



Department of
Environmental
Conservation

GUIDELINES AND APPLICATION INSTRUCTIONS

New York State
Department of Environmental Conservation
Mohawk River Basin Program

Round 6

Mohawk River Watershed Grants for Mohawk River Action
Agenda Implementation

NYS Grants Gateway Application ID No.:

(DEC01-MRBR6-2023)

Application Due Date: 3:00 P.M. ET, March 3, 2023)

Timetable of Key Events:

Application Period Begins	January 24, 2023
Question & Answer Period Ends	February 24, 2023
Applications Due	March 3, 2023; 3:00 P.M. ET
Award(s) Announced By (anticipated)	April 21, 2023

Applications due no later than 3:00 P.M. on March 3, 2023

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1. Grant Information

The New York State Department of Environmental Conservation (DEC) is pleased to announce funding for projects that implement the goals and objectives of the [Mohawk River Basin Action Agenda 2021-2026](#) to conserve, preserve, and restore the environmental quality of the Mohawk River and its watershed.

a) Funding

Approximately \$600,000 is available for Round 6 of Mohawk River Watershed Grants. Funding for this grant opportunity is provided from the Mohawk River Basin Program through the NYS Environmental Protection Fund.

b) Proposed Project Timeframes

All projects must have defined objectives, tasks, and deliverables accounted for in performance measures that can be completed and invoiced within a two-year contract period/term. Costs outside of the contract period/term are ineligible. The Master Contract for Grants (MCG) must be fully approved by DEC, and if applicable approved by the Attorney General and the State Comptroller. Time extensions beyond the contract term end date will be considered by the Department on a case-by-case basis, based upon written justification from the Grantee. Applicants should not submit an application if they do not anticipate their project can be completed within the specified contract term.

c) Minimum and Maximum Award Amounts

Minimum grant amount is \$15,000; Maximum grant amount is \$50,000.

d) Application Limit/Award limit

Applicants may submit up to two (2) applications. Multiple applications may not be for the same project type or project location. Additionally, applicants who submit more than one grant application will only be eligible to receive one grant award in this grant round, unless additional funding remains after all qualifying grant awards are made (at one per grantee). Additional grants for qualifying projects will be awarded to an entity already receiving a grant award in this grant round, starting with the next highest scoring application in accordance with the scoring criteria.

e) Eligible Project Locations

Eligible projects for grant funding must be located within the defined geographic boundaries of the Mohawk River watershed. The Mohawk River watershed lies entirely within the boundaries of New York State and includes all of Montgomery County, most of Schoharie County, much of Schenectady, Greene, Fulton, Herkimer and Oneida counties and smaller parts of Albany, Saratoga, Delaware, Hamilton, Madison and Lewis counties. Sections of the Mohawk River also serve as the New York State Barge (Erie) Canal. A map of the boundaries is included in [Appendix A](#) of this RFA and may also be viewed at <https://www.dec.ny.gov/lands/53752.html>.

2. Eligible Applicants

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

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

Individuals and unincorporated groups may not apply, but an eligible nonprofit organization, known as a fiscal sponsor, may apply on behalf of an individual or unincorporated group.

An eligible applicant must be a not-for-profit corporation (NFP) community-based organization, or a community-based organization may partner with a NFP that will serve as their fiscal sponsor.

For the purposes of this grant opportunity, a community-based organization is an organization that:

- Serves the residents of an area equal to or smaller than a town or city outside of New York City, or an area equal to or smaller than one of the five boroughs within New York City; and
- Cannot have its charter revoked or otherwise be dissolved through the action of another organization; and
- Is able to enter into legal agreements independent of any affiliated nonprofit organization, government body, university or other entity that would be ineligible to apply for this grant; and
- Has more than 50 percent of its members residing in the affected community, or more than 50 percent of the people serviced by the applicant community group residing in the affected community.

For this grant opportunity, a NFP is subject to New York State's Not-For-Profit Corporation Law, is qualified for tax-exempt status under Section 501(c)(3) of the Federal Internal Revenue Code, has an IRS 501(c)(3) determination letter to be incorporated in New York State and is current in their charities reporting requirements with the Office of the Attorney General.

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

A fiscal sponsor is a New York State nonprofit organization that applies to DEC on behalf of individuals or unincorporated organizations or groups. The fiscal sponsor accepts responsibility to serve as a fiscal conduit for a DEC-funded project, receiving and disbursing funds related to the grant, and administering the requirements throughout the DEC grant process, including final reporting of grant activity. The unincorporated artist or group completes the project activity.

If a proposed project involves a cooperative agreement or partners, only one eligible, designated lead applicant can submit the application for grant funding. The lead applicant must assume the responsibility for the project application, performance of work consistent with this RFA, and the State of New York MCG. Letters substantiating the collaboration from each partner are required. These letters are to be uploaded to the Grants Gateway in a single PDF under the appropriate Program Question for the application.

3. Inquiries & Designated Contact Information

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

Katherine Czajkowski, Mohawk Watershed Coordinator

Contact Information: katherine.czajkowski@dec.ny.gov and 518-402-8251

For technical information regarding the Grants Gateway application, direct questions to:

NYS Grants Management

Contact Information: grantsgateway@its.ny.gov or (518) 474-5595

Include “Round 6 - Mohawk River Watershed Grants” in the subject line of the email. Questions regarding this grant opportunity will be accepted by the Department until C.O.B. *February 24, 2023*. All questions, and answers, will be uploaded in the Grants Gateway application for all applicants to view.

4. Application Submission

Applications must be submitted through the NYS Grants Gateway <https://grantsgateway.ny.gov>. Using **Microsoft Edge** to access the Grants Gateway is recommended. Using other browsers may cause errors in the Work Plan section of the application.

Paper applications will NOT be accepted. Applicants are strongly encouraged to submit their applications prior to the application deadline. Late applications will not be accepted. Please note: those logged in as Grantees may work on the application, only those logged in as a Grantee Contract Signatory or a Grantee System Administrator can submit the application to the State. When the application is ready for submission, click the Status Changes tab, then click the “Apply Status” button under “Application Submitted”.

All applicants must be registered with Grants Gateway to submit an application. In addition to registration, not-for-profits must also be prequalified at the time and date that the application is due. If you are not prequalified at that time and date, your application will not be considered.

PLEASE DO NOT DELAY IN BEGINNING AND COMPLETING THE PREQUALIFICATION PROCESS.

THE STATE RESERVES 5 DAYS TO REVIEW SUBMITTED PREQUALIFICATION APPLICATIONS. PREQUALIFICATION APPLICATIONS SUBMITTED TO THE STATE FOR

Applications due no later than 3:00 P.M. on March 3, 2023

REVIEW LESS THAN 5 DAYS PRIOR TO ROUND 6 - MOHAWK RIVER WATERSHED GRANTS APPLICATION DUE DATE OF MARCH 3, 2023, MAY NOT BE CONSIDERED.

APPLICANTS SHOULD NOT ASSUME THAT THEIR PREQUALIFICATION INFORMATION WILL BE REVIEWED IF THEY DO NOT ADHERE TO THIS TIMEFRAME.

a) Applicant Prequalification

Pursuant to the New York State Division of Budget Bulletin H-1032 Revised, effective July 16, 2014, New York State has instituted key reform initiatives to the grant contract. Information on these initiatives can be found on the Grants Reform Website.

All applicants must be prequalified in the Grants Gateway at the time and date that the application is due. Applications received from nonprofit applicants that have not registered and are not prequalified in the Grants Gateway by the application due date and time listed at the beginning of this document cannot be evaluated. If you are not prequalified at that time and date, your application will not be considered. Such applications will be disqualified from further consideration.

Below is a summary of the steps that must be completed to meet registration and prequalification requirements. The Vendor Prequalification Manual on the Grants Reform Website details the requirements, and an online tutorial is available to further explain the process.

