

NYS Department of State Office of Planning and Development
Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP)
2014 – 2015 Request for Applications #14-LWRP-6

Questions & Answers – June 6, 2014

The responses to questions included herein are official responses by the Department of State to questions submitted by potential applicants and are hereby incorporated into Request for Applications (RFA) # 14-LWRP-6 issued on May 1, 2014. In the event of any conflict between the RFA and these responses, the requirements or information contained in these responses will prevail.

GENERAL

Q1: Is there general information that I can view about filling out a Consolidated Funding Application (CFA) before I set out to complete one online?

A1: Consolidated Funding Application (CFA) navigation and related information is described in the 2014 CFA Application Manual at <http://regionalcouncils.ny.gov/>

Q2: Can I view the CFA questions for EPF Local Waterfront Revitalization Program grants outside of the CFA application?

A2: Yes, the questions and associated help text can be viewed by going to <https://apps.cio.ny.gov/apps/cfa/> and clicking on the Program Application Questions link or by going directly to <https://apps.cio.ny.gov/apps/cfa/programQuestions.cfm?programId=254&short=false>

WATERBODIES AND WATERWAYS

Q3: The List of Coastal Waterbodies and Designated Inland Waterways found at <http://www.dos.ny.gov/funding/rfa-14-lwrp-6/index.html> 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?

A3: Visiting the Coastal Atlas <http://www.dos.ny.gov/opd/atlas/> will allow you to view the extent of New York State's Coastal Area.

AWARD AMOUNTS

Q4: Is there a funding maximum or minimum that an applicant can request?

A4: There is no maximum or minimum request amount. However, the amount requested must be locally matched at a rate of 50% of the proposed total project cost.

ELIGIBILITY

Q5. Are only municipalities eligible to apply?

A5. Eligibility for EPF LWRP grants is defined in the RFA at <http://www.dos.ny.gov/funding/rfa-14-lwrp-6/index.html>. See Eligible Applicants on page 2, Eligible applicants are villages, towns, or cities, and counties (with the consent and on behalf of one or more towns, villages, or cities), which are located along New York's coasts or inland waterways designated pursuant to Executive Law, Article 42. A list of coastal waterbodies 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. If successful, all applicable procurement requirements must be met for such partnerships. 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.

Q6: Our village prepared a Local Waterfront Revitalization Program that was not fully approved. Is the village eligible to apply for an EPF LWRP grant for construction of a dock recommended in the LWRP?

A6. Applicants with an approved LWRP or the relevant LWRP component substantially completed are encouraged to apply for funding for construction of projects needed to advance eligible activities. Applicants currently preparing an LWRP or component, or with an approved LWRP or component are encouraged to apply for funding for project-specific planning, feasibility, design, and/or marketing needed to advance eligible activities. See Eligible Applicants on pages 2 to 3 of RFA #14-LWRP-6. Also see Eligible Activities, page 4 of RFA #14-LWRP-6, which notes that "Applicants may prepare and/or implement a full LWRP or component strategies that are the framework for developing LWRPs, such as: strategies for redeveloping hamlets, downtowns and urban waterfronts; or planning or constructing land and water based trails; or preparing or implementing a lakewide or watershed revitalization plan."

Q7: Oswego River is not designated as an inland water way (not on list provided).

A7: Oswego River drains to Lake Ontario, which is part of New York State's Coastal Area. A portion of the river is also included in New York's Coastal Area. Visiting the Coastal Atlas <http://www.dos.ny.gov/opd/atlas/> will allow you to view the extent of New York State's Coastal Area. Additionally, portions of the Oswego River are part of the New York State Barge Canal System, which is included in the list of Designated Inland Waterways.

Q8: I noticed the State Barge Canal System is identified in the Inland Waterways List. I am wondering if the sections of the Old Erie Canal Trail, which are part of the Erie Canalway Trail are part of the "State Barge Canal System" and if so could the Town of DeWitt apply for a Local Waterfront Revitalization Program grant to plan for the design of a trail segment through DeWitt and into Syracuse.

A8: The Department is reviewing information to make a determination on the full geographic extent of the New York State Barge Canal System relative to the definition of designated inland

waterways under Executive Law Article 42 and Local Waterfront Revitalization Program grant eligibility. Applications may be submitted, pending such determination.

Q9: The Old Erie Canal goes through the City of Oneida and Villages of Canastota, Chittenango, and Wampsville in Madison County. The list of designated inland waterways pursuant to Executive Law, Article 42 includes the State Barge Canal System. Are municipalities along the Old Erie Canal eligible to apply for Local Waterfront Revitalization Program grants?

