

New York State Department of Health
Center for Community Health/Division of Family Health
Bureau of Child Health

Funding Opportunity # 16734
Grants Gateway # DOH01-DWF1R2-2016 (Component 1) – Round 2
Grants Gateway # DOH01- DWF2R2-2016 (Component 2) – Round 2
Drinking Water Fluoridation (Projects less than or equal to \$50,000)
Component 1: Planning Projects
Component 2: Implementation Projects

AND

RFA # 1604120739
Grants Gateway # DOH01-DWF3R2-2016
Request for Applications
Drinking Water Fluoridation
Round 2

Questions and Answers

Program Specific Questions:

1. Question: We made repairs to our fluoridation equipment a couple of years ago. Would we still be able to apply for grant monies for Funding Opportunity #16734. I didn't know if you could go back to previous repairs or this is solely for new repairs that would be done.

Response: No, as stated on page 7 of Funding Opportunity #16734 (DWF1R2 & DWF2R2), "this funding may only be used to expand existing activities or create new activities pursuant to this funding opportunity." Previously funded equipment replacement or repair projects are not eligible for reimbursement under the funding opportunity.

2. Question: If our water system already fluoridates, how do we prove that we have met the eligibility criteria of "currently fluoridating the public water supply" (pg. 4 of DWF1R2, DWF2R2 and DWF3R2).

Response: An applicant can demonstrate that it is a fluoride-adjusted water system by providing documentation that indicates fluoridation as an approved water treatment process, by the New York State (NYS) Department of Health (DOH), for your water system. Examples of documentation include:

- Most recent fluoridation Monthly Operating Report (form DOH360-CFL) or other reporting forms approved by DOH;

- Approval of Plans for Public Water Supply Improvement form (form DOH-1017) issued to the municipality by the NYS DOH or your Local Health Department; and
- Documentation, if available, from previous fluoride facilities inspections/assessments with recommended improvements. This may include NYS DOH Comprehensive Performance Evaluation (CPE) Reports, State or local Health Department Sanitary Survey inspection reports, and NY Rural Water Association inspections.

3. Question: Is the municipality required to advertise and publicly bid the engineering services or do they just need to comply with their local requirements for selecting professional services?

Response: Municipalities should comply with their local requirements and applicable Office of Management and Budget (OMB) circular(s) for selecting professional services. Municipalities are not required to advertise and/or public bid the engineering services for DWF1R2. However, if applicable, municipalities should comply with New York State General Municipal Law §103, “advertising for bids and offers; letting of contracts; criminal conspiracies.” This law outlines requirements for contracts for public work involving an expenditure of more than \$35,000.

4. Question: I noticed in the grant app it talks about having a bid process and finding an engineer - they already have the engineer in place for this project - the one that did the initial work and that they use for everything. Is this OK?

Response: Municipalities should comply with their local requirements and applicable Office of Management and Budget (OMB) circular(s) for selecting professional services. However, if applicable, municipalities should comply with New York State General Municipal Law §103, “advertising for bids and offers; letting of contracts; criminal conspiracies.” This law outlines requirements for contracts for public work involving an expenditure of more than \$35,000.

5. Question: They wish to initially apply to the component one under \$50,000 - they were questioning the second part of the grant - implementation... if they go through with this initial stage will it usually guarantee funding for the second stage? I believe they can only apply to one option at a time, correct?

Response: The awarding of funding to municipalities under DWF1R2 does not guarantee awarding of funding under DWF2R2 or DWF3R2. The law authorizing the fluoridation grant program states, “Grant awards shall be made on a competitive basis and be subject to such conditions as may be determined by the commissioner.” Municipalities seeking funding for DWF2R2 or DWF3R2 must submit a separate application.

