



**Department of
Environmental
Conservation**

Hudson River Estuary Program

**2017 Hudson River Estuary Grants for
Tributary
Restoration and Resiliency**

**Round 20
Information for Applicants**

**NYS Grants Gateway Application ID No.:
DEC01-HRER20-2017**

**Application Deadline:
3:00 P.M., April 6, 2017**

TABLE OF CONTENTS

| | |
|---|--------------------|
| <u>IMPORTANT INFORMATION FOR APPLICANTS</u> | pages 3-4 |
| Grants Gateway Information/Registration and Prequalification/Instructions | |
| <u>LOCATION MAP FOR ELIGIBLE PROJECTS</u> | page 5 |
| <u>I. GENERAL INFORMATION AND CONDITIONS</u> | pages 6-8 |
| Application Deadline | |
| Award Announcement | |
| Funding | |
| Project Periods/Terms | |
| Minimum and Maximum Award Amounts | |
| Application Limit | |
| New for this Grant Round | |
| Project Location | |
| Applicant Eligibility | |
| Multi-Partner and Inter-Municipal Projects | |
| Department of Environmental Conservation Oversight | |
| <u>II. PROJECT ELIGIBILITY CRITERIA AND INFORMATION</u> | pages 9-14 |
| Project Objectives | |
| Minimum Eligibility Requirements | |
| Project Types | |
| Priority Projects | |
| Program-Specific Questions and Priority Scoring Points | |
| <u>III. ADDITIONAL APPLICATION REQUIREMENTS AND INFORMATION</u> | page 15 |
| Application Requirements | |
| Expenditure Budget | |
| Work Plan | |
| Pre-submission Uploads | |
| Coastal Consistency Requirements | |
| Historic Preservation Review Requirements | |
| <u>IV. APPLICATION EVALUATION, SCORING, AND SELECTION</u> | page 17-19 |
| Evaluation, Scoring, and Selection | |
| Questions and Answers | |
| <u>V. GRANT PROGRAM PAYMENT AND REPORTING</u> | pages 20-22 |
| Payment and Reporting | |
| Project Expenditures (eligible and ineligible) | |
| Match Requirement and Expenditures | |
| <u>VI. WHAT TO EXPECT IF YOU RECEIVE AN AWARD</u> | pages 23-25 |
| Notification of Award | |
| State of New York Master Contract for Grants (information / requirements) | |
| Minority/Women Business Enterprises and Equal Employment (information / requirements) | |
| Procurement of Contractors/Subcontractors | |
| Americans with Disabilities Act | |
| <u>VII. APPLICATION EVALUATION AND SCORING STANDARDS</u> | pages 26-29 |
| Application eligibility and scoring criteria | |
| <u>VIII. APPLICATION CHECKLIST</u> | page 30 |

IMPORTANT INFORMATION FOR APPLICANTS

GRANTS REFORM

On May 15, 2013, a web-based grants management system, the Grants Gateway, was launched at <https://grantsgateway.ny.gov> as part of Governor Cuomo’s transformation initiative to reform the State’s grant contracting process by simplifying and streamlining the grants management process. The Grants Gateway is an online system that allows vendors to browse and apply for grant opportunities and will improve the way grants are administered by the State of New York. The Grants Gateway system capabilities include the following:

- **Opportunity Portal**– A one-stop location to search for available and anticipated grant opportunities from all New York State agencies. Sign up to receive notification when specific types of grant opportunities are posted.
- **Document Vault**– A secure online document repository for vendors/grantees to store and share commonly requested documents with State agencies. The Document Vault is utilized for the Vendor Prequalification Process. All not-for-profit organizations must be prequalified in the Grants Gateway system to be considered eligible to apply for a grant opportunity.
- **Online Contracts** – Ability for vendors/grantees to develop and execute contracts online.
- **Online Claims and Reporting (anticipate availability in 2017)** - Ability for contractors/grantees to develop and submit payment requests, supporting cost documentation, and project reports.

Grants Reform procedures require all applications to be developed and submitted online through the NYS Grants Gateway. Review of applications, awards and contracts are done in the gateway.

GRANTS GATEWAY REGISTRATION AND PREQUALIFICATION

All NYS grant applicants must be registered in the NYS Grants Gateway to be eligible to:

- Apply for a NYS grant opportunity.
- Enter into a grant contract, an amendment to an existing contract, or a letter of agreement.
- Apply for future grant payments.

In addition to registering, not-for-profit organizations must also complete the Vendor Prequalification process in the Grants Gateway to be considered eligible to apply for this grant opportunity. Government entities and public authorities are currently not required to complete the Vendor Prequalification Process.

CREATING ROLES IN THE GRANTS GATEWAY SYSTEM

Once your Organization is registered and prequalified (if applicable) in the Grants Gateway, the User with the Delegated Administrator Role must create additional roles to initiate, complete, and submit the application in Grants Gateway. Refer to Section 4.2 of the “Grantee User Guide”, located on the Grants Reform website at <https://grantsreform.ny.gov/grantees>, for instructions on creating user roles in the Grants Gateway system. **This step MUST be completed to submit an application in the Grants Gateway.**

GRANTS GATEWAY REGISTRATION INSTRUCTIONS

Registration is NOT an online process. Register now to allow time for processing!!

- 1.) On the Grants Reform Website at <https://grantsreform.ny.gov/grantees> download a copy of the Registration Form for Administrator.
- 2.) Complete the form according to the instructions provided. The completed form must be signed and notarized.

- 3.) Mail the signed and notarized original form to the Division of Budget at the address provided in the instructions.
- 4.) After the form is received and reviewed, you will be provided with a Username and Password allowing you to access the Grants Gateway.
- 5.) Log in to the Grants Gateway at <https://grantsgateway.ny.gov>. You will be prompted to change your password at the bottom of your Profile page. Enter a new password and click the SAVE button located on the top, right-hand side of the page.

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.

NOT FOR PROFIT PREQUALIFICATION INSTRUCTIONS

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 application and contract processes. These initiatives require not-for-profit organizations to complete the Vendor Prequalification process to be considered eligible to apply for a grant.

Below is a summary of the steps to complete the prequalification requirements. The **Vendor Prequalification Manual** on the Grants Reform website at <https://grantsreform.ny.gov/grantees> provides additional information and instruction.

1.) Complete your Prequalification Application.

