

RFA #12-LWRP-02

**New York State
Department of State
Office of Communities and Waterfronts
Environmental Protection Fund
Local Waterfront Revitalization Program
2012 – 2013 REQUEST FOR APPLICATIONS**

Key Dates:

- RFA Release Date:** May 3, 2012. This Request for Applications (RFA) has been posted on the Department of State’s public website at <http://www.dos.ny.gov/funding>.
- RFA Updates/Questions:** Any updates and/or modifications to this RFA will be posted on the Department of State’s website at <http://www.dos.ny.gov/funding>.
- Written questions will be accepted until July 9, 2012. Questions on this grant program should be directed by e-mail or in writing to Kenneth Smith, as shown below. When corresponding by e-mail, clearly indicate the subject as: “12-LWRP-02 RFA, Questions”. To the degree possible, each inquiry should cite the RFA section and paragraph to which it refers. Questions received by the above noted due date will be posted with answers on the Department’s website at: <http://www.dos.ny.gov/funding>. This section will be updated during the solicitation period to remain current, with final responses posted by July 13, 2012.
- Workshop Dates:** Pre-application workshops will be held at several locations around the State. The workshop schedule and further information are available at <http://nyworks.ny.gov>. All those who would like to have the application process explained or have process-related questions are encouraged to attend.
- Applications Due:** Applications are due by 4:00PM, July 16, 2012, and must be submitted through the web-based Consolidated Funding Application.
- Contact:** Kenneth Smith
NYS Department of State
Office of Communities and Waterfronts
99 Washington Avenue, Suite 1010
Albany, NY 12231
(518) 474-6000
Kenneth.Smith@dos.ny.gov
- Application Submission:** Consolidated Funding Application. To apply, or to access related Consolidated Funding Application materials, go to <http://nyworks.ny.gov>

Local Waterfront Revitalization Program 2012 – 2013 REQUEST FOR APPLICATIONS

I. INTRODUCTION:

Applications are being solicited 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 and counties located along New York's coasts or designated inland waterways for the following grant categories:

- Preparing or Implementing Regional and Local Strategies for Community and Waterfront Revitalization
- Redeveloping Hamlets, Downtowns and Urban Waterfronts
- Planning or Constructing Land and Water based Trails
- Preparing or Implementing a Watershed Management Plan

Within these grant categories, priority consideration will be given to proposals which advance the regional strategies developed by the ten Regional Economic Development Councils.

This is a reimbursement program. State assistance awarded and paid shall not exceed 50% of the total eligible project costs set forth in the application and as approved by the Department of State. Explicit demonstration of 50% match, within the application, is required. Failure to demonstrate this match (the amount, type and source) will result in the disqualification of the application.

This Request for Applications is available on the Department of State's website:

<http://www.dos.ny.gov/funding/>.

For general questions on this grant program, please contact Kenneth Smith, New York State Department of State, Office of Communities and Waterfronts, 99 Washington Avenue, Suite 1010, Albany, New York 12231, call (518) 474-6000, email Kenneth.Smith@dos.ny.gov.

II. ELIGIBLE APPLICANTS:

Eligible applicants are villages, towns, or cities, and counties with the consent and on behalf of one or more towns, villages, or cities located along New York's coasts or designated inland waterways. A current list of coastal water bodies and designated inland waterways is available at <http://www.dos.ny.gov/funding/>. Applicants may also partner with other organizations; however, only applications from eligible applicants will be evaluated for funding.

Applications submitted by not-for-profit organizations (including, but not limited to, community-based organizations, neighborhood groups) and for-profit organizations are ineligible and will not be scored.

Applicants working in partnership with neighboring municipalities to address regional land use, community development, and resource and/or environmental issues or opportunities are encouraged to apply. One village, town, city, or county must be identified as the applicant with whom the contract will be executed.

- For general planning needed to advance any of the eligible activities listed below an applicant must be a village, town, city, or county with the consent and on behalf of one or more towns, villages, or cities located along New York’s coast or a designated inland waterway.
- For project-specific planning, feasibility, design, and/or marketing needed to advance eligible activities, an applicant must be a village, town, city, or county with the consent and on behalf of one or more towns, villages, or cities, currently preparing a Local Waterfront Revitalization Program, or with an approved Local Waterfront Revitalization Program.
- For construction of projects needed to advance eligible activities, an applicant must be a village, town, city with an approved Local Waterfront Revitalization Program or the relevant Local Waterfront Revitalization Program component substantially completed, or county with the consent and on behalf of one or more eligible town, village, or city.

