



Department of  
Environmental  
Conservation

## **GUIDELINES AND APPLICATION INSTRUCTIONS**

New York State

Department of Environmental Conservation  
**Division of Water**

*Clean Water Act, Section 604(b) Water Quality Management  
Planning Program*

*NYS Grants Gateway Application ID No.:  
Baseline Planning Program:  
Application # DEC01-604b-2018*

*Statewide Planning Coordination Program:  
Application # DEC01-604bSW-2018*

**Deadline Extended to November 21, 2018  
3:00PM Eastern Time.**

# Application Due Date: November 14<sup>th</sup>, 2018; 3:00 PM

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## Timetable of Key Events

Event:	Date:
Application Period Begins	September 4, 2018
Question & Answer Period Ends	October 31, 2018; 5:00 PM ET
Applications Due <b>November 21, 2018; 3:00 PM ET</b>	<del>November 14, 2018; 3:00 PM ET</del>
Award(s) Announced By (anticipated)	January 7, 2018

## Inquiries and Contact Information

For general information on completing this application and for clarification of application requirements, contractual terms and procedures, contact: [user.water@dec.ny.gov](mailto:user.water@dec.ny.gov).

Include "604(b) Baseline Funding" in the subject line of the email. All questions must be submitted in writing and will be accepted by the Department until October 31, 2018; 5:00 PM ET. All questions and answers will be uploaded in the Grants Gateway application for all applicants to view.

## Applicant Eligibility

The following entities are eligible for this grant program:

- Regional public comprehensive planning organizations in New York State; and/or
- Interstate planning organizations working in New York State.

## Application Submission and Prequalification

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.

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, New York State has instituted key reform initiatives to the grant contract process which require nonprofits to **register** in the Grants Gateway and complete the Vendor Prequalification process in order for applications to be evaluated. Information on these initiatives can be found on the Grants Reform 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. The Vendor Prequalification Manual on the Grants Reform Website 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 Reform website (<http://www.grantsreform.ny.gov/Grantees>) or contact the Grants Reform Team ([grantsreform@its.ny.gov](mailto:grantsreform@its.ny.gov)) for more information about Grants Gateway and Prequalification. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

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

- 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](mailto: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.

### **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 Reform Team at [grantsreform@its.ny.gov](mailto:grantsreform@its.ny.gov). The Grants Reform help desk/hotline 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 Grants Reform Guide entitled [Monitoring and Updating Your Organization's Prequalification Status](#). **Expired documents will lead to the loss of Prequalification status.**

**Applicants are strongly encouraged to begin the prequalification process as soon as possible in order to participate in this grant opportunity.** 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 application deadline may not be considered. Applicants should not assume that their Prequalification information will be reviewed if they do not adhere to this timeframe.

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, the Prequalification process, or submitting online applications. Learn more including times and dates for these webinars: <http://grantsreform.ny.gov/trainingcalendar>. 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](mailto: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 programs that will implement regional comprehensive water quality management planning activities as described in Section 604(b) of the federal Clean Water Act. Clean Water Act, Section 604(b) funding provides the financial resources for states and territories to pursue water quality planning under Sections

205(j) and 303(e) of the Clean Water Act. This program authorizes the awarding of funds through the Environmental Protection Agency to states for water quality assessment and management planning grants. The 1987 amendments to the Clean Water Act mandated that 40% of each state's award be

granted to Regional Public Comprehensive Planning Organizations (RPCPOs) and Interstate Organizations (IOs).

604(b) funds are to be used for water quality management planning activities, including tasks to determine the nature, extent and causes of point and nonpoint source water pollution problems, and to develop plans to resolve these problems. Sample tasks for each objective are listed following each objective below.

Application questions will require an applicant to describe long-term/multi-year plans, including a schedule for meeting proposed objectives, tasks and desired outcomes (performance measures) that will take longer than one year to complete, but no longer than four annual funding periods.

The application work plan should include all of the anticipated water quality management planning objectives, tasks, and performance measures to be performed during the four-year term of the program. Applicants must identify which years they expect to work on each of the program tasks listed in their application work plan and an estimated schedule for completing the performance measures.

Applicants selected to receive grant funding will work with Department staff to refine their annual work plan and budget for a simplified renewal contract based on available annual funding levels, and Department and regional priorities.