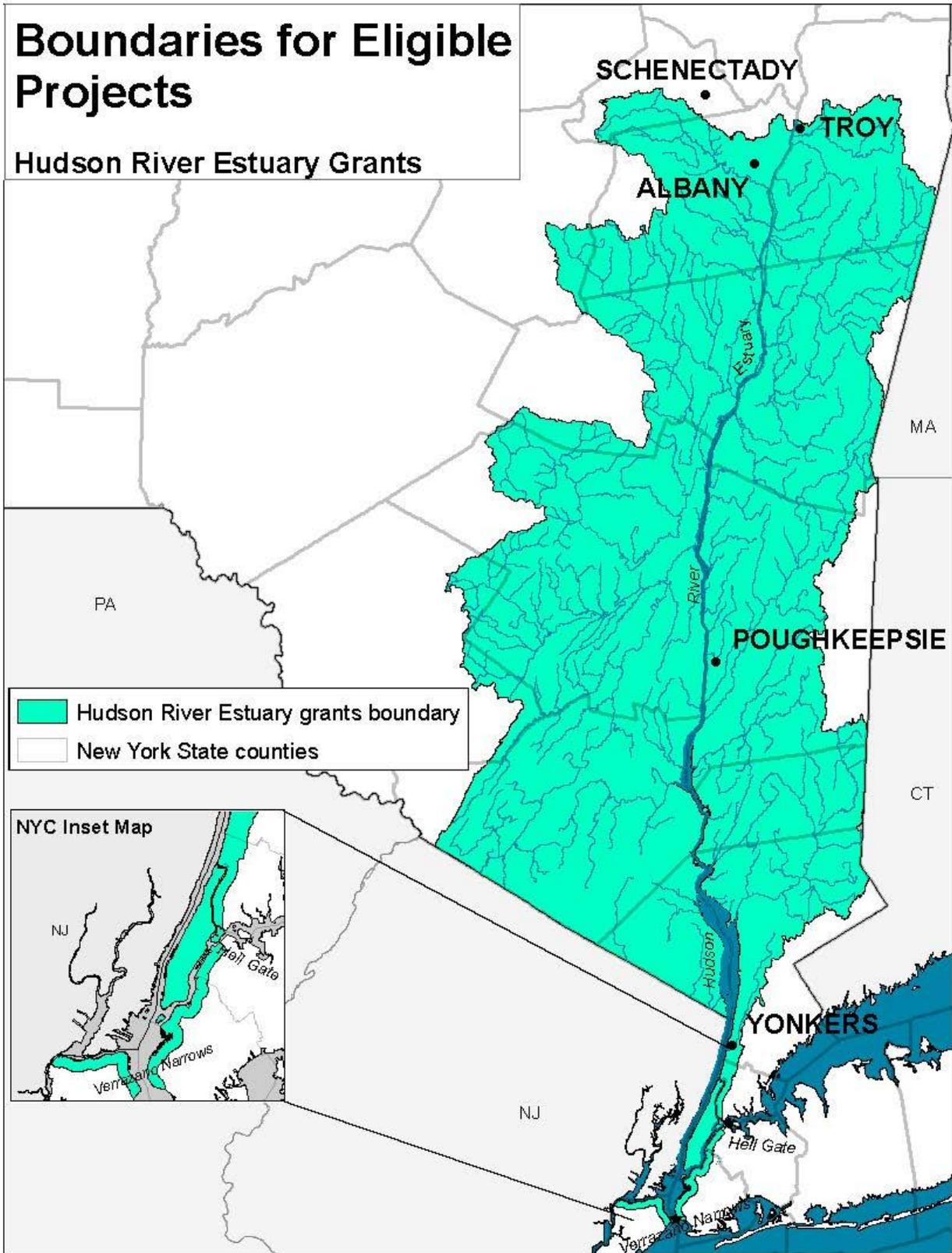
- Log in to the Grants Gateway at <https://grantsgateway.ny.gov>. If this is your first time logging in, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click the SAVE button located on the top, right-hand side of the page.
- Click the *Organization(s)* 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 the *Required Documents*. This constitutes your Prequalification Application. Optional Documents are not required unless specified in this Request for Proposal.
- Specific questions about the prequalification process should be referred to your agency representative or to the Grants Reform Team at grantsreform@its.ny.gov.

2.) Submit Your Prequalification Application

- After completing your Prequalification Application, click the *Submit Document Vault* button 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.

Additional registration and prequalification information, including a video tutorial, is available on the Grants Reform website at <https://grantsreform.ny.gov/>

LOCATION MAP FOR ELIGIBLE PROJECTS FOR
HUDSON RIVER ESTUARY GRANTS



HUDSON RIVER ESTUARY GRANTS PROGRAM

2017 Hudson River Estuary Grants for Tributary Restoration and Resiliency (Round 20)

The New York State Department of Environmental Conservation is pleased to announce funding for projects that will implement priorities of the *Hudson River Estuary Action Agenda* (<http://www.dec.ny.gov/lands/5104.html>) - to conserve, restore and revitalize the estuary and its ecosystem. Specifically, this Request for Application seeks to achieve up to four objectives of the Action Agenda, further highlighted on page 9 of this RFA document. [Section II](#) provides additional information about key project objectives, minimum eligibility, and applicable project types established for this Request for Application.

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

I. GENERAL INFORMATION AND CONDITIONS

APPLICATION DEADLINE

All applications must be submitted in the Grants Gateway by **3:00 PM on April 6, 2017**. This includes answering program questions and uploading required program documents and forms. Applications submitted after 3:00 PM on April 6, 2017 will not be eligible. Paper applications will NOT be accepted. It is strongly encouraged to submit applications at least two business days in advance of the deadline.

AWARD ANNOUNCEMENT

The Department anticipates grant awards will be announced in the summer of 2017.

FUNDING

Approximately \$1,000,000 is available in Hudson River Estuary Grants for Tributary Restoration and Resiliency. Funding for this grant opportunity is provided by:

- NYS Environmental Protection Fund, Hudson River Estuary Program – approximately \$625,000
- NYS Environmental Protection Fund, Ocean Great Lakes – approximately \$375,000

PROJECT PERIODS/TERMS

All projects must have defined objectives, tasks, and deliverables accounted for in performance measures that can be completed and invoiced within a thirty-month contract period/term. Amendments or extensions beyond the thirty-month term must be approved by DEC upon receipt of written justification from the Grantee. Contract terms will not exceed five years. 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.

MINIMUM AND MAXIMUM AWARD AMOUNTS

Minimum grant amount is \$10,500; Maximum grant amount is \$1,000,000. Grants can incorporate both engineering/feasibility/planning components as well as construction, but these limits must still be reflected in the application budget.

APPLICATION LIMIT

Applicants may submit up to 5 applications. However, the applications may not be for the same project or project location.

NEW FOR THIS GRANT ROUND

- Planning and engineering for dam removal projects was added as an eligible project type.
- The value of land donation and easement donation has been added as an eligible component for match.
- Projects that address flooding must be designed to pass, at a minimum, a 1% annual chance storm (100-year flood).
- The required match amount has been set at 5% of the grant award. Bonus points are offered for a higher match percentage.

PROJECT LOCATION

Eligible projects for grant funding must be located within defined geographic boundaries of the Hudson River Estuary. "Hudson River Estuary" refers to the legislatively designated Hudson River Estuarine District established in the Environmental Conservation Law Section 11-0306. Projects are also eligible if they are located in the New York waters which flow into Upper New York Bay, which includes the Ramapo and Hackensack watersheds within Rockland County. A map of the boundaries is included in this RFA and may also be viewed at www.dec.ny.gov/docs/remediation_hudson_pdf/hregrantmap.pdf. A searchable Google Maps version is also available for download at: <http://www.dec.ny.gov/pubs/103459.html> (Data Set titled "Hudson River Estuary Grant Program boundaries" listed under the "Misc. Environmental Maps" Section).