III. FUNDING OPPORTUNITY:

The Department of State is making approximately \$15 million available to fund applications for the Local Waterfront Revitalization Program grants. There are no minimum or maximum contract awards during this procurement.

IV. 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).

V. ELIGIBLE ACTIVITIES:

Preparing or Implementing Regional and Local Strategies for Community and Waterfront Revitalization

Successful revitalization strategies result from the resources and authorities of multiple levels of government and the private sector focusing on key actions needed to improve a region’s communities and waterfronts, related resources, and their use. Community and waterfront revitalization strategies can provide a regional framework to cooperatively address revitalization issues and to advance ongoing and emerging state initiatives, including but not limited to regional economic development, community sustainability, smart growth and environmental justice.

Applicants may prepare and/or implement a Local Waterfront Revitalization Program. This is a comprehensive land and water use program that expresses a vision for the waterfront and refines state coastal policy to reflect local or regional needs. Local Waterfront Revitalization Programs play 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 of coastal and waterfront resources and their use.

Local Waterfront Revitalization Programs can also be prepared as a series of components, advancing completion of a program in stages by addressing the most significant issues first.

Applicants may develop regional or local strategies that are the framework for developing Local Waterfront Revitalization Programs, or implement existing regional or local strategies.

Preparation of regional and local strategies for community and waterfront revitalization should advance the strategies of the 10 Regional Economic Development Councils.

Planning

Applicants may apply for funding to:

- develop a public consensus for the future of a region or a community through surveys, public meetings, focus groups, data collection, charettes, and concept preparation
- identify regional and local assets, opportunities and issues
- prepare a plan to implement community and waterfront revitalization
- create action plans for implementation of projects of regional significance
- develop plans to ensure sustainable organizational capacity for project management, administration, and coordination needed to advance projects and to support regional capacity building
- develop strategies or plans for:
 - economic development
 - reuse of abandoned buildings and sites
 - tourism promotion and development
 - scenic byways
 - heritage areas
 - historic preservation
 - harbor management
 - public access
 - open space
 - natural resource protection and enhancement
 - habitat protection and/or restoration
 - farmland protection
 - flooding and erosion management
 - dredged material management
 - local law development
 - coastal education

Implementation

Applicants with an approved Local Waterfront Revitalization Program, or relevant component substantially completed, may apply for implementation funding, including the following:

- project-specific planning, feasibility, design, or marketing needed to implement an approved Local Waterfront Revitalization Program, or substantially completed component. Design projects should be completed to a construction-ready stage, with permits in place and bid documentation prepared

- construct projects necessary to implement an approved Local Waterfront Revitalization Program, or a substantially-completed component of a Local Waterfront Revitalization Program under preparation
- develop systems for defining and measuring progress and success in community and waterfront revitalization
- develop regional, intermunicipal or local Geographic Information Systems to improve management of coastal areas and resources

Redeveloping Hamlets, Downtowns and Urban Waterfronts

Community and waterfront revitalization often focuses on specific areas of concentrated development within a community, notably hamlets, downtowns and formerly developed urban waterfronts. Redevelopment of these areas is essential for successful communities, encouraging consumers and investors to live, work, shop, recreate and invest in the community and to improve their physical and economic characteristics.

The Department of State, working with other state agencies, provides both financial and technical assistance to prepare and implement revitalization strategies for hamlets, downtowns and urban waterfronts, with an emphasis on:

- spurring appropriate economic activity in previously-developed hamlet, downtown and waterfront areas
- catalyzing appropriate economic activity through development of water-dependent and water-enhanced uses and activities
- redeveloping underutilized abandoned buildings and brownfield sites
- improving the recreational, cultural, environmental and economic value and quality of waterfronts
- linking downtowns and hamlets with nearby waterfronts
- creating a positive image of a hamlet center, downtown commercial district, and/or waterfront

Planning

Applicants may apply for grant funding for planning activities for hamlets, downtowns and urban waterfronts, including, but not limited to:

- preparation of a comprehensive redevelopment program
- development of a public consensus for the future through surveys, public meetings, focus groups, data collection, charettes, and concept preparation
- inventory and analysis of existing resources and assets
- market analysis of the potential demand for residential, commercial/retail and support services that best serves residents, attracts visitors and encourages investors
- identification of linkages to the waterfront, tourism and recreation facilities, and neighborhoods
- identification of projects or actions needed to strengthen or recruit businesses and economic uses
- identification of potential funding sources and partners to implement projects and other actions
- examining and developing the institutional tools needed to support revitalization including the creation of coordinated retail management organizations, business improvement tax districts, public-private partnerships, financial strategies and organizational structures
- developing local laws and land use regulations to foster a desired development strategy

Implementation

Applicants may apply for grant funding for implementation activities, including, but not limited to:

- implementation of site- specific community and waterfront redevelopment projects, including design, construction and/or implementation activities related to identified projects in a comprehensive redevelopment program:
 - existing conditions analysis
 - preparation of concept plans and site redevelopment strategies
 - project-specific design and cost estimating
 - creation, expansion or improvement of public open spaces
 - mixed-use/mixed-income redevelopment
 - adaptive reuse of underutilized and abandoned buildings
 - development of design guidelines and standards
 - marketing, promotion and economic feasibility, including marketing campaigns, brochures and website design
 - redevelopment marketing and promotion (e.g., brochures, RFP for developers)
 - establishment of cultural, historic, arts and entertainment districts
 - acquisition due diligence (e.g., title work, appraisals, surveys)
 - preparation of engineering, construction and permitting documentation
 - site preparation and construction of public amenities and infrastructure
 - streetscape and gateway improvements, including but not limited to the following: pedestrian walkways, sidewalks, and trails; crosswalks and other pedestrian safety enhancements; directional, informational and interpretive signage; lighting, street trees, benches, planters, bicycle racks, trash receptacles and other landscape amenities; building facades, architectural style and detail
- development of systems for defining and measuring progress and success in hamlet, downtown, and urban waterfront redevelopment

Note: If your community or waterfront has been affected by multiple brownfield sites and your community is not sure how to address the associated impacts, you may want to consider applying for a grant from the NYS Brownfield Opportunity Areas Program:

<http://www.dos.ny.gov/communitieswaterfronts/brownFieldOpp/index.html>

Planning or Constructing Land and Water based Trails

Planning or constructing land and water based trails as part of a Local Waterfront Revitalization Program effort can create physical linkages between community centers, waterways, parks, open spaces, and historic, scenic and cultural sites. They provide recreational opportunities, enhance the economy, provide alternative means of transportation, enhance public access to waterfronts, and promote human health, community character and quality of life.

Trails are linear corridors on land or water which link two or more points or can be a looped system with the same start and end point. Trails can be a stand-alone entity or part of a broader regional greenway network. Trails promote and preserve recreational, scenic, natural, cultural, historic, and agricultural resources and contribute to community revitalization by attracting users and promoting economic activity which supports local businesses and complements tourism development.

Blueways are small boat and paddling routes that combine water-based recreation and environmental awareness and allow users to travel between designated stops that link New York's heritage sites, trails, greenways, historic resources, scenic byways, and revitalized community centers. Blueways contribute to regional economies, and individual blueway projects can be catalysts for local economic development and promote environmental preservation and stewardship by connecting communities to nearby waterways.

Planning and Design

Applicants may apply for grant funding to undertake the planning and design of local land and water based trails or regional land and water based trails (greenways and blueways), including:

- route identification and assessment of facilities and infrastructure
- identification of regional and local assets and attractions
- conceptual planning for launch sites, parking, and trail infrastructure
- plans to ensure sustainable organizational capacity for project management, administration, and coordination needed to advance land and water-based trail projects and to support regional capacity building
- development of systems to track implementation and measure success

Construction

Applicants with an approved Local Waterfront Revitalization Program or relevant component substantially completed may apply for grant funding to construct land and water based trails, including:

- construction of trails, launch sites, and directly related infrastructure and improvements
- greenway or blueway trail marketing and promotion

Applicants should demonstrate how their proposal complements, builds on, or fills gaps in existing corridor or regional plans, or how their proposal creates a regionally-integrated land and water-based revitalization and development strategy.

Preparing or Implementing a Watershed Management Plan

Regions are dependent on high-quality surface and ground water resources for water supply, recreation, tourism, and to support agriculture, local businesses, industry, and economic development. Protecting and restoring water quality may require constructing capital projects and the management of land use to reduce nonpoint source pollution.

