

RFA #24-LWRP-3

**New York State Department of State
Office of Planning, Development & Community Infrastructure
Environmental Protection Fund
Local Waterfront Revitalization Program
2024 – 2025 REQUEST FOR APPLICATIONS**

- RFA Release Date:** May 13, 2024. This Request for Applications (RFA) and additional grant resources have been posted on the Department of State’s (Department or DOS) website at <https://dos.ny.gov/funding-bid-opportunities>. All applicants are encouraged to read the RFA in its entirety as grant program requirements may change from year to year.
- RFA Updates/Questions:** Any updates and/or modifications to this RFA will be posted on the Department’s website at: <https://dos.ny.gov/funding-bid-opportunities>.
- Written questions will be accepted until June 17, 2024. Questions should be submitted by e-mail to LWRP@dos.ny.gov or in writing to the address below. When corresponding by e-mail, clearly indicate the subject as: “24-LWRP-3 RFA Questions”. To the degree possible, each inquiry should cite the RFA section and paragraph to which it refers. Responses to questions received by June 17th will be posted by July 9th on the Department’s website at: [DOS Funding & Bid Opportunities website](#). No responses will be provided to inquiries made by telephone, social media, or by contacting DOS staff directly via email or telephone.
- It is recommended all applicants review the final responses. The responses to questions received during this time period will be official responses by the Department to questions and will be incorporated into this Request for Applications.
- Workshops & Webinars:** A schedule of regional workshops and webinars which provide an overview of the application process and program requirements are available at: <http://regionalcouncils.ny.gov/>. DOS will host a live webinar on May 22nd. Webinar schedule and registration, and recorded webinar are posted on the [DOS Funding & Bid Opportunities website](#).
- Applications Due:** Applications are due by 4:00 PM, July 31, 2024, and must be submitted through the web-based Consolidated Funding Application, as noted below.
- Application Submission:** To apply, or to access related Consolidated Funding Application materials, go to: <http://regionalcouncils.ny.gov/>
- Contact:** NYS DOS Office of Planning, Development & Community Infrastructure
Attn: LWRP RFA Questions
99 Washington Avenue, Suite 1010
Albany, NY 12231
LWRP@dos.ny.gov
- Letter of Support:** Letters of support are encouraged and can be submitted through the CFA portal. Letters may be addressed to: NYS Secretary of State, c/o Office of Planning, Development and Community Infrastructure, 99 Washington Avenue, Suite 1010, Albany, NY 12231.

**Local Waterfront Revitalization Program
2024 – 2025 REQUEST FOR APPLICATIONS**

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I. INTRODUCTION

The NYS Department of State (Department or DOS) is soliciting applications through the New York State Consolidated Funding Application (CFA) under Title 11 of the Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) from eligible villages, towns, cities located along New York’s coasts or designated inland waterways, or counties (with the written consent and acting on behalf of one or more eligible villages, towns, cities) to advance the preparation or implementation of strategies for community and waterfront revitalization through the following grant categories:

- Preparing or Updating a Local Waterfront Revitalization Program (LWRP), including Updating an LWRP to be More Resilient to Climate Risks
- Preparing an LWRP Component, including a Watershed Management Plan
- Implementing an LWRP or a completed LWRP Component

New York State’s approach to managing waterfront areas recognizes that municipalities are in the best position to determine their own waterfront objectives and needs in a manner consistent with the goals and requirements of the Waterfront Revitalization and Coastal Resources Act. Accordingly, the Department encourages waterfront communities to prepare and implement Local Waterfront Revitalization Programs (LWRPs) with financial and technical assistance provided through this grant program. [See Section IV. Eligible Activities for more information on each grant categories.](#)

The Department encourages applications for projects which achieve more resilient waterfront communities. New York communities are increasingly vulnerable to more intense and frequent rain events, extreme heat, drought, and greater flooding and shoreline erosion caused by heavy rain, runoff, intense winds, and wave action which have been exacerbated by climate change.

To help address these issues and improve community readiness to apply for construction funding through the Clean Water, Clean Air and Green Jobs Environmental Bond Act and other funding sources, in this solicitation, the Department is prioritizing applications to prepare a planning or feasibility study and/or design for:

- Projects that preserve, restore, and/or enhance natural landscapes that protect water quality and catalyze waterfront revitalization and projects that lead to the preservation or restoration of natural landscapes, such as forests, floodplains and wetlands, dunes, estuaries, marshes, riparian zones, riverine systems, and shellfish restoration. Projects may include:
 - Natural and nature-based shoreline stabilization
 - Living shorelines
 - Vegetated buffers
 - Culvert rightsizing
 - Natural sediment transport restoration
 - Runoff reduction and/or reduction of watershed imperviousness and preservation of groundwater infiltration
- Stormwater projects that address water quality and green infrastructure such as raingardens, bioretention areas, stormwater green streets, and porous pavement.
- Projects to make public facilities, including parks, trails, blueway trails, etc. more resilient to potential severe weather and flooding impacts including water quality improvements.
- Projects which mitigate barriers to diadromous species migration including but not limited to River Herring, American Eel and Brook Trout.

Applications can include one planning project or one implementation project. **The minimum State assistance request for EPF LWRP grant funding per grant application is \$50,000 and the maximum State assistance request is \$2 million. Applications requesting under \$50,000 in EPF LWRP grant funding will be disqualified and will not be scored.**

- Planning projects may include preparation of an LWRP, LWRP Component or Watershed Management Plan.
- Implementation projects may include feasibility, marketing, design, design/construction, and construction.
- One implementation project may include construction of a variety of enhancements such as living shorelines, natural and nature-based features, green infrastructure, public docking, fishing access, trails and other amenities if they will all be constructed on the same site.
- Applications may include multiple implementation projects in multiple locations only if the projects are similar in type/scope and clearly address a common critical issue identified in an LWRP, Watershed Management Plan, or relevant LWRP Component funded by the Department. For example, replacement of multiple undersized culverts within a watershed.
- Only applications for projects that can be completed within five years will be considered.
- Applicants may submit more than one grant application.

II. FUNDING OPPORTUNITY

The Department is making approximately \$13,975,000 available to fund applications for the Local Waterfront Revitalization Program grants, up to \$2 million of which is available for updates to existing LWRPs to mitigate future physical climate risks. Approximately \$10.5 million of the available funding will be awarded for projects which are in, or primarily serve, areas where demographic and other relevant data demonstrate that the areas are:

- densely populated and have sustained physical deterioration, decay, neglect, or disinvestment; or
- where a substantial proportion of the residential population is of low income or is otherwise disadvantaged and is underserved with respect to the existing recreational opportunities.

State assistance awarded and paid shall not exceed 75% of the total eligible project costs set forth in the application and as approved by the Department, except where the proposed project is located in an Environmental Justice Area or Disadvantaged Community (DAC), in which case state assistance awarded and paid shall not exceed 85% of the total eligible project costs set forth in the application and as approved by the Department. For the purposes of determining if a CFA applicant is eligible to receive state assistance at a rate of 85% of the total eligible project cost under this solicitation see criteria listed in [VI. Funding and Budget Guidance](#) Environmental Justice. Applicants must identify the amount, type and source of eligible local match, and demonstrate that it has been secured; failure to do so may result in a reduced award amount for qualifying applications.

III. ELIGIBLE APPLICANTS

Eligible applicants are:

- A village, town, or city located along New York's coasts or inland waterways as designated pursuant to Executive Law, Article 42.
- A county with the written consent and acting on behalf of one or more eligible villages, towns or cities.

The list of coastal waterbodies and designated inland waterways is defined in NYS Executive Law, Article 42, Section 911 available at <https://www.nysenate.gov/legislation/laws/EXC/911>.

Applicants may partner with counties or other organizations; however, only applications from eligible applicants will be evaluated for funding. Applications submitted by not-for-profit organizations and for-profit organizations are ineligible and will not be scored.

For applications submitted by a county, with the consent and acting on behalf of one or more villages, towns, or cities, the county is required to attach a letter or resolution from each eligible municipality participating in the project which demonstrates their consent and support for the application.

An eligible applicant may apply for general planning needed to advance any of the eligible activities described below in [Section IV. Eligible Activities](#).

For project-specific planning, feasibility, design, and/or marketing needed to advance eligible activities, an eligible applicant must be currently preparing or have an approved LWRP or LWRP Component. The proposed project must be located within the LWRP waterfront revitalization area boundary or LWRP Component boundary.

For construction of projects needed to advance eligible activities, an eligible applicant must have an approved or substantially complete LWRP or relevant LWRP Component. The proposed project must be located within the LWRP waterfront revitalization area boundary or LWRP Component boundary.

