



Department of
Environmental
Conservation

GUIDELINES AND APPLICATION INSTRUCTIONS

New York State
Department of Environmental Conservation
Division of Marine Resources

Public Shellfish Hatchery Engineering Analysis Grants

NYS Grants Gateway Application ID No.: DEC01-EASHG3-2018

Deadline Extended

Application Due Date: 2:00 p.m. ET – May 11th, 2018

<u>Timetable of Key Events:</u>	
Event:	Date:
Application Period Begins	April 18, 2018
Question & Answer Period Ends	May 2, 2018 5:00pm EST
Applications Due	May 11, 2018 2:00pm EST
Award(s) Announced By (anticipated)	June 2018

The New York State Department of Environmental Conservation (DEC) is pleased to announce funding for projects that will implement public shellfish hatchery expansion projects to improve Long Island's coastal water quality and bolster the economies and resiliency of coastal communities by restoring native shellfish populations to coastal waters.

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.

An Applicant must be **Registered** with Grants Gateway to submit an application. For more information about Grants Gateway, please visit the Grants Reform website (<http://www.grantsreform.ny.gov/Grantees>) or contact the Grants Reform Team at: grantsreform@its.ny.gov. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

Applicant Eligibility

For the purposes of this grant program, the following entities are considered eligible applicants: Municipalities, including but not limited to Counties, Cities, Towns, Villages, or Indian nations or tribes recognized by the State of New York or the United States with a reservation wholly or partly within the boundaries of New York State, whose projects are located within the eligible geographic boundaries defined in this Request For Applications (RFA).

Individuals, unincorporated groups, and not-for-profit or for-profit organizations are ineligible.

Applicants must possess the knowledge, skills, and track record to successfully implement the project.

Applicant Grants Gateway Registration

An Applicant must be registered in Grants Gateway, in order to apply for this grant. Below is a summary of the steps that must be completed to meet the registration requirements. An online tutorial is available to further explain the process.

PLEASE NOTE: The information included here is not intended to be exhaustive, and Applicants should visit the Grants Reform website (<http://www.grantsreform.ny.gov/Grantees>) or contact the Grants Reform Team (grantsreform@its.ny.gov) for more information about Grants Gateway. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

- On the Grants Reform Website, download a copy of the [Registration Form for Administrator](#). A signed, notarized original form must be sent to the NYS Grants Reform 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 grantsreform@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.
- If you are not yet registered with Grants Gateway, there are many resources available to help you understand how to register and become Prequalified:
- [The NYS Grants Reform Website](#)
- [Video: Grants Gateway Registration](#)
- [New York State Prequalification System for Grants Contract Vendors: A Resource Manual and Users Guide for Not-for-Profit Vendors](#)
- [Biweekly Document Vault webinars](#). All information can be found on the Grants Reform website - [Training Calendar](#)

The Grants Reform Team offers regular live webinars for anyone who is interested in additional information about Grants Gateway, or submitting online applications. Learn more including times and dates for these webinars at: <http://grantsreform.ny.gov/training-calendar>. Any additional technical training related to this

application will also be posted to the training calendar.

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

Phone: (518) 474-5595
Email: GrantsReform@its.ny.gov

Grant Opportunity General Information and Conditions

The New York State Department of Environmental Conservation (DEC) is pleased to announce funding for projects that will evaluate the potential for public shellfish hatchery expansion projects for improving Long Island's coastal water quality and bolster the economy and resiliency of coastal communities by restoring native shellfish populations to coastal waters.

1. Inquiries & Designated Contact Information:

For general information on completing this application and for clarification of application requirements, contractual terms and procedures, contact:

Peggy Rorke

Contact Information: dec.sm.publicshhatch@dec.ny.gov and (631) 444-0451

For technical information regarding Public Shellfish Hatchery Engineering Analysis Grants, direct questions to:

Wade Carden

Contact Information: dec.sm.publicshhatch@dec.ny.gov and (631) 444-0481

Include "Public Shellfish Hatchery Engineering Analysis Grants" in the subject line of the email. Questions regarding this grant opportunity will be accepted by DEC until C.O.B., May 2, 2018. All questions, and answers, will be uploaded in the Grants Gateway application for all applicants to view, on a weekly basis.

2. Funding

Approximately \$400,000 is available for Public Shellfish Hatchery Engineering Analysis Grants. Funding for this grant opportunity is provided from the New York Environmental Protection Fund, Ocean and Great Lakes Program.

