE NOTE:** The information included here regarding Prequalification is not intended to be exhaustive, and Applicants should visit the Grants Management website (<https://grantsmanagement.ny.gov/>) or contact the Grants Gateway Team ([grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov)) for more information about Grants Gateway and Prequalification. The [Grants Gateway help desk](#) can be reached at (518) 474-5595.

#### **1. Register for the Grants Gateway**

- On the Grants Management Website, download a copy of the [Registration Form for Administrator](#). A signed, notarized original form must be sent to the NYS Grants Gateway Team at the address provided in the instructions. You will be provided with a Username and Password allowing you to access the Grants Gateway.
- If you have previously registered and do not know your Username please email [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov). If you do not know your Password please click the Forgot Password link from the main log in page and follow the prompts.

#### **2. Complete your Prequalification Application**

- Log in to the Grants Gateway. **If this is your first time logging in**, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.
- Click the *Organization(s)* link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should



be completed in its entirety before you SAVE. A *Document Vault* link will become available near the top of the page. Click this link to access the main Document Vault page.

- Answer the questions in the *Required Forms* and upload *Required Documents*. This constitutes your Prequalification application. Optional Documents are not required unless specified in this document.
- Specific questions about the Prequalification process should be referred to your agency representative or to the Grants Gateway Team at [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov). The [Grants Gateway help desk](#) can be reached at (518) 474-5595.

### 3. Submit Your Prequalification Application

- After completing your Prequalification application, click the **Submit Document Vault** link located below the Required Documents Section to submit your Prequalification application for State agency review. Once submitted the status of the Document Vault will change to *In Review*.
- If your Prequalification reviewer has questions or requests changes you will receive email notification from the Gateway system.
- Once your Prequalification application has been approved, you will receive a Gateway notification that you are now Prequalified to do business with New York State.

Once you are Prequalified, please check the status of your document vault on a regular basis to ensure that none of your documents expire prior to the application due date. Refer to [Section 4.7 of the Grants Gateway Vendor User Guide](#) for more information about maintaining prequalification status.

If you are not familiar with Grants Gateway, there are many resources available to help you understand how to register and become Prequalified:

- [The NYS Grants Management Website](#)
- [Video: Grants Gateway Registration](#)
- [Grants Gateway FAQ](#) and [Prequalification FAQ](#)
- [Twice-weekly Document Vault webinars](#). All information can be found on the Grants Management website - <https://grantsmanagement.ny.gov/live-webinars>

The Grants Gateway Team offers live webinars for anyone who is interested in additional information about Grants Gateway, the Prequalification process, or submitting applications. Learn more including times and dates for these webinars: <https://grantsmanagement.ny.gov/live-webinars>. Any additional training related to this application will also be posted to the training calendar.

You can also contact the Grants Gateway Team for additional assistance:

Phone: (518) 474-5595; Email: [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov)

# Grant Application Requirements and Conditions

## 1. Project Objectives

This Hudson River Estuary Grant RFA for River Access seeks to assist Hudson Valley municipalities and organizations build their capacity to implement the *Hudson River Estuary Action Agenda 2021-2025, Benefit 8* An Accessible Hudson River for People of All Ages and Abilities.

### Goal:

*“Develop, maintain, and improve a regional system of access points for fishing, boating, swimming, hiking, education, river watching, tourism, and wildlife-related recreation, and build connections that enable residents and visitors of all ages and abilities to have rich and diverse river experiences. Access sites are resilient to flooding and sea-level-rise.”*

### Measures of Success

- By 2025, accessibility for people of all ages and abilities has been improved at 10 new and/or existing Hudson River estuary and harbor access sites by the State and partners, and by 2030, accessibility has been improved at a minimum of 20 new or existing sites, with 50% having the ability to serve (via location or programmatically) disadvantaged communities, sustaining or exceeding our 2015–2020 level of support.
- By 2025, ecologically sound flood resiliency plans have been developed for 10 access sites in the anticipated 2050 floodplain, with 50% being in underserved areas, an increase over the 2020 baseline number of four such sites. Implementation of resilience practices is underway at three sites by 2025. By 2030, those numbers have doubled.

See <http://www.dec.ny.gov/lands/5104.html> for an overview of the Hudson River Estuary Action Agenda and links to background information.

Funding is available to improve access to the tidal waters of the Hudson. It may be used to support development of plans, purchase of equipment, and/or construction of physical improvements, as described in greater detail on pages 11-13 under “Project Types.” Throughout this RFA, the word “plan,” as used to describe a deliverable, is broadly deemed to include: plans, feasibility studies, designs and related permitting activities, etc. For projects to design or develop plans, securing the necessary permits is considered to be an appropriate work activity covered by the grant.

Programming to engage user groups or target audiences in the design, use and/or roll-out of the funded river access may be included as part of the project scope of work. There is a cap of 20% on personal services as a condition of this RFA (see page 23).

*Consideration of long-term resiliency to sea-level rise and flooding is strongly encouraged as an element of project design for **all** eligible project types.* New York State Projected Sea-level rise can be found in 6 NYCRR Part 490 (<https://www.dec.ny.gov/regulations/103877.html>).

All projects must be consistent with the Americans with Disabilities Act (ADA) 2010 Standards for Accessible Design, and the US Access Board’s Standards for Accessible Design, regardless of eligible project type. Applicants are encouraged to think about all components of accessibility and be inclusive of the region’s diverse communities. Please see Appendix VI of this RFA for more information on ADA Standards.

## 2. Minimum Eligibility (Pass/Fail criteria)

- The applicant must be eligible, as shown on page 4 of this RFA. A not-for-profit organization must

also be prequalified in the Grants Gateway by the application due date to be determined as eligible under this grant opportunity.

- The project must be located within the defined geographic boundaries of the Hudson River Estuary. In general, for purposes of this RFA, as defined in the eligible project types, that means projects will be on, near or tightly-focused on the tidal Hudson, including the tidal portion of its tributaries or Upper NY Bay, up to the first barrier. Projects are not eligible if they are located on land owned by New York State, unless the land is managed by a local government under a formal agreement with the State.
- The project must provide or improve direct access to the Hudson River estuary or tidal portions of its tributaries for boating, swimming, fishing, and/or enjoyment of nature or wildlife-related recreation on the estuary for people of all abilities. Shoreline stabilization projects that are needed to secure the eroding shoreline of public river access sites, or to make river access sites more resilient to flooding and sea level rise, are eligible if they follow the principles outlined in the criteria for the project type specified below.
- The applicant must provide photos of the current location and condition of the site, uploaded to the Grants Gateway.
- Projects must implement one of the eligible project types identified in this RFA.
- The uploaded project timeline indicates completion of project objectives, tasks and deliverables on or before January 31, 2027.
- All project funding comes from eligible sources and at least 15% in eligible match is identified. Project matching funds must be fully secured, and success of the grant should not depend on funding that is not yet secured.
- If applicable, letters of collaboration that include the “Lead” applicant designation are provided from all applicant partners.
- Construction projects must have all required permits in place at the time of application.
- For projects involving work on property owned by an entity that is not the applicant, the applicant must provide as an upload to the application, written documentation from the landowner indicating willingness for the project to take place on their property. For example, a “Friends of the Park” group must have documentation from the park owner.
- The applicant must provide the required certification for sexual harassment prevention (“Attachment S”), as required by State Finance Law §139-l.
- Application completeness: The application is broken out into four sections in the Grants Gateway: Program Information, Expenditure Budget, Work Plan, and Pre-Submission Uploads. To be eligible, applicants must complete all of these sections and upload the required documentation. See the checklist in this RFA as a reference.

### **3. Project Types (Program Question 4)**

Funding must be used to implement one of the following three project types to meet the above Project Objectives. Applicants will identify the project type number for the Program Question.

#### **Background: Hudson River Shoreline Access**

Applicants may apply for projects on the shoreline of the tidal waters of the Hudson River estuary, including the tidal portion of its tributaries, to plan, design and construct improvements for new or existing access sites for boating, swimming, fishing, and enjoyment of nature or wildlife-dependent recreation on the estuary. Such projects must be consistent with the Americans with Disabilities Act (ADA) 2010 Standards for Accessible Design and the US Access Board’s Standards for Accessible Design, and should be resilient to future storms and sea-level rise.

## **(1) Assessing, Planning and Implementation for Access Site Resiliency to Flooding and Sea Level Rise**

Applicants may apply for plans, designs, assessments and /or implementation of projects that lead to the development of ecologically-sound access site resiliency plans addressing flooding, storms, and sea level rise.

Such plans would include at a minimum, but not be limited to: A definition of the problem and understanding of the site-specific hazards being addressed, an evaluation of risk and consideration of acceptable risks, permitting requirements, design alternatives, stakeholder engagement, funding strategies and an implementation plan. Such projects should where feasible: (i) use Sustainable Shoreline principles that provide habitat values; and/or (ii) use nature-based design principles for resiliency, such as absorbing and directing floodwaters within the park, designing structures and electrics for flow-through of flood waters, and use of vegetation that can withstand flooding, such as switchgrass, goldenrod, wild rye, etc.; and/or (iii) consider design principles that address water quality as floodwaters recede (reduce effluents, turbidity, etc.).

Sustainable Shoreline principles can be found at <https://hnmerr.org/sustainable-shorelines/>

The Flood Resilience Handbook for Public Access Sites Along the Hudson River from Troy to Yonkers can be found at:

[https://www.dec.ny.gov/docs/remediation\\_hudson\\_pdf/hrefldhndbk.pdf](https://www.dec.ny.gov/docs/remediation_hudson_pdf/hrefldhndbk.pdf).

## **(2) Assessing, Planning for, and Implementing Accessibility Improvements for People with Disabilities**

Applicants may apply for designs, plans, assessments and Americans with Disabilities Act (ADA) transition planning for new and/or existing access sites along the Hudson River estuary, as well as implementation projects. Such plans must specifically lead to improving access to the Hudson estuary for boating, fishing, swimming, and/or wildlife-related recreation on the estuary for people of all abilities, including people with disabilities.

Examples:

- Transition Planning
- Provision for the appropriate placement of accessible bathroom facilities, including port-a-potties;
- Constructing accessible shelters or pavilions;
- Acquiring accessible picnic tables and/or grills to meet the standards;
- Installing accessible docks, piers and/or swimming areas;
- Purchasing adaptive equipment, such as accessible beach walkway systems, fishing equipment, all terrain or beach wheelchairs, or watercraft transfer systems;
- Developing adequate parking facilities and other needs for busses and accessible vans, including ADA designated parking and clear pathways for travel that specifically improve the use of the site for boating, fishing, swimming, and/or wildlife-related viewing and recreation on the estuary for people of all abilities;
- Creating interpretive signage, web content, or site interpretation in a variety of languages with accommodations for people with visual disabilities; and
- Retrofits to existing structures such as railings, picnic tables, pathways, curb cuts, to meet ADA standards.

The full scope of an accessibility project should include accessible parking and pathway to the new element or a reference that these already exist.

The following are **not** eligible improvements for this funding opportunity:

- Playgrounds and ball courts;
- Non-accessible picnic tables and grills;
- Fees associated with long-term rental of facilities such as port-a-potty rental fees or fees associated with a temporary/removable accessible ramp rental; or
- Paving and parking not directly related to access for boating, fishing, swimming, and/or wildlife-related recreation on the estuary for people of all abilities.