For the purpose of this solicitation, a substantially complete LWRP at a minimum must include complete draft LWRP Sections 1-5 which the public has been given two opportunities to review and provide comment.

A substantially complete Watershed Management Plan (WMP) at minimum must include complete draft Watershed Characterization, Watershed Management Recommendations, and Implementation Strategy which the public has been given two opportunities to review and provide comment. The proposed project must be located within the WMP boundary.

IV. ELIGIBLE ACTIVITIES

Preparing or Updating a Local Waterfront Revitalization Program (LWRP), including Updating an LWRP to be More Resilient to Climate Risks

Preparation of an LWRP is a principal means of implementing the State's Coastal Management Program and plays a significant role in addressing relevant issues for a given region or place, bringing to bear the resources and authorities of local governments and engaging the public in the management and use of resources having an ecological, physical, social, visual, or economic relationship to the waterfront. Any eligible municipality or two or more eligible contiguous municipalities acting jointly to address shared resources may prepare a waterfront revitalization program, however, separate LWRP documents may be required for each municipality. For applications to prepare an LWRP including more than one eligible municipality, a resolution from each eligible municipality which demonstrates their consent and support should be submitted with the application.

Sea level rise, drought, increased frequency and intensity of storms, and the resultant effects from these climate-related changes impact communities and services on which residents and tourists depend. The health and resilience of communities rests on their ability to prepare for future climate impacts, reduce or avoid harm from hazards, and rebound from those impacts when they occur. Communities that are aware of their risks, are prepared to respond quickly and strategically to changing conditions and are able to consider the disproportionate impacts on socially vulnerable populations making them more resilient.

A community that has an LWRP which considers these current and future climate hazards, and plans accordingly, is more resilient. The DOS Resilience Principles provide a straightforward way for communities and practitioners to understand and apply different concepts that form resilience. When combined, these principles support planning initiatives and projects that are more adaptable, equitable, compatible with the natural environment and considerate of long-term effects. Identifying design and implementation projects which utilize resilience measures and the resilience principles to reduce risk such as shoreline management projects that use natural and nature-based features, and local laws to increase resiliency, can foster appropriate land and water use to help communities adapt to current and future climate conditions. The Department encourages applications that consider the DOS Resilience Principles (see list of resources below).

The LWRP must also plan for long term land and water uses for the local waterfront area and specify the legal techniques for implementation. Any of the local land use controls used in New York State, such as zoning, subdivision review, site plan review, cluster, historic preservation, planned unit development, and environmental regulation, may be used to implement the program. It is required that local governments adopt a local consistency review law to require that local agencies carry out their actions in a manner consistent with the approved LWRP. When estimating the budget to prepare an LWRP, it is recommended that adequate resources are included to complete all tasks in the generic work plan, including consideration of climate change impacts and potential new or revised zoning/land use regulations necessary to implement the LWRP, and local legal review.

Communities with an approved LWRP are encouraged to regularly update their LWRP to ensure the plan is current and well-connected to short and long-range community objectives, including addressing current and future climate risks.

Additional Guidance Materials:

- *Local Waterfront Revitalization Programs in New York State: Guidance Manual for Preparing Local Programs:* <https://dos.ny.gov/local-waterfront-revitalization-program>
- State coastal policies: <https://dos.ny.gov/system/files/documents/2020/02/coastalpolices.pdf>
- LWRP generic work plan which describes the tasks necessary to prepare a LWRP: <https://dos.ny.gov/funding-bid-opportunities>.
- DOS Resilience Principles to guide planning and shape proposed projects to consider climate impacts: https://dos.ny.gov/system/files/documents/2021/08/resilienceprinciples_opd.pdf

- Additional climate change and resilience resources: <https://dos.ny.gov/resilience-planning>.

Applicants may apply for funding to prepare, complete, or update an LWRP, including updating an LWRP to be more resilient to climate risks, using the LWRP Preparation Guidance, which may include:

- developing public consensus on a vision for the future of a region or a community through community visioning, public meetings and workshops, focus groups, charrettes, etc.
- identifying regional and local assets, potential risks, opportunities, and issues within the defined waterfront area with regard to: development and infrastructure; fish and wildlife habitats and resources; flooding and erosion hazards; resiliency; public access and recreation; historic and scenic resources; agricultural lands; energy and ice management; wetlands, water, and air resources; and other social, cultural, economic, and environmental interests
- developing goals that strike a balance between economic development and preservation to advance State coastal policies
- addressing and incorporating all applicable State coastal policies commensurate with local conditions and circumstances
- determining appropriate land and water uses to implement community goals and objectives for the waterfront
- identification of strategies to make health and social services more resilient on a daily basis and responsive during an emergency event
- identification of strategies/projects that will improve the resilience of infrastructure to severe weather events and/or climate change impacts
- identification of opportunities for modifying existing or developing new laws, regulations, policies, and practices to reduce a community's vulnerability to natural hazards and climate change impacts and improve resilience, emergency preparedness, pre-weather event management or response protocols
- creation of development tools that optimize land use patterns to meet the needs of vulnerable populations and future growth demands
- identification of public education efforts concerning potential long-term effects from severe weather event damage such as mold, desiccation, contaminated soils, and aquifer impacts
- incorporation of New York State sea level rise projections or other climate projections into projects
- consider issues such as risk assessment, combined benefits, critical facilities, value to the community, public health outcomes, and coordination of timing with other improvements within a regional context
- using resilience strategies and/or recommending resilience projects to reduce risk from current and future climate conditions
- recommending public and private projects to implement the LWRP
- providing the local organizational and legal structure, including the adoption of necessary zoning and local laws to implement the LWRP
- incorporating relevant data and/or projects from a NY Rising Community Reconstruction Plan or NY Rising Countywide Resiliency Plan, Coastal Lakeshore Economy and Resiliency Plan, Long Term Community Recovery Plan, Countywide Resiliency Plan, or other resiliency plan

Preparing a Local Waterfront Revitalization Program Component, including a Watershed Management Plan

While we encourage communities to complete a full LWRP inclusive of the consideration of all enforceable State coastal policies and local waterfront geographical areas, for some communities it may be appropriate to advance toward a complete LWRP in stages to address the most time sensitive and geographically significant priorities and policies.

LWRP Components will provide local governments with increased flexibility to better manage their coastal resources, help to develop local and regional capacity to effectively address revitalization issues through the LWRP process, and will further strengthen the NYS Coastal Management Program's and the Department's ability to work in partnership with local governments.

An LWRP Component focuses on one or more topic(s) or section(s) of an LWRP or its waterfront, provided that the program constitutes a discrete and cohesive, yet comprehensive, treatment of the subject or subjects addressed, which may be related to environmental, social, regional growth management, or economic conditions. An LWRP Component may focus on one or more State coastal policies that are relevant to the particular conditions and priorities in the municipality, address a significant geographic portion of the municipality's waterfront, or both.

The State coastal policies are available at: <https://dos.ny.gov/system/files/documents/2020/02/coastalpolicies.pdf> and the LWRP generic work plan for reference is available at: <https://dos.ny.gov/funding-bid-opportunities>.

Applicants may apply for funding for planning activities to prepare a component LWRP using the LWRP Preparation Guidance, which may include:

- addressing community resiliency to a changing climate, including both adaptation and mitigation strategies to proactively address risks and reduce vulnerabilities, and seek solutions that provide multiple benefits and address multiple goals
- addressing select State coastal policies commensurate with local conditions and circumstances
- identifying regional and local assets and potential risks, opportunities and issues within the defined waterfront area with regard to one or more of the following, as appropriate: development and infrastructure; fish and wildlife habitats and resources; flooding and erosion hazards; resiliency; public access and recreation; historic and scenic resources; agricultural lands; energy and ice management; wetlands, water and air resources; and other social, cultural, economic and environmental interests that address one or more of the coastal policies
- incorporating applicable State coastal policies into a prior waterfront revitalization strategy or plan
- recommending public and private projects to implement the component LWRP, including public access projects, resiliency, and/or environmental protection projects
- providing the local organizational and legal structure, including the adoption of zoning and local laws to implement the component LWRP and advance the feasibility of future completion of an LWRP

LWRP Component: Preparing a Watershed Management Plan

A watershed management plan is a type of LWRP Component that produces a comprehensive plan to protect and restore specific waterbodies and their watersheds by identifying and prioritizing land uses and capital projects to reduce point and nonpoint source pollution, and protect or restore water quality, tributary corridors and aquatic habitats. As watersheds generally encompass more than one municipal jurisdiction, the preparation of cooperative, intermunicipal plans for a specific watershed can be an effective way to achieve local, regional and statewide goals. These plans can form the factual basis for the LWRP inventory and support policy explanations dealing with water quality and water resources.