Municipalities may only apply for one funding opportunity at a time. Page 3 of the DWF1R2 funding opportunity states, “Applicants may request up to \$50,000 in funding and may only apply for one Component at a time. If both Components are required for your project, it is advised that you submit an application for Component 1 (Planning Project) first. Once Component 1 is awarded/funded and an approved Engineering Report is obtained, a separate application may be submitted for implementation. If the implementation cost is \$50,000 or less, apply for funding under Component 2 of this funding opportunity (DOH01-DWF2R2-2016). If the costs are greater than \$50,000, apply for implementation funding through the Drinking Water Fluoridation Request for Application # 1604120739, available on the Grants Gateway (DOH01-DWF3R2-2016).”

6. Question: On page 24 of DWF3R2, the engineering report is required to include documentation from DEC that project is Type 2 action. What documentation would you be looking for from DEC? I'm not familiar with them providing letters in response to type 2 actions. I contacted DEC and they indicated the same, they don't weigh in on Type 2 actions. We could provide a memo indicating the project would be a Type 2 action and no further SEQR review is needed, and attach that to the engineering report. Would that be sufficient?

Response: The program specific question, "Describe if this project is a Type I or Type II action under NYS Department of Environmental Conservation (DEC) State Environmental Quality Review Act (SEQR)" on page 24 only requires documentation for Type I projects. It states: "If it is a Type I or Unlisted action, submit documentation from NYS DEC that all provisions of SEQR have been complied with." This should be uploaded under the appropriate Program Specific Question in the Grants Gateway.

As for the Type II requirement under the Engineering Report (Attachment 4), "Documentation from the NYS Department of Environmental Conservation (DEC) that the project is a Type II action under the State Environmental Quality Review Act (SEQR)," your suggestion to "provide a memo indicating the project would be a Type 2 action" is sufficient. Attach the memo to the engineering report. Note, the memo should cite the specific section of Part 617.5 (in DEC's SEQR regulations) by which it is designated Type II or make a good case with reference to Part 617.

7. Question: Can I develop my own performance measures for the Work Plan?

Response: Applicants must include at least the required performance measures, as outlined in Attachment 5 for DWF3R2, DWF1R2 or DWF2R2, in their Work Plan. Applicants have the option to develop and include additional performance measures; however, full points will not be awarded for the question if the required measures are not included.

8. Question: When filling out the Community Needs Assessment Table do I need to include all communities that buy water from our system? Also do I need to include all the information on each one of those communities?

Response: Yes, all communities (counties, cities, towns, and villages) that purchase water from your system should be included. If your system sells water to a large number of systems in a specific county, you may list the county instead of the individual communities. Additionally, all columns should be completed for all communities listed. If data is not available at the community level, use the best fit (for example school district, census place, county) to complete the columns.

9. Question: Does an applicant need to describe any additional considerations about the data reported in the Community Needs Assessment Table (Attachment 3 [DWF3R2]; Attachment 2 [DWF1R2 & DWF2R2]), or other concerns that supports the statement of need, even if there are no consideration that need noting?

Response: Yes. If there are truly no other concerns or needs in the community please state that there are none within the applicable Program Specific Question.

10. Question: Page 3 of Funding Opportunity #16734 – Drinking Water Fluoridation states “Applicants may request up to \$50,000 in funding and may only apply for one Component at a time.” If the project is estimated to cost more than \$50,000 (\$65,000) and is a simple replacement in-kind of equipment, can we still apply under this funding opportunity (if the applicant is willing to pay the difference in cost above \$50,000? This would negate the need for us to undertake a full engineering report as required by the larger grant limit to replace equipment in-kind.

Response: When considering whether to apply for DWF2R2 or DWF3R2 for implementation projects, applicants must consider the total project cost, not amount to be requested from the NYS DOH. If the total project cost for construction, installation, repair, replacement, or upgrade of fluoride equipment is more than \$50,000, even if the total cost of the project is not being requested, applicants should submit an application through the Drinking Water Fluoridation Request for Application (DOH01-DWF3R2-2016). However, if total project costs are greater than \$50,000 and the project is replacement-in-kind, a brief Engineering Report by a licensed engineer stating the rationale for this determination may suffice for the engineering submittal. The purpose of the Engineer’s Report as described in Section III of DWF3R2 is to verify the infrastructure needs of the public water system as well as describe the schedule of proposed work which is important for projects costing more than \$50,000.