### **(3) Regional Plans for River Access**

Applicants may apply for plans or designs, or development of handbooks, which provide regional approaches for improving access to the Hudson River estuary, including regional approaches to storm resiliency and/or to accessibility for people of all abilities.

## **4. Priority Projects**

To encourage applications for resiliency projects in this year's Access RFA, priority will be assigned as shown below, which is reflected in the scoring and detailed further starting on page 20 of this RFA.

- **Priority by Project Type**
  - Project Type 1 scoring in Tier 1 or 2 (highest priority)
  - Project Types 2 and 3 scoring in Tier 1 or 2 (second priority)
  - Project Type 1 scoring in Tier 3 or 4 (third priority)
  - Project Types 2 and 3 scoring in Tier 3 or 4 (fourth priority)

All qualifying Project Type 1 applications that score in Tier 1 or Tier 2 will be funded before Project Types 2 and 3 that score in Tier 1 or Tier 2. Project Type 1 Tier 3 and Tier 4 projects will be third priority. Applications for Project Types 2 and 3 that score in Tier 3 and Tier 4 will be the fourth priority.

Project Type 2 applications that include a resiliency component will be considered a Project Type 1 for purposes of scoring.

See the Application Evaluation, Scoring and Selection starting on page 20 of this RFA for further information.

## **5. Project Objective and Impact (Program Question 6)**

Describe the objective for the proposed project, including methods, deliverables, and the need for the project. Projects that are likely to have a strong positive impact on boating, swimming, fishing, enjoyment of nature or wildlife-recreation for users of all abilities and/or related access site resiliency to floods, storms and sea level rise will be priority.

Projects are expected to address storm resiliency (as applicable) and be supported through appropriate maintenance after the grant is completed. Projects should also be sustainable without substantial maintenance. Projects that do not demonstrate storm resiliency, long-term sustainability, durability or lasting benefit will be assigned to Tier 5\* - see Application Evaluation, Scoring and Selection starting on page 20, and scoring criteria on pages 35-38.

## **6. Action Agenda Measures of Success (Program Question 8)**

Describe how the project will help achieve one or more Measures of Success as outlined in the *2021-2025 Hudson River Estuary Action Agenda*. *Action Agenda* Measures of Success, by Benefit, can be found in Appendix IV of this RFA. *As noted in Appendix IV, reporting for grants arising under this RFA*

*will require updates on how the project is achieving specific Measure(s) of Success.*

## **7. Project Audience (Program Question 9)**

Describe the target audience of the project (i.e. user groups, such as elementary school students, seniors, families, bird-watchers, anglers, specific organizations or clubs, the general public, etc.), including the number of people to be served by the proposed project.

## **8. Project Timeline (Program Question 10)**

Applicants **MUST** provide a timeline for meeting project objectives and identified tasks between February 1, 2024 and January 31, 2027. **Project expenditures prior to Master Contract for Grants (MCG) start date and after the MCG end date are not eligible for reimbursement or match.**

All project timelines must include:

- (i) Consultation with Estuary Program Staff for project management purposes as step one in the timeline; and
- (ii) Opportunities where end-users are engaged and involved in the development of the project.

For projects that propose a combination of planning and construction, the project timeline should include an activity to complete the permit process, including SEQR review (see #13 Permit Requirements).

For projects that propose planning only, the project timeline should include an activity to complete a NYSDEC jurisdictional review with the applicable regional permit administrator (see #13 Permit Requirements).

## **9. Applicant Partners (Program Question 15)**

The Applicant Partner is a collaborator who has a significant role in the conduct of the project and is fundamentally a co-applicant for the grant. Projects involving an Applicant Partner (i.e. multi-partner and inter-municipal projects, page 4) require letters substantiating the commitment to collaborate, that include the designation of a “Lead” applicant from each Partner. A single PDF file of all letters should be uploaded to meet this requirement, if applicable for your project.

## **10. Building upon Prior Planning (Program Question 16)**

Applicants will be awarded points for building upon prior planning as follows:

- a) Taking the next step in a previously funded and successfully implemented Hudson River Estuary planning project;
- b) Implementing access improvements and inclusivity recommendations included in municipal or regional recreational planning documents, including the NYS OPRHP SCORP, or ADA transition plans; and
- c) Implementation of recommendations in Local Waterfront revitalization plans, Greenway Plans, Climate Adaptive Designs (CAD) or other related plans.

## **11. End-User Benefit and Engagement (Program Question 17)**

Projects should demonstrate effective engagement of the user group(s), key stakeholders, and target audience (collectively, end-users) that will benefit as a result of the project. Applicants who clearly identify the end-users, and the value of the project to end-users, as well as specify opportunities for end-users to be engaged (in the project timeline), will receive points. The scope of work should describe how end-users will be engaged and informed during and after project completion.

Applicants are encouraged to engage local stakeholders such as the Centers for Independent Living (see [www.ncil.org](http://www.ncil.org) for a directory), local schools and special education teachers, neighborhood groups, and disability advocate groups such as United Cerebral Palsy (<https://ucp.org/find-us/>), The ARC

(<http://www.thearc.org/find-a-chapter>), Little People of America (<http://www.lpaonline.org/local-info>), Paralyzed Veterans of America (<http://www.pva.org/>), and others.

Letters stating how they will use the grant project are a good indication of support from end-users whose support or involvement is necessary for the project to succeed (key stakeholders) and will improve the scoring of an application (additional points are available for applicants submitting letters). Support letters from the government body offering the grant, or institutions or organizations who are fiscal sponsors and/or will provide services under the grant, will not be considered and no points will be awarded. If letters are submitted, letters must be submitted at the time of application. Applicants will be asked in the Grants Gateway to upload, in a single PDF file, a copy of all letters of support.

*Applicants are strongly encouraged to fully address this application requirement. Failure to earn any points for this Program Question will result in the application being ranked “Low” (tied to Points for Minimum Standards [page 16]). Also see Application Evaluation, Scoring and Selection starting on page 20 of this RFA.*

## **12. Engagement of Hudson River Estuary Staff (Program Question 19)**

At a minimum, project timelines must include consultation with Estuary Program Staff for project management purposes as step one in the timeline (e.g. a project kick-off meeting). Additionally, applicants are strongly encouraged, but are not required, to invite Estuary Program staff to attend project meetings and/or to provide technical assistance. An invitation for such additional participation should be included as a step in the project timeline schedule and deliverables (see Program Questions 10 and 11) to qualify for additional points. Estuary Program staff may choose to participate, or not, in response to the invitation, as time allows. Please note that engagement of Estuary Program staff is not a substitute for stakeholder or end-user engagement by the applicant.

Should an award be made, applicants will be required to connect with the applicable Estuary Program Project Manager (to be assigned during the contracting stage) before work is started on the project.

## **13. Permit Requirements (Program Question 21)**

Permit requirements for all projects proposed under this RFA are as follows:

- **Shovel-ready construction projects:** Construction projects **MUST** have all required permits in place at the time of application, if applicable. Permit requirements are typically underestimated by applicants; most construction projects on or near the water will require some type of permit. Descriptions of permits that may apply to projects proposed are shown in Appendix II of this RFA. It is strongly encouraged for applicants to request a NYSDEC jurisdictional review from the applicable regional permit administrator (<https://www.dec.ny.gov/about/39381.html>) to confirm what permit needs may apply. Applicants will be asked in the Grants Gateway to upload, in a single PDF file, a copy of the cover letter(s) received for approved permit(s) or substantiate why no permits are needed.
- **Projects that propose planning and construction:** For projects that propose a combination of planning and construction, securing the necessary permits is considered to be an appropriate work activity covered by the grant. Applicants should include in the Work Plan and project timeline an activity to complete the permit process (see Appendix II of this RFA for more information on potential permit needs).
- **Planning projects:** For projects that propose planning only, applicants should include in the Work Plan and project timeline an activity to complete a NYSDEC jurisdictional review with the applicable regional permit administrator (<https://www.dec.ny.gov/about/39381.html>).



#### **14. Availability to the Public and Landowner Permission (Program Question 23)**

Projects must be open and available to the public. For projects involving work on property owned by an entity that is not the applicant, the applicant must provide as an upload to the application, written proof from the landowner (signed letter, formal written agreement, municipal endorsement or resolution, etc.) indicating willingness for the project to take place on their property and remain available to the public. For example, a “Friends of the Park” group must have documentation from the park owner. A single PDF file of all written documentation of proof of permission should be uploaded to meet this requirement, if applicable for your project. **To avoid disqualification, applicants must provide proof of landowner permissions at the time of application.**

#### **Open and available to the public shall mean:**

Projects will be available to the public at large for unrestricted public access without any use or fee differentiation based on residency (no residency requirements). Projects will provide free or affordable use. For boat launching at trailered launches, user fees, if levied, will be applied uniformly to all users without regard to residency, and will not be prohibitive. Cartop launching should be free.

*Projects are not eligible if they are located on land owned by New York State, unless the land is managed by a local government under a formal agreement with the State.*

#### **15. Knowledge, Skills and Experience (Qualifications) (Program Question 24)**

Applicants must possess the knowledge, skills, and/or track record to successfully implement the project. For this program question, applicants must identify lead staff who will be working on the project. Priority is given to applicants with excellent qualifications or a successful track record with this type of project.

For purposes of this RFA, experience and track record include performance on current and prior Estuary grants, including quality and timeliness of grant reporting, progress on performance schedules, and completion of deliverables.

*Applicants are strongly encouraged to fully address this application requirement. Failure to earn any points for this Program Question will result in the application being ranked “Low” (tied to Points for Minimum Standards [page 16]). Also see Application Evaluation, Scoring and Selection starting on page 20 of this RFA.*

#### **16. Project Cost Effectiveness (Program Question 25)**

The cost-effectiveness of the proposed project will be evaluated as provided in the Application Review and Scoring Standards in Appendix III. The answer to this question, as well as the information provided in the Expenditure Budget will be used to determine scoring for cost effectiveness. Applicants that provide 30% eligible match or more (the minimum match is 15%) may be eligible for additional points for cost effectiveness (see Appendix III, page 37). Applicants are encouraged to provide quotes from vendors/contractors for the work to be completed to help justify cost effectiveness.

Note the Grants Gateway rounds the match percent **down** to the nearest whole number. For example, if the match calculates at 29.8%, the expenditure summary of the expenditure budget will show a 29% match, not a 30% match. Applications are scored based on the match calculated by the Grants Gateway in the expenditure summary. Be sure to confirm the match percentage in the expenditure summary to ensure the Grants Gateway is calculating the intended match percentage. This is particularly important if you are aiming to propose 30% eligible match or more above the minimum 15%, which is eligible for additional points for cost effectiveness.

*Applicants are strongly encouraged to fully address this application requirement. Failure to earn any*



*points for this Program Question will result in the application being ranked “Low” (tied to Points for Minimum Standards [page 16]). Also see Application Evaluation, Scoring and Selection starting on page 20 of this RFA.*

#### **17. Points for Minimum Standards for End-User Engagement, Qualifications, and Cost Effectiveness (Program Questions 17, 24, 25)**

Applicants receiving points for all of these program questions (do not score zero points on any of these questions) will receive **57 points**. *Failure to earn these points will result in the application being ranked “Low” (see Application Evaluation, Scoring and Selection starting on page 20 of this RFA).*

#### **18. Statewide Priority (Program Questions 26-27)**

- **Alignment with Regional Economic Development (REDC) Strategies**

Any grants awarded by the State of New York shall take into consideration the recommendation of the relevant Regional Economic Development Councils (REDC) or the Commissioner’s determination that the proposed project aligns within the regional strategic priorities of the region where the proposed project is located.

