



Department of
Environmental
Conservation

GUIDELINES AND APPLICATION INSTRUCTIONS

New York State Department of Environmental Conservation 2023 Community Forest Conservation Grant Program (Round 2)

NYS Grants Gateway Application ID No.: DEC01-CFC-2023

Application Due Date: (2:00pm ET, Wednesday, October 11, 2023)

Timetable of Key Events:

Application Period Begins	Monday, July 24, 2023
Webinar	9:00am Wednesday, August 2, 2023
Question & Answer Period Ends	Wednesday, September 27, 2023
Applications Due	2:00PM Wednesday, October 11, 2023
Award(s) Announced By (anticipated)	January 2024

To join the webinar:

<https://meetny.webex.com/meetny/j.php?MTID=me29653c6c20ecc47332d79ebb12ab3b4>

Meeting number (access code): 161 125 2498. Meeting password: rSD546QdCNw

To join by phone: +1-518-549-0500 US (English Menu)

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Introduction

Welcome to Round 2 of the Community Forest Conservation (CFC) Grant Program! The New York State Department of Environmental Conservation (DEC) is pleased to announce available NYS Environmental Protection Fund (EPF) funding for **municipalities** to acquire private land and establish new or extend existing community forests through use of fee title or conservation easements on areas of 10 acres or more.

The goal of this grant program is to fund municipal land acquisition for community forests, which are vital for wildlife habitat, flood mitigation, recreational opportunities, mental health, air quality, water quality, and to meet the obligations outlined in New York's Climate Leadership and Community Protection Act. Community forests are meant to build local ownership of forests, participation in forestland management, and encourage local residents to enjoy local forests and increase connection to forest benefits. All properties acquired through this grant program are required to allow 100% public access. Any restrictions, such as topography (water courses, mud flats, cliffs etc.) must align with the goals of this grant program and be approved by DEC.

This is a reimbursement grant with a 10% match requirement. Please note that document review and reimbursement from this grant program may not be able to accommodate an existing or otherwise expedited timeline for acquisition closing.

All projects must comply with all local, state, or federal laws. To view locations that may have extra protections, such as wetlands and rare plants and animals, visit the DEC Mapper <https://gisservices.dec.ny.gov/gis/erm/>.

Inquiries & Designated Contact Information

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

Molly Hassett, CFC Program Coordinator, Division of Lands & Forests:
molly.hassett@dec.ny.gov

For technical information regarding the Grants Gateway application, direct questions to:
NYS Grants Management Contact Information: grantsgateway@its.ny.gov

Include **"2023 Community Forest Conservation Grants"** in the subject line of the email. Questions regarding this grant opportunity will be accepted by the Department until C.O.B. Wednesday, September 27, 2023. All questions and answers will be uploaded in the Grants Gateway application periodically for all applicants to view.

1. Grant Information

Grant projects must result in the acquisition of community forests through use of fee title (purchase) or conservation easements. Projects must acquire private lands that are not already owned by the eligible applicant. Community forests must be publicly accessible and provide benefits for the public such as recreation access (fishing, hiking, biking, hunting, wildlife observation, etc.), flood mitigation, wildlife habitat, clean water, and forest products (timber, maple syrup, etc.). Several example project summaries can be found in Appendix A.

Costs eligible for reimbursement may include purchase price, appraisal, survey, and boundary line marking completed by a professional land surveyor following the Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, title search, owner's title insurance, tax service, seller's prepaid taxes, recording fees, and attorney fees. See additional eligible costs and details in section 8, Eligible and Ineligible Expenditures, below. Although federal funds cannot be applied as match or reimbursable funds as a part of this grant opportunity, funds from this grant may be used as match for federal funding opportunities, if allowed by those opportunities. by those opportunities.

a) Funding

Approximately \$1,000,000 is available for Community Forest Conservation (CFC) Grant Program (Round 2) consistent with this Request for Applications (RFA). Should newly appropriated funding become available, the Department may make additional awards to fund applications received in this grant round. Funding for this grant opportunity is provided from the New York State Environmental Protection Fund. **This is a reimbursement grant**, so costs need to be paid by the applicant prior to being reimbursed by DEC. See 7, Match Requirement, below for more information on match.

Only municipalities may apply for this funding opportunity; other organizations and groups (ex: non-profits, land trusts, etc.) are not eligible to apply.