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

b) Register for the Grants Gateway

- On the Grants Reform Website, download a copy of the Registration Form for Administrator. A signed, notarized original form must be sent to the NYS Grants Reform Team at the address provided in the instructions. You will be provided with a Username and Password allowing you to access the Grants Gateway.
- If you have previously registered and do not know your **Username** please email grantsreform@its.ny.gov. If you do not know your **Password** please click the Forgot Password link from the main log in page and follow the prompts.

c) Complete your Prequalification Application

- Log in to the Grants Gateway. If this is your first time logging in, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.
- Click the Organization(s) link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A Document Vault link will

become available near the top of the page. Click this link to access the main Document Vault page.

- Answer the questions in the Required Forms and upload Required Documents. This constitutes your prequalification application. Optional documents are not required unless specified in this document.
- Specific questions about the prequalification process should be referred to your agency representative or to the Grants Reform Team at grantsreform@its.ny.gov. The Grants Reform help desk/hotline can be reached at (518) 474-5595.

d) Submit Your Prequalification Application

- After completing your prequalification application, click the Submit Document Vault link located below the Required Documents Section to submit your prequalification application for State agency review. Once submitted the status of the Document Vault will change to In Review.
- If your prequalification reviewer has questions or requests changes you will receive email notification from the Gateway system.
- Once your prequalification application has been approved, you will receive a Gateway notification that you are now prequalified to do business with New York State.

Once you are prequalified, please check the status of your document vault on a regular basis to ensure that none of your documents expire prior to the application due date. Refer to the grants reform guide entitled, "Monitoring and Updating Your Organization's Prequalification Status." Expired documents will lead to the loss of prequalification status.

If you are not familiar with Grants Gateway, there are many resources available to help you register and become prequalified on the NYS Grants Management Website <https://grantsmanagement.ny.gov/resources-grant-applicants> including:

- Video tutorials on Grants Gateway Registration or Applications
- Vendor User Manual includes walkthroughs for the Application process
- Biweekly Document Vault webinars

5. Grant Opportunity General Information and Conditions

a) Eligible Project Types

Project funding must be used to implement one of the following project types to further the goals and objectives of the Mohawk River Basin Action Agenda 2021-2026:

Project Type 1: Water Quality

Applicants may apply for projects designed to reduce point and nonpoint source pollution within the Mohawk River watershed. Eligible projects are:

- Projects to reduce nutrient, bacteria and sediment loads released into the Mohawk from both agricultural and urban lands within the watershed
- Projects that assist in the development of a comprehensive riparian buffer program for both agricultural and urban lands within the Mohawk River watershed such as development and designation of conservation easements on land adjacent to streams, streambank stabilization projects, or riparian buffer restoration projects
- Projects that reduce discharges and pollutant loads from roadways and urban stormwater in the Mohawk River and its watershed.

Project Type 2: Fisheries and Habitat

Applicants may apply for projects that seek to conserve, protect or enhance fish, wildlife and associated aquatic and riparian habitats in the Mohawk River watershed. Eligible projects are:

- Inventory, monitor and assess the condition of important fish, wildlife and habitat resources; define functional relationships between these resources (e.g. species population, community, ecosystem) and key drivers/stressors such as temperature, discharges, and water quality at the watershed, river, tributary or reach levels. Project may include process-oriented research on trophic pathways, food webs and important interactions.
- Development of a watershed conservation assessment in keeping with the format and content of the Schoharie Creek Watershed Conservation Assessment completed by The Nature Conservancy in February 2018 (SCHOHARIE CREEK WATERSHED CONSERVATION ASSESSMENT ([naturalresourcenavigator.org](http://www.naturalresourcenavigator.org)) that will survey, classify and inventory the quality of habitats within the Mohawk River watershed, prioritizing those in need of either protection (high-quality and threatened) or restoration (impaired). Creation of restoration or protection plan(s) and long-term monitoring program(s) for these habitats that assess the effectiveness and functional benefits of restoration or protection measures on targeted resources.
http://www.naturalresourcenavigator.org/wp-content/uploads/2018/03/Schoharie_Report_Final_revwmmaps.pdf

- Projects that target eradication, containment, suppression, or exclusion efforts of the following terrestrial and aquatic invasive species: Water chestnut (*Trapa natans*), European frogbit (*Hydrocharis morsus-ranae*), Eurasian watermilfoil (*Myriophyllum spicatum* L.), or Curly leaf pondweed (*Potamogeton crispus*). Targeted efforts may include physical and mechanical removal via hand pull, drawdown or mechanical harvesting of these species in mainstem Mohawk River and tributaries. All proposed projects must outline project steps and where applicable, plans for long-term operation and maintenance of any purchased equipment. Applicant must identify recreational benefit(s) of project.
- Conduct a natural resource inventory (NRI) that compiles, describes, and maps important natural resources in a municipality, county, watershed, or region. The NRI can be a stand-alone municipal plan or be included in a municipal comprehensive plan, open space plan, conservation plan, or a watershed plan. An NRI may include scenic and cultural resources as long as natural resources are fully covered by the NRI. Communities may choose which resources are included in the inventory or plan; however, to be eligible for this RFA, inventories/plans must include the following:
 - Water resources;
 - Habitats and wildlife; and
 - Natural areas important for climate resilience.
- Develop a connectivity plan that identifies opportunities and strategies for acquiring lands and waters to preserve important connections for wildlife habitat, stream corridors, large forests, and overall ecological resiliency. The project should be science-based and include at least two municipalities, or a municipality with a conservation partner such as a land trust.

Note: Applicants are strongly encouraged to use or refer to *New York State's Local Open Space Planning Guide* (http://www.dos.ny.gov/lg/publications/Local_Open_Space_Planning_Guide.pdf), and if applicable, should refer to any existing municipal inventories or plans that will provide foundations for the grant project, or which are proposed to be updated. Applications should also include a process for public participation and/or education to engage stakeholders and build support for implementation.

Project Type 3: Flood Hazard Risk Reduction and Enhanced Flood Resiliency:

Applicants may apply for projects that will promote flood hazard risk reduction and enhanced flood resiliency of Mohawk River watershed communities. Eligible projects are:

- Inventory and map critical infrastructure and facility assets and assess options to reduce flood risk. Assessment of options to mitigate risk may include the following: adaptation, relocation, building, decommissioning, or innovative approaches to reduce flood risk. Assessment of options must include a detailed cost-benefit analysis as well as identification of any environmental benefits and/or trade-offs, such as impacts to water quality and habitat.
- Projects, including project plans and conceptual designs, or actions recommended in the Milone and MacBroom, Inc (MMI) *Emergency Transportation Infrastructure Recovery Water Basin Assessment(s) and Flood Hazard Mitigation Alternatives (April*

2014), *Bellinger Brook Watershed Analysis Report (May 2018)*, and *Flood Mitigation Study - Schoharie Watershed (April 2017)* as listed below:

- Bellinger Brook at the Village of Herkimer, Herkimer County
- Bellinger Brook Watershed, Herkimer County
- East Canada Creek, Herkimer County
- Fulmer Creek, Herkimer County
- Maltanner Creek, Herkimer County
- Moyer Creek, Herkimer County
- Nowadaga Creek, Herkimer County
- Steele Creek, Herkimer County
- West Canada Creek, Herkimer County
- Otsquago Creek, Montgomery County
- Big Creek, Oneida County
- Mud Creek, Oneida County
- Oriskany Creek, Oneida County
- Sauquoit Creek, Oneida County
- Schoharie Watershed: Schoharie, Albany, Montgomery, Otsego and Schenectady Counties (*eligible projects must be in the portion of the Schoharie Watershed located within the boundaries of the Mohawk River watershed*)

Project Type 4: Recreation and Stewardship

Applicants may apply for projects that improve stewardship of the Mohawk River watershed through creating and fostering partnerships and stakeholder engagement through education, outreach and collaboration. Eligible projects are:

- Community-based environmental education programs that enhance education about the Mohawk River and its watershed and which make opportunities to learn about the Mohawk River and its watershed more accessible for a wide range of people.
- Development or expansion of Mohawk River watershed-based curricula and educational materials; development of programs such as festivals, recreational events, or art installations that promote the natural, cultural, recreational and historic resources of the Mohawk River watershed.
- Projects on or in sight of the shoreline of the Mohawk River to plan, design, equip and/or construct facilities (including signage, exhibits and art installations) to be used for education of family, tourists and residents so that they may learn about the Mohawk River watershed and understand its value and the benefits it provides, and which encourage active engagement in stewardship of the Mohawk River and its watershed or to undertake related citizen science projects.
- Creation of web applications for engaging the use of the internet, mobile devices or social media designed to expand the audience for science-based information about the natural history of the Mohawk River watershed, promote a natural-history-based sense of place, and engage users in stewardship of the Mohawk River and its

watershed. Such projects should strive to be inclusive of individuals with diverse needs and abilities.

b) Grant Application Requirements and Conditions

Applications must meet the following minimum requirement(s) to be eligible:

1. Eligible projects for grant funding must be located within the defined geographic boundaries of the Mohawk River watershed. The Mohawk River watershed lies entirely within the boundaries of New York State and includes all of Montgomery County, most of Schoharie County, much of Schenectady, Greene, Fulton, Herkimer and Oneida counties and smaller parts of Albany, Saratoga, Delaware, Hamilton, Madison and Lewis counties. Sections of the Mohawk River also serve as the New York State Barge (Erie) Canal. A map of the boundaries is included in [Appendix A](#) of this RFA and may also be viewed at <https://www.dec.ny.gov/lands/53752.html>.
2. All applicants must provide a map and photos of the current location and condition of the site.
3. Project timeline: Applicants must provide a timeline for meeting project objectives and identified tasks during a two-year contract term.
4. All project funding sources are eligible and minimum match requirement is met.
5. Applicant Partners: The Applicant Partner is a collaborator who has a significant role in the conduct of the project and is fundamentally a co-applicant for the grant. Projects involving an Applicant Partner (i.e. multi-partner and intermunicipal projects) require letters substantiating the commitment to collaborate that include the designation of a "Lead" applicant from each partner.
6. Projects should demonstrate effective engagement of local and regional stakeholders, and at a minimum, must include those whose support is crucial to project success. Stakeholders may consist of, but are not limited to, county and local planning officials as well as organizations, conservation organizations, community or watershed groups, property owners, or individuals whose contribution, approval, endorsement, etc. is integral to successful conduct of the project. Applicants are encouraged to engage a variety of local, county, or state appointed or elected officials in their application process to generate awareness of the project and its objectives.

Applicants must demonstrate how stakeholders will be engaged in the project, including specific role(s) of the stakeholder (to provide information/data, provide feedback, act as a liaison for other projects, help prioritize or evaluate options, etc.). Wherever possible, applicants should strive to employ multiple methods of outreach when engaging stakeholders. Relevant stakeholder engagement should also be included in the work plan component of the Grants Gateway, where applicable.

Brief letters indicating such support from key stakeholders will improve the scoring of an application (higher points are available for applicants submitting such letters). Support letters from the government body offering the grant, or institutions or organizations who are fiscal sponsors and/or will provide services under the grant, will not be considered and no points will be awarded. If letters are submitted, the letters

must be submitted at the time of application. Applicants will be asked in the Grants Gateway to upload, in a single PDF file, a copy of all letters of key stakeholder support.

7. Engagement of Mohawk River Basin Program Staff: At a minimum, project timelines must include consultation with Mohawk River Basin Program Staff for project management purposes as step one in the timeline (e.g. a project kick-off meeting). Please note that engagement of Mohawk River Basin Program staff is not a substitute for stakeholder engagement by the applicant. Should an award be made, applicants will be required to connect with the applicable Mohawk River Basin Program Project Manager (to be assigned during the contracting stage) before work is started on the project.

c) Expenditure Based Budget

Applicants must complete an itemized budget in the NYS Grants Gateway that provides details of the proposed project-related expenses. Budget detail must clearly distinguish between expenses to be claimed under the State grant share and expenses comprising the match. The itemized budget should also include appropriate level of information for the breakdown of costs for each budget item (depending on the budget category this information is provided in the budget detail and/or budget narrative) Eligible and ineligible costs are identified in this RFA. A project's reasonableness of costs is at least 20% of the evaluation factor in the scoring of the application; therefore, attention to budget accuracy will increase your project score.

Project cost-effectiveness will account for at least 20% of an application score as identified in the evaluation criteria section of this RFA.

d) Match Requirement and Expenditures

Match is the portion of project expenditures not paid for with grant funds. Match can be from local and/or in-kind contributions. Local sources can include funding from other non-state and/or non-federal grant sources or from project partners. In-Kind contributions are non-cash donations provided by non-state and/or non-federal third parties which can include equipment, supplies, services, and other expendable property. Matching share contributions must support the objectives outlined in the work plan.

Eligible sources of match funds cannot come from other New York State or federal funding sources. Applicants will be required to provide the sources of all matching funds using the Match Worksheet in the Grants Gateway.

Grant funds are available for up to 90% of the requested budget. Applicants must match ten percent (10%) of the requested amount of grant funding. For example, a \$50,000 grant would require \$5,000 in match for a total project cost of \$55,000; \$50,000 funded by grant. Match must be from non-state or federal funding sources.

e) Work Plan

Applicants must complete a work plan in the NYS Grants Gateway that provides a clear overview of the project. Applications must include proposed project objectives, tasks associated with meeting each objective, and the performance measures associated with

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

Note: A Work Plan 'worksheet' is available for applicants in the Grants Gateway (under Pre-submission Uploads). The 'worksheet' can be downloaded and used as a tool to help applicants organize their proposed project objectives, tasks and performance measures. A completed 'worksheet' should NOT be uploaded back into the Grants Gateway. The intent of the 'worksheet' is to assist applicants in developing their application work plan in the Grants Gateway.

f) Debriefing Request

In accordance with section 163 of the NY State Finance Law, the New York State Department of Environmental Conservation must, upon request, provide a debriefing to any unsuccessful offeror that responded to the RFA, regarding the reasons that the proposal or bid submitted by the unsuccessful offeror was not selected for an award. An unsuccessful offeror wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that their proposal did not result in an award. Debriefings requested after fifteen calendar days may be denied.

g) Department of Environmental Conservation Oversight

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- Award an agreement for any or all parts of the RFA in accordance with the method of award, or withdrawal of the RFA at any time at the Department's sole discretion.
- Award only one application for funding in the event there are multiple application submissions for a single project or for pieces of a single project.
- Limit all or partial funding for a project in the final scored ranked list if the same activities have been awarded funding by another funding source.
- Award to the next highest scoring application in the event a grantee fails to negotiate a grant contract with the Department within 60 days of a grant award.
- Monitor the progress of all grant awards and withdraw grant funding if the grantee fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.
- Refuse to fund projects that are determined to be inconsistent with NYS's Smart Growth Public Infrastructure Policy Act.

- Refuse to fund projects that are determined be inconsistent with the Climate Change Leadership and Community Protection Act or its' implementing regulations.
- Deny a change in workplan tasks from the application project description because of fairness to the competitive process.
- Reject any or all applications in response to the RFA at the agency's sole discretion.

h) Sexual Harassment Prevention Certification

State Finance Law §139-l requires all applicants of grant funding to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees.

Where applying for grant funding is required pursuant to statute, rule or regulation, every application submitted to the state or any public department or agency of the state must contain the following statement: "By submission of this application, each applicant and each person signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law."