## **A. Baseline Planning Program Objectives**

*Project proposals and work plans must address one or more of the following objectives:*

### **➤ Objective 1. Help Develop and Implement Source Water Protection Programs**

**Task 1.** Develop one or more of the following types of source water protection program(s) using State Source Water Protection approved tools, templates and guidance:

**1a.** Work with a municipality to develop a source water protection program.

**1b.** Work with the municipalities surrounding a waterbody used by multiple municipalities as their source of drinking water to develop an area-wide source water protection program. At a minimum work with the municipalities that are using the waterbody as their drinking water source; preferably work with all municipalities surrounding the waterbody.

**1c.** Work with a municipality whose source of drinking water lies partially or fully outside its municipal jurisdiction, and the municipality(ies) that own(s) the source of the public drinking water supply, to develop an area-wide source water protection program.

**Minimum performance measure for Task 1:** By the end of the four years, awardees are expected to have finished developing the source water protection program(s) for the municipality(ies) they agreed to work with.

**Task 2.** Implement source water protection program(s) by: helping municipality(ies) prioritize areas for protection; helping municipality(ies) identify and apply for funding to protect identified priority areas; and/or working with municipality(ies) to identify other mechanisms to protect priority areas, such as zoning changes and educating elected officials on the importance of source water protection.

**Minimum performance measure for Task 2:** Document activities that have helped municipality(ies) implement their source water protection program(s).

**Task 3.** Prepare and give source water-related training to municipal officials, consultants working for municipalities and other stakeholders. Training topics can include, for example, land use controls to protect source water, how to prepare a source water protection plan using State Source Water Protection approved tools, templates and guidance, using GIS for source water protection, and how to implement a source water protection plan. Awardees can use training modules prepared by other entities with prior approval from DEC.

**Minimum performance measure for Task 3:** Discuss training course content and frequency with DEC during the annual work planning process.

**Minimum performance measures for all tasks:** During the annual workplanning process, consult with appropriate DEC staff to determine which municipalities will be the focus of the awardee's activities for the upcoming year. Ensure that source water efforts are coordinated with any other source water and/or watershed planning efforts occurring in the area of the selected municipalities.

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➤ **Objective 2. Help Develop and Implement Nine Element (9E) Watershed Management Plans**  
(See Appendix A and <https://www.dec.ny.gov/chemical/103264.html> for more information about 9E plans)

**Task 1.** Gather and review existing information by: identifying and documenting active watershed organizations; identifying and obtaining existing watershed plans; and reviewing existing watershed plans and documenting gaps with the required nine elements. Select community(ies)/waterbody(ies) for 9E plan development by: evaluating community readiness for completion of 9E plans; developing criteria, and ranking waterbodies to determine priority for 9E plan development; reaching out to communities; and making a final selection of 2-3 communities for 9E development.

**Minimum performance measure for Task 1:** Review information and documents collected with DEC. Provide DEC with criteria used to rank waterbodies, summary of outreach to communities and final list of selected communities.

**Task 2 (must be included if this objective is selected).** Develop 9E plan(s) for at least one community/waterbody by coordinating stakeholder meetings, developing technical committees and conducting appropriate outreach; helping watershed communities identify and apply for funding to support the development of 9E plans (application process, match, determining budget, work plans); and drafting and revising 9E plan(s) with one or more watershed stakeholder group(s).



**Minimum performance measure for Task 2:** Submit a completed 9E plan to DEC for approval.

**Task 3.** Assist with implementing projects/recommendations outlined in approved 9E plan(s).

**Minimum performance measure for Task 3:** Document activities undertaken to support 9E plan implementation.

**Minimum performance measures for all tasks:** During the annual workplanning process consult with appropriate DEC staff to determine which municipalities will be the focus of the awardee's activities for the upcoming year. Ensure that efforts are coordinated with any other source water and/or watershed planning efforts occurring in the area of the selected municipalities.

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➤ **Objective 3. New Municipal Separate Storm Sewer System (MS4) General Permit (GP) Assistance**

**Task 1.** Provide technical and outreach/education assistance to update MS4 stormwater management programs and/or to help with planning the implementation of the management program already in place to meet the requirements of the MS4 GP renewal.

**Task 2.** Assist with data collection and recordkeeping, including GIS mapping of additional components required by the MS4 GP renewal and updating recordkeeping systems to track activities as required by the MS4 GP renewal.