APPLICANT ELIGIBILITY

For the purposes of this grant program, the following entities are considered eligible applicants:

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

Eligible applicants must be registered in the NYS Grants Gateway in order to develop and submit an online application in the NYS Grants Gateway. Applicants must have a valid Federal Employee Identification Number (FEIN) and a New York State Vendor Identification Number in order to complete their Grants Gateway registration. If a municipality (for example, a county) passes a governing resolution authorizing a department under its jurisdiction to apply for funding, that department can apply only if they are registered in the NYS Grants Gateway.

"Not-For-Profit Corporation" (NFP) - is an organization that is subject to New York State's Not-For-Profit Corporation Law and is qualified for tax-exempt status under Section 501(c)(3) of the Federal Internal Revenue Code. **ALL NFP APPLICANTS MUST BE REGISTERED AND PREQUALIFIED IN THE NYS GRANTS GATEWAY BY THE DUE DATE OF THIS APPLICATION TO BE CONSIDERED ELIGIBLE FOR THIS GRANT OPPORTUNITY.**

MULTI-PARTNER AND INTER-MUNICIPAL PROJECTS

If a proposed project involves a cooperative agreement or partners, only one eligible, designated lead applicant can submit the application for grant funding. The lead applicant must assume the responsibility for the project application, performance of work consistent with this RFA, and the State of New York Master Contract for Grants. Letters substantiating the collaboration from each partner are required.

Letters must be signed and clearly state the partner's commitment to the project. These letters are to be uploaded to the Grants Gateway as specified on page 11 (Applicant Partners).

DEPARTMENT OF ENVIRONMENTAL CONSERVATION OVERSIGHT

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- 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 project or for pieces of a single project.
- Award to the next highest scoring application in the event a grantee fails to negotiate a grant contract with the Department within 60-90 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.
- The Department reserves the right not to fund projects that are determined not to be consistent with NYS's Smart Growth Public Infrastructure Policy Act.

II. PROJECT ELIGIBILITY CRITERIA AND INFORMATION

PROJECT OBJECTIVES

This Hudson River Estuary Grant RFA for Tributary Restoration and Resiliency seeks to achieve one or more of the following objectives of the *Hudson River Estuary Action Agenda* (<http://www.dec.ny.gov/lands/5104.html>):

- Conserve and restore habitat for migratory fish in tributary streams of the estuary;
- Support the restoration of free-flowing waters to benefit water quality, stream habitat and aquatic connectivity in tributary streams of the estuary;
- Help communities with existing and projected impacts of localized flooding along tributary streams of the Estuary;
- Conserve for future generations the rich diversity of plants, animals and habitats of the Hudson River estuary ecosystem.

This RFA addresses state priorities for protection of Species of Greatest Conservation Need (SGCN) and for mitigation of damages to natural resources. SGCN species include those that may benefit from tributary restoration projects such as river herring, American eel, brook trout, wood turtle, northern red salamander, longtail salamander, alewife floater, eastern pearlshell and yellow lampmussel. The complete list can be viewed at: <http://www.dec.ny.gov/animals/9406.html>. The priority SGCN under this RFA are river herring and American eel.

DEFINITIONS:

- “Planning” is defined as any activity, such as design, engineering, permitting, feasibility study, stakeholder engagement, and/or assessments, which will result in improved likelihood that the barrier will be mitigated to allow passage for herring or eel. Planning does not need to go as far as making the project shovel-ready, but planning that results in a shovel-ready project is eligible to receive extra points in the scoring.
- “Construction/deconstruction” includes barrier removal, as well as any planning activity defined above which leads to and includes construction/deconstruction.
- An “artificial barrier” is a dam, or a road-stream crossing (culvert or bridge) ranked as Severe, Significant, or No AOP (No Aquatic Organism Passage) under the North Atlantic Aquatic Connectivity Collaborative (NAACC) (<https://streamcontinuity.org/>). A naturally occurring waterfall is not considered to be an artificial barrier.
- “Dam removal” means complete removal/elimination of the vertical barrier to the original stream bottom. Although full removal is preferred, partial removal is acceptable, as long as the resulting configuration has the same conveyance as the natural stream channel, and reconnects up and downstream stream habitat.

MINIMUM ELIGIBILITY (Pass/Fail criteria)

LEVEL 1 REVIEW

- The applicant must be eligible, as shown on page 7 of this RFA. A not for profit organization must also be prequalified in the Grants Gateway by the application due date to be determined eligible under this grant opportunity.
- The project must be located within the defined geographic boundaries of the Hudson River Estuary. The applicant must provide a map and photos of the current location and condition of the site, uploaded to the Grants Gateway. GPS coordinates are strongly recommended.
- The uploaded project time line indicates completion on or before February 29, 2020.
- All project funding sources are eligible and at least 5% in eligible match is identified.

- If applicable, letters of collaboration that include the “Lead” applicant designation are provided from all applicant partners.
- For projects involving work on property owned by an entity that is not the applicant, the applicant must provide, as an upload to the application, a letter from the dam or culvert/bridge owner indicating commitment to implement the project on their property.
- Application completeness: The application is broken out into four sections in the Grants Gateway: Program Information, Expenditure Budget, Work Plan, and Pre-Submission Uploads. To be eligible, applicants must complete all of these sections and upload the required documentation. See the checklist on the last page of the RFA as a reference.

LEVEL 2 REVIEW

- Projects must conserve and restore aquatic habitat connectivity for one or both of two Species of Greatest Conservation Need (SGCN)--American eel and river herring. In reviewing applications for eligibility, DEC will rely primarily on information provided by the applicant, but will also use reviewer knowledge, to determine if the proposed habitat improvement will benefit these species.
- No project that is deemed harmful to SGCN or federally listed endangered species, or that replaces one barrier with another, will be deemed eligible.
- The project must be located on a perennial stream.
- The project must implement one of the specified eligible project types (next section below).
- Projects must be designed to pass, at a minimum, a 1% annual chance storm (100-year flood).

The rest of this Section II. addresses Program-Specific Questions in the Grants Gateway.

PROJECT TYPES (Program Questions 5, 7, 8)

Funding must be used to implement one of the following project types to meet the above Project Objectives. Applicants will identify the project type number for the Program Question. Based on eligibility review Level 2, the Department may require re-assignment of the project type.

Project Type 1 (construction/deconstruction): Removal of dams affecting eel or herring migration on tributaries, and within tributary watersheds, of the Hudson River. Preference is given to projects that benefit herring and eel, and are in close proximity to the Hudson. For example, preference will be given to the first dam upstream from the Hudson over the fourth dam.

Project Type 2 (planning): Engineering and planning for removal of dams affecting eel or herring migration above the confluence of a stream with the Hudson.

Project Type 3 (construction/deconstruction): Mitigation/right-sizing of a culvert at a site that is a recorded location for eel habitat, and is a barrier to fish movement as assessed through [NAACC road-stream crossing protocols](#) (rated severe, significant, or No AOP). Use the web map at <https://wri.cals.cornell.edu/hudson-river-estuary/watershed-management/aquatic-connectivity-and-barrier-removal-culvert-dams>, for detailed information on assessed crossings, and contact DEC staff (josh.thiel@dec.ny.gov) for help on this requirement.

PRIORITY PROJECTS (Program Questions 2, 3, 7, 8)

In order to provide the most benefit to target species, priority will be assigned as shown below, which is reflected in the scoring.