Additional funding may become available in the future and may be used to fund projects, or portions of projects, received in this solicitation. Such additional funds will be awarded pursuant to the method of award described in this RFA.

3. 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 two-year contract period/term. Applicants should not begin their projects or incur costs until a Master Contract for Grants (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 DEC based upon written justification from the Grantee. An Applicant should not submit an application, if they do not anticipate their project can be completed within the specified contract term.

The activity for the request must fall within the period August 1, 2018 – July 31, 2020. Project expenditures prior to the Master Contract for Grants (MCG) start date and after the MCG end date are not eligible for reimbursement or match.

4. Minimum and Maximum Award Amounts

For Hatchery Engineering Analysis Grants, the minimum grant amount is \$50,000 and the maximum grant amount is \$150,000.

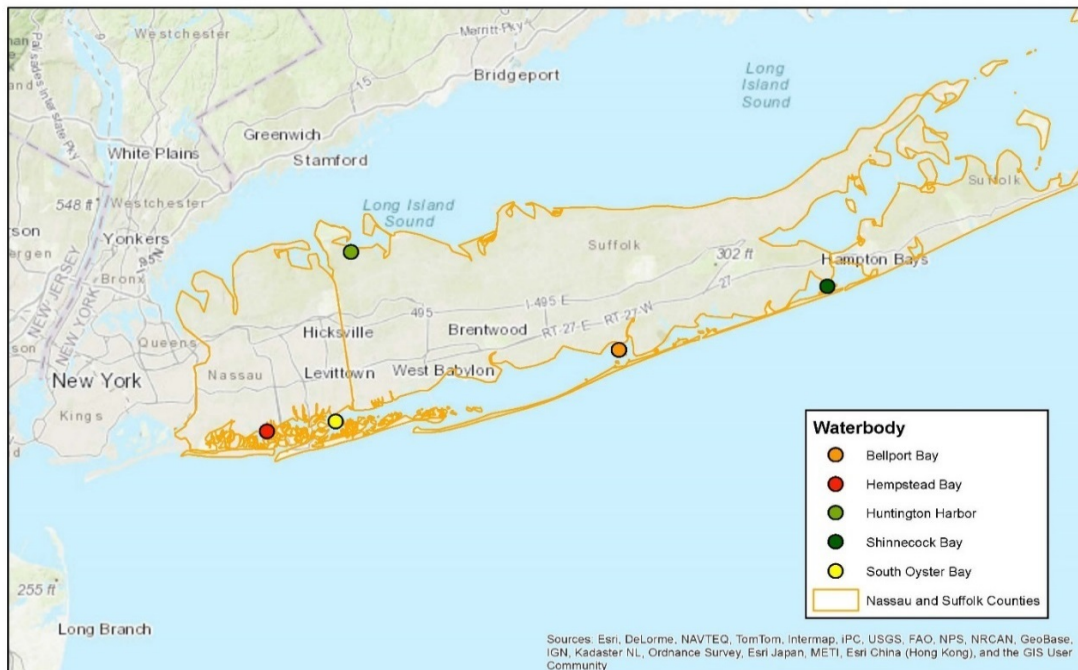
5. Application Limit

Applicants may submit **only one** application. Applicants receiving an award for Hatchery Improvements (NYS Grants Gateway Application ID No. *DEC01-PSHEG-2017*) are disqualified from receiving an additional award under this solicitation.

6. Eligible Project Locations

Eligible projects for grant funding must be located wholly within the geographic boundaries of Nassau or Suffolk counties, New York. A map of the boundaries is included in this RFA.

Eligible Project Locations and Potential Shellfish Sanctuary Sites



7. Eligible Project Types

Hatchery Engineering Analysis: DEC01-EASHG3-2018

Engineering analysis of a newly proposed shellfish hatchery or hatchery expansion or re-establishment at an existing facility owned/purchased by the applicant. Engineering analysis means a capital planning and operational engineering report, which identifies the facilities, equipment, staffing, and other operational costs associated with developing or re-establishing a shellfish hatchery intended to support environmental restoration and the commercial shellfish industry on Long Island. Such an analysis shall evaluate alternatives, long-term economic sustainability and regulatory requirements necessary to implement shellfish hatchery expansion at the applicant's proposed location. The costs to conduct an environmental review of the recommended alternatives should be included in the cost analysis.

8. Match Funds 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.

Eligible sources of match funds cannot come from other New York State or federal funding sources.