Local business, recreation, tourism, agriculture, industry, and economic development are dependent on high-quality water resources. Watershed plans can be an effective way of guiding activities to protect and promote natural and economic assets on an intermunicipal basis. Networking with experienced local governments, agencies, and organizations leads to efficiencies that minimize the costs of protecting and restoring natural assets. The Department's guidebooks on waterfront revitalization and watershed planning are available at <https://dos.ny.gov/library>.

The watershed management planning process is comprehensive, action oriented, and emphasizes broad environmental goals and objectives that cover all aspects of water quality. DOS's watershed planning framework establishes long-term watershed management; describes existing water quality conditions; and identifies priority actions to address impairments and threats. DOS provides technical and financial assistance for developing watershed management plans, including the development of Nine Element Watershed Management Plans (9E).

A 9E Watershed Management Plan is a type of watershed management plan that integrates the EPA's framework for watershed-based plans. This clean water plan ensures that the contributing causes and sources of nonpoint source pollution are identified, key stakeholders are involved in the planning process, and a strategy is developed to target the

identified pollutant(s). These plans often require additional quantification of pollutant loading and estimates of pollution reductions to achieve water quality goals than standard watershed management plans. Typical 9Es require significant data gathering and modeling through the use of an approved Quality Assurance Protection Plan.

Funds are available for the preparation and implementation of watershed plans that identify and assess key assets, problems, threats, and municipal land use development controls and practices, emphasizing water quality improvement, protection, and restoration. Applicants interested in completing a 9E Plan are expected to document understanding of the required monitoring and modeling in the project scope of work and demonstrate adequate resources are included in the budget to complete all tasks in the generic work plan. The generic work plan which describes the tasks necessary to prepare a watershed management plans and 9E watershed management plan and a webinar on Watershed Planning and Implementation Program - Understanding The Program and Tips for Applying for Funding is available at: <https://dos.ny.gov/funding-bid-opportunities>.

Applicants may apply for grant funding to prepare or update an LWRP Component focusing on watershed management, that includes:

- identify connections between water quality protection, waterfront revitalization, and climate change impacts, such as increased extreme precipitation
- conducting public participation to develop consensus on issues and actions needed to advance revitalization and water quality goals
- inventorying, analyzing and characterizing the watershed including land cover, land and water uses, and infrastructure
- identifying and assessing key natural, cultural and economic assets
- identifying problems, impairments, and threats including nonpoint and source water impairments, invasive species, chronic flooding, harmful algal bloom, increasing water temperatures, etc. and assessing their causes
- water quality data collection to be used to understand current watershed conditions
- assessing and modeling of nonpoint source pollution to identify impairments including onsite wastewater treatment systems and stormwater
- assessing land and water use controls (laws, programs and practices) to protect water quality and guide appropriate development
- quantifying the benefits of high water quality to local areas and the regional economy
- identifying issues and opportunities
- preparing strategies to protect water quality and promote sustainable economic development and community revitalization, including consideration of climate change impacts
- identifying local, state and other technical and financial resources needed for implementation of proposed projects and actions
- planning for the protection and promotion of natural assets on an intermunicipal watershed basis
- prioritizing projects and actions on an intermunicipal basis to improve and protect water quality
- developing systems to track implementation and measure and report on success

Implementing a Local Waterfront Revitalization Program or Local Waterfront Revitalization Program Component

The Department encourages applications for projects which create safe and inviting public waterfront destinations and facilities which prioritize accessibility in their design. Project design should maximize accessibility and other creative solutions which go beyond ADA standards to maximize accessibility to make public spaces and facilities more inclusive and usable for as many people as possible regardless of differences in ability and allow all visitors equal access to the waterfront. For example, inclusion of ADA accessible entryways, walkways, comfort stations including adult changing tables, boat launches, and site furnishings such as seating and tables that accommodate wheelchair users, age-friendly features, amenities appropriate to the varied capabilities of all users including individuals with cognitive, communicative, social/emotional and sensory disabilities, and multi-lingual or pictorial wayfinding.

Projects must incorporate consideration of sea-level rise, storm surge, erosion and/or flooding in project siting and design to make projects on public property and/or public facilities more resilient and utilize climate-adaptive design approach which prioritizes non-structural or natural-based measures approaches to promote resiliency. Applicants are encouraged to consider the DOS Resilience Principles when developing implementation projects.

Applicants may apply for implementation funding for activities on publicly owned property or where a permanent public interest, such as an easement (e.g., public access, conservation) has been established, including but not limited to:

- site-specific community waterfront revitalization and resiliency projects necessary to implement an LWRP or LWRP Component including design, construction and/or implementation activities:
 - preparation of resilient and adaptive concept plans, site redevelopment strategies and RFP for redevelopment projects;
 - project-specific and resilient designs, cost estimating, and permitting;
 - construction of publicly accessible parks and amenities including resilient infrastructure; trails, launch sites, public gathering spaces and entertainment amenities;
 - adaptive reuse of underutilized and abandoned buildings in public ownership;
 - development of design guidelines and standards;
 - streetscape and gateway improvements, including but not limited to: pedestrian walkways, sidewalks, bike lanes and multi-use trails; crosswalks and other pedestrian safety enhancements; directional and informational signage; lighting, amenities, landscaping, enhancing the urban tree canopy; building facades; and associated stormwater green infrastructure; and,
 - ensuring multi-modal accessibility to transit hubs or shuttle services.
- implementation of priority actions to protect and restore water resources including feasibility analysis, design or construction water quality projects
- projects that preserve, restore, and/or enhance natural landscapes that protect water quality and catalyze waterfront revitalization and projects that lead to the preservation or restoration of natural landscapes, such as forests, floodplains and wetlands, dunes, estuaries, marshes, riparian zones, riverine systems, and shellfish restoration. Projects may include:
 - Natural and nature-based shoreline stabilization
 - Living shorelines
 - Vegetated buffers
 - Culvert rightsizing
 - Natural sediment transport restoration
 - Runoff reduction and/or reduction of watershed imperviousness and preservation of groundwater infiltration
- stormwater projects that address water quality and green infrastructure such as raingardens, bioretention areas, stormwater green streets, and porous pavement.
- projects to make public facilities, including parks, trails, blueway trails, etc. more resilient to potential severe weather and flooding impacts including water quality improvements.
- projects which mitigate barriers to diadromous species migration including but not limited to River Herring, American Eel and Brook Trout.
- developing regional, intermunicipal, or local Geographic Information Systems to improve management of coastal areas and resources, and improve impact prediction and assessment and mitigation and adaptation planning
- marketing and promotion studies including marketing campaigns, brochures, website design
- amendment or adoption of local land and water use controls to provide coordinated watershed management for protecting water quality and improve community resilience to storm events and sea level rise, such as wetland and watercourse laws, local administration of Coastal Erosion Hazard Areas, and open space subdivision laws to protect floodplains
- development of educational outreach/training materials and programs to improve community resilience to severe weather and other climate-related hazards

- development of education, outreach/training materials and programs to reduce causes of impairments and threats to water quality including the ecological and financial costs of nonpoint and source water impairments, invasive species, chronic flooding, harmful algal blooms, and increasing water temperatures
- projects that create new waterfront public access sites or improve and/or expand existing sites along the NYS Canal System

Applications to fund design and construction of wastewater treatment infrastructure or herbicide application are not eligible for funding and will not be scored.

The generic work plan which describes the tasks necessary to implement design and construction projects is available at: <https://dos.ny.gov/funding-bid-opportunities>. Approved LWRPs are listed at: <https://dos.ny.gov/local-waterfront-revitalization-program>.

V. REQUIREMENTS FOR IMPLEMENTATION AND CONSTRUCTION PROJECTS

For projects which include any design and/or construction work, the applicant must identify the current legal owner(s) for all properties where improvements will be implemented. Applicants must provide proof with the application that all final design and construction work will be performed on public property or where a permanent public interest, such as an easement (e.g., public access, conservation) has been established prior to the grant application due date.

The applicant must attach proof of site control and/or permanent public interest. If property is owned by:

- the applicant municipality, submit the property deed, current tax roll or property record card.
- a municipality or public entity that is not the applicant, submit the property deed, current tax roll or property record card and a letter of support or resolution from the landowner supporting the project.
- private property owner or not-for-profit, submit the property deed, current tax roll or property record card and executed public access easement, conservation easement, or similar legal instrument establishing permanent public interest in the property.

