

**NYS Department of State
Office of Communities and Waterfronts
Environmental Protection Fund
Local Waterfront Revitalization Program
2012 – 2013 Request for Applications #12-LWRP-02**

Questions & Answers – July 2, 2012 (updated July 6, 2012)

The responses to questions included herein are the official responses by the State to questions submitted by potential applicants and are hereby incorporated into RFA # 12-LWRP-02 issued on May 3, 2012. In the event of any conflict between the RFA and these responses, the requirements or information contained in these responses will prevail.

July 6, 2012:

- Q1. Can an entity apply for different grants for different properties?
A1. **Yes, an eligible applicant can apply for more than one grant.**
- Q2. Can we apply under one watershed project with different tasks?
A2. **Yes, an applicant can apply for Local Waterfront Revitalization Program (LWRP) funding in one application to carry out multiple watershed planning or implementation tasks or components whether or not individual tasks or components might potentially be funded by more than one agency.**
- Q3. Can projects be multi-year?
A3. **Yes; Local Waterfront Revitalization Program planning and/or implementation projects can be multi-year projects. 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.**
- Q4. Are brown field opportunity areas included in the grant?
A4. **No, Brownfield Opportunity Area grants are not eligible activities under this procurement.**
- Q5. If a for-profit company partners with a municipality on a project, will the fact that the municipality partnered with a for-profit company disqualify or effect the application?
A5. **No. An eligible municipality must submit the application. 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. Only applications from eligible applicants will be evaluated for funding. There is no restriction on the types of organizations that may partner with a municipality in the application process of this RFA.**

- Q6. Our organization did a RFP for an Economic Consultant to address the issue of increasing tourism during the winter season. Can the grant be used to pay for the services of a consultant to revitalize the area?
- A6. As described, yes, this appears to be an eligible activity under “Preparing or Implementing Regional and Local Strategies for Community and Waterfront Revitalization”, as noted on page 3 of this RFA. Expenses incurred prior to April 1st 2012 will not be eligible for reimbursement.**
- Q7. How can we fund design codes and updates?
- A7. Updating land use development for a hamlet on an existing waterway may be a part of a multi-phased project to request funding for zoning ordinances, updates, planning, etc. Gateway improvements can be physical improvements including construction.**
- Q8. Can more than one project application be submitted at a time?
- A8. Yes. There is no limitation on the number of applications that may be submitted for this RFA.**
- Q9. Do you fund gateway projects?
- A9. Yes, provided applicant eligibility requirements and local match requirements are met.**
- Q10. You mentioned that this fund also considered land-based trails. Is Archeology covered?
- A10. Yes, it would be considered under site reconnaissance necessary for planning and design of land and water based trails.**
- Q11. If a municipality is not part of the county submitting an application, could it still be included in the grant? How would that application be structured?
- A11. You could always apply to the Agency and reference that other region. Reference both regional council’s plans and strategies; Demonstrate letters of support from those other municipalities to at least say that you have a partnership in place – and making sure that the letter is part of the application.**
- Q12. If we have an LWRP, what is considered outdated to DOS? Are the late ‘90s considered outdated?
- A12. If a local LWRP was adopted and is still in place, applicants may apply for funding to implement the plan under this opportunity, or an applicant may apply for funding to update the plan. Expenses prior to April 1, 2012 will not be reimbursable under the contract if awarded.**
- Q15. What if we are rehabbing several older buildings in various parks and several towns? What program is that?
- A15. There may be several opportunities with regard to funding programs. Eligible applicants differ depending on funding program. From DOS’ perspective, applicants must be a municipality. Projects located in an urban area may qualify as an ‘urban redevelopment’ project under the LWRP procurement.**

- Q16. We have a waterfront redevelopment project that is in preliminary planning. Would that fall under Parks or Coastal Resources?
- A16. Such a project may be fundable by OPRHP and the Department of State, Local Waterfront Revitalization Program. The application that you submit will go to all agencies and funding programs to which the project is eligible, and will be considered under those programs.**
- Q17. Can you use your local DPW employees to do the work and count its cost in 'matching funds'?
- A17. Yes. Eligible Costs include, direct salary costs including wages, salaries, fringe benefits, and supplemental compensation paid to employees of the municipality for personal services. Applicants may not use salaries and other expenses of elected officials as eligible costs for reimbursement.**
- Q18. Can municipalities use approved revolving funds? Can applied for loans be counted as matching funds?
- A18. No, for the Department of State EPF LWRP, to be considered as eligible match, the loan would need to be directly related to the project described in the application, the loan already secured (not pending), and the loan term falling within the active period of the EPF contract.**
- Q20. Can the municipality be a contractor for a project and use time/staff for matching?
- A20. Yes. See Section VIII, Eligible Costs on page 14 of the RFA. These may be used as direct costs or eligible matching funds.**
- Q21. Do municipalities have to go out for bids if they plan to do the work?
- A21. Yes, Certification that municipal procurement requirements are met will be required. 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.
- Q22. Is there anything retroactive to the master plan from 4 years ago that can still be used?
- A22. Only costs incurred after April 1, 2012 may be considered as eligible for reimbursement.**