Applications that do not contain the certification will not be considered for award; provided however, that if the applicant cannot make the certification, the applicant may provide a signed statement with their application detailing the reasons why the certification cannot be made. After review and consideration of such statement, the Department may reject the application or may decide there are sufficient reasons to accept the application without such certification.

Applicants are required to sign and upload the Sexual Harassment Prevention Certification form or upload a signed statement with their application detailing the reasons why the certification cannot be made into the pre-submission uploads folder.

i) Executive Order 16

Executive Order No. 16 provides that "all Affected State Entities are directed to refrain from entering into any new contract or renewing any existing contract with an entity conducting business operations in Russia." The complete text of Executive Order No. 16 can be found at <https://www.governor.ny.gov/executive-order/no-16-prohibiting-state-agencies-and-authorities-contracting-businesses-conducting>. The Executive Order remains in effect while sanctions against Russia imposed by the federal government are in effect. Accordingly, vendors who may be excluded from award because of current business operations in Russia are nevertheless encouraged to respond to solicitations to preserve their contracting opportunities in case the sanctions are lifted during a solicitation or even after award in the case of some solicitations. As defined in Executive

Order No. 16, an “entity conducting business operations in Russia” means an institution or company, wherever located, conducting any commercial activity in Russia or transacting business with the Russian Government or with commercial entities headquartered in Russia or with their principal place of business in Russia in the form of contracting, sales, purchasing, investment, or any business partnership. Vendors responding to this solicitation are required to complete and submit the form entitled “Certification Under Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia”.

In the Grants Gateway pre-submission upload section of the application, ALL applicants must download, complete and save the Executive Order No. 16 Certification form, prior to uploading the completed form back into the Grants Gateway.

j) SEQRA and Permits

The applicant is responsible for assuring that any SEQR determinations, permits, approvals, lands, easements and rights-of way that may be required to carry out the activities of the project are obtained prior to contract execution. Applicants are encouraged to upload any approved permit cover letters (in a single PDF file).

k) Letters of Permission/Municipal Endorsement

If applicable, the applicant must own the property, or obtain an applicable access agreement, for the proposed project site. Proof of property ownership and/or landowner permissions must be uploaded in the Grants Gateway in a single PDF file as follows:

- If the property is owned by the applicant – a copy of the current deed.
- If the property owner is a municipality – A resolution by the municipality supporting the project.
- If the property is not owned by the applicant – a formal written agreement between the applicant and landowner which allows the applicant access to the property, and represent the landowner, to accomplish the proposed project.
- If the applicant is a not-for-profit proposing a project on municipal property - a signed Municipal Endorsement. A municipal endorsement provides authorization for the not-for-profit to conduct the proposed project on municipal property. A sample municipal endorsement can be downloaded and viewed in the Pre-submission Upload section in the Grants Gateway.

l) Partnerships/Stakeholder Engagement

Proposed projects that will build and/or sustain partnerships and/or volunteerism, including contribution or participation by appropriate stakeholders and municipal government, will receive points in the evaluation of their application. Applications that include a letter (or letters) of support from each partnering organization which clearly states their role in the project will receive additional points. Support letters from the government body offering the grant will not be considered and no points will be awarded.

m) Local Needs

Proposed projects that address local environmental, social, and/or economic needs, including the quality of the forest in parks and/or open spaces, energy savings, habitat creation, air and water quality, increased property values, revitalization, public health, and/or improved quality of life for residents, will receive points in the evaluation of their application. To be eligible to receive points in the evaluation, applicants must include a statement identifying the local need(s) and clearly indicating how proposed project will address those needs.

n) Local/Community Support

Applications with a letter of support from an elected official, government body, educational institution or other organization with knowledge or expertise related to the proposed project will receive additional points in the evaluation and score process. Support letters from the government body offering the grant, or institutions or organizations who are fiscal sponsors and/or will provide services under the grant, will not be considered and no points will be awarded. Support letters must be uploaded as a single pdf file in the Grants Gateway by the application due date.

o) Environmental Justice

DEC demonstrates a commitment to Environmental Justice (EJ) and remedies for communities that may be burdened by negative environmental consequences. Environmental justice is defined by the DEC as the fair treatment and meaningful involvement of all people, regardless of race, color or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. A proposed project that is located in an EJ community or will directly benefit an EJ community, or a project that gives appropriate consideration to under-served urban neighborhoods (all potential neighborhoods whose demographic, geographic, or economic characteristics impede or prevent their access to adequate canopy cover and other benefits of trees) will receive points in the evaluation of an application. Maps of EJ areas in New York State are available at: <http://www.dec.ny.gov/public/899.html>.

To qualify for EJ points, your application must include the following details:

- I. The exact street location(s) where the project is to be implemented (no P.O. Box) or where the benefit will be provided.
- II. A brief (few sentences) description of how the project will benefit minority or low-income populations that experience disproportionate adverse environmental impacts such as pollution from multiple industrial facilities, sub-standard water quality, concentrated diesel emissions from bus depots, or other heavy vehicle traffic, adverse health effects related to environmental impacts (high asthma), lack of access to green benefits such as open space, environmental education or parks, or other such impacts.

p) Quality Assurance (Required for Water Quality Assessment and Monitoring projects)

Quality assurance applies to all programs/projects that involve the collection, generation or use of environmental data associated with the mapping, modeling, monitoring, and assessment of water quality data intended for use by the New York State Department of Environmental Conservation (DEC) for its regulatory purposes. This includes the design or use of water quality focused environmental technology. Guidance and resources for DEC's quality assurance can be found on [DEC's quality assurance webpage](#). Activities associated with these types of program/projects, conducted in the field or laboratory, shall be:

1. Performed in accordance with an effective quality system for planning and assessing environmental measurements and tests, and for conducting required quality assurance and quality control procedures to promote and maintain the accuracy and reliability of environmental measurements and test results. An effective Quality System includes a Quality Assurance Project Plan (QAPP) based on guidance provided by the USEPA Guidance for Quality Assurance Project Plans (QA/G-5 May 2006), or American National Standard ASQ/ANSI E4:2014: Quality management systems for environmental information and technology programs—Requirements with guidance for use, approved February 4, 2014.
2. The fulfillment of the data verification, validation, and usability component of QAPP is to be documented in the Data Usability Assessment Report (DUAR).
3. Performed by a laboratory certified by the New York State Department of Health (NYSDOH) under the Environmental Laboratory Approval Program (ELAP) pursuant to Section 502 of the Public Health Law. This requirement shall not apply to specific parameters where NYSDOH ELAP has not issued a certificate for the specific parameter.
4. Performed in a manner that ensures all requisite quality control and calibration requirements are met, including field testing, sample collection, preservation, and record-keeping. Basic quality assurance and quality control requirements defined in 40 CFR Part 136.7 shall be followed as well as any specific method requirements.
5. Required to submit environmental monitoring data electronically to US EPA Water Quality Exchange (WQX) following the guidance as set by US EPA's WQX Submission Instructions.
6. Covered under the Publicity clause (article IV.G.) of the MCG – Standard Terms and Conditions. Specifically, the Contractor agrees that any work products, including but not limited to, water quality data or environmental information; measured, generated, or developed under this contract shall not be released, published, cited, or shared in draft or final form without prior written authorization from the Department.

7. At a minimum, performed in accordance with water quality standards in 6 NYCRR Part 703 and/or guidance values in Technical and Operational Guidance Series (TOGS) 1.1.1. projects designed to assess water quality or inform regulatory decisions must measure parameter with applicable water quality standards and/or guidance values.

q) Outreach and Education

Proposed projects that include outreach and education in any aspect of environmental stewardship that will raise community awareness of the project, such as a presentation at a town board meeting, description of the project included in a newsletter, press event about the project, or a public information session, will receive points in the evaluation of their application.

r) Long-Term Support and Benefits

Projects are expected to be supported after the grant is completed. The project should be sustainable without substantial maintenance. Points will be awarded to projects that demonstrate long-term sustainability and durability. Uploading supporting documentation is optional, but encouraged, to substantiate durability claims.