For Program Question 26, provide a brief narrative describing the economic benefits of the proposed project and how the project aligns with the strategies of the REDC plan for the project’s region (cite specific sections of the respective REDC plan, as applicable). The narrative must be included with the Application to receive points in the application review. If not applicable to your project, you must answer “N/A” for Program Question 26.

Each region has a unique plan. Visit <http://regionalcouncils.ny.gov/> for information on your region’s Economic Development Council.

- **Priority for Environmental Justice (EJ) Projects**

DEC demonstrates a commitment to Environmental Justice (EJ) and remedies for communities that may be burdened by negative environmental consequences. Environmental justice is defined by the DEC as the fair treatment and meaningful involvement of all people, regardless of race, color or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. A proposed project that is located in an EJ community or will directly benefit an EJ community, or a project that gives appropriate consideration to under-served urban neighborhoods (all potential neighborhoods whose demographic, geographic, or economic characteristics impede or prevent their access to adequate canopy cover and other benefits of trees) will receive points in the evaluation of an application. Maps of EJ areas in New York State are available at:

<https://www.dec.ny.gov/public/911.html>.

To qualify for EJ points, your application must include the following details:

- a. The exact street location(s) where the project is to be implemented (no P.O. Box) or where the benefit will be provided; or
- b. A brief description of how the project will benefit underserved populations that experience disproportionate adverse environmental impacts such as pollution from multiple industrial facilities, sub-standard water quality, concentrated diesel emissions from bus depots, or other heavy vehicle traffic, adverse health effects related to environmental impacts (high asthma), lack of access to green benefits such as open space, environmental education or parks, or other such impacts.

#### **19. Additional Points**

- **Community Support (Program Question 28)**

Applicants are encouraged to engage public officials in their application process to generate awareness

of the project and its objectives. Applications which demonstrate support from a variety of local, county, or state appointed or elected officials above and beyond those essential to the project (Program Question 17), as evidenced by letters of support uploaded with the application, will receive points.

- **Points for applicants who do not have open (uncompleted) grants with the Estuary Program**  
(Awarded based on Hudson River Estuary Program records as of the RFA deadline)

In order to help new applicants to receive grants and to encourage speedy completion of grants, points are available for applicants who do not have an open, uncompleted grant with the Estuary Program. To determine if the applicant has an open grant or not, an applicant with an existing grant must have submitted its final report and invoice and have received confirmation of completion by the deadline date for which this RFA is due.

## **20. Expenditure Based Budget**

Applicants must complete an itemized budget in the NYS Grants Gateway that provides details of the proposed project-related expenses. Budget detail must clearly distinguish between expenses to be claimed under the State grant share and expenses comprising the match. The itemized budget should also include appropriate level of information for the breakdown of costs for each budget item (depending on the budget category this information is provided in the budget detail and/or budget narrative). Eligible and ineligible costs are identified in this RFA. A project's reasonableness of costs is at least 20% of the evaluation factor in the scoring of the application; therefore, attention to budget accuracy will increase your project score.

## **21. Work Plan**

Applicants must complete a Work Plan in the NYS Grants Gateway that provides a clear overview of the project. Applications must include proposed project objectives, tasks associated with meeting each objective, and the performance measures associated with each task (performance measures should include desired project outcomes or deliverables). The Work Plan should include anticipated time frames in meeting project objectives, tasks and deliverables. Time frames must be consistent with the timeline applicants are required to upload in the Grant Gateway for Program Question 10.

Note: A Work Plan 'worksheet' is available for applicants in the Grants Gateway (under Pre-submission Uploads). The 'worksheet' can be downloaded and used as a tool to help applicants organize their proposed project objectives, tasks and performance measures. A completed 'worksheet' should NOT be uploaded back into the Grants Gateway. The intent of the 'worksheet' is to assist applicants in developing their application Work Plan in the Grants Gateway.

## **22. Pre-Submission Upload: Sexual Harassment Prevention Certification**

State Finance Law §139-I requires all applicants of grant funding to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees.

Where applying for grant funding is required pursuant to statute, rule or regulation, every application submitted to the state or any public department or agency of the state must contain the following statement: "By submission of this application, each applicant and each person signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law."

Applications that do not contain the certification will not be considered for award; provided however, that if the applicant cannot make the certification, the applicant may provide a signed statement with their application detailing the reasons why the certification cannot be made. After review and consideration of such statement, the Department may reject the application or may decide there are sufficient reasons to accept the application without such certification.

Applicants are required to sign and upload the Sexual Harassment Prevention Certification form or upload a signed statement with their application detailing the reasons why the certification cannot be made into the pre-submission uploads folder.

### **23. Pre-Submission Upload: Executive Order 16**

Executive Order No. 16 provides that “all Affected State Entities are directed to refrain from entering into any new contract or renewing any existing contract with an entity conducting business operations in Russia.” The complete text of Executive Order No. 16 can be found at <https://www.governor.ny.gov/executive-order/no-16-prohibiting-state-agencies-and-authorities-contracting-businesses-conducting>. The Executive Order remains in effect while sanctions against Russia imposed by the federal government are in effect. Accordingly, vendors who may be excluded from award because of current business operations in Russia are nevertheless encouraged to respond to solicitations to preserve their contracting opportunities in case the sanctions are lifted during a solicitation or even after award in the case of some solicitations. As defined in Executive Order No. 16, an “entity conducting business operations in Russia” means an institution or company, wherever located, conducting any commercial activity in Russia or transacting business with the Russian Government or with commercial entities headquartered in Russia or with their principal place of business in Russia in the form of contracting, sales, purchasing, investment, or any business partnership. Vendors responding to this solicitation are required to complete and submit the form entitled “Certification Under Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia”.

In the Grants Gateway pre-submission upload section of the application, ALL applicants must download, complete and save the Executive Order No. 16 Certification form, prior to uploading the completed form back into the Grants Gateway.

### **24. Pre-Submission Upload: Smart Growth Infrastructure Policy Act**

New York State’s Smart Growth Public Infrastructure Policy Act (ACT), Environmental Conservation Law Article 6, requires the DEC and all State infrastructure agencies to assess whether each public infrastructure project that receives state funding is consistent with the State Smart Growth Public Infrastructure criteria specified in the Act, or that compliance is considered to be impracticable, before making any commitment to fund such project(s).

In the Grants Gateway pre-submission upload section of the application, ALL applicants, with projects involving construction or reconstruction, must download, complete and save the Smart Growth Assessment form prior to uploading the completed form back into the Grants Gateway. Important note: Be sure to check the form after uploading to ensure the correct file is uploaded and is completed as required.

### **25. Historic Preservation Review Requirements (if applicable to your project)**

For projects that involve properties listed on the State or National Registers of Historic Places, all work undertaken as part of a grant-assisted project must conform to the Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation.

Questions about or proposals for listing on the State or National Register should be directed to the

OPRHP National Register Unit at (518) 237-8643. To ensure the public benefit from the investment of state funding, preservation covenants or conservation easements will be conveyed to the State (OPRHP) for all historic property grants.

## **26. Coastal Consistency Requirements**

SEQR Type I and Unlisted actions located within the NYS Department of State's coastal zone boundaries must meet the consistency requirements of the Secretary of State's Coastal Management Program. This consistency determination will be performed by the Department as part of the grant review process. If the proposed project is located within a municipality that has an approved Local Waterfront Revitalization Plan (LWRP), the policies of that LWRP apply. Projects in other areas will need to be consistent with the State's 44 coastal policies. The coastal policies can be found at <https://dos.ny.gov/coastal-consistency-review>. Applicants are encouraged to determine if their project is located within the coastal zone, and to include in their site plan or sketch map their project's location within the coastal zone boundaries if applicable. Maps of the coastal zone boundaries can be found at [http://appext20.dos.ny.gov/coastal\\_map\\_public/map.aspx](http://appext20.dos.ny.gov/coastal_map_public/map.aspx).

## Application Evaluation, Scoring and Selection

All applications will be reviewed and scored by a review team in accordance with the evaluation and scoring criteria contained in this RFA. **Applicants are strongly encouraged to read and address the Application Review and Scoring Standards in Appendix III in the process of developing an application.** Knowledge of the scoring criteria is valuable for designing and proposing a relevant and quality project. Scoring consists of:

### Step 1: Application and Project Eligibility Determination

Pass/Fail criteria – please refer to the Application Evaluation and Scoring Standards in Appendix III.

### Step 2: Project Evaluation, Scoring and Selection

If your application meets all eligibility pass/fail criteria it will be further evaluated and scored by a review team in accordance with the Evaluation and Scoring Standards contained in this RFA. These include:

- Evaluation of the project type, methods, budget and applicant qualifications; and
- Assessment of the project impact, and priority project eligibility.

All eligible applications will be individually evaluated and scored by at least 3 technical review team members. Technical reviewer scores will be averaged and statewide priority points will be added to the average score to determine a final composite score.

1. Projects will first be selected based on Project Type (see pages 11-13 for descriptions of the Project Types).
  - Qualifying Type 1 projects scoring in Tier 1 or 2 will be eligible for funding first, followed by qualifying Type 2 and Type 3 projects scoring in Tier 1 or 2 (second).
  - Qualifying Type 1 projects scoring in Tier 3 or 4 will be eligible for funding third, followed by qualifying Type 2 and Type 3 projects scoring in Tier 3 or 4 (fourth).
  - Project Type 2 applications that include a resiliency component will be considered a Project Type 1 for purposes of scoring.
2. Tiers will be assigned based on the average score of the project objective and impact (Program Question 6 in the Grants Gateway and evaluation criteria #1 in Appendix III of this RFA. Tiers are determined as follows:

Primary Project Objective Score Thresholds by Tier		
Tier Number	Lowest Average Score	Highest Average Score
Tier 1	31.0	35.0
Tier 2	25.0	30.9
Tier 3	12.0	24.9
Tier 4	3.0	11.9
Tier 5	0.0	2.9

Applications will then be ranked within each tier as high, medium, or low based on the final composite score.

Ranks within Tiers are determined as follows:

Tier Number	Rank		
	High	Medium	Low
Tier 1	190.0 – 150.0	149.9 – 121.0	≤120.9
Tier 2	180.0 – 140.0	139.9 – 111.0	≤110.9
Tier 3	165.0 – 120.0	119.9 – 96.0	≤95.9
Tier 4	160.0 – 115.0	114.9 – 91.0	≤90.9
Tier 5	N/A	N/A	N/A

Project Type, Tier placement, and rank will be used to determine which projects receive funding. Applications will be selected for funding based on the highest to lowest scoring projects within each rank for high and medium ranking projects as follows: Applications in Tier 1 will be the priority for funding, followed by Tier 2, Tier 3, and then Tier 4. Tier 5 (applications that score zero points on the first scoring criteria for project objective and impact) and applications ranking low, regardless of tier (applications that do not meet minimum standards) will NOT be funded. Based on the scoring and evaluation process, these projects are deemed to be sufficiently flawed and should not be implemented with State funds. The Department may, at its discretion, decide to fund only one grant project if multiple applications are received for the same project.