Applications that do not provide this documentation will be found ineligible and will not be scored. Note: Site control does not need to be established at time of application for planning, feasibility studies, preliminary design (up to 30%) or similar projects which do not include final design and/or construction work. The Department shall have the sole discretion of determining if a proposed project meets the DOS program expectations for design and/or construction work.

Construction projects must be in compliance with zoning and other applicable land use regulations. Property where improvements are made must remain accessible to the public and provide direct public benefit for the intended useful life of the project. Projects intended to be open to the public must be open to the general public and not limited to residents of the municipality receiving a grant. Signage to this effect must be provided at these sites. Where improvements are made to a building, access must remain available to the general public and provide a direct public benefit tied to waterfront revitalization.

Property improved with EPF LWRP grants that are sold or transferred out of public ownership and control prior to expiration of the intended useful life will require that grant funds be returned to the Department.

It is required that project design and construction be undertaken under the supervision of an architect and/or engineer licensed to practice in the State of New York. In addition, proper certification from a licensed architect or engineer, as appropriate to the task, will be required for the preparation of designs and specifications and for the submission of as-built plans upon completion of the project.

In addition to responsibility for compliance with local regulations, the grant recipient is responsible for complying with applicable State and Federal laws and regulations, including, but not limited to:

- State Environmental Quality Review Act
- State Freshwater and Tidal Wetlands Acts
- US Army Corps of Engineer permits
- Coastal Erosion Hazards Areas Act
- Floodplain Management criteria
- State and Federal laws and regulations for Historic Preservation
- Coastal Zone Management Act (federal)
- Waterfront Revitalization of Coastal Areas and Inland Waterways (NYS Executive Law Article 42)

For construction only projects, the applicant is required to submit draft or final design documents with the grant application. Construction projects must be consistent with State Coastal Policies or LWRP policies if the LWRP has been adopted by the municipality and approved by the New York State Secretary of State.

Successful applicant will be required to install a sign satisfactory to the Department acknowledging the Department's funding of the project. The project sign must remain in place for the intended useful life of the improvements undertaken.

VI. FUNDING AND BUDGET GUIDANCE

All costs will be paid on a reimbursement basis and must be documented. Costs must be adequately justified and directly support the scope of work outlined in the application for the proposed project. Proposed total project costs, including match components, must be essential to project completion. State assistance payments will be made to grant recipients based on actual expenditures for eligible costs up to the amount of the grant awarded.

When estimating the total eligible project cost, the applicant should calculate the cost to complete each task included in the project scope of work which may include costs associated with project management and grant administration. As a reference, DOS generic work plans which describe tasks necessary to prepare an LWRP or WMP and implement design and construction projects are available at: <https://dos.ny.gov/funding-bid-opportunities>. The budget may only include eligible costs described below which directly support the project scope of work. Applicants are encouraged to obtain initial project quotes from a consultant with relevant professional experience and background to inform the budget.

Eligible Costs

Personal Services – including direct salaries, wages, and fringe benefits for activities related to project work by municipal employees, including project management, capacity building, and grant administration. Fringe benefits must be outlined in the application and include the organizations' documented rate.

Non-Personal Services – project related supplies, materials and equipment, necessary travel, consultant/contractual services for direct project related costs, project management, capacity building, limited grant administration, and other goods and services required to complete the project.

Equipment purchases will only be considered as an eligible cost if the equipment is essential to accomplish tasks included in project scope of work and is demonstrated to be more cost-effective than renting or leasing the equipment. The application should list each piece of equipment to be purchased with an estimated cost and how it will be used to accomplish project tasks. Equipment purchased with EPF LWRP grant funding cannot be sold without prior approval from the Department. If equipment purchased with EPF LWRP funds is sold without DOS approval, the Department may require that grant funds be returned to the Department. Equipment usage may only be used as local match.

Project management activities may include oversight and coordination of tasks needed to produce contract deliverables, coordination of Project Advisory Committee activities, consultant procurement and oversight, public outreach and providing technical assistance.

Capacity building may include: investment in existing staff, such as training, or automating systems that will improve a community's ability to carry out projects and/or deliver programs funded under this RFA; or developing sustainable organizational capacity, such as through creating and recruiting new positions or enlisting external professional assistance to oversee revitalization efforts. Allowable activities under capacity building shall be within the scope of the RFA and undertaken in direct furtherance of the purpose of the grant application.

Grant administration activities may include preparation of reports, vouchers, contract related administration and compliance with grant record keeping and reporting requirements. Grant administration may not exceed 15% of the award amount or \$50,000, whichever is less.

Local Match

State assistance awarded and paid shall not exceed 75% of the total eligible cost for the project, except where the proposed project is located in an environmental justice area or disadvantaged community, in which case state assistance awarded and paid shall not exceed 85% of the total eligible cost for the project.

Local match may include any of the items listed above in Eligible Costs section as well as the following. Local match must be outlined in the application for consideration.

Volunteer services included in the local match are limited to those that are required to complete project tasks. Volunteer services may not include attendance of general public at public meetings. Volunteer services must be listed in the application. Documented volunteer services (non-professional or administrative) may be valued at up to \$15.00 per hour. Credit for project related volunteer services requires submission of detailed accurate records using Department approved forms to account for volunteer services to be included as local match. Failure to do so will result in non-approval of accrued volunteer hours for documented match.

Donated professional services included in the local match are limited to those that are required to complete project tasks and only when services provided are in direct relation to the profession of the individual providing these services. Donated professional services must be listed in the application. Professional or technical services, such as engineering, legal, design, planning, and project management services will be valued at a rate of \$60.00 per hour. Construction and other labor services will be valued at the prevailing wage rate set for the locality where the work is performed. Applicants must provide a description of the work to be undertaken by each individual and the reason for using a donated professional services rate rather than the volunteer services rate in the grant application.

Donated services that are not directly related to a profession will be considered as local match at the volunteer services rate. In all cases, detailed accurate records must be kept using Department approved forms to account for services to be included as local match.

Land acquisition – land acquired (e.g., purchase or donation) may only be used as local match for projects that include construction and where the construction occurs on the acquired property. Land must be acquired within three years prior to the grant application due date. Land acquisition is not eligible for match for projects involving only design and engineering. A map identifying the property, and if available, a current appraisal report documenting the property value and a copy of the recorded deed conveying title and ownership must be submitted with the application.

Federal funding (including but not limited to ARPA, CDBG, FHWA, FEMA, U.S. FWS Boating Infrastructure Grant Program) may not be used as match for any award made pursuant to this procurement. Other Environmental Protection Fund awards (including but not limited to WQIP, BOA, Smart Growth, OPRHP EPF)

In addition, the Environmental Protection Fund grants provided under this program may not be used as the local match for any federal or State grants without explicit written permission from the Department.

Environmental Justice

NYS Environmental Conservation Law § 54-1101 and NYS Executive Law § 42-918 dictate the local match requirements for the Department's Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) grants. For this solicitation, state assistance awarded and paid shall not exceed 75% of the total eligible project costs set forth in the application and as approved by the Department, except where the proposed project is located in an Environmental Justice Area or Disadvantaged Community (DAC), in which case state assistance awarded and paid shall not exceed 85% of the total eligible project costs set forth in the application and as approved by the Department.

For the purposes of determining if a CFA applicant is eligible to receive state assistance at a rate of 85% of the total eligible project cost under this solicitation, reference Potential Environmental Justice Area mapping created by the Department of Environmental Conservation (DEC) available at:

https://www.arcgis.com/home/webmap/viewer.html?url=https://services6.arcgis.com/DZHaqZm9cxOD4CWM/ArcGIS/rest/services/Potential_Environmental_Justice_Area_PEJA_Communities/FeatureServer&source=sd, and

Disadvantaged Communities (DAC) mapping created by the New York Climate Justice Working Group available at: <https://www.nyserda.ny.gov/ny/disadvantaged-communities>, and the following Department policy:

- The Project Funding and Program Budget section in the CFA should clearly indicate the applicant is seeking State funding from the Local Waterfront Revitalization Program in the amount equal to 85% of the total project cost. This should also be clearly indicated in the LWRP Budget Summary & Detail spreadsheet, submitted as an CFA attachment.
- For applications to prepare or update an LWRP for one municipality, a portion of the LWRP boundary area must be located within an Environmental Justice Area or Disadvantaged Community.
- For applications to prepare or update an LWRP or LWRP component for multiple municipalities, each municipality must include an Environmental Justice Area or Disadvantaged Community within the planning boundary.
- For applications for design and construction projects, a portion of the project must be located within an Environmental Justice Area or Disadvantaged Community.
- For applications that include multiple implementation projects in multiple locations, a portion of the project in each location must be located within an Environmental Justice Area or Disadvantaged Community.
- Department GIS analysis must confirm the project is located within a Potential Environmental Justice Area as mapped by the DEC or a Disadvantaged Community as mapped by the NYS Climate Justice Working Group. Confirmation will be determined during the application review.