Significant contributing areas surrounding and draining into a waterbody often lie within more than one municipal jurisdiction. Consequently, advancing on-the-ground projects and preparing watershed management

plans on a cooperative regional basis has been shown to be an effective way to achieve local, regional and statewide goals for the high quality water needed to sustain natural resources and economic development. Preparing a watershed management plan involves significant public engagement and an arrangement for long-term involvement, often through an intermunicipal watershed organization. Networking with other local governments, agencies and organizations with experience in the successful preparation and implementation of watershed management plans can lead to efficiencies that minimize costs.

A watershed management plan is comprehensive in its description of existing water quality and watershed conditions, including assets, impairments and threats, as well as in its identification and prioritization of actions needed to protect and restore water resources. A watershed management plan also contains implementation strategies that identify stakeholder roles and the financial and institutional resources needed to undertake these priorities. To advance actions, plans contain the means to measure success, track implementation, and monitor performance.

Planning

Applicants may apply for grant funding to prepare or update a watershed management plan, including:

- development of sustainable organizational capacity for project management, administration, coordination and technical assistance needed to prepare a watershed management plan
- characterization of the watershed, including land cover and land use, water infrastructure, surface and groundwater quality and ecosystem processes
- identification of key resources warranting special protection or restoration
- assessment of impairments and threats to water resources
- identification and quantification of pollutants and their sources
- description of existing land and water use controls (laws, programs and practices) and assessment of their effectiveness to control nonpoint source pollution and to protect water quality
- preparation of strategies to protect natural hydrology and other ecological processes that sustain water resources
- development of systems to track implementation and measure success
- prioritization of recommendations to implement projects and actions that will achieve watershed goals

Implementation

Applicants with an approved Local Waterfront Revitalization Program or relevant component substantially completed may apply for grant funding to implement a watershed management plan, including:

- strengthening organizational capacity for project management, coordination, and technical assistance needed to implement projects identified in the plan
- implementation of high priority projects and actions that reduce pollution and restore water quality, living resources or aquatic habitats, or otherwise address identified water quality and habitat issues, and gaps in their protection or management
- amendment or adoption of local land and water use controls to provide coordinated waterbody or watershed management
- protection of lands that provide water quality maintenance functions or habitat benefits
- development and implementation of education, outreach/training materials and programs concerning identified watershed issues and management practices to reduce pollution

- advancing projects that preserve or restore natural landscapes, such as forests, floodplains and wetlands, and/or reduce watershed imperviousness to promote natural groundwater infiltration
- constructing capital projects to reduce nonpoint pollution

VI AWARD METHOD

A total of 100 points is possible for any application, of which up to 80 percent would derive from program criteria and up to 20 percent from Regional Economic Development Council endorsement.

An unadjusted maximum score of 100 points is possible based on programmatic criteria. Averaged scores will be multiplied by .8 to arrive at an 80% programmatic score, or up to 80 points. To this programmatic score, up to 20 points will be added based upon Regional Economic Council endorsement score.

The Department of State will fund the highest scored applications until the allocated funds are exhausted. In addition, the geographic distribution of grant proposals, information from interagency discussion, the level of funding available, and consistency with the Smart Growth Public Infrastructure Policy Act will be factors used in determining successful grant proposals. Not less than \$5,750,000 will be spent 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

In the event that any awardee fails to satisfactorily negotiate a proper contract, funding may be awarded to the next highest-scoring application.

Opportunity to be debriefed will be provided, upon request, to unsuccessful applicants. Requests must be made in writing within 15 days of notification of status of award.

VII. APPLICATION EVALUATION CRITERIA

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

Program Criteria

Applications will be evaluated to assess the degree to which they meet the elements of each criterion, using the following numerical hierarchy:

High compatibility with criteria	4 points
Medium compatibility with criteria	2 points
Does not meet criteria	0 points

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

Vision (4 points)

Will result in or advance a vision creating significant opportunities for addressing resolution of problems in the context of:

- a Regional Economic Development Strategy
- a regional or local vision for capitalizing on community assets

Process (8 points)**Public Engagement****(4 points)**

- Describes an effective approach and process that will be followed to ensure ongoing public participation and engagement during project development, including the involvement of partnering municipalities and the general public
- 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

Local Commitment**(4 points)**

- Demonstrates a committed local leadership and provides an ongoing educational component for local officials and/or community residents
- Demonstrates strong support for addressing regional land use, community development, and resource and/or environmental opportunities