**Award limit** – Applicants will only be eligible to receive one grant award in this grant round (the applicant's highest scoring application) regardless of tier, rank, and score of subsequent qualifying applications (up to 2 applications can be submitted by a single applicant). However, in the event additional funding remains after all qualifying grant awards are made (at one per grantee), additional grants for qualifying projects will be awarded to an entity already receiving a grant award in this grant round, starting with the next highest scoring application. In the event there is a tie among remaining applications submitted by same organizations, the tie breaker will be addressed as described in the following paragraph.

**Tie breaker** – If there is a numerical tie in an application's final score, the application that scores the highest in "Project Objectives and Methods" in the evaluation criteria will determine placement on the ranked list. If a tie remains, the application that scores the highest in "Project Success Factors" in the evaluation criteria number will determine placement on the ranked list. If there is a numerical tie between multiple applications within a funding category, the application that scores the highest in Cost-Effectiveness will determine placement on the ranked list. If a tie remains, the order applications were received will determine placement on the ranked list, with the earliest application placing highest.

## Grant Program Payment

Advance payments of up to 25% of the awarded grant amount may be available to not-for-profit grantees once a Master Contract for Grants (MCG) has been fully approved by all applicable State agencies. Only not-for-profits are eligible to receive advance payments under State Finance Law.

Project costs eligible for reimbursement and project match must be incurred between the MCG term start and end dates. Costs incurred prior to the MCG term start date or after the MCG term end date will not be considered eligible for grant reimbursement or match. Copies of supporting cost documentation (paid invoices, receipts, cancelled checks, etc.) must be audited and approved by the DEC for costs to be eligible for grant reimbursement.

## Eligible and Ineligible Expenditures

### Eligible Project Expenditures

- **Personal Services:** *Staff salaries including fringe benefits, directly devoted to the project implementation are eligible up to **20% of the requested budget**.* Itemize salaries according to job title and roles/responsibilities on the project. Grantees will be required to document time worked, tasks, pay ratio and payment.
- **Contractual Services:** The value of services provided by responsible professional and technical personnel and consultants (i.e. engineering and architectural services, surveys, plans and specifications, research, design and development of a project, consultant and legal services directly related to a project, feasibility study for a facility, archaeological field work, report writing, curation of artifacts and interpretation, etc.).
- **Construction enhancements:** Costs directly associated with facility improvements.
- **Supplies and materials:** Directly needed to implement the project. Construction projects should include funds to cover required signage (see 3.b. on page 27).
- **Equipment:** Equipment (purchase/rental) that is directly necessary to implement the project, however, long-term rental fees for facilities such as port-a-potties or temporary/removable accessible ramps are not allowable for reimbursement.
- **Advertising costs:** Publicity, promotion and public education directly related to an operating or functioning project.
- **Land accessibility costs:** Eligible direct project costs such as appraisals by a certified appraiser, title searches, surveys and associated legal fees. The land must be owned by the grant applicant.
- **Travel:** Travel costs directly required to implement the project (within New York State only).
- **Training costs:** Costs are eligible if they are directly related to holding a training or workshop that will improve estuary stewardship outcomes.

### Ineligible Project Expenditures

- **Indirect costs:** Overhead or operating expenses (space, real property, rent, utilities, etc.).

- Travel: Out-of-state travel costs, and any travel not directly required to implement the project.
- Land: Value of land.
- Equipment: Long-term rental of facilities such as port-a-potties or temporary/removable accessible ramps.
- Administrative salaries: Administrative salaries are NOT eligible for grant reimbursement but may be used as match funds. For the purposes of this RFA, administrative salaries are defined as follows:
  - Preparation of equal employment opportunity and women and minority business enterprises documentation.
  - Preparation of quarterly narrative and expenditure reports.
  - Preparation of payment reimbursement request forms and backup cost documentation.
  - Preparation of Final Report upon project completion.
- State and/or federal funding: project costs funded from other state and/or federal funding sources are not eligible for grant reimbursement.

**Budget limitations:**

- ***No more than 20% of the grant request may be allocated to personal services (the total of salary and fringe benefits).***

## Match Requirement and Expenditures

Applicants must provide **15% in match funds based on the amount of grant funds.**

Applicants who provide double the minimum match (30%) or more will qualify for extra points in the scoring.

Formula: Requested Grant Funds x 15% = Required Match

### Eligible Forms of Match

- Cash: Includes other grants from non-state or non-federal funding sources.
- Personal Services: Staff salaries devoted to the project, including fringe benefits expenses. Itemize salaries according to job title or job assignment on the project. Grantees will be required to document time worked, tasks, pay ratio and payment.
- Contractual Services: The value of services provided by responsible professional and technical personnel and consultants (i.e. engineering and architectural services, surveys, plans and specifications, research, design and development of a project, consultant and legal services directly related to a project, feasibility study for a facility, archaeological field work, report writing, curation of artifacts and interpretation, etc.).
- Supplies and materials: The current market value of items warehoused (not yet installed); use value current at time items were obtained.



- Volunteer Labor: Skilled and professional labor can be computed at the job rate. Unskilled labor and work performed by professionals or skilled laborers in an area outside of their area of expertise must be computed at the minimum wage (For example, a lawyer donating legal services may compute the value based on the standard billing rate, but the same lawyer donating time painting walls must calculate the value using minimum wage).
- Equipment: Compute the value according to its fair market value in the project location. Within the contract period, long-term rental of facilities such as port-a-potties or temporary/removable accessible ramps is allowable as match.
- Land accessibility costs: eligible direct project costs such as appraisals by a certified appraiser, title searches, surveys and associated legal fees. The land must be owned by the grant applicant.
- Travel: Travel costs (within New York State) directly required to implement the project.
- Administrative Salaries: Administrative salaries must be documented and identified by task and must fall within the grant contract term to be eligible as match. For the purposes of this RFA, administrative salaries are defined as follows:
  - Preparation of equal employment opportunity and women and minority business enterprises documentation.
  - Preparation of quarterly narrative and expenditure reports.
  - Preparation of payment reimbursement request forms and backup cost documentation.
  - Preparation of Final Report upon project completion.

Applicants must clearly identify administrative salaries to be used towards match in the personal services detail section of the expenditure budget.

### **Ineligible Forms of Match**

- Indirect costs: Overhead or operating expenses (space, real property, rent, utilities, etc.).
- Travel costs: Out-of-state travel costs, and any travel not directly required to implement the project.
- Land: Value of land.
- Other State or Federal funding: Project costs paid from other state and/or federal funding sources.

## **Grant Program Reporting**

Quarterly Narrative Reports must be submitted in narrative form, no later than 30 days from the end of the calendar quarter. The reports will summarize how the project progressed toward meeting project objectives and deliverables during the respective quarter.

Quarterly Expenditure Reports, detailed by object of expense as defined in the MCG Attachment B-1 Expenditure Based Budget, must accompany the quarterly Narrative Reports, no later than 30 days from the end of the calendar quarter. These reports must correlate to subsequent vouchers submitted for payment.

Quarterly MCG payment reimbursement requests will be accepted prior to submission of a final closeout reimbursement request. An approved project design, required permits, and landowner permissions must be in place to submit a reimbursement request.

Final Report must be submitted and approved by the DEC prior to the release of the final contract payment to the Grantee. The Contractor must submit the Final Report no later than 60 days after the end of the contract period. The Final Report should report on all aspects of the program and detail how the use of grant funds were utilized in achieving the goals set forth in the approved MCG Attachment C Work Plan. Copies of appropriate documents (i.e. inventory and/or management plan) must be submitted and approved by the DEC.

A DEC on-site inspection may be required to confirm all work was completed in accordance with the approved project Work Plan (including the installation of interpretive signage, if applicable, at the project site).

Any project involving volunteer time will be required to report the number of volunteers and the number of volunteer hours in their project quarterly status reports. The total number of volunteers and volunteer hours for the entire project must be reported in the Final Report.

Projects already receiving funds from another NYS or Federal assistance grant program are not eligible to receive funding for the same project activities identified in this RFA.

## What to Expect If You Receive an Award

### 1. Notification of Award

Applicants selected to receive a grant award will be notified by email and in an official DEC award letter. The NYS Grants Gateway will also provide you with an award status.

**IMPORTANT NOTE:** By accepting an award, applicant agrees to abide by all MCG terms and conditions. Any changes to the terms and conditions will not be accepted and may affect applicant's award.

### 2. State of New York Master Contract for Grants (MCG)

Applicants selected to receive a grant award will be required to execute a MCG **within 60 days** from the time of their award notification. Failure to submit timely required MCG documents could cause a grantee to lose their grant award. Applicants should review and be prepared to comply with all MCG terms and conditions should grant funding be awarded. The MCG and attachments can be reviewed and/or downloaded in the Grants Gateway HRE application under the screen named 'Contract Document Properties.' The MCG and attachments include:

- MCG Face Page
- Standard Terms and Conditions (NYS standard terms and conditions)
- Attachment A-1 Program Specific Terms and Conditions (*Agency and Program specific terms and conditions*)
- Attachment B-1 Expenditure Based Budget (*project expense categories and detail*)
- Attachment C Work Plan (project objectives, tasks and performance measures)
- Attachment D Payment and Reporting Schedule (claims for reimbursement and grant reporting provisions)

**IMPORTANT NOTE:** Project-related costs must be incurred within the term of the MCG to be considered eligible for reimbursement or match. Contract payments will not be approved or processed by the DEC until a MCG is fully approved by the DEC, and as applicable the Attorney General and the State Comptroller. All contracts must be fully approved by the contract start date of which will be determined at the time of an official award.

### 3. Applicants (referred to as "Contractor" following award of Grant Contract) Should Be Prepared to Comply With the Following MCG Requirements:

#### a. Insurance Requirements

Contractor will be required to carry appropriate insurance as specified in the MCG, Attachment A-1 Program Specific Terms and Conditions, and agree that each project consultant, project contractor and project subcontractor secures and delivers to the contractor appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies must name the contractor as an additional insured, with appropriate limits, covering contractor's public liability and property damage insurance, contractor's contingency liability

insurance, “all-risk” insurance and workers’ compensation/disability benefits coverage for the project.

**b. Signage Requirements (if applicable)**

The Department will require project signs for construction projects under this RFA (see Appendix V for specifications). All signs shall be constructed in accordance with the specifications identified in the Master Contract for Grants (size: 24" wide by 18" high or as appropriate to sign location, construction materials: aluminum blank sign boards with vinyl sheeting). The cost of the sign is a reimbursable project cost and should be included in the “other” category in the expenditure-based budget. The Department may, in its discretion, waive this requirement if the sign cannot be reasonably maintained, the sign is not consistent with other laws, or the location of the sign would not provide a public purpose.

**c. Permit Requirements (if applicable)**

Contractors agree to obtain all required permits, including but not limited to, local, state and federal permits prior to the commencement of any project-related work. The Contractor agrees that all work performed in relation to the project by the Contractor or its agents, representatives, or contractors will comply with all relevant federal, state and local laws, rules, regulations and standards, zoning and building codes, ordinances, operating certificates for facilities, or licenses for an activity.

**d. State Environmental Quality Review Documentation**

With respect to the project, the Contractor certifies that it has complied, and shall continue to comply, with all requirements of the State Environmental Quality Review Act (SEQRA). The Contractor agrees to provide all environmental documents as may be required by the DEC. The Contractor has notified, and shall continue to notify, the DEC of all actions proposed for complying with the environmental review requirements imposed by SEQRA.