Grant funds are available for up to 100% of the requested budget. Applicants may match funds as part of their application, and will receive bonus points in the proposal evaluation and scoring process.

9. New York State Department of Environmental Conservation Oversight

DEC reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- 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.
- 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 negotiate a grant contract with DEC within 60 days of a grant award.
- 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.

Grant Application Requirements and Conditions

1. Program Objectives and Requirements

Applicants should carefully review the program objectives and requirements information below, and the pass/fail eligibility and evaluation criteria contained in this RFA to avoid application disqualification and review the scoring and ranking needed to meet thresholds for being awarded grant funding.

HATCHERY ENGINEERING ANALYSIS

STEP 1: MINIMUM ELIGIBILITY (PASS/FAIL CRITERIA)

Applications will be initially reviewed for applicant and project eligibility on a pass/fail basis. Applications that pass all the following eligibility criteria will be further evaluated and scored. Applications that fail even one of the following eligibility criteria will be disqualified from further review or funding.

Applications must meet the following minimum requirements to be eligible:

- Is the applicant an eligible entity, as defined in this RFA?
- Is the applicant registered in Grants Gateway?
- Does the applicant have an expired permit for an existing facility which might be re-established
- Does the applicant own/purchase an existing facility by the application due date of May 9, 2018 potentially to be used for a shellfish hatchery?
- Is the project located wholly within the geographic boundaries of Nassau or Suffolk counties, New York?

- Does the project timeline show completion by July 31, 2020?

STEP 2: PROJECT-SPECIFIC REQUIREMENTS

Please be sure to include with your application, information on the following requirements:

- I. A map showing the existing or proposed hatchery's location and recent photos of the facility and property documenting current conditions at the site;
- II. Collaborators or partners, if any associated with the hatchery or proposed hatchery;
- III. A narrative summarizing the applicant's knowledge, skills and track record, which includes the following:
 - a. A description of the property and buildings currently owned by the applicant, on which a hatchery might be developed, expanded, or re-established;
 - b. A description of the applicant's experience with shellfish hatcheries, including the experience of the principal staff; and
- IV. A work plan, as required in #3 below, which must include:
 - i. A scope of work for a capital planning and operational engineering report for a proposed shellfish hatchery, which identifies the facilities, equipment, staffing, and other operational costs associated with developing, expanding, or re-establishing a shellfish hatchery intended to support environmental restoration and the commercial shellfish industry on Long Island. Such a scope of work should include an evaluation of alternatives, long-term economic sustainability and regulatory requirements necessary to implement shellfish hatchery development, expansion or re-establishment at the applicant's proposed location and existing facility. The costs to conduct an environmental review of the recommended alternatives should be included in the cost analysis.
- II. A work plan, as required in #3 below, which may include:
 - i. An analysis of the potential for solar and/or wind energy generation at this proposed facility.

2. 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 an 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 costs will account for at least 20% of the evaluation factor in the scoring of the application; therefore, attention to budget accuracy will increase your project score.

3. 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 can include desired project outcomes or deliverables). The work plan may include anticipated time frames in meeting project objectives, tasks and deliverables. Time frames must be consistent with the timeline applicants are required to upload (if applicable) in the Grants Gateway.

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.

4. SEQR and Permit Requirements

The applicant is responsible for assuring that any SEQR determinations, permits, approvals, lands, easements and rights-of way that may be required to carry out the activities of the project are obtained.

(Please upload approved permit cover letters (in a single PDF file) into a Grants Gateway pre-submission uploads).

5. Environmental Justice

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 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 bonus points in the evaluation of an application. Maps of EJ areas in New York State are available at: <http://www.dec.ny.gov/public/899.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.
- b. To demonstrate location in an underserved neighborhood- A brief (few sentences) description of how the project will benefit minority or low-income 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.

6. Long-Term Support and Benefits

Proposed projects that include long-term support and promote future benefits will receive points in the evaluation of their application.

The applicant must demonstrate how the proposed analysis will be used to achieve a new, expanded or re-established hatchery project at an existing facility, with the funding sources that will be used to achieve the project identified.

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 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 Proposal Evaluation and Scoring Criteria in this RFA (pg. 13-14). A failed response to any of these criteria will disqualify the application from further technical review.