- **Priority by Project Type**
Projects will first be prioritized by project type:

- Project Type 1 (highest priority)
- Project Type 2 (second priority)
- Project Type 3 (third priority)

All qualifying projects in Project Type 1 will be funded before Project Type 2. Qualifying projects in Project Type 2 will be funded before Project Type 3. See [Section IV](#) of this RFA for further information on application scoring and evaluation.

- **Priority for increase in habitat value**

Projects will further be prioritized based on habitat value, including impact and species benefit. Projects that improve habitat for herring will be eligible for higher points in the scoring. Barrier location from the Hudson is also a substantial factor in the scoring (the first barrier is awarded higher points, followed by the second barrier, and so forth).

Greater points will be awarded to projects that will significantly improve the quality of habitat for the target species (when evaluating the overall scale and design of the project, such as the acres of reconnected habitat, location of the barrier and type of removal). The number of feet/miles of stream reconnected and restored will also be a consideration in the scoring.

PROJECT TIMELINE (Program Questions 10, 11, 12)

Applicants must provide a timeline for meeting project objectives and identified tasks between September 1, 2017 and February 29, 2020.

Project expenditures prior to Master Contract for Grants (MCG) start date and after the MCG end date are not eligible for reimbursement or match.

Construction/Deconstruction Projects:

- Applicants that do not submit design plans at the time of application must include a task in the timeline for consultation with the Estuary Program to review project design and project completion during the design phase.
- Applications should include a task for site restoration that includes riparian tree and shrub plantings where appropriate.
- Applicants should include a task in the timeline for Department on-site inspection at completion of the approved project work plan.

Planning Projects:

- Project timelines should include consultation with Estuary Program Staff for project management purposes as step one in the time line.

APPLICANT PARTNERS (Program Question 14)

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

REQUIRED PERMISSIONS (Program Questions 15, 16)

The applicant must own the property, or obtain an applicable access agreement, for the proposed project site. **To avoid disqualification, applicants must provide proof of property ownership and/or landowner permissions at the time of application.** An applicant must upload in the Grants Gateway proof of ownership and/or landowner permissions (in a single PDF file) as follows:

- If the property is owned by the applicant – Proof of ownership, such as a copy of the current deed or a current tax parcel map.

- If the property is not owned by the applicant and the property owner is not a municipality – A formal written agreement between the applicant and landowner which allows the applicant access to the property, and represent the landowner, to accomplish the proposed project.
- If the property is not owned by the applicant and the property owner is a municipality -
 - i. A resolution by the municipality supporting the project.
 - ii. A signed Municipal Endorsement. A municipal endorsement provides authorization for the not-for-profit to conduct the proposed project on municipal property. A sample municipal endorsement can be downloaded and viewed in the Pre-submission Upload section in the Grants Gateway.
 - iii. A letter on municipal letterhead from the municipal chief operating officer providing authorization for the applicant to conduct the proposed project on municipal property.

STAKEHOLDER ENGAGEMENT & IMPLEMENTATION COMMITMENT (Program Questions 17, 18)

Applicants are encouraged to secure the support of upstream, and perhaps downstream, landowners, as well as sporting/hunting associations, municipal leaders, highway departments, elected officials, watershed councils and other stakeholders whose support may be key to project success. Brief letters indicating such support from stakeholders will improve the scoring of an application (higher points are available for applicants submitting such letters). If letters are submitted, the letters must be submitted at the time of application.

For projects that include planning, the applicant must demonstrate how the proposed plan/project will ultimately be implemented after completion. Identify and describe how implementation will be attained. Outreach or training to help people utilize and engage with the proposed plans or designs may be included, and is encouraged where applicable. This could include identification and demonstration of social and economic benefits, including enhanced recreational opportunities, increased public visitation, increased property value, etc. Letters from stakeholders may be submitted to substantiate implementation commitment. If letters are submitted, the letters must be submitted at the time of application.

Applicants will be asked in the Grants Gateway to upload, in a single PDF file, a copy of all letters of key stakeholder support and implementation commitment.

It is strongly urged for applicants to fully address this application requirement. Failure to earn any points for this Program Question will result in the application being ranked “Low” (tied to Bonus Points for Minimum Standards [bottom of page 13]). Also see [Section IV](#).

STEWARDSHIP DEVELOPMENT (Program Questions 19, 20)

Projects that take the extra step of engaging and teaching citizens and stakeholders to become knowledgeable and effective stewards of the estuary and its tributary ecosystem will be eligible for stewardship points.

KNOWLEDGE, SKILLS AND EXPERIENCE (Program Question 21)

Applicants must possess the knowledge, skills, and/or track record to successfully implement the project, including any experience with and understanding of aquatic organism passage. Priority is given to applicants with excellent qualifications or a track record with this type of project.

It is strongly urged for applicants to fully address this application requirement. Failure to earn any points for this Program Question will result in the application being ranked “Low” (tied to Bonus Points for Minimum Standards [bottom of page 13]). Also see [Section IV](#).

PROJECT COST EFFECTIVENESS (Program Question 22)

The cost-effectiveness of the proposed project will be evaluated as provided in the Application Review and Scoring Standards in [Section VII](#). The answer to this question, as well as the information provided in the Expenditure Budget will be used to determine scoring for cost effectiveness. Applicants that provide

more match above the minimum 5% may be eligible for additional points for cost effectiveness (see [Section VII](#)). Applicants are encouraged to provide quotes from vendors/contractors for the work to be completed to help justify cost effectiveness. If land easements are proposed as match (see page 22), appraisal documentation must be uploaded for this Program Question 22.

It is strongly urged for applicants to fully address this application requirement. Failure to earn any points for this Program Question will result in the application being ranked "Low" (tied to Bonus Points for Minimum Standards [bottom of page 13]). Also see [Section IV](#).

PROJECT READINESS (Program Questions 23-27)

Bonus points are available for projects that demonstrate project readiness in the following categories:

- **Permits (Program Questions 23, 24, 25)**

Permits are not required to be in place at the time of application. However, bonus points for project readiness are available for projects that do not require permits or have all permits and determinations in place at the time of application. Information on NYS stream permits that may be involved in a project of this type can be found at www.dec.ny.gov/permits/6042.html. The applicant is responsible for assuring that any permits, approvals, lands, easements and rights-of way that may be required to carry out the activities of the project are obtained. This includes the possibility of needing to revise Federal Emergency Management Agency (FEMA) flood elevations from the project. To receive bonus points, applicants must show that no permits are required or upload the approved permit cover letters (in a single PDF file) into the Grants Gateway.

- **Project Design – Mandatory DEC approval (Program Questions 26, 27)**

The Hudson River Estuary Program must approve all project designs before the applicant proceeds to construction to ensure that habitat and resiliency goals are met by the proposed project design. Applicants that do not submit plans at the time of application must consult with the Estuary Program during the design phase and include it as a task on the project timeline.

Project Types 1 and 3

Projects with design plans at the time of application will receive bonus points.