**Task 3.** Assist with writing policies and procedures for implementing the six Minimum Control Measures (MCMs) identified in the MS4 GP renewal.

**Minimum performance measure for all tasks:** Document activities undertaken to help MS4s comply with the general permit renewal.

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➤ **Objective 4. Chesapeake Bay Phase III Watershed Implementation Plan (WIP) Local Engagement Assistance** (*Chesapeake Bay Watershed Only - see appendix B for a map of the Chesapeake Bay watershed*)

**Task 1.** Develop and implement a strategy for assisting MS4s in collecting and verifying nonpoint source best management practice (BMP) data that are currently not being accounted for (ex. Street sweeping, catch basin cleaning, retrofitting).

**Task 2.** Develop and implement workable strategies to fill gaps in tracking and reporting pollution reduction work (e.g. urban tree planting, nutrient management plans, stream crossings etc.) by non-regulated entities, outside of MS4 areas in developed (urban) and forestry sectors/areas.

**Task 3.** Provide education and outreach to raise awareness of Phase III WIP development and local action programs available that encourage the implementation of BMPs (e.g. Tree City USA, Tree Boards, Climate Smart Communities, Chesapeake Stormwater Network).

**Minimum performance measures for all tasks:** Provide documentation of strategies developed and activities undertaken to support development of the Chesapeake Bay Phase III WIP. During the annual workplanning process consult with appropriate DEC staff to determine which municipalities will be the focus of the awardee's activities for the upcoming year. Ensure that efforts are coordinated with any other source water and/or watershed planning efforts occurring in the area of the selected municipalities.

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➤ **Objective 5. Local, Regional and Watershed Planning** *(the following tasks must be specifically linked to programs and projects in your area and in accordance with Division of Water statewide and regional priorities)*

**Task 1.** Provide water quality funding assistance, such as identifying funding sources for local entities, providing grant writing assistance, and/or providing funding application system assistance (e.g. Grants Gateway).

**Task 2.** Assist with local law development and/or the removal of barriers hindering environmental protection/restoration within watersheds.

**Task 3.** Assist with stormwater and floodplain management, such as resiliency planning for flooding.

**Task 4.** Provide assistance to DEC Regions and Central Office for special needs.

**Minimum performance measure for all tasks:** Programs/projects and expected deliverables must be clearly defined by the applicant for all tasks proposed in this category.

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**B. Statewide Planning Coordination Program Objectives**

➤ **Objective 1. Serve as statewide coordinator for the 604(b) Water Quality Management Planning Program**

*Should include the following tasks:*

**Task 1.** Encourage Collaboration: participate in and encourage collaboration of programs and efforts between the 604(b) grant recipients, other entities involved in water quality protection activities statewide, and DEC.

**Task 2.** Circulate Program Information: disseminate water quality management planning program information from DEC to 604(b) grant recipients and from 604(b) grant recipients to DEC.

**Task 3.** Coordinate Feedback: coordinate input and feedback among 604(b) grant recipients on water quality programs.

**Task 4.** Host Program Meetings: sponsor and organize periodic centrally-located 604(b) program meetings and provide status reports to 604(b) grant recipients, as necessary.

**Task 5.** Support Program Fulfillment: promote timely fulfillment of 604(b) program responsibilities among the 604(b) grant recipients.

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## **1. Funding**

The Department anticipates receiving approximately \$600,000 annually over the next four years in Clean Water Act 604(b) funding from the U.S. Environmental Protection Agency (EPA) as the 40% pass-through allocation under 604(b). Actual amounts available for annual periods of the contract resulting from this grant opportunity will depend on Congressional appropriations. Applicants must show that their programs are flexible and can be scaled to accommodate variable annual funding levels. Contract workplans and budgets will need to be renewed annually based on the annual funding amount received from EPA.

## **2. Proposed Program Timeframes**

All programs must have defined objectives, tasks, and deliverables accounted for in performance measures that can be completed and invoiced within the contract term. Applicants should not begin their programs 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 Office of the State Comptroller. Contracts with a value over \$50,000 require Attorney General and Office of the State Comptroller approval. Time extensions beyond the contract term end date will be determined by the Department based upon written justification from the Grantee. Applicants should not submit an application if they do not anticipate their program can be completed within the contract term.