11. Question: In Section II. Who May Apply of the RFAs it states “Applicants must be a NYS county, city, town or village that own their public water system and water supply, including a county in which a public authority owns both its public water system and the water supply for the system.” Please clarify, is an Authority eligible for this grant opportunity?

Response: Public water authorities which have been designated as such under New York State Public Authorities Law (NYS PBA) Article 5 are considered eligible for this specific eligibility criterion. This applies to DWF3R2, DWF1R2 and DWF2R2. Please note that the public authority must meet all eligibility criteria as contained in Section II, Who May Apply, of the RFA to be considered for funding under DWF3R2, DWF1R2 and DWF2R2.

12. Question: How will MWBEs work if we will be doing all of the work in-house? Still 15% minority and 15% Women for all our purchases?

Response: Yes. The Minority and Women Owned Business requirements (MWBE) applies to any subcontracted labor or services, equipment, materials, or any combined purchase of the foregoing greater than \$25,000 under a contract awarded from these solicitations.

The MWBE requirement would not be applicable for work being done in-house including labor and engineering. It applies to work, equipment, materials and supplies procured from an external vendor which would be the purchase of fluoridation equipment, supplies and materials needed for implementation. The applicant must demonstrate and document “good faith efforts” to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the contract.

For guidance on how the NYSDOH will determine “good faith efforts,” refer to 5 NYCRR §142.8. If the applicant is unable to fully meet the MWBE goal of this contract, which is 15% for Minority-

owned and 15% for Women-owned, a waiver request must be submitted with your application using the Minority and Women Business Enterprise Waiver Request form (located in Attachment 10 under Pre-Submission Uploads).

The directory of New York State Certified MWBEs can be viewed at:

<https://ny.newnycontracts.com>. The directory is found in the upper right hand side of the webpage under “Search for Certified Firms” and accessed by clicking on the link entitled “MWBE Directory”. Engaging with firms found in the directory with like product(s) and/or service(s) is strongly encouraged and all communication efforts and responses should be well documented.

13. Question: We want to switch from a non-working dry feed fluoride operation to a liquid process. Is the cost of decommissioning the dry operation an eligible expense in association with implementation of the liquid operation?

Response: Yes, the cost of decommissioning the dry operation is an eligible expense under DWF2R2 and DWF3R2. It falls under upgrade of fluoridation equipment. However, in the application, the applicant should thoroughly outline all applicable costs and detail the process and timeline for completing decommission of old equipment and installation of new equipment within the year timeframe. This information should be included under the applicable Program Specific Questions as contained in the Section “How to File an Application” (Page 9 of Funding Opportunity and Page 10 of RFA).

14. Question: In Section II. Who May Apply (DWF1R2) it states that funding must be for communities with 5,000 people served OR currently be fluoridating the public water supply OR have necessary approvals in place to add fluoride to the water under law 1100-a. Our Village would not meet the first requirement, but is there a way that we could have approvals to meet the third?

Response: Yes, there is a way the Village can meet the third option, “have the necessary approvals in place to add fluoride to the public water supply in accordance with New York State Public Health Law §1100-a.” Public Health Law §1100-a, assures that the elected local legislature of a county or municipality, that owns and operates both its water supply and water supply system, has the final approval authority (in the case of a public authority, the County Legislature has final approval authority) over the fluoridation of its public water supply.

In order for the Village to be eligible for DWF1R2, the elected body overseeing the water system and water supply will need to formally approve the addition of fluoride to the water supply. This should be done in accordance with the established policies, practices and procedures of the Village. Depending on the Village’s bylaws this may include the passing of a resolution, a law or another approval process.

Once the Village officially approves to implement water fluoridation, the Village may then apply for funding under DWF1R2. The Village would also be eligible for funding under DWF2R2 and DWF3R2.

Questions Received - Non RFA or Funding Opportunity Related:

15. Question: I have read the information concerning the grants for fluoridation projects, but I have found no mention that these grants are funded by NYS Medicaid. Would you please confirm?

Response: Question is not relevant to this RFA.