- For a dam removal project, plans must demonstrate removal/elimination of the vertical barrier to the original stream bottom. Although full removal is preferred, partial removal is acceptable, as long as the resulting configuration has the same conveyance as the natural stream channel, and reconnects up and downstream stream habitat.
- For culvert/bridge replacement: Plans must include the results of a peak discharge analysis indicating the volume of flow and related recurrence interval the replacement culvert or bridge is designed to pass.

To receive these bonus points, applicants must upload project plans (in letter size format) and the results of the peak discharge analysis into the Grants Gateway.

Project Type 2

Planning projects will be eligible for Project Design bonus points if the proposed project will result in a shovel-ready project.

BONUS POINTS FOR MINIMUM STANDARDS FOR KEY STAKEHOLDER SUPPORT & IMPLEMENTATION COMMITMENT, QUALIFICATIONS AND COST EFFECTIVENESS (Program Questions 17, 21, 22)

Applicants receiving points for all of these program questions (do not score zero points on any of these questions) will receive 97 bonus points. ***Failure to earn these bonus points will result in the application being ranked "Low" (see [Section IV](#)).***

STATEWIDE PRIORITY (Program Questions 28-30)

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

Governor Andrew Cuomo directed the establishment of Regional Economic Development Councils (REDC) to analyze the most significant business clusters in their respective areas and establish regional strategic priorities. Additional REDC information is available at <http://regionalcouncils.ny.gov>. A proposed project that aligns with the strategic priorities for the region where the project is located will be eligible to receive five (5) priority points in the project scoring. To receive points, the Applicant must provide a brief description (a few sentences) describing how the project aligns with the goals and strategies of the Regional Economic Development Council (REDC) plan. The description should also cite a specific REDC goal or strategy, and the selected citation must reasonably fit with the type of project proposed. The plans are available at the following website: <http://regionalcouncils.ny.gov>.

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

The Department demonstrates a commitment to EJ and remedies for communities that may be burdened by negative environmental consequences. Environmental justice is defined by the DEC as the fair treatment and meaningful involvement of all people, regardless of race, color or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. A proposed project that is located in an EJ community or will directly benefit an EJ community, will be eligible for five (5) priority points in the project scoring. Maps of EJ areas in New York State are available at: <http://www.dec.ny.gov/public/899.html>. To qualify for the extra points, you must provide at the time of application the following details:

- a.) The exact street location where the project is to be implemented (no P.O. Box) or the area where the benefit will be provided.
- b.) 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, rivers and streams, environmental education or parks, or other such impacts.

- **Community Support**

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

III. ADDITIONAL APPLICATION REQUIREMENTS AND INFORMATION

ADDITIONAL APPLICATION REQUIREMENTS IN THE GRANTS GATEWAY:

Expenditure Budget, Work Plan, Pre-Submission Uploads

Project compliance with state policies will be assessed, including adherence to any applicable historic preservation, coastal consistency and permit requirements, including State Environmental Quality Review (SEQR). Please be sure to include with your application, information on the following requirements, if applicable to your project:

- **Expenditure Based Budget**

Applicants must complete an itemized budget in the Grants Gateway application 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 indicate the component, the number of units to be completed and the estimated costs associated with each component. Eligible project types and their components, and eligible and ineligible costs are identified in this RFA. A project's reasonableness of costs is at least 20% of the evaluation factor in the scoring of the application; therefore, attention to budget accuracy will increase your project score. See [Section V](#) for more details on eligible project expenditures.

- **Work Plan**

Applicants must complete a work plan in the Grants Gateway application that provides a clear overview of the project. Applications must include proposed project objectives and tasks associated with meeting each objective, and the desired project outcome or deliverables accounted for in performance measures. The work plan should include anticipated time frames in meeting the proposed project objectives, tasks and deliverables (i.e. Spring, Summer, Fall, Winter). Time frames must be consistent with the timeline applicants are required to upload in the Grants Gateway application Program Question 10.

Note: A Work Plan Worksheet is provided in the Grants Gateway (under Pre-submission uploads) as a tool to help applicants organize their proposed project objectives, tasks, and performance measures. The Work Plan Worksheet should NOT be uploaded back into the Grants Gateway. The worksheet is intended to better assist applicants in developing their application work plan in the Grants Gateway.

- **Pre-Submission Upload: Smart Growth Infrastructure Policy Act (mandatory)**

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

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

- **Pre-Submission Upload: Checklist (Mandatory)**

The checklist in Section VIII of the RFA must be completed and uploaded as a pre-submission upload. For convenience, a version of the checklist is provided as a document template and is available in the Pre-Submission Upload area in the Grants Gateway. The checklist is intended to assist applicants in ensuring all RFA requirements are met and uploaded to the Grants Gateway.

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

- **Historic Preservation Review Requirements, (if applicable to your project)**

For projects that involve properties listed on the State or National Registers of Historic Places, all work undertaken as part of a grant-assisted project must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. Questions about or proposals for listing on the State or national Register should be directed to the OPRHP National Register Unit at (518) 237-8643. To ensure the public benefit from the investment of state funding, preservation covenants or conservation easements will be conveyed to the State (OPRHP) for all historic property grants.

IV. 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 Evaluation and Scoring Standards in [Section VII](#) 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 two steps:

Step 1: Application and project eligibility determination

Pass/Fail criteria – please refer to the Application Evaluation and Scoring Standards in [Section VII](#).

Step 2: Project evaluation, scoring, and selection

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

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

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

Projects will first be selected based on Project Type (see page 10 for descriptions of each Project Type). Qualifying Type 1 projects will be eligible for funding first, followed by qualifying Type 2 projects, then qualifying Type 3 projects.

Projects will next be prioritized in accordance with tier assignment. Based on the average score of the Primary Project Objective Evaluation Criteria #1 on Page 26 of this RFA (corresponds with Program Questions 5, 7, and 8 in the Grants Gateway) applications will be assigned to one of five tiers.

- Projects that mitigate or plan to mitigate the first artificial barrier and conserve or restore aquatic habitat connectivity for both river herring AND American eel will be assigned to Tier 1.
- Projects that mitigate or plan to mitigate the first artificial barrier and conserve or restore aquatic habitat connectivity for eel (but NOT herring) will be assigned to Tier 2.
- Projects that mitigate or plan to mitigate the second artificial barrier and conserve or restore aquatic habitat connectivity for herring and/or eel will be assigned to Tier 3.
- Projects that mitigate or plan to mitigate the third artificial barrier and conserve or restore aquatic habitat connectivity for herring and/or eel will be assigned to Tier 4.
- Projects that mitigate or plan to mitigate a barrier beyond the third artificial barrier and conserve or restore aquatic habitat connectivity for herring and/or eel will be assigned to Tier 5.
- Projects that do not score any points for this criteria will not be deemed eligible for funding (Tier 6).