### **Activity Period**

The activity for the request must fall within the April 1, 2019 to March 31, 2023 time period. Program expenditures prior to MCG start date and after the MCG end date are not eligible for reimbursement or match.

## **3. Minimum and Maximum Award Amounts**

Baseline Planning Program Application: Minimum grant amount is \$15,000 per year; maximum grant amount is \$100,000 per year.

Statewide Planning Coordination Program Application: Minimum grant amount is \$15,000 per year; maximum grant amount is \$25,000 per year.

#### **4. Application Limit/Award Limit**

Applicants may submit one application per funding category. It is anticipated that approximately ten applications will be funded under the Baseline Planning Program. Only one application will be funded under the Statewide Planning Coordination Program category.

#### **5. Eligible Program Locations**

Eligible projects for grant funding must be located within New York State. Certain grant objectives may be limited to a particular geographic area/watershed, as described in this document.

#### **6. Match Requirement and Expenditures**

##### Match

Match is the portion of program 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 program 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. Applicants will be required to provide the sources of all matching funds using the Match Worksheet in the Grants Gateway.

**Baseline Planning Program:** Applicants must match at least 10% of the grant funding amount. Match cannot be met using federal or state funding sources.

**Statewide Planning Program:** Grant will fund 100% of approved program costs and does not require the applicant to provide a local share or match funds.

##### Expenditures

**Both the Baseline and Statewide Programs** described in this RFA are reimbursement grant programs. Grantees will be required to submit supporting cost documentation of all approved and eligible program-related expenditures (signed cost summaries, copies of invoices, receipts, cancelled checks, etc.) in order to receive reimbursement of grant funding.

Once a MCG is fully approved by all required state agencies, grantees are eligible to request an initial advanced payment, not to exceed 25% of the grant award amount.

#### **7. Department of Environmental Conservation Oversight**

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked programs consistent with this grant opportunity.

- Amend the RFA specifications, prior to application due date, to correct errors or oversights, or to supply additional information as it becomes available.
- Direct eligible applicants, prior to application due date, to submit application modifications addressing subsequent RFA amendments.
- Seek clarifications of applications.
- 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 the Department's sole discretion.
- Award only one application for funding in the event there are multiple application submissions for a single program or for pieces of a single program.
- Award to the next highest scoring application in the event a grantee fails to negotiate a grant contract with the Department within 60 days of a grant award.
- Make an award under the RFA in whole or in part.
- Negotiate with the successful applicant within the scope of the RFA in the best interests of the State.
- Round an award to the nearest dollar.
- Monitor the progress of all grant awards and withdraw grant funding if the grantee fails to make significant and timely progress on the program, or fails to receive the necessary permissions and permits for the program.
- Deny funding programs that are determined not to be consistent with NYS's Smart Growth Public Infrastructure Policy Act.
- Reject any or all applications in response to the RFA at the agency's sole discretion.

## **Grant Application Requirements and Conditions**

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

### **1. Expenditure Based Budget**

Applicants must complete an itemized budget in the NYS Grants Gateway that provides details of the proposed program-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 program's reasonableness of costs is at least 20% of the evaluation factor in the scoring of the application; therefore, attention to budget accuracy is important.

## **2. Work Plan**

Applicants must complete a work plan in the NYS Grants Gateway that provides a clear overview of the program. Applications must include proposed program objectives, tasks associated with meeting each objective, and the performance measures associated with each task (performance measures can include desired program outcomes or deliverables). The work plan should include anticipated time frames in meeting program objectives, tasks and deliverables.

Note: A Work Plan 'worksheet' is available for applicants in the Grants Gateway (under Presubmission Uploads). The 'worksheet' can be downloaded and used as a tool to help applicants organize their proposed program 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.