For planning projects: The applicant must demonstrate how the proposed plan/project or best practices will ultimately be implemented or adopted after completion. For this program question, identify and describe how implementation/adoption will be attained. Outreach or training to help people utilize the proposed plans, designs or guidance may be included, and is encouraged where applicable.

s) Alignment with Regional Economic Development Council Priorities

Regional Economic Development Councils (REDCs) were established to analyze the most significant business clusters in their respective areas. Any grants awarded by the State of New York shall take into consideration the recommendation of the relevant REDC or the Commissioner's determination that the proposed project aligns within the regional strategic priorities of the region where the proposed project is located.

The Applicant is asked to provide a brief narrative describing the economic benefits of the proposed project and how the project aligns with the strategies of the REDC plan for the project's region. The narrative must be included with the Application to receive points in the application review.

Each region has a unique plan. Visit <http://regionalcouncils.ny.gov> for information on your region's Economic Development Council.

t) Pre-Submission Upload: Smart Growth Infrastructure Policy Act (if applicable to your project)

New York State's Smart Growth Public Infrastructure Policy Act (ACT), Environmental Conservation Law Article 6, requires the Department and all State infrastructure agencies to assess whether each public infrastructure project that receives state funding is consistent with the State Smart Growth Public Infrastructure criteria specified in the

Act, or that compliance is considered to be impracticable, before making any commitment to fund such project(s).

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

u) Historic Preservation Review Requirements (if applicable to your project)

For projects that involve properties listed on the State or National Registers of Historic Places, all work undertaken as part of a grant-assisted project must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

Questions about or proposals for listing on the State or national Register should be directed to the OPRHP National Register Unit at (518) 237-8643. To ensure the public benefit from the investment of state funding, preservation covenants or conservation easements will be conveyed to the State (OPRHP) for all historic property grants.

v) Coastal Consistency Requirements, (if applicable to your project)

SEQR Type I and Unlisted actions located within the NYS Department of State's coastal zone boundaries must meet the consistency requirements of the Secretary of State's Coastal Management Program. This consistency determination will be performed by the Department as part of the grant review process. If the proposed project is located within a municipality that has an approved Local Waterfront Revitalization Plan (LWRP), the policies of that LWRP apply. Projects in other areas will need to be consistent with the State's 44 coastal policies. The coastal policies can be found at <https://www.dos.ny.gov/opd/programs/consistency/index.html>.

Applicants are encouraged to determine if their project is located within the coastal zone, and to include in their site plan or sketch map their project's location within the coastal zone boundaries if applicable. Maps of the coastal zone boundaries can be found at <https://www.dos.ny.gov/opd/programs/consistency/index.html>.

6. Application Evaluation, Scoring and Selection

All applications will be reviewed and scored by a review team in accordance with the evaluation and scoring criteria contained in this RFA. Applicants are strongly encouraged to read and address the Application Review and Scoring Standards in the process of developing an application. Knowledge of the scoring criteria is valuable for designing and proposing a relevant and quality project. Scoring consists of:

Step 1: Application and Project Eligibility Determination

Pass/Fail criteria: A "Fail" to any statement below will disqualify the application:

- The applicant is eligible as provided *in Section 2* of this RFA. A not-for-profit organization must also be prequalified in the Grants Gateway by the application due date to be determined eligible under this grant opportunity.
- The project is located within the defined geographic boundaries of the Mohawk River Watershed ([Appendix A](#))
- The project implements one of the specified eligible project types as detailed in [Section 5\(a\)](#).
- Quality Assurance requirements for sampling or monitoring are demonstrated to be met or are not applicable. Proposed projects that include a sampling or monitoring component that do not address development of a Quality Assurance Project Plan will not be funded.
- For projects that propose sampling, ELAP requirements are met, or are not applicable. Projects that include a sampling component that do not address ELAP requirements will not be funded.
- The uploaded project timeline/schedule demonstrates completion of project objectives, tasks and deliverables within a two-year contract term.
- All project funding sources are eligible, and at least 10% in eligible matching funds is identified.
- If applicable, letters of collaboration, or resolutions/cooperative agreements that include the “Lead” applicant designation are provided from all applicable partners.
- If applicable, letter(s) from landowner indicating willingness for the project to take place on their property. For example, a “Friends of the Park” group must have a letter from the park owner.
- The applicant must provide the required certification for sexual harassment prevention, as required by State Finance Law §139-I.
- Application is completed and all required paperwork is submitted.

Step 2: Project Evaluation, Scoring and Selection

If your application meets all eligibility pass/fail criteria it will be further evaluated and scored by a review team in accordance with the Evaluation and Scoring Standards contained [Appendix D](#) of this RFA.

7. Method of Award

All applications will be reviewed and scored by a review team in accordance with the evaluation and scoring criteria contained in this RFA. **Applicants are strongly encouraged to read and address the Application Review and Scoring Standards in [Appendix D](#) in the process of developing an application.** Knowledge of the scoring criteria is valuable for designing and proposing a relevant and quality project. Scoring consists of:

Step 1: Application and Project Eligibility Determination

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

Step 2: Project Evaluation, Scoring and Selection

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

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

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

Award limit – Applicants will only be eligible to receive one grant award in this grant round (the applicant’s highest scoring application) regardless of the score of subsequent qualifying applications (up to 2 applications can be submitted by a single applicant). However, in the event additional funding remains after all qualifying grant awards are made (at one per grantee), additional grants for qualifying projects will be awarded to an entity already receiving a grant award in this grant round, starting with the next highest scoring application. In the event there is a tie among remaining applications submitted by same organizations, the tie breaker will be addressed as described in the following paragraph.

Tie breaker – If there is a numerical tie in an application’s final score, the application that scores the highest in “Project Objectives and Methods” in the evaluation criteria will determine placement on the ranked list. If a tie remains, the application that scores the highest in “Project Success Factors” in the evaluation criteria number will determine placement on the ranked list. If there is a numerical tie between multiple applications within a funding category, the application that scores the highest in Cost-Effectiveness will determine placement on the ranked list. If a tie remains, the order applications were received will determine placement on the ranked list, with the earliest application placing highest.

8. Grant Program Payment

Project costs eligible for reimbursement and project match must be incurred between the MCG term start and end dates. Costs incurred prior to the MCG term start date or after the MCG term end date will not be considered eligible for grant reimbursement or match. Copies of supporting cost documentation (paid invoices, receipts, cancelled checks, etc.) must be audited and approved by the DEC for costs to be eligible for grant reimbursement.

9. Eligible and Ineligible Expenditures

a) Eligible Project Expenditures

- Personal Service: staff salaries including fringe, directly devoted to the project implementation are eligible up to 20% of the requested budget. Itemize salaries according to job title and roles/responsibilities on the project. Grantees will be required to document time worked, tasks, pay ratio and payment.
- Contractual Services: The value of services provided by responsible professional and technical personnel and consultants (i.e. engineering and architectural services, surveys, plans and specifications, research, design and development of a project, consultant and legal services directly related to a project, feasibility study for a facility, archaeological field work, report writing, curation of artifacts and interpretation, etc.)
- Supplies and materials directly needed to implement the project.
- Equipment: purchase or rental directly required to implement the project.
- Travel costs directly required to implement the project.

b) Ineligible Project Expenditures

- Indirect costs: overhead or operating expenses (space, rent, utilities).
- Travel: out-of-state travel costs and any travel not directly required to implement the project.
- State and/or federal funding: project costs funded from other state and/or federal funding sources are not eligible for grant reimbursement.
- Administrative salaries: administrative salaries are NOT eligible for grant reimbursement but may be used as match funds. For the purposes of this RFA, administrative salaries are defined as follows:
 - Preparation of equal employment opportunity and women and minority business enterprises documentation.
 - Preparation of quarterly narrative and expenditure reports.
 - Preparation of payment reimbursement request forms and backup cost documentation.
 - Preparation of Final Report upon project completion.

c) Match Requirement and Expenditures

Grant funds are available for up to 90% of the requested budget. Applicants must provide the remaining 10% in match funds.