**e. Vendor Responsibility Questionnaire**

Not-For-Profit contractors and/or subcontractors are subject to a vendor responsibility review by the State to ensure public dollars are being spent appropriately with responsible contractors. A vendor responsibility review may include a contractor and/or subcontractor to present evidence of its continuing legal authority to do business in NYS, integrity, experience, ability, prior performance, and organizational and financial capacity. To enroll in and use the NYS VendRep System, see the VendRep System instructions available at <http://www.osc.state.ny.us/vendrep/enroll.htm>, or go directly to the VendRep System at <https://onlineservices.osc.state.ny.us/Enrollment/login?0>.

**f. Iran Divestment Act**

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. By entering into a Contract, the Contractor certifies that it is not on the “Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012” list (“Prohibited Entities List”) posted on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additional detail on the Iran Divestment Act can be found in the MCG, Attachment A-1 Program Specific Terms and Conditions.

**g. Minority/women Business Enterprises (M/WBE) and Equal Employment Opportunities (EEO) Requirements**

The Department is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (MWBE Regulations) for all State contracts with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.

Applicants subject to executing a future NYS Master Contract for Grants (MCG) agree, in addition to any other nondiscrimination provision of the MCG and at no additional cost to the Department, to fully comply and cooperate with the Department in the implementation of New York State Executive Law Article 15-A. These requirements include Equal Employment Opportunities (EEO) for minority group members and women and contracting opportunities for certified Minority and Women Owned Business Enterprises (MWBEs). Contractor's demonstration of Good Faith Efforts (GFEs) pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the "Human Rights Law") or other applicable federal, state or local laws.

Failure to comply with MWBE and EEO requirements may result in a Department finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages, or enforcement proceedings.

Please refer to the NYS MCG - Article IV (J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review MWBE and EEO requirements.

- The local government is responsible for designating someone to serve as their Affirmative Action representative. The governing body should make this designation through official means.
- A list of certified M/WBE enterprises can be obtained via the internet from the NYS Department of Economic Development at <https://ny.newnycontracts.com/FrontEnd/searchcertifieddirectory.asp>

MWBE reporting for Department of Environmental Conservation contracts must now be completed using the New York State Contract System (NYSCS). <https://ny.newnycontracts.com/>.

**All contracts of \$25,000 or more will be assessed for MWBE goals. Contracts which meet the established MWBE-EEO thresholds require the Contractor to submit the Utilization Plan prior to the execution of the contract and Monthly Compliance Audits in the NYSCS after the contract is executed. To submit the required MWBE Utilization Plan, log-in to NYSCS and access the Utilization Plans section displayed on the user dashboard. Plans requiring action will be displayed in red.**

All contractors shall complete an Equal Employment Opportunity (EEO) Policy Statement and Staffing Plan form and submit it prior to the execution of the contract. These EEO forms are to be uploaded to the Grants Gateway in the grantee document folder.

For more information regarding MWBE compliance and reporting guidelines, and to download required forms, please visit <https://www.dec.ny.gov/about/61016.html#MWBE>.

The following M/WBE-EEO "Fair Share" goals are established as follows:

**Minority and Women Owned Business Enterprise (MWBE) Overall Participation Goals:**

Construction/Engineering – up to 30%  
Commodities – up to 30%  
Services/Technologies – up to 30%

DEC M/WBE Compliance  
NYS Department of Environmental Conservation  
Bureau of Contract and Grant Development/MWBE Program  
625 Broadway, 10th Floor  
Albany, New York 12233-5028  
[Mwbe@dec.ny.gov](mailto:Mwbe@dec.ny.gov)  
Phone: (518) 402-9240  
Fax: (518) 402-9023

#### **h. Service-Disabled Veteran-Owned Business Participation Requirements**

The Department is required to implement the provisions of New York State Veteran's Law Article 3. The contractor must make Good Faith Efforts to subcontract a goal of 6% of the contract amount to New York State Certified Service-Disabled Veteran-Owned Businesses (SDVOBs), for purposes of providing meaningful participation by SDVOBs.

The contractor is required to complete and submit a SDVOB Utilization Plan detailing how the contractor intends to meet the SDVOB goal. In addition, the contractor must complete and submit quarterly compliance reports detailing the amount spent on SDVOBs in the previous quarter. Please upload all required forms to the Grants Gateway. In addition, all forms and guidance can be located at <https://ogs.ny.gov/veterans/division-service-disabled-veterans-business-development-compliance-and-reporting>. Please contact the Department's SDVOB compliance staff with any questions at:

DEC SDVOB Compliance Unit  
NYS Department of Environmental Conservation  
Bureau of Contract and Grant Development/SDVOB Program  
625 Broadway, 10th Floor  
Albany, New York 12233-5028  
[SDVOB@dec.ny.gov](mailto:SDVOB@dec.ny.gov)  
Phone: (518) 402-9240

#### **i. Procurement of Contractors/Subcontractors**

Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money. Failure to comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.

#### **j. Americans With Disabilities Act**

In the event the monies defined herein are to be used for the development of facilities, outdoor recreation areas, transportation or written or spoken communication with the public, the Contractor shall comply with all requirements for providing access for individuals with disabilities as established by Article 4A of the New York State Public Buildings Law, Americans with Disabilities Act, and relevant sections of the New York State Uniform Fire Prevention and

Building Code. Standards for certain Recreation Facilities are found in the 2010 ADA Standards for Accessible Design while others are found in the Architectural Barriers Act Accessibility Guidelines for Outdoor Recreation Areas <https://www.access-board.gov/guidelines-and-standards>.

#### **k. Diesel Emissions Reduction Act 2006**

In 2007, New York State passed legislation establishing the Diesel Emissions Reduction Act 2006 (DERA). This Act amended the Environmental Conservation Law (ECL) by adding Section 19-0323 which requires the use of best available retrofit technology (BART) and ultra-low sulfur diesel fuel (ULSD) for heavy duty vehicles owned or operated by, including on behalf of, state agencies and state or regional public authorities. The Department has promulgated regulations (6 NYCRR Part 248) to provide guidance on provisions of the law. The regulations may be found on the Department's website at <https://www.dec.ny.gov/regs/2492.html>.

If applicable, the contractor must comply with the specifications and provisions of ECL Section 19-0323 and 6 NYCRR Part 248, which require the use of BART and ULSD, unless specifically waived by the Department. Qualifications for a waiver under this law are the responsibility of the Contractor.

#### **l. Debriefing Request**

In accordance with section 163 of the NY State Finance Law, DEC must, upon request, provide a debriefing to any unsuccessful offeror that responded to the Program Overview, regarding the reasons that the proposal or bid submitted by the unsuccessful offeror was not selected for an award. An unsuccessful offeror wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that their proposal did not result in an award. Debriefings requested after fifteen calendar days may be denied.

#### **n. Protest Procedure**

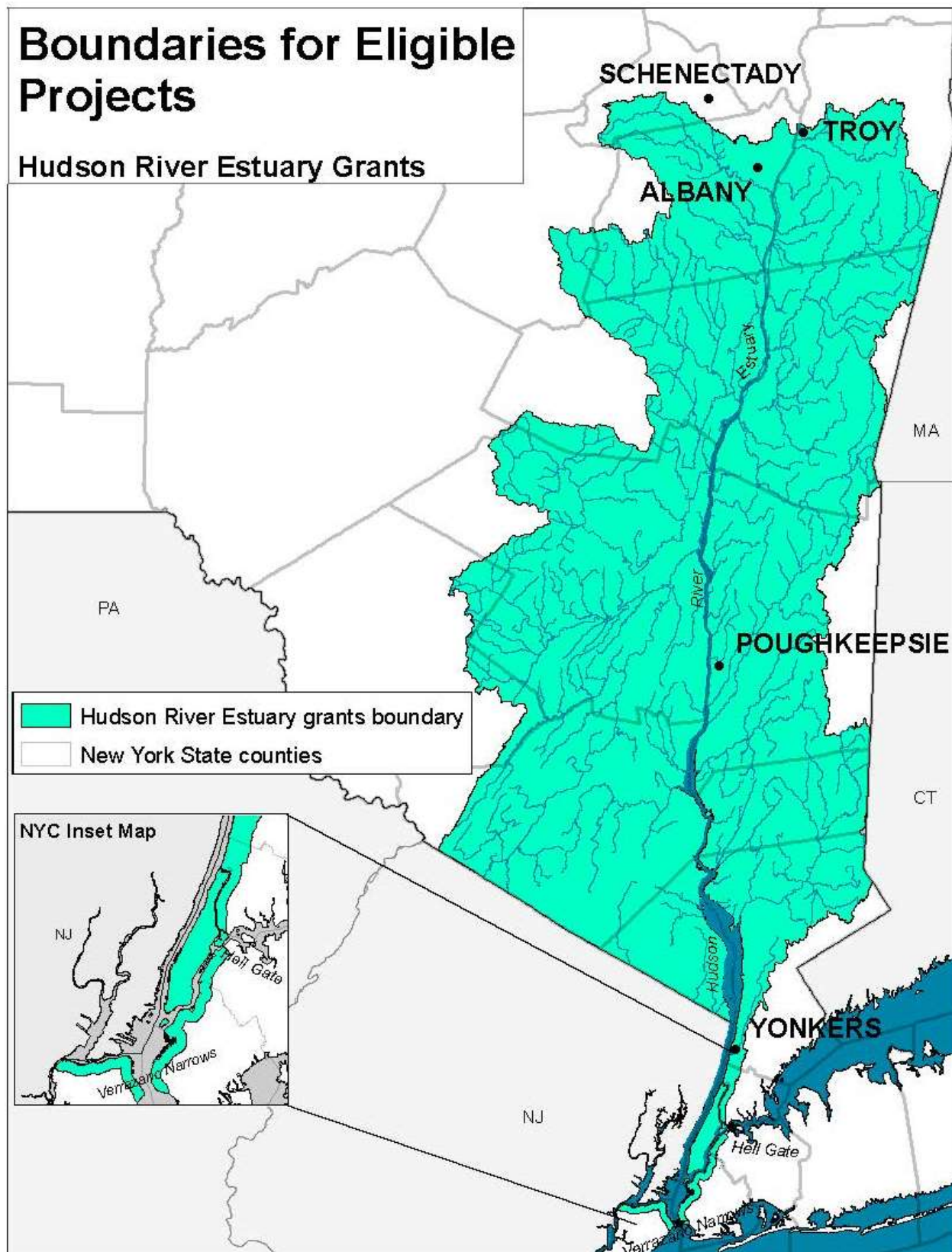
DEC does not have a formal protest procedure, therefore an applicant may file an initial protest with OSC's Bureau of Contracts (BOC) after the Department has made a contract award. The protest must be in writing and filed with BOC within ten business days of notice of the contract award or if a debriefing has been requested by the interested party, within five business days of the debriefing (whichever is later). If the interested party is not provided with notice of the contract award, the interested party may file a protest with BOC at any time after the contract award and prior to the Comptroller's final action on the contract.

Formal protests concerning a pending contract award must be received within five (5) business days after the protesting party knows or should have known of the facts that constitute the basis of the formal protest. The protest must be filed with:

Bureau Director  
at [bidprotests@osc.ny.gov](mailto:bidprotests@osc.ny.gov) or  
Bureau of Contracts  
New York State Office of the State Comptroller  
110 State Street, 11th Floor  
Albany, NY 12236.



## Appendix I: Map of Eligible Project Locations





## Appendix II: Budget and Work Plan Guidance

### BUDGET

#### General:

Eligible expenditures for grant and match are noted on pages 22-24 of this RFA.