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 three-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 may be allowed and will be determined by the Department 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 \$50,000; Maximum grant amount is \$300,000.

d) Application Limit/Award limit

Applicants may submit only one application.

e) Eligible Project Location

Eligible projects must include acquisition of current privately-owned lands (may include land owned by non-profit land trusts) located within New York State and include 10 or more contiguous acres. At least 75% of the acres must be forested at the time of application. Forests are determined by both the presence of trees and the absence of non-forest uses (fields, pasture, agriculture). Forested areas should generally be dominated by trees greater than 5 meters tall and have greater than 20% total vegetation cover. More than one property may be acquired as a part of this grant project; however, properties acquired through this grant program must be contiguous and together meet the 10 acre and 75% forested requirements. Contiguous acres shall refer to an eligible tract where forest lands are adjacent or near each other. These may be divided by non-forest land owned and controlled by the owner, or Federal, State, county

or town roads, easements, rights-of-way, energy transmission corridors, or similar facilities, as long as community forest use and public access is not precluded. We expect that on-the-ground public access may easily occur in movement from one part of the property to another. If desired, a conservation easement may be placed on a portion of a whole parcel as long as the conservation easement area is at least 10 acres in size. All mineral rights must be included as part of the acquisition of the property.

Applicants are required to upload a map of the project area in Grants Gateway. Properties with existing easements may be eligible for fee simple purchase through this grant opportunity as long as the existing conservation easement is consistent with community forest use. In this case, easement terms must be uploaded as a part of the application so that the Department can review it and determine whether the existing CE is compatible with community forest use.

Properties with liens due to back taxes or mortgages are still eligible for acquisition through this grant program. However, all liens against a property must be satisfied before or at closing. One potential option for this may be through the subtraction of the back taxes and associated fee amount from the purchase price if such is agreed upon by both parties, with back taxes paid for by the municipality at or prior to closing. Acquisition and lien costs will not be reimbursed until after closing and after a receipt is sent from the lien holder verifying fulfillment of the lien is recorded on public record.

Projects may include acquisition of one or more buildings that are included on an otherwise eligible property for which the primary intention of the project is to establish a community forest. Inclusion of a building on the property may result in a lower score and cost efficacy since the primary intention of these grant projects is for the protection of forestland and creation of community forests.

f) Award Announcement

Applications may be submitted in Grants Gateway starting on Monday July 24, 2023. The application will then be evaluated for eligibility. The DEC anticipates grant awards will be announced in early January 2024. Applicants will receive a written notification of award from the DEC, and additional information on how to proceed with expediting a Master Contract for Grants (MCG) in the NYS Grants Gateway. Applicants who are not successful will receive written notification of non-award with information on how to request a debrief.

2. Eligible Applicants

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

3. 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 apply. 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.

A note on grantee roles: Those logged in as Grantee 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.** The Grantee role is designed for a grant writer, municipal staff or another third party, and allows a ‘sign off’ by the responsible person, elected official or municipal officer having the Grantee Contract Signatory or Grantee System Administrator roles. When the application is ready for submission, click the Status Changes tab, then click the “Apply Status” button under “Application Submitted.” The Delegated Administrator role will be the first generated by the applicant and its sole role is to add, modify and delete other roles.

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 REVIEW LESS THAN 5 DAYS PRIOR TO COMMUNITY FOREST CONSERVATION GRANT APPLICATION DUE DATE MAY NOT BE CONSIDERED.

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

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

Register for the Grants Gateway

- On the Grants Management Website, download a copy of the Registration Form for Administrator. A signed, notarized original form must be sent to the NYS Grants Management 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 grantsgateway@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.

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

4. Grant Opportunity General Information and Conditions

a) Grant Application Requirements and Conditions

Applicant must upload completed copies of the following to the Grants Gateway Pre-Submission Uploads as part of the application. A checklist of required items to be submitted with the application can be found in Appendix B.

1. Map of the property

A map should be uploaded in a single PDF file and should be clearly labeled and/or referenced in a way to make it easy for application reviewers to identify the project site(s) and acreage. See Section #5, Application Evaluation, Scoring and Selection for more information on what should be included on a property map.