Formula: Requested Budget x 10% = Required Match

d) Eligible Forms of Match

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

- **Personal Services:** Staff salaries devoted to the project, including fringe benefits expenses. Itemize salaries according to job title or job assignment on the project. Grantees will be required to document time worked, tasks, pay ratio and payment.
- **Contractual Services:** The value of services provided by responsible professional and technical personnel and consultants (i.e. engineering and architectural services, surveys, plans and specifications, research, design and development of a project, consultant and legal services directly related to a project, feasibility study for a facility, archaeological field work, report writing, curation of artifacts and interpretation, etc.).
- **Supplies and materials:** The current market value of items warehoused (not yet installed); use value current at time items were obtained.
- **Volunteer Labor:** Skilled and professional labor can be computed at the job rate. Unskilled labor and work performed by professionals or skilled laborers in an area outside of their area of expertise must be computed at the minimum wage (For example, a lawyer donating legal services may compute the value based on the standard billing rate, but the same lawyer donating time painting walls must calculate the value using minimum wage).
- **Equipment:** Compute the value according to its fair market rental value in the project location.
- **Administrative Salaries:** Administrative salaries must be documented and identified by task and must fall within the grant contract term to be eligible as match. For the purposes of this RFA, administrative salaries are defined as follows:
 - Preparation of equal employment opportunity and women and minority business enterprises documentation.
 - Preparation of quarterly narrative and expenditure reports.
 - Preparation of payment reimbursement request forms and backup cost documentation.
 - Preparation of Final Report upon project completion.
- Applicants must clearly identify administrative salaries to be used towards match in the personal services detail section of the expenditure budget

e) Ineligible Forms of Match

- Indirect costs overhead or operating expenses (space, rent, utilities).
- Other State or Federal funding: project costs paid from other state and/or federal funding sources.
- Travel costs: out-of-state travel costs, and any travel not directly required to implement the project.

10. Grant Program Reporting

a) Quarterly Narrative Reports

Reports must be submitted in narrative form, no later than 30 days from the end of the calendar quarter. The reports will summarize how the project progressed toward meeting project objectives and deliverables during the respective quarter. Any project involving

volunteer time will be required to report the number of volunteers and the number of volunteer hours in their project quarterly status reports. Quarterly reports shall be submitted in the NYS Grants Gateway.

b) Quarterly Expenditure Reports

Quarterly Expenditure Reports, detailed by object of expense as defined in the MCG Attachment B-1 Expenditure Based Budget, must accompany the quarterly Narrative Reports, no later than 30 days from the end of the calendar quarter. These reports must correlate to subsequent vouchers submitted for payment.

c) Quarterly MCG Payment Reimbursement Requests

Quarterly MCG payment reimbursement requests will be accepted prior to submission of a final closeout reimbursement request. Approved project design, required permits, and landowner permissions must be in place to submit a reimbursement request.

d) Final Report and Closeout

A final report must be submitted and approved by the DEC prior to the release of the final contract payment to the Grantee. The Contractor must submit the Final Report no later than 60 days after the end of the contract period. The Final Report should report on all aspects of the program and detail how grant funds were utilized to achieve the goals set forth in the approved MCG Attachment C Work Plan. The total number of volunteers and volunteer hours for the entire project must be reported in the Final Report. Copies of appropriate documents (i.e. inventory and/or management plan) must be submitted and approved by the DEC.

Prior to final contract payment to the Grantee, a DEC on-site inspection may be required to confirm all work was completed in accordance with the approved project work plan (including the installation of interpretive signage, if applicable, at the project site).

11. What to Expect If You Receive an Award

a) Notification of Award

Applicants selected to receive a grant award will be notified by email and in an official Department award letter. The NYS Grants Gateway will also provide you with an award status.

IMPORTANT NOTE: By accepting an award, applicant agrees to abide by all MCG or purchase order terms and conditions. Any changes to the terms and conditions will not be accepted and may affect applicant's award.

b) State of New York Master Contract for Grants (MCG)

Applicants selected to receive a grant award will be required to execute a MCG within 60 - 90 days from the time of their award notification. Failure to submit timely required MCG documents could cause a grantee to lose their grant award. Applicants should review and be prepared to comply with all MCG terms and conditions should grant funding be awarded. The MCG and attachments can be reviewed and/or downloaded in the Grants

Gateway HRE application under the screen named 'Contract Document Properties'. The MCG and attachments include:

- MCG Grants Face Page
- Standard Terms and Conditions (NYS standard terms and conditions)
- Attachment A-1 Program Specific Terms and Conditions (Agency and Program specific terms and conditions)
- Attachment A-2 Federally Funded Grant Terms and Conditions (optional)
- Attachment B-1 Expenditure Based Budget (project expense categories and detail)
- Attachment C Work Plan (project objectives, tasks and performance measures)
- Attachment D Payment and Reporting Schedule (claims for reimbursement and grant reporting provisions)

IMPORTANT NOTE: Project related costs must be incurred within the term of the MCG to be considered eligible for reimbursement or match. Contract payments will not be approved or processed by the DEC until a MCG is fully approved by the DEC, and as applicable the Attorney General and the State Comptroller. All contracts must be approved by the contract start date of which will be determined at the time of an official award.

c) MCG Contractor Requirements

Applicants (referred to as "Contractor" following award of Grant Contract) should be prepared to comply with the following MCG requirements:

i. Insurance Requirements

Contractor will be required to carry appropriate insurance as specified in the MGC, Attachment A-1 Program Specific Terms and Conditions, and agree that each project consultant, project contractor and project subcontractor secures and delivers to the contractor appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies must name the contractor as an additional insured, with appropriate limits, covering contractor's public liability and property damage insurance, contractor's contingency liability insurance, "all-risk" insurance and workers compensation/disability benefits coverage for the project.

ii. Permit Requirements (if applicable)

Contractors agree to obtain all required permits, including but not limited to, local, state and federal permits prior to the commencement of any project related work. The Contractor agrees that all work performed in relation to the project by the Contractor or its agents, representatives, or contractors will comply with all relevant federal, state and local laws, rules, regulations and standards, zoning and building codes, ordinances, operating certificates for facilities, or licenses for an activity.

iii. **State Environmental Quality Review (SEQR) Documentation**

With respect to the project, the Contractor certifies that it has complied, and shall continue to comply with all requirements of the State Environmental Quality Review Act (SEQRA). The Contractor agrees to provide all environmental documents as may be required by the DEC. The Contractor has notified, and shall continue to notify, the DEC of all actions proposed for complying with the environmental review requirements imposed by SEQRA.

d) Vendor Responsibility Questionnaire

Not-For-Profit contractors and/or subcontractors are subject to a vendor responsibility review by the State to ensure public dollars are being spent appropriately with responsible contractors. A vendor responsibility review may include a contractor and/or subcontractor to present evidence of its continuing legal authority to do business in NYS, integrity, experience, ability, prior performance, and organizational and financial capacity. To enroll in and use the NYS VendRep System, see the VendRep System instructions available at <http://www.osc.state.ny.us/vendrep/enroll.htm>, or go directly to the VendRep System at <https://portal.osc.state.ny.us>

e) Iran Divestment Act

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. By entering into a Contract, the Contractor certifies that it is not on the “Entities Determined To Be Non-Responsive Bidders/Offerors Pursuant to The New York State Iran Divestment Act of 2012” list (“Prohibited Entities List”) posted on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract, any subcontractor that is identified on the Prohibited Entities List. Additional detail on the Iran Divestment Act can be found in the MCG, Attachment A-1 Program Specific Terms and Conditions.

f) Minority/women Business Enterprises (M/WBE) and Equal Employment Opportunities (EEO) Requirements

The Department is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (“MWBE Regulations”) for all State contracts with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.