- Q23. If community has a draft LWRP – local waterfront revitalization plan – is the lack of finalization going to hurt a proposal?
- A23. No, a local waterfront plan does not need to be finalized to apply for funding. Preparing and/or implementing local waterfront revitalization projects are acceptable projects under this RFA. Per the RFA, page 3, “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.”**
- Q24. How do you match some of the community waterfront projects with regional strategic priorities?
- A24. Applications are reviewed against Regional Economic Development Commission (REDC) priorities. REDC review will be a portion of the total evaluation, not to exceed 20% of total points. All applicants are encouraged to apply regardless of perceived strategic value.**
- Q25. How is the value of an “in kind volunteer work” determined so that it can be considered as a matching fund?
- A25. Valuing in-kind volunteer work should be based on anticipated actual cost of a service provided if it were a paid service instead of volunteer. Non-professional titles can be valued up to \$25 per hour based on actual agency cost. Professional titles may be valued at a reasonable rate appropriate to the profession. NYS Department of Labor regional prevailing wage rates may be used to justify these hourly rates.**
- Q26. Would a municipality be able to seek funding through the watershed management program to update their municipal water supply system?
- A26. The body of water involved would have to be one listed on the List of Coastal Water Bodies and Designated Inland Waterways put out by the NYS Department of State. Please see the website www.dos.ny.gov for more details.**
- Q27. Are tribal communities eligible? The Cattaraugus Indian Reservation is located along Lake Erie and we are wondering if they may be included in the EPF LWRP CFA grant application process? Would the St. Regis Mohawk Reservation/Tribe be considered an eligible entity to apply for EPF LWRP CFA Tourism marketing funding?
- A27. The Cattaraugus Indian Territory is a territory of the Seneca Nation of New York. As federally-recognized Indian tribes, as identified by the Bureau of Indian Affairs in the U.S. Department of the Interior, both the Seneca Nation of New York and the Saint Regis Mohawk Tribe, New York are eligible to apply for EPF LWRP funding through the Consolidated Funding Application, provided the projects being applied for are located along the coastal zone and meet other restrictions in the Request for Applications. Tourism marketing is an eligible activity under the Preparing or Implementing Regional and Local Strategies for Community and Waterfront Revitalization and the Planning or Constructing Land and Water based Trails categories listed in the EPF LWRP RFA.**

July 2, 2012:

Q1: The City is considering multiple grant proposals through the CFA. Last week I was searching the web and found a spot that had program questions for the relevant CFA agencies. I closed out soon after and cannot recall where I was nor find it again, either at the NYWorks site or a specific agency. Would you know where these program questions would be?

A1: The Agency Program Applications Questions are back up on the CFA website. See the Links box at <https://apps.cio.ny.gov/apps/cfa/> For CFA EPF LWRP questions, look for and click on Local Waterfront Revitalization.

Q2: What is the start date or effective date for projects to be considered eligible? Can we submit on projects that have partially completed last year?

A2: A contract can have a start date of no earlier than April 1, 2012. While continuing a project that started prior to April 1, 2012 may be eligible for funding, the costs incurred prior to that date would not be eligible for reimbursement.

Q3: We would like to confirm that a municipal authorization resolution IS NOT required to be submitted by the due date for submittal of a CFA, July 16th? I've noticed that with some agencies a resolution is required upon submission and with others it is not.

A3: That is correct. For the EPF LWRP grant program a municipal resolution is not required when submitting an application. It will be required of successful applicants prior to executing a contract with the State.

Q4: Is there any special language or format required to be included in the resolution by the applicant municipality, when one is submitted?

A4: No. The Department of State does not prescribe the format of a municipal resolution for the purpose of EPF LWRP grants.

Q5: Counties cannot be stand-alone applicants, correct? They must partner with a town, village, etc. Is there a municipal resolution requirement, and assuming there is, when is it due? Same date as grant, or shortly thereafter as in the past?

A5: A county, with the consent and on behalf of one or more towns, villages, or cities located along New York's coast or designated inland waterways, can submit an application for a EPF LWRP grant through the CFA. A resolution is not required at the time of application, but would be required prior to entering into a contract with the Department of State.

Q6: The List of Coastal Waterbodies and Designated Inland Waterways has a note indicating that coastal waterbodies also include embayments and tributaries that are within New York State's Coastal Area. Is there a link to maps showing these?

A6: The following are links to the Coastal Atlas where you may view the extent of New York State's Coastal Area.

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

http://www.dos.ny.gov/communitieswaterfronts/atlas/maps_regions.asp.html

Q7: What is the completion time frame for projects funded through the Local Waterfront Revitalization Program, and what happens when that date approaches?

A7: As per the 2012 RFA (Section IX and X on page 16 of the RFA), the initial contract term for EPF LWRP awards can be up to three years, with the provision to extend for two 12 month periods (for a total of 5 years). If a project is not completed within the five year period, there is the possibility that the money will no longer be available to the project and the funds remaining may be reprogrammed to new awards. Whether satisfactory progress has been made throughout the active period of the project is a factor.