## **3. Quality Assurance**

For programs/projects that involve the assessment or monitoring of water quality; all monitoring and measurement activities conducted in the field or laboratory shall be:

- a. Performed in accordance with an effective quality system for planning and assessing environmental measurements and tests, and for conducting required quality assurance and quality control procedures to promote and maintain the accuracy and reliability of environmental measurements and test results. An effective Quality System includes a Quality Assurance Project Plan (QAPP) based on guidance provided by the USEPA Guidance for Quality Assurance Project Plans (QA/G-5 May 2006) or a similarly structured and purposed protocol;
- b. Performed by a laboratory certified by the New York State Department of Health under the Environmental Laboratory Approval Program (ELAP) pursuant to Section 502 of the Public Health Law. This requirement shall not apply to specific parameters when ELAP has not issued a certificate for the specific parameter;
- c. Performed in a manner that ensures all requisite quality control and calibration requirements of the method are met including field testing, sample collection, preservation, and record keeping. When the method does not detail requirements for any or all of these items, the basic quality assurance and quality control requirements defined in 40 CFR Part 136.7 shall be followed, as well as any specific method requirements; and
- d. Covered under the 'Publicity' clause of the contract. Specifically, the contractor/grantee/awardee agrees that any work products including, but not limited to, water quality data or environmental information; measured, generated, or developed under this contract/grant/award/agreement cannot be released, published, cited, or shared in draft or final form without the prior written authorization of the NYSDEC Division of Water.

## **4. Alignment with Regional Economic Development Council Priorities**

Governor Andrew Cuomo directed the establishment of Regional Economic Development Councils to analyze the most significant business clusters in their respective areas. Any grants

awarded by the State of New York shall take into consideration the recommendation of the relevant Regional Economic Development Council or the Commissioner's determination that the proposed program aligns within the regional strategic priorities of the region where the proposed program is located.

To receive three (3) points in the application scoring process, the applicant may either:

- a. Upload a recommendation from the Regional Economic Development Council to the application stating that the proposed program aligns with priorities of the economic development plan developed by the Council; or,
- b. Include a supplemental narrative describing the economic benefits of the proposed program and how the program aligns with the strategies of the regional economic plan.

Visit <http://regionalcouncils.ny.gov/> for information on your Regional Economic Development Council.

### **5. Coastal Consistency Requirements, (if applicable to your project)**

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 program is located within a municipality that has an approved Local Waterfront Revitalization Plan (LWRP), the policies of that LWRP apply. Programs in other areas will need to be consistent with the State's 44 coastal policies. The coastal policies can be found at <https://www.dos.ny.gov/opd/programs/consistency/index.html>. Applicants are encouraged to determine if their program is located within the coastal zone, and to include in their site plan or sketch map their program's location within the coastal zone boundaries if applicable. Maps of the coastal zone boundaries can be found at <https://www.dos.ny.gov/opd/programs/consistency/index.html>.

## **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 program. Scoring consists of:

### **Step 1: Application and Program Eligibility Determination**

An application that receives a "fail" in any of the following criteria within Step 1 will be disqualified from further technical evaluation.

Criteria for both the Baseline Planning Program and the Statewide Planning Program:

1. The applicant was prequalified in the Grants Gateway by the due date of this application if they are a Not-For-Profit (NFP) 501(c)3 corporation. *(pass/fail)*

2. The applicant is a qualifying governmental or NFP regional public comprehensive planning organization in NYS or an interstate planning organization working in NYS. *(pass/fail)*
3. The application is complete (e.g., all questions have answers and applicable uploads) and was submitted electronically through the Grants Gateway by the application due date. *(pass/fail)*
4. The application supports that the applicant has key program personnel and dedicated staff responsible for carrying out the proposed program for the duration. *(pass/fail)*
5. The application addresses the appropriate application objectives that support a water quality management planning program. *(pass/fail)*

Additional criteria applicable to only the Baseline Planning Program:

6. The application clearly identifies acceptable (non-state/non-federal) forms of the required 10% local share. *(pass/fail)*
7. The application includes at least one of the objectives and applicable task(s) from this RFA. *(pass/fail)*
8. The application clearly supports that the program will provide water quality benefits. *(pass/fail)*
9. The application clearly supports that the program can be scaled to accommodate variable annual funding levels. *(pass/fail)*

Additional criteria applicable to only the Statewide Planning Coordination Program:

10. The application supports how the program will build and/or sustain partnerships between 604(b) grantees and the Department. *(pass/fail)*
11. The application supports the promotion and sharing of information related to water quality with stakeholders, and facilitates sharing of water quality management planning program information between 604(b) awardees and DEC. *(pass/fail)*
12. The application supports how the applicant will organize and host periodic centrally-located 604(b) program meetings. *(pass/fail)*

**Step 2: Program Evaluation, Scoring and Selection**

If your application meets all eligibility pass/fail criteria it will be further evaluated and scored by the following Evaluation and Scoring Standards:

**Evaluation and Scoring Standards:**

Baseline Planning Program

*(100 Total Possible Points)*

1. Alignment with RFA Objectives and Tasks: *0 – 15 points*



- The application clearly proposes completion of at least one objective and the associated task(s) described in the RFA; application supports that proposed goals will be accomplished by the end of the contract term; strong reasoning is provided for why objectives and tasks were selected; the objectives/tasks selected are appropriate for the applicant's geographic areas, staffing and technical abilities, and local readiness; the quantity of objectives selected and depth of work described is appropriate for the contract length, cost and staffing commitments.
2. Environmental Benefits and Deliverables: *0-15 points*
- The application clearly identifies specific water quality and environmental benefits, deliverables and tangible outcomes from the proposed work.
3. Regional/Statewide Needs: *0-10 points*
- The application exhibits an informed understanding of the nature, extent, and severity of the regional water quality problems and needs; the program tasks meet the needs identified in the region of the program as well as statewide needs.
4. Applicant Qualifications and Past Performance: *0 – 10 points*
- Ability to implement program and maintain benefits; credentials and experience; compliant with directions on application; positive past and current performance with the Department, regardless of funding source, including timeliness, completeness of reporting, cooperation with Department staff and partners, and goal achievement.
5. Program Readiness: *0 – 7 points*
- Program is clearly defined in the work plan; program is flexible and can be scaled to accommodate the variable annual funding levels; ability to complete by end date; readiness of partnerships, preparatory activities, assessments and/or permits; environmental issues addressed.
6. Cost-Effectiveness: *0 – 20 points*
- The budget is reasonable and itemized, accurately reflects allowable percentages for program costs, and identifies matching funds; good "Return on Investment"; reasonable cost/benefit ratio; appropriate complexity and project size to address the problem; appropriate use of technology; useable approach for future projects.
7. Partnerships and Stakeholder Engagement: *0 – 10 points*
- The program will build and/or sustain partnerships; includes contribution or participation by appropriate stakeholders and municipal government.
8. Long-term Support: *0 – 5 points*
- The applicant will promote long-term support of the program objectives, tasks, and expected benefits described in the application.
9. Program & Plan Integration: *0 – 5 points*

- The program complements, or helps to implement, other federal, state, regional plans or programs, or municipal plans or programs.

10. Alignment with REDC Priorities: *0 – 3 points* ○ The program aligns with Regional

Economic Development Council strategic priorities. Statewide Planning Coordination Program

*(100 Total Possible Points)*

1. Statewide Needs: *0 – 25 points*

- The program effectively supports the needs and objectives of the 604(b) Water Quality Management Planning Program; the application exhibits an awareness of ongoing Department programs related to water quality and includes program tasks that encourage collaboration between the Department and other entities involved in water quality management planning activities statewide.

2. Partnerships: *0 – 10 points*

- The program will build and/or sustain partnerships between 604(b) grant recipients and the Department; includes promoting contribution or involvement by suitable participants.

3. Outreach and Information Sharing: *0 – 10 points*

- The program includes outreach and promotes sharing of information related to water quality with appropriate stakeholders; facilitates sharing of water quality management planning program information between 604(b) grant recipients and the Department.

4. Applicant Qualifications and Past Performance: *0 – 10 points*

- Ability to implement the program, including hosting centrally located meetings, and maintain benefits; credentials and experience; compliance with directions on application; positive past and current performance with the Department, regardless of funding source, including timeliness, completeness of reporting, cooperation with Department staff and partners, and goal achievement.

5. Program Readiness: *0 – 10 points*

- The program is clearly defined in the work plan; ability to complete by end date; readiness of partnerships; preparatory activities to address potential issues.

6. Cost-Effectiveness: *0 – 20 points*

- The budget is reasonable and itemized, accurately reflects allowable percentages for program costs; good “Return on Investment” (ROI); reasonable cost/benefit ratio; appropriate complexity and project size for problem; appropriate use of technology; useable approach for future projects.

7. Environmental Benefit: *0 – 7 points*

- The application explains how the program would provide water quality and other environmental benefits.

8. Program & Plan Integration: 0 – 5 points

- The program complements, or helps to implement, other federal, state, regional plans or programs, or municipal plans or programs.