More information on criteria the DEC used to delineate potential environmental justice areas can be found on the DEC website at: <https://www.dec.ny.gov/public/911.html>. More information on criteria the NYS Climate Justice Working Group used to delineate Disadvantaged Communities can be found on the NYSEDA Climate Act website under the "Disadvantaged Communities Criteria Documents" section at: <https://climate.ny.gov/resources/disadvantaged-communities-criteria/>.

Determining State Funding Request

The minimum State assistance request for EPF LWRP grant funding per grant application is \$50,000 and the maximum State assistance request is \$2 million. Applications requesting under \$50,000 in EPF LWRP grant funding will be disqualified and will not be scored.

To calculate the State Funding Request:

Multiply the total project cost times the % State funding (either 0.75 or 0.85) = State Funds Requested

For example, if the total eligible project cost is \$200,000, the State Funds Requested would be \$150,000 and the Local Match would be \$50,000.

$\$200,000 * 0.75 = \$150,000$ State Funds Requested

$\$200,000 * 0.85 = \$170,000$ State Funds Requested for projects meeting Environmental Justice Area or Disadvantaged Community criteria (see above)

This example shows calculations for the minimum state assistance request of \$50,000:

$\$66,667 * 0.75 = \$50,000$ State Funds Requested

$\$58,824 * 0.85 = \$50,000$ State Funds Requested for projects meeting Environmental Justice Area or Disadvantaged Community criteria (see above)

Ineligible Costs

The following costs will neither be accepted as the required local match nor reimbursed with grant funds:

- Indirect or overhead costs of the municipality such as rent, telephone service, administrative support not directly related to project work, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.
- Salaries and other expenses of elected officials
- Fund raising events/expenses
- Land acquisition (except as noted above)
- Taxes, insurance, fines, deficit funding
- Loan and bond interest and associated fees. The interest associated with a Loan, Bond, or Bond Anticipation Note (BAN) cannot be calculated into project cost, whether for reimbursement or local match.
- Contingency costs
- Lobbying expenses
- Cost incurred prior to the contract start date or outside of the contract term
- Costs that are not adequately justified or that do not directly support the scope of work for the proposed project

Failure to adequately justify direct project costs will render costs ineligible. Ineligible costs will be eliminated from the total project costs in the grant application.

VII. AWARD METHOD

Each application will be reviewed for eligibility and, if determined eligible, will be scored according to the application evaluation criteria. Applications deemed ineligible will not be scored. Eligible applications will be scored and funds will be awarded until available funds are fully distributed.

A total score of 100 points is possible for any application, of which up to 80 points is derived from program criteria and 20 points from the Regional Economic Development Council (REDC) endorsement. An application must score a minimum of 50 program criteria points out of a possible 80 points from the Department of State review to receive an award. REDC points are based on regional economic priorities and are assigned by the REDCs.

Approximately \$13,975,000 million is anticipated for award for this procurement, with up to \$2 million dedicated for updates to existing LWRPs to mitigate future physical climate risks. Approximately \$10.5 million of the available funding will be awarded for projects which are in, or primarily serve, areas where demographic and other relevant data demonstrate that the areas are:

- densely-populated and have sustained physical deterioration, decay, neglect, or disinvestment; or
- where a substantial proportion of the residential population is of low income, or is otherwise disadvantaged and is underserved with respect to the existing recreational opportunities

Award Method for Applications for Updating an LWRP to Mitigate Future Physical Climate Risks

Applications received for updating existing LWRPs for the purpose of mitigating future physical climate risks, will be scored within this grant category and funds will be awarded in rank order, to applications which receive a minimum of 50 program criteria points from the Department of State review, until available funds are exhausted. Any remaining funds from this grant category will be utilized to fund applications received for other grant categories.

Award Method for Applications for Other Grant Categories

Applications received under other grant categories - preparing or updating a LWRP; preparing an LWRP Component, including a Watershed Management Plan; or implementing an LWRP or completed LWRP Component – will be scored and funds will be awarded in rank order, to applications which receive a minimum of 50 program criteria points from the Department of State review, until available funds are exhausted.

The Department may make an award under the RFA in whole or in part and may offer partial funding if a particular phase of a project is not ready to move forward. The Department may offer partial funding to an applicant if its application cannot be fully funded within the funds remaining; if the applicant declines the partial funding, funding may be awarded to the next highest-scoring unfunded application. If an awardee fails to satisfactorily negotiate a proper contract within a reasonable amount of time, that funding may be awarded to the next highest-scoring unfunded application.

In the event that another NYS agency fully funds a high scoring project through the CFA process, the awardee will receive funding from only one state agency. The Department will work with other NYS agencies to ensure that duplication of funding does not occur. If an applicant receives full funding from another agency, the Department reserves the right to award full or partial funding to the next highest scoring unfunded application.

The opportunity to be debriefed will be provided, upon request, to unsuccessful applicants. Requests must be made in writing within 15 business days of notification of status of award. Debriefings are expected to be conducted within 15 business days of the written request.

In the event unsuccessful bidders wish to protest the award resulting from this RFA, bidders should follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI

Section 17 of the Guide to Financial Operations (GFO), available on-line at:
<http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>.

VIII. APPLICATION EVALUATION CRITERIA

Applications will be reviewed according to the specific criteria presented below.

Minimum Criteria

Eligible applicants are villages, towns, cities located along New York's coasts or designated inland waterways, or counties with the written consent and acting on behalf of one or more eligible villages, towns, or cities. Applications will also be assessed to determine if the proposed project is an eligible activity and to ensure that the applicant has documented the ability to provide the required local match.

For project-specific planning, feasibility, design, and/or marketing needed to advance eligible activities, an eligible applicant must be currently preparing an LWRP or LWRP Component or have an approved LWRP or LWRP Component. The proposed project must be located within the LWRP or LWRP Component boundary.

For construction of projects needed to advance eligible activities, an eligible applicant must have an approved or substantially completed LWRP or relevant LWRP Component. The proposed project must be located within the LWRP boundary or LWRP Component boundary.

For projects which include any design and/or construction work, the applicant must identify the current legal owner(s) for all properties where improvements will be implemented. Applicant must provide proof with the application that all final design and construction work will be performed on public property or where a permanent public interest, such as an easement (e.g., public access, conservation) has been established prior to the grant application due date.

The applicant must attach proof of site control and/or permanent public interest. If property is owned by:

- the applicant municipality, submit the property deed, current tax roll or property record card.
- a municipality or public entity that is not the applicant, submit the property deed, current tax roll or property record card and letter of support or resolution from the landowner supporting the project.
- private property owner or not-for-profit, submit the property deed, current tax roll or property record card and executed public access easement, conservation easement, or similar legal instrument establishing permanent public interest in the property.

Applications that do not provide this documentation will be found ineligible and will not be scored. Note: Site control does not need to be established at time of application for planning, feasibility studies, preliminary design (up to 30%) or similar projects which do not include final design and/or construction work. The Department shall have the sole discretion of determining if a proposed project includes design and/or construction work.

Failure to meet these criteria will result in immediate disqualification of the application, which will not be further evaluated.

Program Criteria (maximum of 80 points)

Applications will be evaluated to assess the degree to which they meet the elements of each criterion.

The program criteria (with total available points) and elements are:

Local Waterfront Revitalization Program Priorities for 2024 (0 or 6 points)

An application will receive 6 points if it meets the following criteria:

- Project will prepare a planning or feasibility study and/or design to:
 - preserve, restore, and/or enhance natural landscapes that protect water quality and catalyze waterfront revitalization and projects that lead to the preservation or restoration of natural landscapes, such as forests, floodplains and wetlands, dunes, estuaries, marshes, riparian zones, riverine systems, and shellfish restoration. Projects may include:
 - Natural and nature-based shoreline stabilization
 - Living shorelines
 - Vegetated buffers
 - Culvert rightsizing
 - Natural sediment transport restoration
 - Runoff reduction and/or reduction of watershed imperviousness and preservation of groundwater infiltration
 - advance stormwater projects that address water quality and green infrastructure such as raingardens, bioretention areas, stormwater green streets, and porous pavement.
 - make public facilities, including parks, trails, blueway trails, etc. more resilient to potential severe weather and flooding impacts including water quality improvements.
 - mitigate barriers to diadromous species migration including but not limited to River Herring, American Eel and Brook Trout.