Strategies (28 points)**Regional Significance****(4 points)**

- Advances the strategies and priorities of a Regional Economic Development Council
- Demonstrates how proposed actions, policy and program changes would address critical issues and opportunities for the region
- Improves or protects natural, cultural or economic resources of regional significance
- Ensures an appropriate balance between development, open space and natural resource protection within the regional context
- Advances efforts to resolve shared issues through creative intermunicipal partnerships, encouraging local governments to enter into intermunicipal agreements to protect shared environments, deliver services efficiently, reduce costs or improve their region's economic strength
- Redevelops and/or revitalizes a regional center
- Provides facility of greater than local importance
- Advances the completion of a plan or strategy that addresses critical issues and opportunities of regional significance

Local Significance**(4 points)**

- Protects, preserves, enhances or restores archeological, historic and/or cultural resources
- Implements public amenity that is an identified priority for a community
- Addresses environmental justice issues
- Advances the completion of a plan or strategy that addresses critical issues and opportunities of local significance

Public Value**(4 points)**

- Promotes and implements strategies that include integration of all income, ethnic and age groups, such as providing for a range of housing choices in proximity with amenities, employment, recreation, resources, and community development
- Ensures predictability in land use regulations and procedures
- Incorporates and advances pedestrian, bicycle and paddling trails that connect people to parks, nature and public spaces; community landscaping using native species; tree-planting and urban forestry; public recycling bins; accessible neighborhood parks, greens and/or squares; community gardens; and mitigation of “heat island” effects
- Advances the completion of a plan or strategy that enhances the quality and availability of public resources within a community or region

Community Livability**(4 points)**

- Improves or expands visual/physical access to public resources, provides new/enhanced public spaces, or enhances community character/visual environment
- Improves or expands water-dependent recreation opportunities

Sustainability**(4 points)**

- Ensures that governmental decision-making is based on sound science, considers the cumulative effects of human actions on biodiversity and natural community structure, and protects natural interactions
- Promotes a mix of land uses and concentrates new development in urban centers where infrastructure and public services are adequate, to preserve open space, reduce sprawling development and to create the critical mass necessary to sustain neighborhood retail and mass transit while connecting streets, walkways, bikeways and paddleways
- Incorporates and advances “green” infrastructure through preservation and restoration of natural landscapes, or green infrastructure policies that reduce watershed imperviousness and preserve groundwater infiltration
- Advances “green” building principles, including energy efficiency, renewable energy, water conservation, water reuse, recycling and use of recycled materials, and the use of local products
- Provides a framework that encourages development or redevelopment of communities in sustainable locations, through incorporation of measures to reduce greenhouse gas emissions, promotion of energy conservation measures, use of renewable energy, reuse of stormwater, facilitation of appropriate long-term infrastructure maintenance

Economic Value**(4 points)**

- 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
- Encourages new development in existing developed centers and areas where infrastructure exists and is readily available
- Provides for downtown/hamlet revitalization
- Supports water-dependent commercial and industrial uses
- Supports tourism development
- Supports agriculture

Natural Resource Value**(4 points)**

- Promotes conservation and protection of ecosystem integrity
- Protects, enhances or restores 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 statewide significance, or other recognized scenic resource
- Protects agricultural land as a valued resource that provides for farmland uses, open spaces, and aesthetics
- Implements New York State's Coastal Nonpoint Pollution Control Program, or otherwise protects groundwater or surface water quality and hydrology, or implements measures for efficient use of water
- Conserves and protects the integrity of ecological systems to promote their health, productivity and resilience, while encouraging the restoration of degraded ecological systems
- Advances the completion of a plan or strategy that protects, restores, or enhances natural resources

Implementation (12 points)**Scope of Work****(4 points)**

- Proposal clearly defines the location and area covered by the project, what is to be done, how it will be done, who will do it, and when it will be completed
- Project deliverables are clearly defined and consistent with program objectives
- Is an integral part of a set of actions that comprehensively addresses an issue or opportunity
- Provides for decision-making based on sound science, such as in the consideration of the cumulative effects of human actions on biodiversity and natural community structure

Time Frame**(4 points)**

- Demonstrates sufficient experience and ability of the applicant and/or key project personnel to successfully complete the project within the three-year time period, with the possibility of two extensions of one year each

Project Readiness**(4 points)**

- Demonstrates an existing or proposed inter-municipal organizational structure adequate to advance and sustain implementation of the project
- Builds on previous successful grant projects, evidenced by the quality of applicant's performance under previous grants
- Demonstrates work needed to advance a project to the next phase has been completed (for example, designs prepared, permits and/or other approvals obtained)