Tiers are determined as follows:

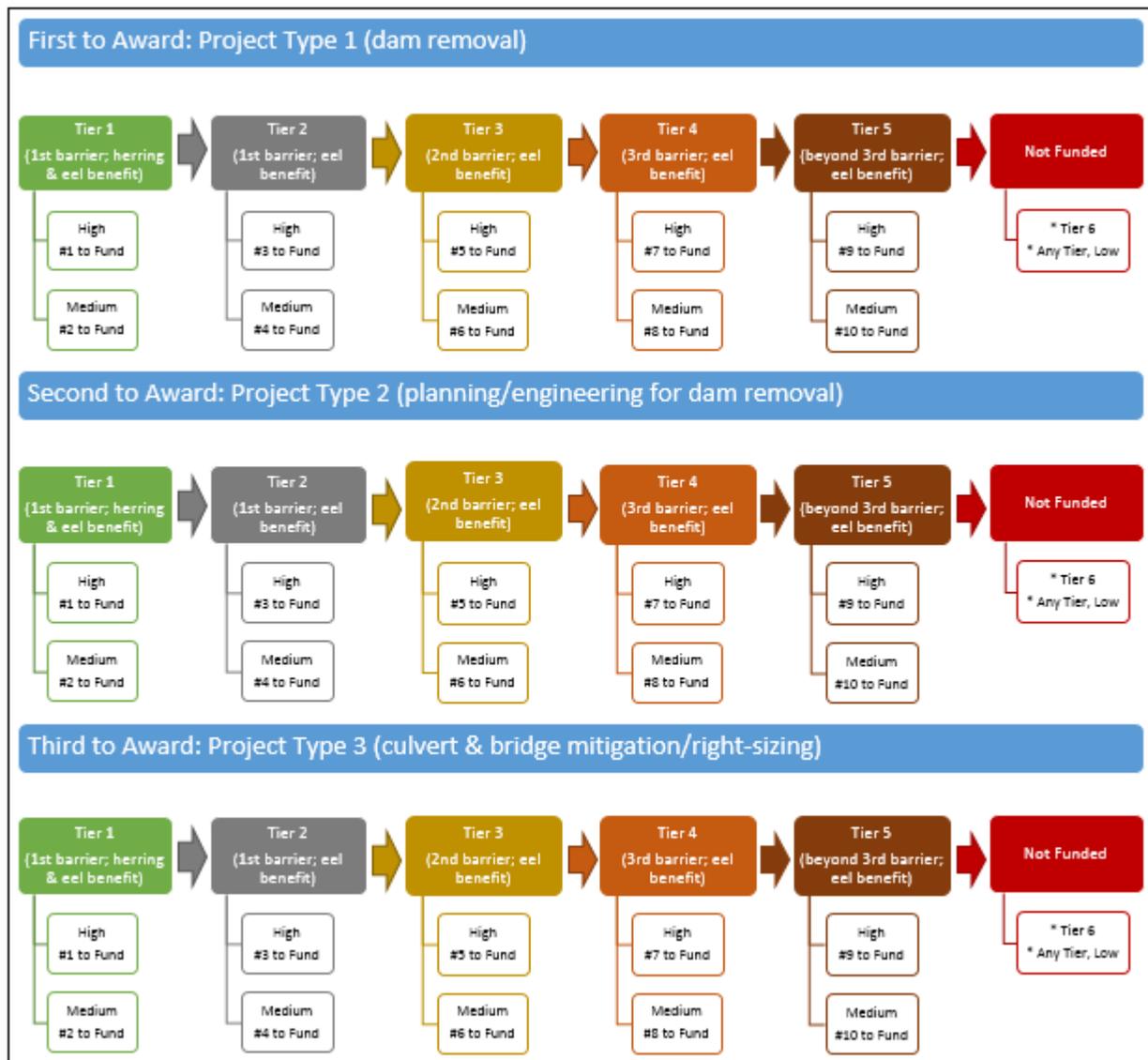
| Primary Project Objective Score Thresholds by Tier | | |
|--|----------------------|-----------------------|
| Tier Number | Lowest Average Score | Highest Average Score |
| Tier 1 | 17.0 | 20.0 |
| Tier 2 | 14.0 | 16.9 |
| Tier 3 | 9.0 | 13.9 |
| Tier 4 | 4.0 | 8.9 |
| Tier 5 | 1 | 3.9 |
| Tier 6 | 0 | 0.9 |

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

Ranks within Tiers are determined as follows:

| Tier Number | Rank | | |
|-------------|---------|---------|------|
| | High | Medium | Low |
| Tier 1 | 275-220 | 219-170 | ≤169 |
| Tier 2 | 270-215 | 214-165 | ≤164 |
| Tier 3 | 265-210 | 209-160 | ≤159 |
| Tier 4 | 260-205 | 204-155 | ≤154 |
| Tier 5 | 256-200 | 199-151 | ≤150 |
| Tier 6 | N/A | N/A | N/A |

Tier placement and rank will be used to determine which projects receive funding within each Project Type. For each Project Type, applications in Tier 1 ranking high will be the first projects selected for funding, followed by Tier 1 projects with a medium rank. Applications in Tiers 2-5 will be selected for funding starting with high ranked applications in each tier, followed by medium ranked applications. Tier 6 applications and all applications ranking low (regardless of tier) will not be funded. Based on the scoring and evaluation process, these projects are deemed to be sufficiently flawed and should not be implemented with state funds. The Department may, at its discretion, decide to fund only one grant project if multiple applications are received for the same project.



Tie breaker - If there is a numerical tie in an applications final score, the application that scores the highest in “Project Readiness Factors” in the evaluation criteria will determine placement on the ranked list. If a tie remains, the application that scores the highest in “Project Objective and Type” in the evaluation criteria number will determine placement on the ranked list.

QUESTIONS AND ANSWERS

Please email all HRE grant opportunity questions to Susan Pepe, Hudson River Estuary Program Grants Manager at: HREPgrants@dec.ny.gov. Include “**2017 Tributary RFA**” in the **subject line** of the email. Questions regarding this grant opportunity will be accepted by the Department until C.O.B. **March 30, 2017**. All questions, and answers, will be uploaded in the Grants Gateway for all applicants to view.

V. GRANT PROGRAM PAYMENT AND REPORTING

PAYMENT AND REPORTING

- Advance payments of up to 25% of the awarded grant amount may be available to not-for-profit grantees once a Master Contract for Grants (MCG) has been fully approved by all applicable State agencies. Only not-for -profits are eligible to receive advance payments under State Finance Law.
- Project costs eligible for reimbursement and project match must be incurred between the MCG term start date and the MCG term end date. 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 Department for costs to be eligible for grant reimbursement.
- 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.
- Quarterly Narrative Reports must be submitted in narrative form, no later than 30 days from the end of the quarter. The reports will summarize how the project progressed towards meeting project objectives and deliverables during the quarter.
- Quarterly Expenditure Reports, detailed by object of expense as defined in the MCG Attachment B-1 Expenditure Based Budget, must accompany the quarterly Narrative Reports, no later than 30 days from the end of the quarter. These reports must correlate to subsequent vouchers submitted for payment.
- Final Report must be submitted and approved by the Department prior to the release of the final contract payment to the Grantee. The Contract must submit the Final Report no later than 60 days after the end of the contract period. The Final Report should report on all aspects of the program and detail how the use of grant funds were utilized in achieving the goals set forth in the approved MCG Attachment C Work Plan. Copies of appropriate documents (i.e. inventory and/or management plan) must be submitted and approved by the Department.
- A Department on-site inspection may be required to confirm all work was completed in accordance with the approved project work plan (including the installation of interpretive signage, if applicable, at the project site).
- Any project involving volunteer time will be required to report the number of volunteers and the number of volunteer hours in their project quarterly status reports. The total number of volunteers and volunteer hours for the entire project must be reported in the Final Report.