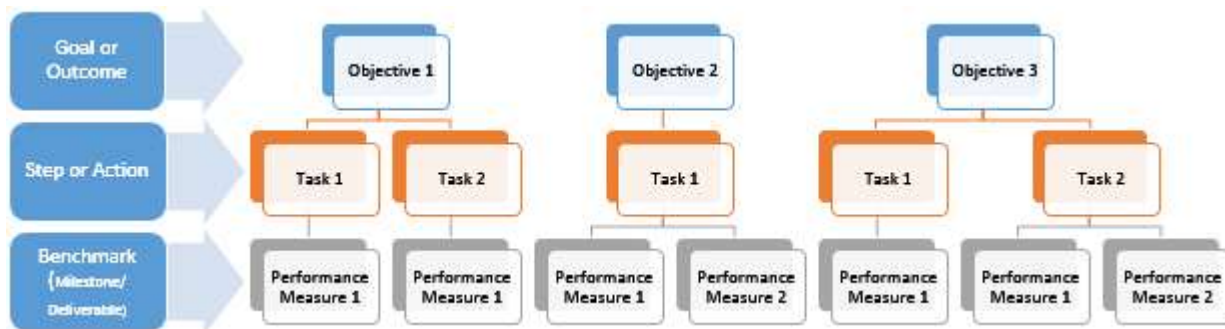
#### **Budget limitation:**

***No more than 20% of the grant request may be allocated to personal services (the total of salary plus fringe benefits).***

### WORK PLAN

#### General:

The Work Plan is an outline of the project plan and consists of Objectives, Tasks, and Performance Measures. Objectives are essentially the goals or outcomes of the project. Tasks are the detailed steps or actions required to meet the Objective. Performance Measures are the benchmarks used to determine if the corresponding task is achieved (often a milestone or deliverable that will identify task completion). The majority of the detail should be included at the task level.



The Work Plan must be input using the Work Plan functionality in the Grants Gateway. Editing the Work Plan, such as re-ordering objectives and tasks, is limited in the Grants Gateway. You are encouraged to develop the Work Plan outside of the Grants Gateway to mitigate the need to make more substantial edits.

A Word Document template, 'Work Plan Worksheet,' is available for download under the 'Pre-Submission Uploads' area of the application in the Grants Gateway. The Worksheet can be used to help organize proposed project objectives, tasks and performance measures. A completed Work Plan Worksheet should NOT be uploaded back into the Grants Gateway. The intention of the document is to be a tool for application development only.

The Work Plan Summary should be a brief Statement of Work that provides an overview of the project. Although the Grants Gateway allows a large number of characters for a response, please keep the summary succinct and brief. The bulk of the information about the project should be input in the Work Plan Detail as Objectives, Tasks, and Performance Measures.

**The following items must be included in the Work Plan:**

#### All projects:

For all projects, the work plan should include tasks for consultation with:

- (i) Estuary Program Staff for project management purposes as step one in the timeline.
- (ii) Opportunities where end-users are engaged and involved in the development of the project.

It is strongly encouraged to incorporate opportunities for Estuary Program staff to attend stakeholder meetings and to provide technical assistance in the planning process.

#### Projects proposing a combination of Planning and Construction:

For projects that propose a combination of planning and construction, securing the necessary permits is considered to be an appropriate work activity covered by the grant. Applicants should include an activity to complete the permit process in the Work Plan and project timeline.

#### Projects proposing Planning:

For projects that propose planning only, applicants should include, in the Work Plan and project timeline, an activity to complete a NYSDEC jurisdictional review with the applicable regional permit administrator (<https://www.dec.ny.gov/about/39381.html>).

#### **Permit Requirements that may apply to your project:**

The Environmental Resource mapper can be used to see if a wetland is state regulated: <https://www.dec.ny.gov/animals/38801.html>.

A Brief Summary of permits that may be required when conducting activities in and along the Hudson River Estuary. (from NYSDEC Division of Environmental Permits, Region 3)

**A Protection of Waters Stream Disturbance permit** is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified as “protected” (<https://www.dec.ny.gov/permits/6554.html>), and a permit for **Excavation and Fill in Navigable Waters** for any excavation or fill below the mean high-water line of any waterbodies and contiguous wetlands identified as “navigable” (<https://www.dec.ny.gov/permits/6548.html>). Any structures on, in or over waterbodies may require a **Docks and Moorings permit** (<https://www.dec.ny.gov/permits/6550.html>).

Most of the underwater lands of the Hudson River are the property of the State of New York. Administration of the lands underwater is the responsibility of the Office of General Services and a license or **permit may be required for installation of a structure on or over NYS-owned lands underwater** (<https://ogs.ny.gov/real-estate/lands-now-or-formerly-underwater>). If an OGS permit or license is required, then a Docks and Moorings permit is waived.

Any work within Waters of the United States or associated wetlands may require a permit from the **Army Corps of Engineers pursuant to Section 404** of the Clean Water Act (<https://www.dec.ny.gov/permits/6546.html>). If a Section 404 permit is required, then a **Section 401 Water Quality Certification** is required. Issuance of these certifications in New York is delegated to DEC. All of these projects are in the Coastal Management Zone and if a federal permit is required, then a **Coastal Consistency determination** by NYS Department of State, Office of Planning & Development will be required <https://dos.ny.gov/coastal-consistency-review-federal-agency-actions>.

Most work within a **Freshwater Wetland or Adjacent Area** requires a permit (<https://www.dec.ny.gov/permits/6058.html>).

Any work in the vicinity of known occurrences of threatened or endangered species may require a **permit for Incidental Taking** (<https://www.dec.ny.gov/animals/68645.html>); this includes loss of habitat and interference with essential behaviors such as nesting or foraging. Measures to avoid a take may be required.

## Appendix III: Application Evaluation and Scoring Criteria

### PROJECT PASS/FAIL CRITERIA: a “Fail” to any statement will disqualify the application

- The applicant must be eligible, as shown on page 4 of this RFA. A not-for-profit organization must also be prequalified in the Grants Gateway by the application due date to be determined eligible under this grant opportunity.
- The project must be located within the defined geographic boundaries of the Hudson River Estuary. In general, for purposes of this RFA, as defined in the eligible project types, that means projects will be on, near or tightly-focused on the tidal Hudson, including the tidal portion of its tributaries or Upper NY Bay, up to the first barrier. Projects are not eligible if they are located on land owned by New York State, unless the land is managed by a local government under a formal agreement with the state.
- The project must provide or improve direct access to the Hudson River Estuary or tidal portions of its tributaries for boating, swimming, fishing, and/or enjoyment of nature or wildlife-related recreation.
- Shoreline stabilization projects that are needed to secure the eroding shoreline of public river access sites, or to make river access sites more resilient to flooding and sea level rise, are eligible if they follow the principles outlined in the criteria for the project type.
- The applicant must provide photos of the current location and condition of the site, uploaded to the Grants Gateway.
- Projects must implement one of the eligible project types identified in this RFA.
- The uploaded project timeline/schedule demonstrates completion of project objectives, tasks and deliverables within a three-year contract term.
- All project funding comes from eligible sources and at least 15% in eligible match is identified. Project matching funds must be fully secured, and success of the grant should not depend on funding that is not yet secured.
- If applicable, letters of collaboration that include the “Lead” applicant designation are provided from all applicant partners.
- Construction projects must have all required permits in place at the time of application.
- For projects involving work on property owned by an entity that is not the applicant, the applicant must provide as an upload to the application, written documentation from the landowner indicating willingness for the project to take place on their property. For example, a “Friends of the Park” group must have documentation from the park owner.
- The applicant must provide the required certification for sexual harassment prevention, as required by State Finance Law §139-I.
- Application completeness: The application must be complete and uploaded as required in the Grants Gateway (see application checklist).

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### PROJECT OBJECTIVES AND TYPE .....maximum 40 points

#### Project Objective and Impact (maximum 35 points):

1. How well does the project, its location, statement of need, methods, and deliverables impact the objective of this RFA for its project type: To provide or improve direct access to the tidal waters of the Hudson River Estuary, including the tidal portion of its tributaries, for boating, swimming, fishing, and enjoyment of nature or wildlife-related recreation for people of all abilities and/or address related access site resiliency to floods, storms and sea level rise?
  - Project as scoped (location, need, methods, commitment to implementation, deliverables, budget details) clearly addresses the RFA objective for the project type and will have an

exceptional impact on boating, swimming, fishing, and enjoyment of nature or wildlife-related recreation on the estuary, and/or (related access site resiliency to floods, storms and sea level rise).....35 Points

- Project as scoped (location, need, methods, commitment to implementation, deliverables, budget details) clearly addresses the RFA objective for the project type and is likely to result in a strong impact on boating, swimming, fishing, and enjoyment of nature or wildlife-related recreation on the estuary, and/or related access site resiliency:.....25 Points

- Project as scoped (location, need, methods, commitment to implementation, deliverables, budget details) clearly addresses the RFA objective for the project type and is likely to have a beneficial impact on boating, swimming, fishing, and enjoyment of nature or wildlife-related recreation on the estuary, and/or related access site resiliency:.....10 Points

- Project as scoped (location, need, methods, users, commitment to implementation, deliverables, budget details) clearly addresses the RFA objective for the project type, but the impact on boating, swimming, fishing, and enjoyment of nature or wildlife-related recreation, and/or related access site resiliency, is modest .....5 Points

- Application meets one or more of the following:
  - (i) one or more aspects of the methodology is flawed in some way that affects meeting the primary RFA objective;
  - (ii) the proposed project method, statement of need, and/or deliverables are insufficiently described to determine objective or impact;
  - (iii) long-term sustainability/durability of the project is not substantiated;
  - (iv) project does not adequately address concerns for flood and/or storm resiliency, if applicable;
  - (v) project scope does not address the RFA objective for the project type; and/or
  - (vi) impact on boating, swimming, fishing, and enjoyment of nature or wildlife-related recreation, or resiliency is insignificant.

.....0 points

**Points for building on prior planning (maximum 5 points):**

2. Does the project narrative demonstrate that the project builds on prior planning as described in the RFA on page 13?

- Yes.....5 points
- No.....0 points

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**PROJECT SUCCESS FACTORS.....maximum 25 points**

**End-User Benefit and Engagement (maximum 12 points):**

3. How well does the project engage and inform the type of user group(s), who will benefit from the project (for example: kayakers, crew teams, motorboat users, swimmers, anglers, people with disabilities, etc.)?