Applicants subject to executing a future NYS MCG agree, in addition to any other nondiscrimination provision of the MCG and at no additional cost to the Department, to fully comply and cooperate with the Department in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for certified minority and women-owned business enterprises (“MWBEs”). Contractor’s demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of

these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, state or local laws.

Failure to comply with M/WBE and EEO requirements may result in a Department finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages or enforcement proceedings.

Please refer to the NYS MCG - Article IV (J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review M/WBE and EEO requirements. Required M/WBE and EEO related forms can be found at <http://www.dec.ny.gov/about/48854.html>

- The local government is responsible for designating someone to serve as their Affirmative Action representative. The governing body should make this designation through official means.
- A list of certified M/WBE enterprises can be obtained via the internet from the NYS Department of Economic Development at <https://ny.newnycontracts.com/FrontEnd/searchcertifieddirectory.asp>

MWBE reporting for Department of Environmental Conservation contracts must now be completed using the New York State Contract System (NYSCS). <https://ny.newnycontracts.com/>. Contracts which meet the established M/WBE-EEO thresholds require the Contractor to submit the Utilization Plan and Quarterly Reports in the NYSCS. All contractors shall complete the DEC Equal Employment Opportunity Policy Statement and EEO Staffing Plan form and submit it prior to the execution of the contract. Upload required EEO forms in Grants Gateway.

For more information regarding MWBE compliance and reporting guidelines, and to download required forms, please visit <https://www.dec.ny.gov/about/61016.html#MWBE>.

- The following M/WBE-EEO “Fair Share” goals are established as follows:
- **Minority and Women Owned Business Enterprise (MWBE) Overall Participation Goals:**

- Construction/Engineering – up to 30%
- Commodities – up to 30%
- Services/Technologies –up to 30%

DEC M/WBE Compliance
NYS Department of Environmental Conservation
Bureau of Contract and Grant Development/MWBE Program
625 Broadway, 10th Floor
Albany, New York 12233-5028
Phone: (518) 402-9240
Fax: (518) 402-9023

g) Service-Disabled Veteran-Owned Business Participation Requirements

The contractor must make good faith efforts to subcontract a goal of 6% of the contract amount to New York State Certified Service-Disabled Veteran-Owned Businesses (SDVOBs), for purposes of providing meaningful participation by SDVOBs. [Appendix C](#) further defines the SDVOB provisions required by Executive Law, Article 17B.

The contractor is required to complete and submit a SDVOB Utilization Plan detailing how the contractor intends to meet the SDVOB goal. In addition, the contractor must complete and submit quarterly compliance reports detailing the amount spent on SDVOBs in the previous quarter. Please email all SDVOB submissions to the SDVOB inbox listed below.

sdvob@dec.ny.gov

h) Procurement of Contractors/Subcontractors

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

i) Americans With Disabilities Act

In the event the monies defined herein are to be used for the development of facilities, outdoor recreation areas, transportation or written or spoken communication with the public, the Contractor shall comply with all requirements for providing access for individuals with disabilities as established by Article 4A of the New York State Public Buildings Law, Americans with Disabilities Act, and relevant sections of the New York State Uniform Fire Prevention and Building Code. Standards for certain Recreation Facilities are found in the 2010 ADA Standards for Accessible Design while others are found in the Architectural Barriers Act Accessibility Guidelines for Outdoor Recreation Areas <https://www.access-board.gov/guidelines-and-standards>.

j) Signage

For infrastructure projects, the contractor shall install signage on-site that identifies the site as a clean vehicle charging/refueling facility; promotes public use of the facility; and acknowledges rebate funding from the Department of Environmental Conservation through Title 15 of the New York State Environmental Protection Fund. Signage developed for use at a rebate-funded facility shall be subject to review and approval by the Department prior to installation.

k) Diesel Emissions Reduction Act 2006

In 2007, New York State passed legislation establishing the Diesel Emissions Reduction Act 2006 (DERA). This Act amended the Environmental Conservation Law (ECL) by adding Section 19-0323 which requires the use of best available retrofit technology (BART) and ultra-low sulfur diesel fuel (ULSD) for heavy duty vehicles owned or operated by, including on behalf of, state agencies and state or regional public authorities. The Department has promulgated regulations (6 NYCRR Part 248) to

provide guidance on provisions of the law. The regulations may be found on the Department's website at <http://www.dec.ny.gov/regs/2492.html>.

If applicable, the contractor must comply with the specifications and provisions of ECL Section 19-0323 and 6 NYCRR Part 248, which require the use of BART and ULSD, unless specifically waived by the Department. Qualifications for a waiver under this law are the responsibility of the Contractor

Appendix A: Map of Watershed/Eligible Project Locations



Appendix B: Sexual Harassment Prevention Certification Form

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.

Company Name: _____

Signature: _____

Print Name and Title: _____

Date: _____

If the above certification cannot be made, the bidder must submit a signed statement below detailing the reasons why the certification cannot be made.

Company Name: _____

Signature: _____

Print Name and Title: _____

Date: _____

Appendix C: Service-Disabled Veteran-Owned Business Requirements

SDVOB Goals & Responsibilities

In recognition of the sacrifices made by Service-Disabled Veterans in New York State, The Department of Environmental Conservation (The Department) recognizes the need to promote maximum feasible participation of Service-Disabled Veteran-Owned Businesses in New York State's economy. The means for promoting utilization are described in Article 17-B of the New York State Executive Law. The Department's established agency goal of 6% can be achieved utilizing the following options. Agency and authority personnel have three primary options for using NYS Certified SDVOBs in their contracting/purchasing activities. It is the responsibility of each agency and authority to determine which option, or combination of options, can best achieve the agency-specific goals described in their master goal plan. Prior to solicitation, staff should consider which option best suits the procurement. The directory of SDVOBs can be found here: <https://ogs.ny.gov/Veterans>

Contracting with SDVOBs through Set-Asides: Set-asides permit the reservation, in whole or in part, of certain procurements by State agencies for SDVOBs when more than one NYS Certified SDVOB is available and can meet a state agency's/authority's form, function and utility. SDVOB set-asides may be used before centralized contracts and established agency contracts at the discretion of the agency/authority. SDVOB set-asides shall be assessed for M/WBE participation goals pursuant to article 15-A of the Executive Law.

SDVOB Contract Goal Setting: A required percentage of SDVOB participation may be placed on qualified procurements. Any contract that conforms to the definition of state contract as described in the Rules and Regulations of the SDVOB program (9 CRR-NY G I 252), unless exempt or excluded, may be assessed for SDVOB participation goals. State agencies/authorities shall require contractors to submit SDVOB utilization plans for achieving contract goals established for the participation of NYS Certified SDVOBs with their bids. SDVOB participation goals shall be in addition to any M/WBE goals established pursuant to article 15-A of the Executive Law.