Q8: The village does not have an approved LWRP, however, there is an approved Blueway Trail Development Plan that the village was part of, does this count as an approved LWRP, so that they can apply for implementation funding?

A8: A Blueway Trail Development Plan can be a component of a LWRP and make the village eligible for implementation funding. Please refer to the part of the EPF LWRP RFA http://www.dos.ny.gov/funding/rfa-12-lwrp/2012_EPF_LWRP_RFA_FINAL_5_3_2012.pdf which states on page 3, "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."

See page 7, Planning or Constructing Land and Water based Trails, note regarding Construction, that 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

Q9: Our organization, a coalition, would like to apply for the Local Waterfront Revitalization Program grant initiative through the general CFA application; however, we had a question regarding proper endorsements/support from the city or municipality. It is our understanding that the Local Waterfront Revitalization Grant requires that it be a partnership between the organization and municipality, and if so, from whom do we need to get approval or speak with to receive this endorsement? Our project would be along the waterfront in Queens.

A9: An application must be submitted by an eligible applicant. Please refer to page 2 of the EPF LWRP Request for Applications <http://www.dos.ny.gov/funding/rfa-12-lwrp/index.html> See II., Eligible Applicants. Note that 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. 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.

Q10: In the current round of state EPF LWRP grants to assist local governments with the development of watershed management plans, it seems the funding is for the development of plans focused on water quality. Would a plan focused on water quantity, e.g., storm water management to address flood-related issues, qualify?

A10: A planning effort that integrates storm water management and/or floodplain management with water quality protection and restoration would be viewed as an eligible activity. The guidebook jointly prepared by DOS and DEC provides some information on potential linkages

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

Q11: The Village wishes to apply for a LWRP grant to implement the Otsego Lake watershed management plan in partnership with the local Soil and Water Conservation District. We've undertaken an engineering study of the lake's dam to evaluate how we can modify the dam for better control of lake level to reduce the significant impacts to water quality caused by submerged septic systems, and excessive sedimentation along the shoreline. An engineering study is underway and is scheduled to be complete by the end of September. The question is can the dam study be included in the grant application? If allowed, could the start date for a grant contract be July 1, 2012, in order to count local match from that point on.

A11: If the project is awarded funding, the contract start date can be as early as April 1, 2012. Eligible expenses are determined based on when costs are incurred rather than when bills are paid.

Q12: Some regional economic development councils (REDCs) are seeking or soliciting proposals for consideration as priority projects in a REDC plan. See <http://regionalcouncils.ny.gov/> How does being identified as a priority project by a REDC relate to the Department of State's EPF LWRP grant solicitation?

A12: REDCs will consider whether a project is identified as a priority project as they score CFA applications submitted for funding from the various participating agencies, including the Department of State. See page 8 of the EPF LWRP RFA <http://www.dos.ny.gov/funding/rfa-12-lwrp/index.html>

The REDC scoring framework can be viewed in the CFA Application Manual (page 17) at <http://regionalcouncils.ny.gov/assets/documents/2012CFAApplicationManual.pdf>

Q13: If a municipality is planning to do carry out creek shoreline restoration work would this be acceptable as an eligible match for this year's application?

The Erie County Soil & Water District will be doing several streambank stabilization projects using Great Lakes Commission funding. While the federal funding isn't eligible as a grant match, would project funding from county, municipal, and private landowner sources be an eligible grant match?

A13: That would depend upon the location of the project, the source of the funding, the timing of the work, and the scope of the project applied for. See other restrictions on pages 14 and 15 of the EPF LWRP RFA, under VIII. FUNDING RESTRICTIONS.

Q14: We will be applying on behalf of the waterfront communities in Erie County and will also be working in conjunction with Chautauqua County and their waterfront communities. To whom should the letters of support be addressed?

A14: Letters of support can still be sent to the attention of Kenneth Smith, and sent by regular mail using the address indicated on the face page of the EPF LWRP RFA. Alternately, letters of support can be submitted along with optional attachments through the CFA, if submitted by the applicant. In either case, such letter(s) should contain the CFA number and project name to be sure it is considered.

Q15: Would a City possibly be competing against itself during this round of the CFA if it were to submit both a lakefront redevelopment and watershed application? Is there is a set limit to the number of applications an applicant can submit or a limit to the funds that an applicant can receive. What about breaking a comprehensive project into multiple small applications rather than a comprehensive application? How might that approach affect a project's score?

A15: For Local Waterfront Revitalization Program grants there is no maximum award amount identified as for an applicant or a region, and no maximum number of awards that a municipality or region may receive. Each application's score is determined independently based on programmatic ranking criteria as stated in the RFA, pages 9-14.

Awards will be based on rank order with the highest scoring applications being awarded until funds are exhausted. Applicants must use their judgment in determining how best to structure applications. There is no limitation on the number of applications that may be submitted for this RFA.