- End-users whose support or involvement is necessary for the project to succeed are clearly documented, and the applicant describes how end-users will be engaged and informed in the project. Letters of support are provided from such end-users, and the project timeline shows engagement of end-users where appropriate.....12 points
- End-users whose support or involvement is necessary for the project to succeed are clearly documented, and the applicant describes how end-users will be engaged and informed in the project. Letters of support are provided from such end-users, but the project timeline does not

- show engagement of end-users where appropriate.....9 points
- End-users whose support or involvement is necessary for the project to succeed are clearly documented, and the applicant describes how end-users will be engaged and informed in the project. The project timeline shows engagement of end-users where appropriate, but no letters are provided.....6 points
- Acceptable engagement strategies are demonstrated, and key stakeholders are identified, indicating project success is likely.....4 points
- Application is for Project Type 1, and end-user engagement doesn't apply.....4 points
- End-users are not clear or unidentified, and/or engagement is insufficient to assure that project success is likely.....0 points

**Engagement of Hudson River Estuary Program Staff (maximum 5 points):**

4. How are Hudson River Estuary Program Staff engaged in the proposed project?
  - Project timeline demonstrates early consultation with Estuary Program staff and offers an invitation to attend project meetings and to provide technical assistance.....5 points
  - Project timeline only demonstrates early consultation with Estuary Program staff, or invitation to participate is late in the process.....3 points
  - Hudson River Estuary Program Staff engagement is vague, and/or not defined in the timeline.....0 points

**Knowledge, Skills and/or Experience (maximum 8 points):**

5. Does the applicant demonstrate the knowledge, skills, and/or track record to successfully undertake a project of this nature? For purposes of this RFA, experience and track record includes performance on current and prior Estuary grants, including quality and timeliness of grant reporting, progress on performance schedules, and completion of deliverables.
  - Exceptionally well-qualified and/or superior track record for this type of project.....8 points
  - Very well-qualified and/or established track record for this type of project.....4 points
  - Qualified and/or satisfactory track record.....1 points
  - Not well-qualified and/or has a poor track record.....0 points

**PROJECT COST EFFECTIVENESS.....maximum 37 points**

6. How well does the budget demonstrate value for cost? Cost effectiveness will be evaluated from the standpoint of both cost match, balance, and value. Applicants may compare the project costs to other similar work and explain the balance of expenses across budget categories. If applicable, provide justification for costs that exceed what is customary for the work to be completed. To sufficiently respond to this question, applicants are encouraged to upload documentation to support specific budget items, such as standard government wage rates, current market prices for equipment, and cost-estimates from potential contractors / vendors.
  - Exceptional value for the cost: Projects that meet both of the following two criteria will score 37 points:
    - Project provides 30% match or more, and
    - Budget is well-balanced and does not contain any extraneous expenses. Cost-to-benefit ratio is appropriate for the complexity and size of the project. Anticipated benefits are at a scale and cost equivalent to the fair market value of the proposed budget.
  - Cost-effectiveness is reasonable: Budget is well-balanced and does not contain any extraneous expenses. Cost-to-benefit ratio is appropriate for the complexity and size of the project. Anticipated benefits are at a scale and cost equivalent to the fair market value of the proposed budget. (25 points)

- Project is not cost effective: Budget is unreasonable, not cost-effective, is confusing, extraneous, excessive or not well aligned with the project purpose. Budget does not conform well to project deliverables and/or expenses are unrelated to project objectives (0 points)

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**Points for meeting minimum standards for end-user engagement, qualifications, and cost effectiveness (maximum 57 points):**

7. Does applicant receive points in end-user engagement, qualifications, and cost effectiveness?
- Yes.....57 points
  - No.....0 points

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**STATEWIDE PRIORITY POINTS.....maximum 15 points**

**Regional Economic Development Plan:**

8. Has the applicant demonstrated the project implements part of a Regional Economic Development Council (REDC) Plan?
- If yes, add.....5 points

**Environmental Justice:**

9. Will the proposed project benefit a designated Environmental Justice Community and has the necessary EJ application information been provided?
- If yes, add .....10 points

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**ADDITIONAL POINTS.....maximum 15 points**

**Map of Project Location:**

10. Is a clear map depicting the entire area of the project location uploaded for Program Question 1?
- If yes, add.....5 points

**Community Support:**

11. Does the application demonstrate support from a variety of local, county, or state appointed or elected officials?
- If yes, add .....5 points

**Open/Current Grant Workload (uncompleted grants) with the Estuary Program:**

12. Applicant doesn't have any open or current grants with the Hudson River Estuary Program.
- If yes, add.....5 points

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**TOTAL ELIGIBLE POINTS.....190 points**

## Appendix IV: Reporting on Measures of Success

As part of reporting requirements for a grant under this RFA, grantees will be expected to report on how their project is helping to achieve the Measures of Success outlined in the [2021-2025 Hudson River Estuary Action Agenda](#). Measures of Success, by Benefit, are bulleted below. Benefit(s) that apply to this specific grant opportunity are **highlighted in yellow**.

### A Vital River Ecosystem

#### 1. Benefit: Sustainable estuarine fisheries

- By 2025, our understanding of Atlantic sturgeon spawning habitat locations and seasonal habitat use has been refined, **the Atlantic States Marine Fisheries Commission (ASMFC) Atlantic sturgeon management plan has been implemented, and sturgeon are making measurable progress toward interim recovery goals**. By 2030, they are on track to meet 2050 management goals for sustainable fisheries developed by the ASMFC.
- By 2025, river herring populations are at sustainable levels, **and by 2030, that status has continued**.
- By 2025, factors contributing to the failure of American shad populations to recover have been determined, and a shad management plan with identified benchmarks has been adopted. **By 2030, shad are making measurable progress toward interim recovery goals**.
- **Annually**, the “Best Technology Available” standard has been implemented or scheduled in order to minimize or avoid fish kills at industrial and municipal facilities that use water withdrawals for non-contact cooling, and for **the remaining** steam electric power plants.
- By 2025, **an index** of abundance for the Hudson River striped bass spawning stock has been developed. **Factors contributing to the recent decline of striped bass populations have been determined and are actively being managed in accordance with the ASMFC management plan. By 2030, striped bass show a reverse in the apparent decline in size and number of spawning adult females**.
- By 2025, a black bass management plan has been developed and implemented, **and by 2030, black bass are sustainably managed**.
- By 2025, contaminants (PCBs, dioxins, cadmium) in blue crab have been reduced to levels at or approaching safety for human consumption, as established by the New York State Department of Health (DOH), **and by 2030, contaminant level remain at or below these levels**.
- By 2025, **plans are in place to address potential invasions of invasive/exotic fauna**, and by 2030, they have been minimized through preventive measures **such as education, outreach, regulatory efforts, and control projects**.

#### 2. Benefit: Robust river habitats

- **By 2025, geospatial data on contaminants and habitat value are integrated to prioritize removal of contaminated source areas that can affect ecosystem function. By 2030, prioritized areas are actively being remediated**.
- By 2025, **invasive species infestations and pathways have been identified and prioritized**, with treatments proposed or implemented, **where feasible**, and monitored for success. By 2030, newly discovered invasive species have been treated to prevent establishment.
- By 2025, **habitat value (increased structural complexity and vegetation) has been increased for at least one new mile of shoreline, and by 2030, the number of new miles has doubled, an increase over the 2015 baseline of 3,250 linear feet of habitat value increased to date through sustainable shoreline best management practices (BMPs)**.
- By 2025, **20 new acres of shallow/intertidal habitats have been enhanced or restored, and 30 acres by**



**2030, an increase over the baseline of 103 acres restored since 2005.**

- By 2025, **375 new acres of floodplain pathway for wetland migration have been conserved by New York State, and by 2030, that number has doubled to provide future habitat in response to sea-level rise.**
- By 2025, **10 new acres of oyster habitat have been enhanced/restored in Hudson River Park's Estuarine Sanctuary, and by 2030, 50 new acres of oyster habitat have been enhanced/restored in the brackish waters of the estuary, an increase over the 2020 baseline of 16 acres restored to date in the NY/NJ Harbor and the Tappan Zee reach of the estuary.**

### 3. Benefit: Clean Hudson River water

- By 2025, **updated water quality monitoring has been completed using accepted DEC methods, and any trends of concern have been identified.** By 2030, a characterization is complete, **and plans have been developed to address such concerns.**
- By 2025, **all permittees with chronic SSOs are in compliance with permits, consent orders, and associated schedules, and by 2030, they are implementing corrective plans if required.**
- By 2025, **all nine permittees with CSOs are on schedule to meet their priority Long Term Control Plan (LTCP) actions, and by 2030, all nine are making progress in addressing overflows to attain water quality standards.**
- By 2025, **15 wastewater infrastructure improvement and stormwater management projects are underway that address priority water quality and resilience concerns within tidal tributary mouths, the Hudson mainstem, and river cities, and by 2030, that number has doubled to 30 projects underway.**

## A Thriving & Resilient Watershed

### 1. Benefit: Healthy tributaries

- By 2025, **the stream segments of three or more watersheds have been fully assessed to identify potential water quality impairments, and by 2030, a Nine Element Watershed (9E) plan, a TMDL, or a plan for the development of BMPs that address impaired waters is underway in 5 tributaries with impacted stream segments.**
- By 2025, **five or more new miles of streamside vegetation have been planted, and revegetation goals have been established that indicate effectiveness of streamside plantings. By 2030, that number has doubled, with a cumulative total of 35 miles since the Trees for Tribes program began in 2007, with at least 5 miles demonstrating effectiveness.**
- By 2025, **culverts have been assessed in 75% of the watershed, sites have been prioritized for restoring connectivity and resiliency, and implementation has started to restore 5 miles of habitat in priority locations. By 2030, 25 miles of stream have been restored through dam removal and culvert replacement. (At the start of 2021, 60% of the culverts in the watershed were assessed.)**
- By 2025, **10 watersheds have one or more of the following: a watershed-based assessment, characterization, intermunicipal cooperative agreement, management plan, Drinking Water Source Protection Program plan, stream habitat study, or flood risk and mitigation studies (e.g., Resilient NY flood studies). By 2030, that number is doubled.**
- By 2025, **all permittees with chronic SSOs are in compliance with permits, consent orders, and associated schedules, and by 2030, they are implementing corrective plans, if required.**
- By 2025, **at least 1,000 acres have been conserved for source water protection, and by 2030 that number has tripled. Watershed protection is encouraged for drinking water protection, including an emphasis on Environmental Justice communities.**

## 2. Benefit: Climate-adaptive communities

- By 2025, 100 new Climate Smart Communities (CSC) adaptation and resilience actions have been completed that increase adaptive capacity and physical climate resilience, and by 2030, 250 have been completed. (Baseline is zero. Measurement is for new projects started after January 1, 2021.)
- By 2025, 10 communities have completed Climate-Adaptive Design Phase I (Engaged Studio), or a similar process, and 5 have completed Phase II (Design Advancement). By 2030, 15 communities have completed Phase I, or a similar process, and 10 have completed Phase II. (Baseline is five Phase 1s and two Phase 2s completed as of January 2021.)
- By 2025, 27 (10%) local governments are working together in the Flood Resilience Network, and by 2030, 53 (20%) local governments are working together in the Flood Resilience Network. (Baseline is 14 local governments or 5%, as of January 2021.)
- By 2025, 100% of new adaptation plans include **natural and nature-based solutions and consider** social equity factors and are developed using inclusive **engagement best practices**. **By 2030, this has continued annually.** (Baseline is zero. Measurement is for new projects started after January 1, 2021.)