SDVOB Discretionary Purchasing: NYS Certified SDVOB vendors may be chosen when making discretionary purchases. Discretionary purchases are procurements made below statutorily established monetary levels and at the discretion of the agency, without the need for a formal competitive procurement process. State agencies may use discretionary purchasing authority of up to \$500,000 to purchase from SDVOBs. For more information regarding compliance and reporting guidelines, and to download required forms, please visit the DSDVBD using the following link. <https://ogs.ny.gov/veterans/division-service-disabled-veterans-business-development-compliance-and-reporting>. Please refer any additional questions to Mark Krisanda at sdvob@dec.ny.gov

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Appendix D: Scoring Rubric (Maximum 175 Points)

PASS/FAIL CRITERIA: A “Fail” to any statement below will disqualify the application:				
			Pass	Fail
The applicant is eligible as provided <i>in Section 2</i> of this RFA.				
The project is located within the defined geographic boundaries of the Mohawk River Watershed (Appendix A)				
The project implements one of the specified eligible project types as detailed in Section 5(a) .				
Quality Assurance requirements for sampling or monitoring are demonstrated to be met or are not applicable. Proposed projects that include a sampling or monitoring component that do not address development of a Quality Assurance Project Plan will not be funded.				
For projects that propose sampling, ELAP requirements are met, or are not applicable. Projects that include a sampling component that do not address ELAP requirements will not be funded.				
The uploaded project timeline/schedule demonstrates completion of project objectives, tasks and deliverables within a two-year contract term.				
All project funding sources are eligible, and at least 10% in eligible matching funds is identified.				
If applicable, letters of collaboration, or resolutions/cooperative agreements that include the “Lead” applicant designation are provided from all applicable partners.				
If applicable, letter(s) from landowner indicating willingness for the project to take place on their property.				
Application provides the required certification for sexual harassment prevention, as required by State Finance Law §139-I.				
Application is complete and all required paperwork is submitted.				
PROJECT PRIORITY POINTS: Up to 60 Project Priority points are available as defined below. Applications must receive a minimum of 20 Project Priority points to be eligible for funding.				
How well does the project, its location, statement of need, methods and deliverables impact the primary objective of this RFA to implement the priority goals and objectives of the <i>Mohawk River Basin Action Agenda</i> . Applicants must explicitly state which goal(s) of the Mohawk River Basin Action Agenda their project works to fulfill and how the project as proposed will meet the specified goal(s).				
Available Points:	60 points	40 points	20 points	0 points
	Project as scoped (location, statement of need, methods deliverables) clearly addresses the primary objective of this RFA and <i>clearly</i> meets two or more goals of the Mohawk River Basin Action Agenda.	Project as scoped (location, statement of need, methods deliverables) clearly addresses the primary objective of this RFA and <i>clearly</i> meets at least one goal of the Mohawk River Basin Action Agenda.	Project as scoped (location, statement of need, methods deliverables) clearly contributes to the primary objective of this RFA, but project as described does not <i>clearly</i> meet at least one goal of the Mohawk River Basin Action Agenda.	Project as scoped (location, statement of need, methods deliverables) does not meet the primary objective of this RFA.
PROJECT SUCCESS FACTORS: Up to 50 Project Success Factor points are available as defined below. Note: Applications that receive 0 points for Experience and Ability will not be funded				
STAKEHOLDER ENGAGEMENT AND IMPLEMENTATION COMMITMENT: How well does the project engage key stakeholders (local and regional) whose support is needed for the project to succeed and for project implementation.				

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Available Points:	30 points	20 points	10 points	0 points
	Application identifies key stakeholders necessary for success as well as an implementation plan that explains robust engagement and how stakeholders will be engaged. Includes letters of support from stakeholders detailing how they will be involved in supporting the project. Includes letters of support from local, county, or state elected officials.	Application identifies key stakeholders necessary for success as well as an implementation plan that explains robust engagement and how stakeholders will be engaged. Includes letters of support from stakeholders, but does not include support letters from local, county or state elected officials.	Acceptable engagement strategies are demonstrated with key stakeholders identified; however, letters of support are not provided, or letter(s) of support detailing robust stakeholder engagement is not well articulated in the narrative of the letter.	Known, crucial, key stakeholders are not engaged, or stakeholder engagement appears insufficient to ensure project success.

STAKEHOLDER ENGAGEMENT AND IMPLEMENTATION COMMITMENT BONUS POINTS: Up to 10 Stakeholder Engagement and Implementation Commitment Bonus points are available as defined below.

Available Points:	10 points	5 points	2 points	0 points
	Project includes 3 or more stakeholder partners.	Project includes 2 stakeholder partners.	Project includes one stakeholder partner.	Project has no stakeholder partners indicated.

KNOWLEDGE, SKILLS AND EXPERIENCE: Note: Applications that receive 0 points for Knowledge, Skills and Experience will not be funded

Available Points:	10 points	0 points		
	Applicant possesses the knowledge, skills and ability to complete the proposed project and has prior experience with DEC's Mohawk River Watershed grants and completed all tasks in a timely manner. OR Applicant possesses the knowledge, skills and ability to complete the proposed project, but has no prior experience with DEC's Mohawk River Watershed grants.	Applicant does not possess the knowledge, skills and ability to complete the proposed project. OR Applicant has prior experience with DEC's Mohawk River Watershed grants and did not complete all tasks in a timely manner.		

ENGAGEMENT OF MOHAWK RIVER BASIN PROGRAM STAFF (MAXIMUM 10 POINTS):

Available Points:	10 points	5 points	2 points	0 points
	Project timeline demonstrates early consultation with Mohawk River Basin Program staff and offers an invitation to attend stakeholder meetings and to provide technical assistance in the planning process.	Project timeline demonstrates early consultation with Mohawk River Basin Program staff but offers no invitation for further participation.	Demonstration of Mohawk River Basin Program staff engagement is vague or not defined.	No engagement of Mohawk River Basin Program staff initiated.

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REASONABLENESS OF COST (MAXIMUM 20 POINTS): Note: Applications that receive 0 points for Reasonableness of Cost will not be funded.

Available Points:	20 points	10 points	5 points	0 points
	Budget is well-balanced and does not contain any extraneous expenses. Cost-to-benefit ratio is appropriate for the complexity and size of the project. AND Project provides 25% match or more.	Budget is well-balanced and does not contain any extraneous expenses. Cost-to-benefit ratio is appropriate for the complexity and size of the project. AND Project meets minimum 10% match.	Budget appears well-balanced, but cost-to-benefit ratio is unclear or not well-defined for the complexity and size of the project. AND Project meets minimum 10% match.	Budget does not clearly detail costs associated with project and does not appear to be cost effective or well-aligned with the project as proposed. OR Project does not meet the minimum 10% match.

STATEWIDE PRIORITY POINTS (MAXIMUM 20 POINTS):

Regional Economic Development Plan

Available Points:	5 points	0 points		
	The proposed project implements a goal or objective of a Regional Economic Development Council (REDC) Plan.	The proposed project is not a goal or objective of a Regional Economic Development Council (REDC) Plan.		

Local Needs

Available Points:	5 points	0 points		
	The proposed project addresses local environmental, social, and/or economic needs and application clearly states what those needs are and how they are being addressed.	The proposed project does not address local environmental, social, and/or economic needs or application does not clearly state need and how it is being addressed.		

Environmental Justice

Available Points:	5 points	0 points		
	The proposed project is located in or will directly benefit at least one designated Environmental Justice Community and the necessary Environmental Justice application information has been provided.	The proposed project is not located in or will not directly benefit a designated Environmental Justice Community.		

Climate Change

Available Points:	5 points	0 points		

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	Project complements or helps implement federal, state, regional climate change plans or programs, such as the federal Bipartisan Infrastructure Law and the state Climate Leadership and Community Protection Act	Project does not complement or implement any federal, state, regional climate change plans or programs, such as the federal Bipartisan Infrastructure Law and the state Climate Leadership and Community Protection Act		
ADDITIONAL POINTS (MAXIMUM 15 POINTS):				
Map of Project Location				
Available Points:	5 points			
	A map <i>clearly</i> depicting the entire area of the project location has been uploaded for Program Question 1.			
New Partnerships				
Available Points:	5 points			
	The applicant is a new organization, municipality or watershed group that has not previously received a Mohawk River Watershed grant.			
Open/Current Grant Workload (uncompleted grants) with the Mohawk River Basin Program				
Available Points:	5 points			
	Applicant does not have any open or current grants with the Mohawk River Basin Program.			