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. Applications will be scored on the following criteria (104 total maximum points):

- Project-Specific Questions (50 total points)
- Project Success Factors (20 total points)
- Cost Effectiveness/Reasonableness Criteria (30 total points)
- Bonus Points (4 total points)

All eligible applications will be individually evaluated and scored by at least three technical review team members. Technical reviewer scores will be averaged to determine a final composite score.

METHOD OF AWARD:

Hatchery Engineering Grants: Applications will be ranked, with the highest ranked projects receiving awards until the available funding is exhausted. Application must achieve an average score of 65 or higher to be considered for funding.

Tie Breaker: In the event that two or more applications have scores which are tied, DEC will select the earliest application electronic submission date and time. in the Grants Gateway.

Grant Program Payment

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 Service**: staff salaries including fringe, directly devoted to the project implementation are eligible. 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.) Equipment rental is a contractual service.
- **Supplies and materials**: directly needed to implement the project.
- **Equipment**: (purchase) directly required to implement the project.
- **Training costs**: costs are eligible if they are directly related to shellfish hatchery expansion, and should be listed under Contractual Services.
- **Travel**: costs directly associated with facility improvements

Ineligible Project Expenditures

- **Indirect costs**: overhead or operating expenses (space, rent, utilities).
- **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.
- **Land acquisition costs**: any costs associated with the acquisition of land or buildings, including appraisals by a certified appraiser, title searches, surveys and associated legal fees.
- **Construction enhancements**: costs directly associated with facility improvements.

Match Funds and Expenditures

Grant funds are available for up to 100% of the requested budget. Applicants may match funds as part of their application, and will receive bonus points in the proposal evaluation and scoring process. Matches should be detailed on the B-1 Summary Sheet. This sheet is available for download on the Pre-Submission Uploads Page, where it can also be re-uploaded once completed.

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 rental value in the project location.
- **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, rent, utilities).
- **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 reports shall be submitted in the NYS Grants Gateway.

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. 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 was 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 to 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 Master Contract for Grants (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 30 - 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 Grants 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)
- Attachment E – Signage

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 approved by the contract start date 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 or Letter of Agreement (LOA), 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. 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; including historic preservation and coastal consistency requirements.

c. State Environmental Quality Review (SEQR) 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.

d. 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://portal.osc.state.ny.us>

e. 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.

f. Minority/women Business Enterprises (M/WBE) Requirements

DEC 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 agree, in addition to any other nondiscrimination provision of the MCG and at no additional cost to DEC, to fully comply and cooperate with DEC in the implementation of New York State Executive Law Article 15-A. These requirements include contracting opportunities for certified minority and women-owned business enterprises ("MWBEs"). Contractor's demonstration of "good faith efforts" 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 M/WBE requirements may result in a DEC 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 Master Contract for Grants - Article IV (J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review M/WBE requirements. Department contact information and required M/WBE related forms can be found at <http://www.dec.ny.gov/about/48854.html>

- 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/VendorSearchPublic.asp?TN=ny&XID=9885>
- Contracts which meet the established M/WBE thresholds require the Contractor to submit Quarterly Reports, http://www.dec.ny.gov/docs/administration_pdf/quarterlyversion7.pdf, detailing payments made by the Prime Contractor to NYS Certified M/WBEs.
- The following M/WBE "Fair Share" goal is established as follows:

Minority and Women Owned Business Enterprise (MWBE) Overall Participation Goals: **20%**

4. Procurement of Contractors/Subcontractors

Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Failure to comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.

5. 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>.

6. Signage

The Department may require the installation of a project sign (2' x 4') which identifies the EPF as a source of funding as outlined in the requirements and specifications attached to and made part of this contract as Attachment E.

For projects with multiple funding sources the Contractor acknowledges that a portion of this grant is funded by the Department as an Environmental Protection Fund project. The Contractor agrees to identify the Department as a source of funding for this project in any communications to the public. The Department may require the installation of a project sign which identifies it as a source of funding as outlined in the requirements and specifications attached to and made part of this contract as Attachment E.

Appendix A: Proposal Evaluation and Scoring Criteria

The Public Shellfish Hatchery Expansion Grant Program is accepting applications as detailed below. The project has specific program evaluation and scoring criteria as described below. Applicants should carefully review the project information below, and the pass/fail eligibility and evaluation criteria contained in this RFA to avoid application disqualification and the scoring and ranking needed to meet thresholds for being awarded grant funding.

The evaluation and scoring criteria for the following eligible project are outlined below:

HATCHERY ENGINEERING ANALYSES GRANTS

Project Pass/Fail Criteria: A “Failed” response to any of the following criteria will disqualify the applicant from further technical review.