Public Outreach and Engagement (maximum of 4 points)

- Describes public outreach and engagement process and techniques that will be utilized to ensure comprehensive public participation and input throughout plan or design development.
- Describes how the public engagement process will address Diversity, Equity, Inclusion, Justice and Accessibility (DEIJA) and encourage participation from populations who are frequently underrepresented, including but not limited to immigrants, refugees, and minorities.
- For projects that only include construction, describe the public engagement process and activities held throughout the design process, how DEIJA was addressed, how public feedback was addressed in the design phase, and any additional public engagement that will occur throughout construction.
- Demonstrates that the public and stakeholders who would be affected by, or who can advance the project, will be engaged in project planning and implementation.
- Demonstrates support from stakeholder(s) directly impacted by project. This may include letters of support from stakeholder groups that will directly benefit from the project.

Local Capacity and Previous Performance (maximum of 4 points)

- Demonstrates that an effective organizational structure exists to advance and complete the project.
- Previously demonstrated capacity and effective organizational structure to manage more than one EPF LWRP project (Only pertains to applicants which have one or more open EPF LWRP contracts).
- Demonstrated high quality performance under previous EPF LWRP contracts, timely submission of contract deliverables, status reports and payment requests (Only pertains to applicants which have had previous EPF LWRP contracts).
- Demonstrated successful completion of EPF LWRP or other State grant awards (Only pertains to applicants which have had previous EPF LWRP or other State grant awards) .

Public Benefit (maximum of 20 points)**Regional Significance (maximum of 4 points)**

Creates a plan or implements a project which:

- Improves or protects natural, cultural or economic resources of regional significance or addresses critical issues and opportunities of regional significance

- Is consistent with State coastal policies
- Ensures an appropriate balance between development, open space and natural resource protection within the regional context
- Advances efforts to resolve shared issues through intermunicipal partnerships
- Redevelops and/or revitalizes a regional center
- Provides a public facility of greater than local importance that will attract visitors within the region
- Advances regional strategies addressing carbon reduction/abatement, energy efficiency or renewable energy

Local Significance (maximum of 4 points)

Creates a plan or implements a project which:

- Advances long-term community revitalization goals and capitalizes on assets, or identifies opportunities for addressing problems documented in an LWRP, LWRP Component, Countywide Resiliency Plan, or Designated Brownfield Opportunity Area Plans where applicable
- Explains how the planning process or project is consistent with Smart Growth Principles and promotes compact, efficient and sustainable land development, incorporates redevelopment patterns that optimize prior infrastructure investments, while preserving open space, natural resources and agriculture lands
- Advances completion of a new phase of a project previously funded by EPF LWRP
- Creates or implements of a plan or strategy that addresses critical issues and opportunities of local significance including community resiliency
- Provides a public amenity that is an identified local priority for a community
- Addresses environmental justice issues

Waterfront Public Access (maximum of 4 points)

Creates a plan or implements a project which:

- Improves or expands water dependent or water-enhanced public recreation opportunities or facilities
- Improves or expands pedestrian, bicycle and paddling trails that connect people to parks, nature and public spaces; and accessible neighborhood parks
- Improves or expands visual/physical access to public waterfront resources, provides new/enhanced public spaces, or enhances community character/visual environment
- Enhances the quality and availability of public waterfront resources, including improving, protecting, and restoring water quality
- Facilitates the siting of water dependent uses and facilities
- Incorporates Americans with Disabilities Act (ADA) standards and other creative solutions which go beyond ADA standards to maximize accessibility to make public spaces and facilities more inclusive and usable for as many people as possible regardless of differences in ability and allow all visitors equal access to the waterfront

Natural Resources (maximum of 4 points)

Creates a plan or implements a project which:

- Promotes conservation and protection of ecosystem integrity
- Incorporates ecological processes into design such as ecological landscaping, use of native plants and pollinator species, wetland restoration, naturalizing waterways, living shorelines, green infrastructure, rain gardens, and increasing the urban tree canopy
- Protects, enhances or restores habitats including designated significant coastal fish and wildlife habitat, or natural protective features (wetland, floodplain, active river area, beach, dune)
- Protects, enhances or restores a scenic area of local or statewide significance
- Protects agricultural land as a resource that provides for farmland uses and open space
- Implements New York State's Coastal Nonpoint Pollution Control Program, or otherwise protects groundwater or surface water quality and hydrology
- Protects, restores, or enhances natural resources

Economic Value (maximum of 4 points)

Creates a plan or implements a project which:

- Generates economic activity, creates immediate and future jobs, offers realistic economic development potential, or contributes to restoration of municipalities' tax bases
- Advances the completion of a plan or strategy that enhances economic vitality in a community or region
- Provides for downtown revitalization
- Supports water-dependent commercial and industrial uses, tourism development or agriculture
- Offsets municipal expenses or avoids future losses by protecting ecosystem services and/or reducing vulnerability to potential extreme weather events
- Complements related activities and projects, and leverages funding under the Environmental Protection Fund, other New York State grant programs, federal grant programs, or other sources of public, not-for-profit and private funds
- Makes efficient use of/protects public investment in resources and infrastructure

Resiliency & Sustainability (maximum of 6 points)

Creates a plan or implements a project which:

- Improves community resiliency to a changing climate, including both adaptation and mitigation strategies to proactively address risks and reduce vulnerabilities and seeks solutions that provides multiple benefits and addresses multiple goals
- Incorporates and advances the benefits of nature through preservation and restoration of natural landscapes, and/or the use of green infrastructure and green infrastructure policies that reduce watershed imperviousness, and preserve groundwater infiltration
- Utilizes climate-adaptive design approach which prioritizes non-structural or natural-based measures approaches to promote resiliency. Only utilizes structural measures where non-structural or nature-based alternative measures have been proven to be inadequate to protect the principal use.
- Ensures that governmental decision-making is based on sound science and considers cumulative effects
- Provides a framework that encourages sustainable development or redevelopment of communities in appropriate locations outside of flood prone areas
- Incorporates consideration of sea-level rise, storm surge, erosion and/or flooding in project siting and design to make projects on public property and/or public facilities more resilient
- Utilizes DOS risk assessment tool or similar protocol to assess risk and prioritize risk reduction measures
- Incorporates and advances carbon reduction/abatement, energy efficiency or renewable energy

Implementation (maximum of 16 points)**Scope of Work (maximum of 8 points)**

- Clearly defines what is to be done, where and how it will be done, who will do it, and when it will be completed
- Identifies a set of clear and discrete tasks that show a logical approach for project completion
- Demonstrates sufficient experience and ability of key project personnel to successfully carry out the project
- Project deliverables are clearly defined and consistent with program objectives

Project Readiness & Time Frame (maximum of 8 points)

- Demonstrates how the project will be completed within a maximum of five years or less and presents timeline for completion of major tasks and milestones
- Demonstrates the ability to proceed with project upon award
- Demonstrates preliminary work needed to advance the proposed project has been completed (for example, if a construction project, designs have been prepared, permits and/or other approvals obtained, or at least submitted, to facilitate construction)
- Identifies current legal owner(s) of site where improvements will be implemented
- Demonstrates site control has been established, if applicable (i.e., easements, acquisition etc.)

Disadvantaged and Underserved Communities (0 or 4 points)

- Proposed project is located in or primarily serves areas that are densely populated and have sustained physical deterioration, decay, neglect, or disinvestment, or where a substantial proportion of the residential population is of low income or is otherwise disadvantaged and is underserved with respect to the existing recreational opportunities

Evaluation of Budget and Cost (maximum of 20 points)

Applications will also be evaluated to assess the degree to which they meet the elements of each criterion below.

- Application describes and documents how the budget and cost were determined. Identifies the person(s) responsible for compiling the budget including relevant experience and background of all parties and the method/approach used to arrive at estimates *(maximum of 5 points)*
- Budget clearly demonstrates amount, type, and source of eligible local match and demonstrates identified eligible match sources have been secured. *(maximum of 5 points)*
- Budget includes adequate detail for all project components involved, is cost-effective, presents necessary and realistic costs, and does not contain extraneous or ineligible expenses. Budget is accurate and thorough. Budget narrative includes an explanation for the estimate of each budget line and clearly supports the applicant's need for financial resources requested to achieve project outcome. Budget narrative describes how the grant recipient will monitor expenditures during the life of the project to ensure that the project stays on schedule and within budget. *(maximum of 10 points)*

Note: Detailed and clear demonstration of local match is required at the time of application. Awards may be reduced or not made if applicant fails to document sufficient, eligible match.