9. Alignment with REDC Priorities: 0 – 3 points

- The program aligns with Regional Economic Development Council strategic priorities. (see Section 14)

**METHOD OF AWARD:**

Applications that pass the eligibility review will receive a technical and cost evaluation review by a Department review panel using the Evaluation and Review Standards. Scores will be averaged and a final composite score will be determined for each application. Applications will be ranked from highest to lowest scores.

**Baseline Planning Program:** Grant awards will be made to the highest ranked programs.

**Statewide Planning Coordination Program:** One grant award will be made to the highest ranked program.

If applications are received that include tasks that overlap with another proposed program, the Department may, at its discretion, decide to fund only the tasks from the higher ranked grant program. If applications are received that include tasks that overlap with an existing program, are not cost-effective, or do not align with the Department's regional or statewide goals, the Department may, at its discretion, decide to reduce or eliminate funding for such proposed tasks and objectives.

**Tiebreaker:** If two or more applications receive the same final composite score, the application that scores the highest for evaluation criterion number 6 (Cost-Effectiveness) will determine placement on the ranked list. If a tie remains, the highest score for evaluation criterion number 4 (Applicant Qualifications and Past Performance) will determine placement.

Award amounts will be determined based on the amount of available funding, the cost-effectiveness of the program, and how well it meets the water quality goals identified within each major drainage basin or region of the state. The Department reserves the right to award programs under the RFA in whole or in part if it is in the best interest of the State.

**Debriefing Request** - In accordance with section 163 of the NY State Finance Law, (Agency name) must, upon request, provide a debriefing to any unsuccessful offeror that responded to the RFP, 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.

## **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.

Program costs eligible for reimbursement and program 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 reviewed and approved by the DEC for costs to be eligible for grant reimbursement.

## **Eligible and Ineligible Costs**

### **Eligible Program Costs**

Grant funding is for the purpose of promoting regional comprehensive water quality management planning activities. Costs must be incurred within the term of the contract to be considered eligible costs for reimbursement. Eligible program-related costs can include:

#### Personal Services:

- salaries
- fringe (may not exceed Federally approved rate for New York State)

#### Non-personal Services:

- contractual services
- travel
- equipment
- space/property & utilities
- other (including necessary supplies and materials)

### **Ineligible Program Costs**

- State and/or federal funding: program costs funded from other state and/or federal funding sources are not eligible for grant reimbursement
- Costs incurred outside the start and end date of the contract
- Legal fees
- Work outside New York State

## **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 program progressed toward meeting program 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 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 grant funds were utilized to achieve 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 DEC.

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

Any program involving volunteer time will be required to report the number of volunteers and the number of volunteer hours in their program quarterly status reports. The total number of volunteers and volunteer hours for the entire program 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 Department 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 60 - 90 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 604(b) 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 A-2 Federally Funded Grant Terms and Conditions
- Attachment B-1 Expenditure Based Budget (*program expense categories and detail*)
- Attachment C Work Plan (program objectives, tasks and performance measures)
- Attachment D Payment and Reporting Schedule (claims for reimbursement and grant reporting provisions)

**IMPORTANT NOTE:** Program 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 DEC until a MCG is fully approved by DEC, and as applicable the Attorney General and the State Comptroller. All contracts must be approved by the contract start date that 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, Attachment A-1 Program Specific Terms and Conditions, and agree that each program consultant, program contractor and program 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 program. **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 program related work. The Contractor agrees that all work performed in relation to the program 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.

#### **c. State Environmental Quality Review (SEQR) Documentation**

With respect to the program, 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 DEC. The Contractor has notified, and shall continue to notify, 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) 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 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 for minority group members and women ("EEO") and 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 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 Master Contract for Grants - Article IV (J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review M/WBE and EEO requirements. Required M/WBE and EEO 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-EEO thresholds require the Contractor to submit Quarterly Reports, [http://www.dec.ny.gov/docs/administration\\_pdf/quarterlyversion7.pdf](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-EEO "Fair Share" goals are established as follows:

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

Construction/Engineering – 20%  
Commodities – 20%  
Services/Technologies – 20%

Equal Employment Opportunity (EEO) Participation Goals

EEO Minority Workforce Participation Goals (DEC Regions 1- 9) 0% EEO

Female Workforce Participation Goals (DEC Regions 1-9) 0%

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

Phone: (518) 402-9240

Fax: (518) 402-9023

#### **4. 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 program 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>.