- Is the applicant an eligible entity, as defined in this RFA?
- Is the applicant registered in Grants Gateway?
- Will the project implement an eligible project, as described in the RFA?
- Does the applicant have an expired permit for an existing facility which might be renewed and/or own an existing facility purchased potentially to be used for a shellfish hatchery by the application due date of May 9, 2018?
- Is the project located wholly within the political boundaries of Nassau or Suffolk counties, New York?
- Does the project timeline show completion by July 31, 2020 or within the 2-year contract term?
- Did the applicant provide a map showing the existing or proposed hatchery facility’s location and recent photos of the facility and property documenting current conditions at the site?
- Did the applicant provide a narrative summarizing the applicant’s knowledge, skills, and track record which relevant to the grant, as detailed on pages 8 - 11 above?
- Did the applicant provide a Work Plan which contains the information, as detailed on page 6 above?

Evaluation Criteria (104 maximum total points)

All eligible applications will be evaluated using the following sets of grant selection criteria: project type-specific criteria, project success factors, and cost effectiveness criteria. (Applicants must identify on the application form the project type to be used to score the type-specific portion of their application).

1) Project-Specific Questions (50 maximum points)

Primary Project Objective (hatchery analyses) (25 points):

Does the scope of work (SOW) for the proposed engineering analysis adequately identify the facilities, equipment, staffing, and other operational costs associated with developing or re-establishing a shellfish hatchery for the purpose of achieving the primary objective of this RFA, to expand shellfish hatcheries?

1. **Excellent (SOW adequately identifies the facilities, equipment, staffing and other operational costs).....25 points**
2. **Good (SOW identifies at least 2 of the above items).....20 points**
3. **Moderate (SOW identifies up to one of the above items).....10 points**

Secondary Project Objective (hatchery analyses) (25 points):

What level of clarity did the applicant demonstrate in presenting the operational goals for the shellfish hatchery to be developed, expanded or re-established with the help of this grant (i.e., shellfish species produced, estimated annual production of each species and their purpose, whether restoration, commercial sales, or both)? How consistent are the applicant’s operational goals with the broader goals of this and related projects, to improve Long Island’s coastal water quality and bolster the economies and resiliency of coastal communities by restoring native shellfish populations to coastal waters?

1. **Excellent (Operational goals are clearly described for shellfish species produced, estimated annual production of each species and their purpose and are consistent with the goals of the RFA).....25 points**
2. **Good (Operational goals adequately describe shellfish species produced, estimated annual production of each species and purpose).....20 points**
3. **Moderate (Operational goals only adequately describe one or more of the items above).....10 points**

2) Project Success Questions (20 maximum points)

Sustainability and Maintenance (20 points):

The project is expected to be supported after the grant is completed. How well did the applicant demonstrate that the proposed analysis will lead to implementation of a new or expanded hatchery project in the near term, as well as identify the potential costs and funding sources expected to be used to make the project a reality? Proposed projects that include long-term support and promote future benefits will receive points in the evaluation of their application.

1. **Excellent demonstration with costs and funding sources clearly identified20 points**
2. **Adequate demonstration with some costs and funding sources identified10 points**
3. **Poor demonstration with few or no costs and funding sources identified.....5 points**

3) Reasonableness of Cost Question (30 maximum points)

All eligible applications will be scored on this criterion. Applicants may compare the project costs to other similar work and explain the balance of expenses across budget categories. In order to respond effectively to this question, applicants may upload documentation to support specific budget items, such as standard government wage rates, current market prices, and cost-estimates from potential contractors / vendors.

1. **Project's budget is highly well-balanced and does not contain extraneous expenses. Funding is accurately described30 points**
2. **Project's budget is reasonable20 points**
3. **Project's budget is confusing, extraneous, excessive, or not well aligned with the project purpose10 points**

Bonus Points: Applicants with proposals that provide matching funds or are located in Environmental Justice communities will be scored with the following additional points:

1. **Match Funds (as defined in this RFA)**
 - a. **Applicant proposed to provide at 25% match.....2 bonus points**
 - b. **Applicant proposed to provide between 10% and 25% match.....1 bonus point**
2. **Environmental Justice Communities**
 - a. **The proposed project would directly benefit an EJ community....2 bonus points**
 - b. **The proposed project would benefit an under-served urban neighborhood1 bonus point**