A9: The Department is reviewing information to make a determination on the full geographic extent of the New York State Barge Canal System relative to the definition of designated inland waterways under Executive Law Article 42 and Local Waterfront Revitalization Program grant eligibility. Applications may be submitted, pending such determination.

CONTRACT START DATE AND LENGTH

Q10: What is the start date or effective date for projects to be considered eligible? Can we submit projects that were partially completed last year?

A10: The earliest contract start date is April 1, 2014. Costs incurred prior to that date are not eligible for reimbursement.

Q11: What is the earliest start date for an EPF LWRP contract, what is the maximum time allowed for project completion? And, what happens when the end date approaches?

A11: See page 18 of RFA #14-LWRP-6. The earliest contract start date is April 1, 2014. Contract periods shall not exceed three years from the start of the project. No extensions are anticipated. As stated on page 2 of RFA #14-LWRP-6, Introduction (fourth paragraph), applicants are required to demonstrate that projects are ready to move forward quickly. To ensure timely completion, the Department strongly encourages submission of an application for a discrete phase of a project. Applicants will be required to prepare and submit a project work schedule and timeline that includes major tasks and milestones with completion dates.

CONTRACTUAL/SUBCONTRACTUAL SERVICES

Q12: Do municipalities have to go out for bids if they plan to do the work through contractual services?

A12: Successful applicants for the 2014 EPF LWRP Grant opportunity will be required to comply with requirements listed on page 17 of RFA #14-LWRP-6 (see Compliance with Procurement Requirements), including requirements directly related to General Municipal Law §104-b and General Municipal Law §103, and certification by the municipal attorney, chief legal officer or financial administrator, as well as requirements under Minority or Women-Owned Business Enterprise Participation.

CONSTRUCTION AND PROPERTY OWNERSHIP

Q13: Can EPF LWRP funding through the CFA be awarded to a municipality for a project on Metro-North Railroad property, as long as both parties have some type of agreement?

A13: As stated on pages 10 (see Construction) and 19 (see XI. Other Grant Requirements for Construction Projects) of RFA #14-LWRP-6 “Construction must be on public property, or where a permanent public interest such as conservation easement has been established.”

Q14. 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?

A14.A12. Yes, federally-recognized Indian tribes located in New York State are eligible applicants. See Section V. Eligible Activities (beginning on page 4) in RFA #14-LWRP-6.

Q15: Would the St. Regis Mohawk Reservation/Tribe be considered an eligible entity to apply for an EPF LWRP grant through the CFA for tourism marketing funding?

A15: Federally-recognized Indian tribes located in New York State are eligible applicants.

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 of 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 RFA. Eligible projects include those indicated under Eligible Activities, beginning on page 4 of the 2014 EPF LWRP RFA, RFA #14-LWRP-6.

MUNICIPAL RESOLUTIONS

Q16: Some State agencies require a municipal resolution at the time an application is submitted while others do not. We would like to confirm that submitting a municipal resolution through the CFA by the June 16th application due date is NOT required for the EPF LWRP grant program.

A16: 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 Department of State.

Q17: Counties cannot be stand-alone applicants, correct? They must apply on behalf of and with the consent of one or more towns, villages or cities. Is there a municipal resolution requirement, and assuming there is, when is it due?

A17: 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 an EPF LWRP grant through the CFA. A resolution is not required at the time of application, but can be submitted through the CFA as a non-required attachment, if desired. In any case, a county that is awarded an EPF LWRP grant would be required to provide evidence of consent prior to the county entering into a contract with the Department of State.

Q18: Is there any specific language or format required to be included in the resolution by the applicant municipality, when one is submitted?

A18: The Department of State does not prescribe the format of a municipal resolution, however, it should indicate authorization to enter into a contract with the Department of State for the purpose of receiving an LWRP award, and indicate a commitment to provide the required local match.

PROJECT TYPE/CATEGORY

Q19: Would preparing a plan to address water quantity, as well as water quality, e.g., storm water management and flood plain related issues, qualify for EPF LWRP funding?

A19: Yes, the EPF LWRP request for applications includes a category titled Preparing or Implementing a Lakewide or Watershed Revitalization Plan. Refer to page 6 of the RFA. An effort integrating water quality protection and/or restoration with community and waterfront revitalization could include storm water management and/or floodplain management. A community that already has a waterfront revitalization program or a watershed plan, or both, may apply for a grant to integrate such programs and plans into a more holistic lakewide or watershed revitalization plan. The Department's guidebooks on waterfront revitalization and watershed planning are available at <http://www.dos.ny.gov/opd/publications.html>.

LOCAL MATCH

Q20: How is the value of an "in-kind volunteer work" determined so that it can be considered as a local match?