PROJECT EXPENDITURES

- **Eligible expenditures for grant funding**

Personal Service: staff salaries, including fringe benefits, directly devoted to the project. 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.).

Supplies and materials: directly associated with implementation of the project.

Equipment Rental: equipment that is necessary to implement the project.

- **Ineligible expenditures for grant funding**

Indirect costs: overhead or operating expenses (space, rent, utilities) are ineligible costs.

Travel costs

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.

MATCH REQUIREMENT AND EXPENDITURES

Applicants must provide **5% in match funds based on the amount of grant funds.**

| |
|--|
| Formula: Requested Budget x 5% = Required Match |
|--|

Example:

An applicant requests \$100,000 in grant funds. The required match is \$100,000 x 5%, or \$5,000.

Note the required match is subject to adjustment in the event the awarded grant varies from what was requested. So, in the above example, if the grant is ultimately awarded at \$80,000, the required match would be \$80,000 x 5%, or \$4,000.

Any match provided over the 5% minimum must meet the eligible criteria. Only eligible sources of match can be included in the match column in the Expenditure Budget in the Grants Gateway. Eligible forms of match are as follows:

- **Eligible forms of match**

Cash: Includes other grants from non-state or non-federal funding sources.

Personal Service: staff salaries, including fringe, directly devoted to the project. 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.).

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 Usage: 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.

Value of land easements: For an easement to be considered eligible match, credible documentation proving appraised value of the easement must be uploaded to the Grants Gateway under Program Question 22 (Cost Effectiveness and Funding).

- **Ineligible forms of match**

Indirect costs: overhead or operating expenses (space, rent, utilities)

Travel

State or Federal funding: project costs funded from other state and/or federal funding sources.

VI. WHAT TO EXPECT IF YOU RECEIVE AN AWARD

NOTIFICATION OF AWARD

Applicants selected to receive a grant award will be notified by email and in an official Department award letter.

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 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 A-2 Federally Funded Grant Terms and Conditions
- Attachment B-1 Expenditure Based Budget (*project expense categories and detail*)
- Attachment C Work Plan (*project objectives, tasks and performance measures*)
- Attachment D Payment and Reporting Schedule (*claims for reimbursement and grant reporting provisions*)

IMPORTANT NOTE: Project related costs must be incurred within the term of the MCG to be considered eligible for reimbursement or match. Contract payments will not be approved or processed by the Department until a MCG is fully approved by the Department, and as applicable, the Attorney General and the State Comptroller. All contracts must be approved by the projected contract start date of September 1, 2017.

Applicants should be prepared to comply with the following MCG requirements:

- **Insurance Requirements**

Applicants will be required to carry appropriate insurance upon execution of a MCG and as specified in the MGC 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. Please refer to Program Terms and Conditions for additional insurance information.

- **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.

State Environmental Quality Review Act (SEQRA) 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 Department. The Contractor has notified, and shall continue to notify, the Department of all actions proposed for complying with the environmental review requirements imposed by SEQRA.

- **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/info_vrsystem.htm or go directly to the VendRep System at <https://portal.osc.state.ny.us>.

- **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.

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, 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 – 30%

Commodities – 30%

Services/Technologies – 30%

Equal Employment Opportunity (EEO) Participation Goals:

EEO Minority Workforce Participation Goals (DEC Regions 1- 9) 10%

EEO Female Workforce Participation Goals (DEC Regions 1-9) 10%

- **DEC M/WBE Contact Person**

Carla Leubner, Compliance Specialist

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

PROCUREMENT OF CONTRACTORS/SUBCONTRACTORS

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

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>.

VII. APPLICATION EVALUATION AND SCORING STANDARDS

(Maximum 275 points)

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

Level 1

- The applicant is eligible as provided on page 7 of this RFA. A not for profit organization must also be prequalified in the Grants Gateway by the application due date to be determined eligible under this grant opportunity.
- The project must be located within the defined geographic boundaries of the Hudson River Estuary. The applicant must provide a map and photos of the current location and condition of the site, uploaded to the Grants Gateway. GPS coordinates are strongly recommended.
- The uploaded project time line indicates completion on or before February 29, 2020.
- All project funding sources are eligible, and at least 5% in eligible matching funds has been identified.
- If applicable, letters of collaboration that include the “Lead” applicant designation are provided from all applicant partners.
- For projects involving work on property owned by an entity that is not the applicant, the applicant, must provide as an upload to the application, a letter from the dam or culvert/bridge owner indicating commitment to implement the project on their property.
- Application is complete and all required paperwork is submitted.

Level 2

- Projects must conserve and restore aquatic habitat connectivity for one or both of two Species of Greatest Conservation Need (SGCN)--American eel and river herring. In reviewing applications for eligibility, DEC will rely primarily on information provided by the applicant, but will also use reviewer knowledge, to determine if the proposed habitat improvement will benefit these species.
- No project that is deemed harmful to SGCN species or federally listed endangered species, or that replaces one barrier with another, will be deemed eligible.
- The project must be located on a perennial stream.
- The project must implement one of the specified eligible project types.
- Projects must be designed to pass, at a minimum, a 1% annual chance storm (100-year flood).

PROJECT OBJECTIVES AND TYPEmaximum 72 points

Primary Project Objective (habitat impact and species benefit, maximum 20 points) (pages 10-11):

1. How well does the project, its location, its method and its deliverables impact the primary objective of this RFA, to conserve and restore habitat for river herring and/or American eel in the Estuary watershed?
 - Project will effectively mitigate the first artificial barrier, improving habitat connectivity for **both** herring **and** eel.....20 Points
 - Project will effectively mitigate the first artificial barrier, improving habitat connectivity for eel, **or** herring.....15 Points

- Project will effectively mitigate the second artificial barrier, improving habitat connectivity for herring and/or eel.....10 Points
- Project will effectively mitigate the third artificial barrier, improving habitat connectivity for herring and/or eel.....5 Points
- Project will effectively mitigate an artificial barrier that is beyond the third artificial barrier, improving habitat connectivity for herring and/or eel.....1 Point
- Application meets one or more of the following:
 - (i) one or more aspects of the methodology is flawed in some way that affects meeting the primary RFA objective;
 - ii) the proposed project method, statement of need, and/or deliverables are insufficiently described to determine objective or impact; and/or
 - (iii) habitat impact for the target species is marginal or insignificant
0 points

Primary Project Objective (habitat impact and species benefit, maximum 25 points) (pages 10-11):

2. How much stream habitat is extended upstream by implementing the project, thereby increasing passibility for herring or eel?
 - Stream habitat is increased by 5 miles or more.....25 Points
 - Stream habitat is increased by 1 mile or more, but less than 5 miles.....15 Points
 - Stream habitat is increased by more than 500 feet, but less than 1 mile.....6 Points
 - Stream habitat is increased by 500 feet or less.....3 Points

Primary Project Objective (habitat impact and species benefit, maximum 27 points) (pages 10-11):

3. How well does the overall project scale or design (e.g. location of barrier, width of the stream, type of removal) improve the quality of habitat for the target species?
 - Significant improvement.....27 Points
 - Average improvement.....10 Points
 - Marginal or insignificant improvement.....0 Points