Regional Economic Development Council Endorsement (maximum of 20 points)

Each application will be scored by the Regional Economic Development Council in which the proposed project is located. Regional Councils will review applications to assess the degree to which the project helps implement the Regional Strategic Plan. The Regional Council will score applications based on a set of standards, referred to as “endorsement standards.” and will assign each project a single score of 20, 15, 10, 5 or 0 (no fractions) based on merit. Regional Strategic Plans and endorsement standards can be found at <https://regionalcouncils.ny.gov/>.

IX. NEW YORK STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

Awards made through this grant program shall be consistent with the State’s Smart Growth Public Infrastructure Policy Act (Environmental Conservation Law, Article 6), where applicable.

X. CONTRACT REQUIREMENTS**New York Statewide Financial System**

Grant applicants are encouraged to register through the New York Statewide Financial System. To register, log on to <https://www.sfs.ny.gov/index.php/vendors>.

Standard Cost Reimbursement Contract

Each successful applicant must enter into a State of New York Contract for Grants with the Department which will include standard clauses required by the NYS Attorney General, Attachment A (including compliance with Article 15-A of the New York Executive Law), the agreed upon work plan and budget, and other applicable attachments as required. The contract will: 1) be subject to approval by the Attorney General and State Comptroller; 2) require submission of final products in both hard copy and electronic format; 3) be subject to payment only upon proper documentation and compliance with reimbursement procedures; and (4) be subject to all other contractual requirements. A copy of the State

of New York Contract for Grants including the attachments outlined above is available from the Department upon request.

To ensure that funds are awarded to applicants that are ready to move forward, the Department reserves the right to rescind an award if the state contract is not signed and returned within an acceptable period of time. There will be no contract advance available to grantees. Expenses incurred prior to the start date of the state contract cannot be reimbursed.

Compliance with Procurement Requirements

All contracts by municipalities for service, labor, and construction involving not more than \$35,000 and purchase contracts involving not more than \$20,000 are subject to the requirements of General Municipal Law §104-b, which requires such contracts to comply with the procurement policies and procedures of the municipality involved. All such contracts shall be awarded after and in accordance with such municipal procedures, subject to the Minority or Women-Owned Business Enterprise (MWBE) requirements as set forth below and any additional requirements imposed by the State as set forth in Attachment C of the State of New York Contract for Grants.

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify to the Department that applicable public bidding procedures of General Municipal Law §103 were followed for all service, labor, and construction contracts involving more than \$35,000 and all purchase contracts involving more than \$20,000. In the case of contracts by municipalities service, labor, and construction contracts involving not more than \$35,000 and purchase contracts involving not more than \$20,000, the municipal attorney, chief legal officer or financial administrator shall certify that the procedures of the municipality established pursuant to General Municipal Law §104-b were fully complied with, in addition to the MWBE requirements.

The municipal attorney, chief legal officer or financial administrator for the municipality shall certify to the Department that alternative proposals and/or quotations for professional services were secured by use of written requests for proposals through a publicly advertised process. This certification will verify that the procurement requirements were met and ensure the prudent and economical use of public funds for professional services of maximum quality at reasonable cost.

Record Retention and Audits

The successful applicant shall establish and maintain, in paper or electronic format, complete and accurate books, records, documents, receipts, accounts, and other evidence directly pertinent to its performance under the State of New York Contract for Grants with the Department. Payment requests may be subject to periodic reviews. The successful applicant will be required to agree to produce and retain for the balance of the term of the State of New York Contract for Grants, and for a period of six years from the later of the date of (i) the State of New York Contract for Grants and (ii) the most recent renewal of the State of New York Contract for Grants, any and all Records necessary to substantiate upon audit, the proper deposit and expenditure of funds received under the State of New York Contract for Grants. Such records may include, but not be limited to, original books of entry (e.g., cash disbursements and cash receipts journal), and the following specific records (as applicable) to substantiate the types of expenditures noted (i) personal service expenditures: cancelled checks and the related bank statements, time and attendance records, payroll journals, cash and check disbursement records including copies of money orders and the like, vouchers and invoices, records of contract labor, any and all records listing payroll and the money value of non-cash advantages provided to employees, time cards, work schedules and logs, employee personal history folders, detailed and general ledgers, sales records, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (ii) payroll taxes and fringe benefits: cancelled checks, copies of related bank statements, cash and check disbursement records including copies of money orders and the like, invoices for fringe benefit expenses, miscellaneous reports and returns (tax and otherwise), and cost allocation plans, if applicable, (iii) non-personal services expenditures: original invoices/receipts, cancelled checks and related bank statements, consultant agreements, leases, and cost allocation plans, if applicable, (iv) receipt and deposit of advances and reimbursements: itemized bank stamped deposit slips, and a copy of the related bank statements.

Minority and Women-Owned Business Enterprise Utilization (MWBE)

Applicants must submit the MWBE Compliance Form with their application confirming their understanding of the MWBE requirement and agreeing to show due-diligence and make good faith efforts to provide meaningful participation by MWBE's, whenever possible, if awarded the contract.

Contract Period

Subject to the continued availability of funds in the budget, the contract period shall not exceed five years from the start of the contract. The earliest start date of contracts is April 1, 2024. No extensions are anticipated, however special consideration for extensions due to extreme extenuating circumstances may be granted on a case-by-case basis.

Amendments

Amendments will not be made to the original contracted scope of work, for example, applicants that receive funding for general planning or for project-specific planning, feasibility, design, and/or marketing projects may use this funding for these purposes only.

XI. SATISFACTORY PROGRESS

It is imperative that the grant recipient complete the project as set forth in the agreed upon work plan and individual monitoring plan. Failure to render proof of satisfactory progress or to complete the project to the satisfaction of the State may be deemed an abandonment of the project and may cause the suspension or termination of any obligation of the State. Satisfactory progress toward implementation includes, but is not limited to, executing contracts and submitting status reports and payment requests in a timely fashion, retaining consultants, written certification of compliance with procurement requirements, completing plans, designs, permit applications, reports, or other tasks identified in the work plan within the time allocated for their completion. The Department may recapture awarded funds if satisfactory progress is not being made on the implementation of a grant project. Applicants should not submit applications if they do not expect to initiate the project within a reasonable time period after receiving an executed contract and will not be able to complete the project within the time period cited in the application.

XII. GENERAL SPECIFICATIONS

1. By signing the "Application Form" each applicant attests to its express authority to sign on behalf of the applicant and to the accuracy of the information contained therein. Applications containing false or inaccurate information may be disqualified upon verification of information by the Department.
2. Contractors will possess, at no cost to the State, all qualifications, licenses and permits to engage in the required business as may be required within the jurisdiction where the work specified is to be performed. Workers to be employed in the performance of this contract will possess the qualifications, training, licenses and permits as may be required within such jurisdiction.
3. Submission of any application indicates the applicant's acceptance of all conditions and terms contained in this RFA, including the terms and conditions of the contract.
4. Provisions upon default:
 - a. The services to be performed by the applicant shall be at all times subject to the direction and control of the Department as to all matters arising in connection with or relating to the contract resulting from this RFA.
 - b. In the event that the applicant, through any cause, fails to perform any of the terms, covenants or promises of any contract resulting from this RFA, the Department acting for and on behalf of the State, shall thereupon have the right to terminate the contract by giving notice of the fact and date of such termination to the applicant.
 - c. If, in the judgment of the Department, the applicant acts in such a way which is likely to or does impair or prejudice the interests of the State, the Department acting on behalf of the State, shall thereupon have the right to terminate any contract resulting from this RFA by giving notice of the fact and date of such termination to the contractor. In such case, the contractor shall receive equitable compensation for such services as shall, in the judgment of the Department, have been satisfactorily performed by the

contractor up to the date of the termination of this agreement, which such compensation shall not exceed the total cost incurred for the work in which the contractor was engaged at the time of such termination, subject to audit by the State Comptroller.