A20: Valuing services offered as local match, whether volunteer services or donated professional services, should be based on the anticipated actual cost of a service to be provided, if it were a paid service. NYS Department of Labor regional prevailing wage rates may be used to justify these hourly rates. Refer to pages 9 through 11, VI. FUNDING RESTRICTIONS, Local Match, Volunteer Services and Donated Professional Services.

Q21: How can I tell what activities can be used as local match for an EPF LWRP grant application?

A21: The scope of your Local Waterfront Revitalization Program grant application and when the activities were carried out may determine what can be used as eligible local match. Activities not directly related to the project scope are ineligible for local match. Activities carried out prior to April 1, 2014 also would be ineligible as local match. Other limitations apply. See pages 9 through 11 of the RFA, VI. FUNDING RESTRICTIONS Local Match, Volunteer Services, Donated Professional Services, Construction, Eligible Costs, and Ineligible Costs.

Q22: Can local Department of Public Works (DPW) employees be used to do the work and count the cost as local matching funds?

A22: Yes. Eligible Costs include direct salary costs, including wages, salaries, fringe benefits, and supplemental compensation paid to employees of the municipality for direct personal

services. Applicants cannot use salaries and other expenses of elected officials as eligible costs for reimbursement.

Q23: Can a municipality be a contractor for a project and use time/staff for matching?

A23: Grant funds may be used for municipal direct salary costs and direct nonpersonal costs. Direct salary and direct nonpersonal costs may also be used as eligible match. See page RFA #14-LWRP-6 (page 10) Eligible Costs.

RECORD KEEPING – DOCUMENTATION

Q24: What kind of record keeping will be required if we are awarded an EPF LWRP grant?

A24: The successful applicant shall establish and maintain, in paper or electronic format, complete and accurate books, records, documents, receipts, accounts, and other evidence directly pertinent to its performance under the Master Grant Contract with the Department of State. Records must be maintained for a period of 6 years after the final payment and must be available for review. Payment requests may be subject to periodic reviews. See Record Retention and Audits, on page 17 of RFA #14-LWRP-6 for requirements in detail.

RELATIONSHIP TO REGIONAL ECONOMIC DEVELOPMENT COUNCIL STRATEGIES

Q25: How does being identified as a priority project by a REDC relate to the Department of State's EPF LWRP grant solicitation?

A25: Regional Economic Development Council reviewers will determine the degree to which applications submitted to various participating state agencies for funding, including the Department of State, implement a regional strategic plan and add assign corresponding points. See page 11 of the RFA for the REDC scoring methodology. See page 19 of the 2014 CFA Application Manual for REDC Endorsement Standards at http://regionalcouncils.ny.gov/sites/default/files/CFA_2014_Application_Manual.pdf

ATTACHMENTS

Q26: What attachments are required for EPF LWRP grants through the CFA?

A26: Required attachments include a project map to scale, identifying the project location(s) or delineating the project area, and a completed EPF LWRP Budget Summary & Detail table to demonstrate proposed eligible costs and required local match. The Budget Detail Required form found at <http://www.dos.ny.gov/funding/rfa-14-lwrp-6/index.html> must be downloaded and completed, saved as a pdf, and then uploaded through the CFA portal as part of the application. Moving your cursor over the budget categories in the Excel table will reveal helpful explanations.

Q27: Can attachments to applications for EPF LWRP funding be submitted in a way other than through the CFA portal?

A27: All required attachments and any optional attachments to be considered, must be submitted by uploading through the CFA portal when prompted.

Q28: Are completed MWBE Forms (Utilization Plan and Staffing Plan) required attachments that must be submitted by June 16th for LWRP grants?

A28: No, however, if an EPF LWRP grant is awarded the recipient will be required to complete and submit the forms.

Q29: What about resolutions or letters of support? Can I upload these as attachments?

A29: Yes, although resolutions or letters of support are not required at the time of submitting an application, you may, if you wish, submit such as PDFs through the CFA portal. Submit all attachments that are not required as a response to question Q_1112 - Local Waterfront Revitalization: Supplemental Project Materials - Project Work Program. While this question was designed to obtain other optional materials (e.g., submit site plans and design drawings, photographs of existing site conditions, etc, to support your Project Work Program), you may also use it to submit other materials. You can view questions at <https://apps.cio.ny.gov/apps/cfa> by clicking on the Program Application Questions link or by going directly to <https://apps.cio.ny.gov/apps/cfa/programQuestions.cfm?programId=254&short=false>

OTHER

Q30: A few of the questions request information on how the project improves conditions identified in the Opportunity Agenda for the Region (Q_3763, Q-3764). As East Hampton has not been identified in the Regional Opportunity Agenda, would it be acceptable to respond to these questions with information about how the project will improve workforce development programs, etc. in any event?

A30: Applicants are encouraged to fully respond to the questions, providing information to the best of their ability.