Leveraging (12 points)**Resources****(4 points)**

- 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 and infrastructure, such as by encouraging the use or reuse of existing buildings and sites in existing community centers and areas where infrastructure is

readily available, or by facilitating the redevelopment of former industrial areas and the revitalization of underutilized commercial areas, especially those in urban areas

Advancing Plans (4 points)

- Advances the strategies and priorities of a Regional Economic Development Council
- Advances an approved or substantially completed Local Waterfront Revitalization Program, watershed management plan, or regional or local plan, strategy or vision
- Necessary to enable community and/or region to build public/private partnerships or leverage financial resources to make better use of private funds, including programs available through the CFA
- Builds upon a planning project begun under other state programs, such as a Local Waterfront Revitalization Programs, New York State Scenic Byway corridor management plans, and greenway plans
- Advances a Brownfield Opportunity Area (BOA) plan, where there is a completed area-wide analysis (Nomination) and the proposed project advances the stated community vision

Development of Partnerships (4 points)

- Demonstrates a record of developing public/private partnerships
- Creates or advances regional, intermunicipal, intergovernmental, public, private, or not-for-profit partnerships to address development issues
- Creates or advances regional, intermunicipal and intergovernmental partnerships in order to increase efficient, planned, and cost-effective delivery of government services

Performance Measures (16 points)

- Demonstrates how progress will be measured and recorded during the life of the project in terms of products/deliverables, and project goals and objectives (4 points)
- Demonstrates an approach to monitor the project and make mid-course corrections, as necessary, to ensure that project milestones are met and that successful completion is achieved (4 points)
- Proposes logical measure(s) to determine successful completion of the project with regard to products/deliverables (4 points)
- Describes a project management structure that will ensure that adequate capacity exists to monitor the proposed project toward successful completion (4 points)

Evaluation of Budget and Cost (20 points)

Applications will also be evaluated to assess the degree to which they meet the elements of each criterion below, using the following numerical hierarchy:

Meets criteria	5 points
Partially meets criteria	3 points
Does not meet criteria	0 points

- Application describes and documents how the budget and cost were determined. Identifies the person(s) responsible for compiling the budget; include relevant experience and background of all parties and the method/approach used to arrive at estimates. (5 points)
- Costs meet eligibility requirements of the program. In addition to documenting eligibility of costs, budget narrative demonstrates what required matching funds will be provided. (5 points)

- Costs clearly relate to and support activities in the proposed work plan. Budget narrative demonstrates logical justification for all expenses proposed. (5 points)
- Budget includes adequate detail for all project components involved, is cost-effective, presents necessary and realistic costs, and does not contain extraneous expenses. Budget is accurate and thorough with no extraneous or ineligible expenses. Budget narrative includes an explanation for the estimate of each budget line and clearly support the applicant's need for financial resources requested to achieve project outcomes. 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. (5 points)

Note: A local match of 50% of the project cost must be demonstrated at the time of application. Failure to do so will result in application disqualification.

Regional Economic Development Council Endorsement

Additional points (up to 20 points) may be given to grant proposals that are determined to advance strategic plans developed by the ten Regional Economic Development Councils.

VIII. FUNDING RESTRICTIONS

Local Match

State assistance awarded and paid shall not exceed 50% of the total eligible cost for the project. The total eligible cost of the project is the total of costs set forth in the grant application, less any federal assistance and other state assistance from the Environmental Protection Fund. In addition, the Environmental Protection Fund grants provided under this program may not be used as the local match for any federal grants without explicit permission from the Department of State. State assistance payments will be made to grant recipients based on actual expenditures for eligible costs up to the amount of the grant awarded.

Volunteer Services

Volunteer services included in the local match are limited to those that significantly contribute to the completion of project tasks. Documented volunteer services may be valued up to \$25 per hour. Professional services donated to the project can be valued at a reasonable rate appropriate to the profession in the project location. Detailed accurate records must be kept to account for volunteer services and donated professional services to be included as local match.

Eligible Costs

Grant funds may be used for the following costs:

Direct salary costs - including wages, salaries, fringe benefits, and supplemental compensation paid to employees of the municipality for personal services.

Direct non-salary costs - including costs for printing, travel, equipment, materials, supplies, consultant and contractual services, and other goods and services directly associated with the project.