5. The Department reserves the right, including but not limited, to:
 - a. Reject any or all applications received in response to this RFA;
 - b. Withdraw the RFA at any time, at the agency's sole discretion;
 - c. Make an award under the RFA in whole or in part;
 - d. Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA;
 - e. Seek clarifications and revisions of applications;
 - f. Use application information obtained through site visits, management interviews and the State's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or information submitted by the applicant in response to the Department's request for clarifying information in the course of evaluation and/or selection under the RFA.
 - g. Prior to the application due date, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available;
 - h. Prior to the application due date, direct applicants to submit application modifications addressing subsequent RFA amendments;
 - i. Change any of the scheduled dates;
 - j. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective applicants.
 - k. Waive any requirements that are not material;
 - l. Negotiate with applicants responding to this RFA within the scope of the RFA to serve the best interests of the State;
 - m. If unsuccessful in negotiating a state contract with the selected applicant within an acceptable time frame, the Department may begin state contract negotiations with the next ranked qualified applicant(s) in order to serve and realize the best interests of the State.
 - n. Utilize any and all ideas submitted in the applications received.
 - o. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an application and/or to determine an applicant's compliance with the requirements of the solicitation;
 - p. Waive or modify minor irregularities in applications received after prior notification to the applicant;
 - q. Make awards based on geographic distribution;
 - r. Not to fund an application that fails to submit a clear and concise work plan or budget;
 - s. Adjust or correct cost figures with the concurrence of the applicant if errors exist and can be documented to the satisfaction of the Department and the State Comptroller;
 - t. Award more than one contract resulting from this RFA;
 - u. In its sole discretion, determine the total number of awards to be granted pursuant to this RFA;
 - v. Offer partial or no funding to any applicant if its application cannot fulfill its proposed program within the funding restrictions herein;
 - w. Make additional awards if funding becomes available;
 - x. Require reporting on forms designed for use solely for this procurement;
 - y. Not to make any awards pursuant to this RFA. This RFA does not commit the Department to award any contracts, to pay the costs incurred in the preparation of a response to this RFA, or to procure or contract for services; and
 - z. Make awards based on disadvantaged and underserved community status.

Appendix 1

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK STATE-CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES, EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN, AND SERVICE-DISABLED VETERAN-OWNED BUSINESSES

I. MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES PARTICIPATION

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations the Department is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of Department contracts.

Business Participation Opportunities for MWBEs

The Department’s New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) utilization goal is 30%. For purposes of this solicitation, the specific MWBE goal and the breakdown between the Minority-owned Business Enterprise (“MBE”) and the Women-owned Business Enterprise (“WBE”) utilization goals shall be established post award and set forth in the Department contract, in the Attachment B “Budget” (based on the current availability of MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFA, the respondent agrees that the Department may withhold payment pursuant to any Contract awarded as a result of this RFA pending receipt of the required MWBE documentation.

The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how the Department will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the broker’s contract.

FOR CONSTRUCTION CONTRACTS – The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60 percent of the total value of the supplier’s contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE.

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFA, such finding constitutes a breach of contract and Department may withhold payment as liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can

be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Department. As a contractor of New York State, you have a responsibility to utilize certified minority- and/or women-owned businesses in the execution of your contracts, per the MWBE percentage goals stated in your solicitation, proposal or contract documents. Through the NYSCS you will submit utilization plans, request subcontractors, record payments to subcontractors, and communicate with your project manager throughout the life of your awarded contracts.

Applicants are required to submit the MWBE Compliance Form with their application.

Additionally, successful applicants will be required to submit the following documents and information within ten (10) business days after the applicant receives notice from the Department that the grant is being awarded as evidence of compliance with the foregoing:

An MWBE Utilization Plan (**Form D**) or a Certification Letter (**Form D-1**) stating their commitment to show due-diligence to comply with the MWBE goals and requirements. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to the Department for review and approval.

The Department shall review the submitted MWBE Utilization Plan or Certification Letter and issue a written notice of acceptance or notice of deficiency within 20 days of receipt of utilization plan or certification letter.

If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the Department, at the address provided below, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by the Department to be inadequate, the Department shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the proposal.

Please see details under “**Additional Notices and Explanations Regarding the MWBE Program and this Request for Applications.**”

Department may disqualify a respondent as being non-responsive under the following circumstances:

- a) If a respondent fails to submit an MWBE Utilization Plan or certification letter;
- b) If a respondent fails to submit a written remedy to a notice of deficiency;
- c) If a respondent fails to submit a request for waiver; or
- d) If Department determines that the respondent has failed to document good faith efforts.

Successful applicant(s) will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to the Department but must be made no later than prior to the submission of a request for final payment on the Contract.

Successful applicant(s) will be required to submit a quarterly M/WBE Contractor Compliance & Payment Report to the Department, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

Equal Employment Opportunity Requirements

By submission of a proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of the State of New York Contract for Grants, Section IV (J) - Equal Employment Opportunities for Minorities and Women. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition,

replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

Additionally, successful applicants will be required to submit the following documents and information within ten (10) business days after the applicant receives notice from the Department that the grant is being awarded as evidence of compliance with the foregoing:

- A. Submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement (*Form A*) to the Department.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of age, race, creed (religion), color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, predisposing genetic characteristic, familial status, marital status or status as a victim of domestic violence or because the individual has opposed any practices forbidden under the Human Rights Law or has filed a complaint, testified or assisted in any proceeding under the Human Rights Law, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest. **Additional Notices and Explanations Regarding the MWBE Program and Successful Applications to this Request for Applications:**

If your project is selected for an award, you will be required to show due diligence to comply with all the MWBE contractual requirements, including meeting the goals for certified MWBE firms' participation as stated in your Contract and in accordance with NYS Executive Law Article 15-A.

If an applicant chooses to move forward with a project prior to any award announcement, they are responsible for meeting MWBE requirements established by the State of New York. The requested plan, as described herein, is intended to help an applicant think about how to comply with the regulations and provide information showing their due-diligence to comply with the MWBE requirements.

Successful applicants notified by the NYS Contract System (System) that a record for the submission of the utilization plan has been created, must comply with this requirement by entering the Utilization Plan data in the System through the Statewide Utilization Management Plan (SUMP) module.

If you are unable to comply with the MWBE goals, you must request a waiver of these requirements by submitting to the Department the REQUEST FOR WAIVER FORM E, found on the Department funding page, for processing. Please note that the following information will be required to secure the waiver (all items may not apply to your case, but provide information and documentation for those that apply):

1. A DETAILED statement with the project description (any special characteristics, needs, specifications, etc.), and an explanation setting forth your basis and justification for requesting a partial or total waiver of the MWBE goals.
2. The names of general circulation, trade association, and MWBE-oriented publications in which you solicited certified MWBEs for the purposes of complying with your participation goals related to this Contract.
3. A list identifying the date(s) that all solicitations for certified MWBE participation were published in any of the above publications.

4. A list of all certified MWBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified MWBE participation levels.
5. Documentation of your search in the NYS Directory of Certified Firms (e.g.: Printouts, screenshots).
6. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation, if an identical solicitation was made to all certified MWBEs. Any information and/or documentation to support the efforts to follow up with the MWBEs.
7. Copies of responses to your solicitations received by you from certified MWBEs
8. A description of any contract documents, plans, or specifications made available to certified MWBEs for purposes of soliciting their proposals and the date and manner in which these documents were made available.
9. Documentation of any negotiations between you and the MWBEs undertaken for purposes of complying with the certified MWBE participation goals.
10. Any other information you deem relevant which may help us in evaluating your request for a waiver.
11. The name, title, address, telephone number, and email address of your representative authorized to discuss and negotiate this waiver request.
12. Copy of notice of application receipt issued by Empire State Development (ESD), if subcontractors are not certified MWBE, but an application has been filed with ESD.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

II. SERVICE-DISABLED VETERAN-OWNED BUSINESSES PARTICIPATION

Article 3 of Veteran's Law authorized the creation of the Division of Service-Disabled Veterans' Business Development to promote participation of Service-Disabled Veteran-Owned Businesses (SDVOBs) in New York State contracting. The Service-Disabled Veteran-Owned Business Act recognizes the veterans' service to and sacrifice for our nation, declares that it is New York State's public policy to promote and encourage the continuing economic development of service-disabled veteran-owned businesses, and allows eligible Veteran business owners to become certified as a New York State Service-Disabled Veteran-Owned Business (SDVOB), in order to increase their participation in New York State's contracting opportunities. To this effect, the Department has implemented a Veteran-Owned Businesses (SDVOB) Program, as mandated by Article 3.

To comply with the SDVOB Program goals of 6%, the Department strongly encourages grantees to make every effort, to the maximum extent possible, to engage certified SDVOBs in the purchasing of commodities, services and technology in the performance of their contracts with the Department. If SDVOB utilization is obtained, a quarterly SDVOB utilization report should be submitted to the Department with information of the utilization percentage achieved during that quarter. Contractor Reporting Forms are found at: <https://dos.ny.gov/supplier-diversity>.

The Division of Service-Disabled Veterans' Business Development (DSDVBD) is housed within the New York State Office of General Services (OGS) and maintains a directory of the NYS Certified SDVOBs. For assistance with engaging SDVOB vendors in your contracts, please contact the Division of Service-Disabled Veterans' Business Development at the following email address: VeteransDevelopment@ogs.ny.gov, or the DOS Bureau of Fiscal Management – SDVOB Program at dos.sm.sdvob@dos.ny.gov. The directory of certified SDVOB vendors can be found at: <https://online.ogs.ny.gov/SDVOB/search>.