PROJECT SUCCESS FACTORS.....maximum 133 points

Stakeholder Engagement and Implementation Commitment (maximum 10 points) (page 12):

4. How well does the project engage key stakeholders whose support is needed for the project to succeed? Does application demonstrate support from other organizations or landowners? Have concerns from potential upstream and downstream project opponents been addressed through outreach and engagement? Do planning projects demonstrate support and commitment to implement?
 - Key stakeholder engagement indicates project success is very likely (examples include support of upstream and downstream landowners, municipal leaders, highway departments, sporting/hunting associations, engagement of stakeholders and organizations). Letters of support are provided. Planning projects demonstrate a clear path to implementation.10 points
 - Letters are not provided, but acceptable engagement strategies are demonstrated and key stakeholders are identified, indicating project success is likely. Plans to implement a planning project are broadly defined, but are likely to be implemented.....5 points

- Known, crucial key stakeholders are not engaged, or stakeholder engagement appears insufficient to assure project success. Planning project does not identify a commitment to implement the project.....0 points

Bonus points for education to promote knowledgeable stewardship (maximum 4 points) (page 12):

5. Does the project include elements to promote knowledgeable stewardship with the public?
- Project includes elements that engage and teach citizens and stakeholders about the project and benefits to the Estuary ecosystem (e.g. signage, educational event, educating volunteers, etc.)4 points
 - No education component.....0 points

Knowledge, Skills and/or Experience (maximum 8 points) (page 12):

Does the applicant demonstrate the knowledge, skills, and/or track record to successfully undertake a project of this nature? Does the applicant demonstrate experience with and understanding of aquatic organism passage?

- Exceptionally well qualified and/or superior track record for this type of project.....8 points
- Qualified and/or satisfactory track record.....4 points
- Not well qualified and/or has a poor track record.....0 points

Bonus points for project readiness – permits secured (maximum 7 points) (page 13):

- All required permits are secured, or the project does not need permits.....7 points
- None of the above.....0 points

Bonus points for project readiness – Project designs completed and shovel-ready projects (maximum 7 points) (page 13):

- Project design plans are provided:
 - If a dam removal is proposed, plans must demonstrate removal/elimination of the vertical barrier to the original stream bottom. Although full removal is preferred, partial removal is acceptable, as long as the resulting configuration has the same conveyance as the natural stream channel, and reconnects up and downstream stream habitat.
 - Culvert/bridge replacement plans include the results of a peak discharge analysis indicating the volume of flow and related recurrence interval the culvert is designed to pass.
7 points
- Application is for a Project Type 2, which will result in designs for a shovel-ready project.....5 points
- None of the above.....0 points

Bonus points for meeting minimum standards for qualifications, key stakeholder support & implementation, and cost effectiveness (maximum 97 points) (page 13):

Does applicant receive points in qualifications, key stakeholder support & implementation, and cost effectiveness?

- Yes.....97 points
- No.....0 points

PROJECT COST EFFECTIVENESS.....maximum 55 points

How well does the budget demonstrate value for cost? Cost effectiveness will be evaluated from the standpoint of both cost match, balance, and value. Applicants may compare the project costs to other similar work and explain the balance of expenses across budget categories. To sufficiently respond to this question, applicants are encouraged to upload documentation to support specific budget items, such as standard government wage rates, current market prices for equipment, and cost-estimates from potential contractors / vendors (page 12 and [Section V](#)).

- Exceptional value for the cost: Projects that meet both of the following two criteria will score 55 points:
 - Project provides 10% match or more, **and**
 - Budget is well-balanced, and does not contain any extraneous expenses. Cost to benefit ratio is appropriate for the complexity and size of the project. Anticipated benefits are at a scale and cost equivalent to the fair market value of the proposed budget.

- Cost-effectiveness is reasonable: Budget is well-balanced, and does not contain any extraneous expenses. Cost to benefit ratio is appropriate for the complexity and size of the project. Anticipated benefits are at a scale and cost equivalent to the fair market value of the proposed budget. (42 points)

- Project is not cost effective: Budget is unreasonable, not cost-effective, is confusing, extraneous, excessive or not well aligned with the project purpose. (0 points)

STATEWIDE PRIORITY POINTS.....maximum 15 points

Regional Economic Development Plan (page 14):

Has the applicant demonstrated the project implements part of a Regional Economic Development Council (REDC) Plan?

- If yes, add.....5 points

Environmental Justice (page 14):

Will the proposed project benefit a designated Environmental Justice Community and has the necessary EJ application information been provided?

- If yes, add.....5 points

Community Support (page 14):

Above and beyond essential project support (Program Question 30), does the application demonstrate support from a variety of local, county, or state appointed or elected officials?

- If yes, add.....5 points

TOTAL ELIGIBLE POINTS.....275 points

VIII. APPLICATION CHECKLIST

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

• **PASS/FAIL CRITERIA**

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

1. Applicant is registered in the Grants Gateway as an eligible applicant for this program (see page 7).
2. *NOT-FOR-PROFIT ORGANIZATIONS ONLY*: Applicant is prequalified in the Grants Gateway by the application due date (see page 4).
3. Project is located within the defined geographical boundaries of the Hudson River Estuary and a map, and photos of the current location and condition of the site are uploaded (see page 5).
4. Project implements one of the specified eligible project types (see page 10).
5. Project timeline indicates completion by February 29, 2020 (see page 11).
6. All project funding sources are eligible and at least 5% in eligible match has been identified (see page 20).
7. If applicable, letters of collaboration are provided for all applicant partners (see page 7 and page 11).
8. Property permissions are provided, if applicable (see page 11)
9. Project conserves and restores aquatic habitat connectivity for one or both of two Species of Greatest Conservation Need (SGCN)--American eel and river herring (see page 10).
10. Project DOES NOT adversely affect any SGCN or federally listed species (see page 10).
11. Project is located on a perennial stream (see page 10).
12. Project is designed to pass a minimum 1% annual chance storm (100-year flood) or better (see page 10).
13. Application is complete in the Grants Gateway (make sure to “Check Global Errors”).

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

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

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

Mandatory uploads:

- a. Program Question 1: Location map showing stream(s) and location(s) to be addressed (see page 10).
- b. Program Question 4: Pictures of the site that establish the current conditions (see page 10).
- c. Program Question 10: A project timeline, showing project start date of September 1, 2017 with a completion date of February 29, 2020.

Optional uploads, as applicable:

- a. Program Question 17: Letters of support as evidence of stakeholder engagement (see page 12).
 - b. Program Question 22: Documentation (i.e. vendor quotes) for cost-effectiveness (see page 12).
 - c. Program Questions 24, 27 (Project Readiness): Documentation confirming readiness in terms of permits and design plans (see page 13).
 - d. Program Question 30: Letters demonstrating “above and beyond” community support (see page 14).
2. The expenditure-based budget is completed, including justifications for all budget items (see page 15).
 3. The work plan is provided with clear objectives, tasks, and performance measures (see page 15).

• **MANDATORY UPLOADS (found in Pre-submission Uploads section in the Grants Gateway)** (See page 14)

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

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