## Appendix A – Nine Element Watershed Management Plans Fact Sheet

# NINE ELEMENT WATERSHED MANAGEMENT PLANS

## An Introduction



Department of  
Environmental  
Conservation

### What is a 9E Plan?

A Nine Element Watershed Management (9E) Plan is a type of clean water plan that details a community's water quality concerns and a strategy to address these concerns. 9E Plans are developed by people who live and work within the watershed with support from local and state agencies. The nine minimum elements are intended to ensure that the contributing causes and sources of nonpoint source pollution are identified, that key stakeholders are involved in the planning process, and that restoration and protection strategies are identified that will address the water quality concerns.



Riparian forest buffers are a best management practice used to reduce water pollution

### What are the Nine Key Elements?

The New York State Department of Environmental Conservation (DEC) has adopted the U.S. Environmental Protection Agency's (EPA) nine-element framework for developing watershed-based plans. Plans must include all elements to be approvable by DEC.

- A. Identify and quantify sources of pollution in the watershed
- B. Identify the water quality target or goal and pollution reductions needed to achieve the goal
- C. Identify the best management practices (BMPs) that will help to achieve reductions needed to meet the water quality goal/target
- D. Describe the financial and technical assistance needed to implement the BMPs identified in Element C
- E. Describe the stakeholder outreach, explain how their input was incorporated, and include the role of stakeholders in implementing the plan
- F. Estimate a schedule to implement the BMPs identified in the plan
- G. Describe the milestones and estimated timeframes for BMP implementation
- H. Identify the criteria that will be used to assess water quality improvement as the plan is implemented
- I. Describe the monitoring plan to collect water quality data that will be used to measure improvements using the criteria described in Element H

#### KEY POINTS

##### Nine Element Watershed Management Plans:

- Causes and sources of nonpoint source pollution are identified
- Key stakeholders are involved in the planning process
- Restoration and protection strategies are identified
- DEC approves 9E plans and should be involved in the planning process

For more information, or to sign-up for email updates from NYSDEC, visit our website:

[www.dec.ny.gov](http://www.dec.ny.gov)

## Why and When are Nine Element Plans Used?

DEC encourages (but does not require) watershed communities to develop 9E Plans to protect or restore a waterbody, especially when nonpoint sources of pollution (i.e., agriculture runoff, septic systems) are the primary threat in the watershed. The strength of the 9E plan is the stakeholder involvement during plan development and the comprehensive implementation plan that includes identification of financial assistance, a schedule with milestones, and the evaluation of progress. Although all nine elements must be included in the plan, each watershed community can address them in the way that best meets its goals. People who decide to develop a plan to improve or protect community water resources should contact DEC for advice and information before getting started.

## Information Needed to Create a Nine Element Watershed Plan

Information is collected for the entire watershed and includes:

- Watershed area, topography and geology
- Waterbody characteristics (e.g., depth and size)
- Land use data (e.g., forest, developed, pasture, wetland)
- Water quality sampling results
- Description of potential sources of pollution (e.g., residential septic systems, wastewater treatment plants)
- Annual rainfall data



There are many possible sources of pollution in a watershed.

## Implementing the Plan

The completed watershed plan describes the actions needed to accomplish the community's protection and restoration goals and a schedule for implementing them. For example, it may include recommendations to improve agricultural practices, repair or replace septic systems, sewer a community of homes, or conduct aquatic plant management.

Financial assistance is usually needed to complete the work. Having a DEC-approved 9E Plan improves eligibility for state and federal funding programs.

## Online Resources

- Clean Water Plans: [www.dec.ny.gov/chemical/23835.html](http://www.dec.ny.gov/chemical/23835.html)
- Nine Element Watershed Plans: [www.dec.ny.gov/chemical/103264.html](http://www.dec.ny.gov/chemical/103264.html)
- Best Management Practices (BMPs): [www.dec.ny.gov/chemical/96777.html](http://www.dec.ny.gov/chemical/96777.html)

### CONTACT INFORMATION

#### Division of Water—Bureau of Water Resource Management

New York State Department of Environmental Conservation  
625 Broadway, Albany, NY 12233  
P: (518) 402-8086  
[www.dec.ny.gov](http://www.dec.ny.gov)

## Appendix B – Chesapeake Bay Watershed Map