Note: **Land acquisition** – may be used only as part of the local share for construction projects (i.e., not to exceed 50% of the total cost of the project).

Ineligible Costs

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

Indirect or overhead costs of the municipality, such as rent, telephone service, and general administrative support.

Salaries and other expenses of elected officials, whether incurred for purposes of project direction, execution, or legislation. However, volunteer services contributed by these officials to the project may be used as local match, provided that such services are outside the performance of their official duties.

Federal assistance.

Other Environmental Protection Fund awards.

Costs that are not adequately justified or that do not directly support the project. These costs will be eliminated from the final grant award.

IX. CONTRACT REQUIREMENTS**Standard Cost Reimbursement Contract**

Each successful applicant must enter into a standard cost reimbursement contract with the Department of State which includes this Request for Applications, the successful applicant's proposal, an agreed upon work program, any other attachments or exhibits, and the standard clauses required by the NYS Attorney General for all state contracts including Appendix "A" along with Article 15-A of the New York Executive Law. All necessary municipal resolutions and certifications must be received prior to entering into contracts. The contract will: 1) be subject to approval by the Attorney General and State Comptroller; require submission of final products in both hard copy and electronic format; 2) be subject to payment only upon proper documentation and compliance with reimbursement procedures; and all other contractual requirements. (A copy of a standard contract along with Appendix "A" and Article 15-A is available from the Department.) There will be no contract advance available to grantees.

Compliance with Procurement Requirements

The municipal attorney, chief legal officer, or financial administrator for the municipality shall certify to the Department of State that applicable public bidding procedures of General Municipal Law §103 were followed for all purchase contracts involving more than \$20,000. In the case of purchase contracts involving not more than \$20,000, and contracts for professional services, 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.

The municipal attorney, chief legal officer or financial administrator for the municipality shall certify to the Department of State 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.

Minority or Women-Owned Business Enterprise Participation

Applicants will be required to comply with and certify that the requirements of Article 15-A of the New York State Executive Law: Participation By Minority Group Members and Women With Respect To State Contracts by providing opportunities for MBE/WBE participation have been met and further certify that the applicant will maintain such records and take such actions necessary to demonstrate such compliance throughout the completion of the project.

Contract Period

Subject to the continued availability of funds in the budget, the contract period shall not exceed three years from the start of the project with the possibility of two extensions of one year each provided satisfactory progress is being made. The earliest start date of contracts is anticipated to be April 1, 2012.

X. SATISFACTORY PROGRESS

It is imperative that the grant recipient complete the project as set forth in the agreed upon work program. 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 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 program 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.

XI. OTHER GRANT REQUIREMENTS FOR CONSTRUCTION PROJECTS

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. Project design and construction is required to 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. Construction sites must be in public ownership or have public-access easements. In addition to responsibility for compliance with local regulations, the grant recipient is responsible for complying with applicable State and Federal 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

XII GENERAL SPECIFICATIONS

1. By signing the “Application Form” each applicant attests to its express authority to sign on behalf of the applicant.
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 of State 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 of State 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 judgement of the Department of State, the applicant acts in such a way which is likely to or does impair or prejudice the interests of the State, the Department of State 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 judgement of the Department of State, 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 which the contractor was engaged in at the time of such termination, subject to audit by the State Comptroller.

Pursuant to the New York State Procurement Guidelines, the Department of State reserves the right to:

1. Reject any or all applications received in response to the RFA;
2. Withdraw the RFA at any time, at the Department’s sole discretion;
3. Make an award under the RFA in whole or in part;
4. Offer partial or no funding to any applicant if its application cannot be fully funded within the funds remaining;
5. Disqualify any applicant whose conduct and/or application fail to conform to the requirements of this RFA;
6. Seek clarifications and revisions of applications;
7. 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 other information submitted by the applicant in response to the Department’s request for additional information in the course of evaluation and/or selection under the RFA;
8. Prior to the application due date, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available;
9. Prior to the application due date, direct applicants to submit application modifications addressing subsequent RFA amendments;

10. Change any of the scheduled dates;
11. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders;
12. Waive any requirements that are not material;
13. Negotiate with successful applicants within the scope of the RFA in the best interests of the state;
14. Conduct contract negotiations with the next responsible applicant, should the Department be unsuccessful in negotiating with a selected applicant;
15. Use any and all ideas submitted in the applications received;
16. 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 RFA; and,
17. Not to make any awards pursuant to this RFA.