## 3. Benefit: Conserved natural areas for wildlife, source water, climate resilience, and scenery

- By 2025, at least 12,000 acres of natural area in the watershed, including 2,000 acres along the estuary, have been newly conserved by New York State and partners. By 2030, those numbers increase to 20,000 and 3,000 acres, **respectively. (At the start of 2021, approximately 617,000 acres, or 18% of the watershed, were protected.)**
- By 2025, five **new** planning projects have been completed to support landscape-scale **conservation, regional biodiversity priorities**, and habitat connections (e.g., core forests, stream corridors, wetland complexes, source watersheds). **By 2030, the number of completed connectivity planning projects increases to 10.**
- By 2025, two municipalities in the watershed have successfully established **new** local land acquisition programs (e.g., Community Preservation Act or open space **bond**) **for** the protection of conservation priorities, and by **2030, that number increases to five municipalities.**
- By 2025, new or updated conservation practices, plans, and policies have been completed in 25 municipalities, including 10 in Significant Biodiversity Areas, on the estuary shoreline, or in other areas identified as conservation **and/or environmental justice priorities**, and by **2030, those numbers increase to 50 and 20, respectively.**
- By 2025, **40%** of municipalities with natural resource inventories (NRIs) **completed since 2015** have used their NRIs for a **conservation plan or policy (e.g., open space plan or conservation overlay zone) or comprehensive plan**. **By 2030, that number increases to 50%. (At the start of 2021, 30% of the 20 NRIs completed since 2015 were used in a plan or policy.)**

## People Living Well With Nature

### 1. Benefit: An informed and engaged public

- Annually, at least 80% of educators trained will implement or intend to use our professional development content in their classrooms.
- By 2025, **effective curricula and programs have engaged 125,000 students, educators, volunteers, and decision-makers in Hudson River environmental education**, and by 2030, that number has doubled, **(an increase over our previous engagement of 100,000 people for the period 2015–2020)**
- By 2025, at least 10,000 people have participated in **community science and public programs focused on the Hudson River and its watershed—an increase over our 2020 baseline of 2,000 annually—and by 2030, that number has doubled.**

- By 2025, at least 30% of participants who have been engaged in education programs delivered by the Estuary Program or through grants and technical assistance to partners are from environmental justice areas—**an increase over the 25% 2020 baseline—and by 2030, that number has doubled.**
- By 2025, **10 or more** locally based facilities for learning about the river have been enhanced with state-of-the-art exhibits, **as well as improved programs, materials, and visitor experiences, and by 2030, continued investments are made in enhancing these 10 facilities, sustaining our 2015–2020 level of support with deeper engagement at participating facilities.**
- By 2030, up to 25% of school districts in the estuary watershed, and 50% of districts that border the shoreline, have participated in **river studies at multiple grade levels or in-depth study within a grade, sustaining our 2015–2020 level of support with deeper engagement at participating schools.**

2. **Benefit: An accessible Hudson River for people of all ages and abilities**

- By 2025, accessibility **for people of all ages and abilities** has been improved at 10 new or existing Hudson River estuary and harbor access sites **by the State and partners**, and by 2030, accessibility has been improved at a minimum of 20 **new or existing sites, with 50% having the ability to serve (via location or programmatically) disadvantaged communities, sustaining or exceeding our 2015–2020 level of support.**
- By 2025, ecologically sound flood-resiliency plans have been developed for 10 access sites in the anticipated 2050 floodplain, **with 50% being in underserved areas, an increase over the 2020 baseline number of four such sites. Implementation of resilience practices is underway at three sites by 2025. By 2030, those numbers have doubled.**

## Appendix V: Credit Sign Specifications

### NYS ENVIRONMENTAL PROTECTION FUND Hudson River Estuary Program

**Size:** Horizontal format - 24" wide by 18" high or as appropriate to sign location

**Construction Materials:** Aluminum blank sign boards with vinyl sheeting

**Inserts:** "Project Site Name," "Local Project Sponsor" indicate position, size and topography for specific project names and sponsor to be inserted.

#### Color Scheme:

NYS logo and text – "DEPARTMENT OF ENVIRONMENTAL CONSERVATION" -  
Pantone 350 C

Text: Environmental Protection Fund	PMS 3005 C
Hudson River Estuary Program	PMS 3005 C
Project Site Name/Local Project Sponsor	Pantone 350 C

**Type Specifications:** All type is Arial 540, with the exception of the logo type.  
Format is: center each line of copy with small caps and initial caps.

**Production Notes:** 24" wide by 18" high (or as appropriate to sign location)  
Aluminum blanks will be covered with vinyl sheeting to achieve  
background color. Copy and logo will be silk screened on this surface.

Grant recipients must provide a project site name, and the local project sponsor to be inserted on the sign.

#### Example Sign:



## Appendix VI: Accessibility Requirements and Sources

### ACCESSIBILITY REQUIREMENTS

DEC requires that all projects, involving the development of facilities, outdoor recreation areas, transportation or written or spoken communication with the public, are compliant with all requirements for providing access for individuals with disabilities as established by Article 4A of the New York State Public Buildings Law, Americans with Disabilities Act, and relevant sections of the New York State Uniform Fire Prevention and Building Code. Standards for certain Recreation Facilities are found in the 2010 ADA Standards for Accessible Design while others are found in the Architectural Barriers Act Accessibility Guidelines for Outdoor Recreation Areas. See <https://www.access-board.gov/guidelines-and-standards> to find the relevant standards for your project.

#### U.S. ACCESS BOARD

[www.access-board.gov](http://www.access-board.gov)

The U.S. Access Board is designated by the Americans with Disabilities Act (ADA) as the agency responsible for developing minimum accessibility guidelines to ensure that new construction and alteration of facilities covered by ADA are accessible and useable by people with disabilities. The Access Board has put out the following guidelines that should be used by *Access to Recreation* applicants to determine the criteria they must meet to achieve accessibility:

- Recommendations for Accessibility Guidelines for Outdoor Developed Areas

<http://www.access-board.gov/guidelines-and-standards/recreation-facilities>

Summary of Accessibility Standards for Federal Outdoor Developed Areas at <https://www.access-board.gov/guidelines-and-standards/recreation-facilities/outdoor-developed-areas/a-summary-of-accessibility-standards-for-federal-outdoor-developed-areas>.

The Access Board also has a website that provides links to a number of organizations whose mission is to provide access for persons with disabilities at:

<https://www.dol.gov/odep/topics/disability.htm>

United States Access Board  
1331 F Street, NW, Suite 1000  
Washington, DC 20004-1111  
Voice: (800) 872-2253 TTY: (800) 993-2822 FAX: (202) 272-0081

#### Application of the Americans with Disabilities Act (ADA)

The Americans with Disabilities Act of 1990 (ADA), along with the Architectural Barriers Act of 1968 (ABA) and the Rehabilitation Act of 1973, Title V, Section 504, has a profound effect on the manner by which people with disabilities are afforded equality in their recreational pursuits. The ADA is a comprehensive law prohibiting discrimination against people with disabilities in employment practices, use of public transportation, use of telecommunication facilities, and use of public accommodations.

Consistent with ADA requirements, DEC incorporates accessibility for people with disabilities into siting, planning, construction, and alteration of recreational facilities and assets supporting them. In addition, Title II of the ADA requires, in part, that services, programs, and activities of DEC, when viewed in their entirety, are readily accessible to and usable by people with disabilities. DEC is not required to take any action which would result in a fundamental alteration to the nature of the service, program, or activity, or would present an undue

financial or administrative burden. When accommodating access to a program, DEC is not necessarily required to make each existing facility and asset accessible, as long as the program is accessible by other means or at a different facility.

In accordance with the US Department of Justice's ADA Title II regulations, all new DEC facilities, or parts of facilities, that are constructed for public use are to be accessible to people with disabilities. Full compliance is not required where DEC can demonstrate that it is structurally impracticable to meet the requirements [[28 CFR § 35.151 \(a\)](#)]. Compliance is still required for parts of the facility that can be made accessible to the extent that it is not structurally impracticable, and for people with various types of disabilities. In addition, all alterations to facilities, or part of facilities, that affect or could affect the usability of the facility will be made in a manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities [[28 CFR § 35.151 \(b:1-4\)](#)].

DEC uses the Department of Justice's 2010 Standards for Accessible Design in designing, constructing, and altering buildings and sites. For outdoor recreational facilities not covered under the current ADA standards, DEC uses the standards provided under the ABA to lend credibility to the assessment results and to offer protection to the natural resource (ABA Standards for Outdoor Developed Areas (<https://www.access-board.gov/files/aba/guides/outdoor-guide.pdf>); Sections F201.4, F216.3, F244 to F248, and 1011 to 1019).

## Appendix VII: Certification for Sexual Harassment Prevention

### Attachment S

#### Sexual Harassment Prevention Certification Form

By submission of this application, each applicant and each person signing on behalf of any applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.

**Company Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Print Name and Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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If the above certification cannot be made, the applicant must submit a signed statement below detailing the reasons why the certification cannot be made.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Company Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Print Name and Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Appendix VIII: Application Checklist

Use this checklist to ensure applicant eligibility, project eligibility, and proper application completion. Incomplete or ineligible applications will not be evaluated for funding.

- **PASS/FAIL CRITERIA**

**(Check the following boxes (☒) to indicate the item is addressed in the application, or is N/A)**

1. ☐ Applicant is registered in the Grants Gateway as an eligible applicant for this program.
2. ☐ **NOT-FOR-PROFIT ORGANIZATIONS ONLY:** Applicant is prequalified in the Grants Gateway by the application due date, and up-to-date with a charities registration number and required filings.
3. ☐ Project is located within the defined geographical boundaries of the Hudson River Estuary.
4. ☐ Project provides or improves direct access to the tidal waters of the Hudson River Estuary, including tidal portions of its tributaries, for boating, swimming, fishing, and/or enjoyment of nature or wildlife-related recreation, as defined in eligible project types.
5. ☐ Photos of the current location that show the condition of site are uploaded.
6. ☐ Project implements one or more of the specified eligible project types.
7. ☐ Project timeline indicates completion of project objectives, tasks and deliverables within a three-year contract term.
8. ☐ All project funding is from eligible sources and at least 15% in eligible match has been identified.
9. ☐ If applicable, letters of collaboration that include the “Lead” applicant designation are provided from all applicant partners.
10. ☐ Construction projects have all required permits in place.
11. ☐ For projects involving work on property owned by an entity that is not the applicant, written documentation from the landowner indicating willingness for the project to take place on their property is uploaded.
12. ☐ The required certification for sexual harassment prevention is uploaded (Mandatory Upload in Pre-Submission Uploads section in the Grants Gateway).
13. ☐ Application is complete and uploads are in the Grants Gateway (make sure to check errors).

- **GRANTS GATEWAY FORMS (Program Information, Expenditure-Based budget, and Work Plan)**

**(Check the following boxes (☒) to indicate the item is addressed in the application, or is N/A)**

1. ☐ Program Information: Project site information is provided, and ALL program-specific questions are answered and applicable/required documents are uploaded for each question. (Mandatory)

**Mandatory uploads:**

- a. ☐ Program Question 10: A project timeline, showing project start of February 1, 2024 with a completion date of January 31, 2027. Engagement of the Estuary Staff should be included as an element in the timeline.

**Optional uploads, as applicable:**

- b. ☐ Program Question 1: Location map showing the project area.
  - c. ☐ Program Question 17: Letters of support as evidence of end-user engagement.
  - d. ☐ Program Question 23: Availability to the public/landowner permission provided.
  - e. ☐ Program Question 25: Support for cost-effectiveness (i.e. vendor quotes).
  - f. ☐ Program Question 28: Letters demonstrating “above and beyond” community support.
2. ☐ The expenditure-based budget is completed, including justifications for all budget items.
  3. ☐ The Work Plan is provided with clear objectives, tasks, and performance measures.

- **MANDATORY UPLOADS (found in Pre-submission Uploads section in the Grants Gateway)**

1. ☐ *Smart Growth Assessment Form* has been completed and uploaded into the Grants Gateway.
2. ☐ This *Application Checklist* is completed and uploaded into the Grants Gateway.

\* ☒ **CHECK ALL DOCUMENTS AFTER UPLOADING TO ENSURE THE CORRECT DOCUMENT IS UPLOADED.**