2. Copy of deed from the current landowner

3. Current school and town/county tax bills

4. Written estimate of market value from NYS certified general appraiser

Only estimates or market value are required as a part of this application; full appraisals do not need to be completed until post-award before closing; however full appraisals will meet this requirement if available. Please note if an appraisal is provided at the time of application, another appraisal may need to be submitted prior to closing if closing occurs more than 1 year after the appraisal date. Applicants must provide an appraisal or estimate on the agent's letterhead and include the printed name of the agent as well as their signature.

5. Municipal resolution

Applicants must provide a municipal resolution stating the intention to purchase the property (fee title) or enter the property into a conservation easement at the time of application. An example municipal resolution can be found in Appendix C. This resolution must include:

1. The municipality's attestation and commitment to pass a budget that includes the necessary funding for the full project, including match and grant costs
2. An estimated value of project costs and match for the project
3. Recognition that this is a reimbursement grant, which will need to be funded up front

6. Landowner agreement letter

Applicants will be required to provide a formal written agreement or letter between the landowner and the applicant demonstrating a willing intent to sell the lands or enter a conservation easement. The letter of agreement must be signed and dated by both parties, showing address of seller. Formal agreements must be a part of the public record. Note: a contract of sale will not be accepted in place of a letter of agreement . See Appendix E for a Sample Landowner agreement letter

7. Sexual Harassment Prevention Certification form (Attachment S)

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

applicant has no employees, certify the second section. Locate the Certification form in Grants Gateway Pre-Submission Uploads.

8. Executive Order 16

Applicants will be required to complete the Executive Order No. 16 Certification form and upload it into the pre-submissions uploads folder. Locate the Certification form in Grants Gateway Pre-Submission Uploads.

9. Smart Growth

Applicants will be required to complete the Smart Growth Assessment form and upload it into the pre-submissions uploads folder. Locate the Assessments form in Grants Gateway Pre-Submission Uploads.

b) Community Forest Acquisition Post-Award Requirements

As a part of the community forest acquisition through this grant, grantees must obtain an appraisal, survey, title report, title commitment, title insurance, and Phase I environmental assessment reports. Grantees must also complete a forest or recreation management plan and incorporate provisions into the deed language prior to final closing. DEC will review and approve survey and assessment reports, management plans, and deed language before closing. All the items listed in this section are required and will need to be approved by DEC before releasing a final, post-closing payment.

Required for all projects:

1. Appraisal

Appraisals are required for all properties prior to reimbursement. Appraisals must be completed by a New York State certified general appraiser following the Uniform Standards of Professional Appraisal Practice (USPAP) and submitted as non-restricted narrative appraisal reports. Further:

- Appraisals must list both NYSDEC and the municipality as intended users
- Two appraisals are required if the state's contribution to the land exceeds \$500,000 and exceeds 75% of the purchase price.
- Appraisals should typically be conducted within 1 year of closing.
- The municipality and project partners may not provide any direction, guidance, or suggested valuation of the property to an appraiser for appraisal of the property
- Valuation may not be contingent upon the reporting of a predetermined value or result, a direction in value that favors the cause of the municipality, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal
- No consideration may be given to personal property located at the property
- Appraisers must have no interest in the property, present or contemplated, and neither employment nor the fee may be contingent upon the value opinion reported
- No Hypothetical Conditions may be invoked in the appraisal

2. Surveys

Boundary surveys are required for all properties. Surveys must be completed by a professional land surveyor and follow the [Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors](#) and submitted to the DEC for review. Survey maps must be certified to the NYS Department of Environmental Conservation and the purchaser's title company and contain a title block template provided

by DEC. Survey maps must be recorded in the County Clerk's office and recording info must be included in the Schedule A of the deed.

3. Title report, commitment, and insurance:

Title report, commitment, and insurance policy is required for all properties. Title commitment must be supplied to DEC for review together with the survey map.

- Title to lands acquired using CFC funds must not be subject to encumbrances, agreements, or encroachments of any kind that would be contrary to the purpose of the CFC Grant Program.
- DEC will review the title policy for exceptions to coverage prior to reimbursement

4. Phase I environmental assessment reports

Phase I environmental assessment reports are required for all properties and must be completed by a qualified consultant.

5. Grant language

The Grant Language must be included in the body of the deed referencing the attached Notice of Grant Exhibit. Notice of grant language will need to be updated prior to the closing, however email molly.hassett@dec.ny.gov to request a copy of the draft template. This notice of grant language will provide fairly robust protection of the forest property; establishing conservation easements on properties purchased in fee simple through this grant may be unnecessary to protect the property following closing

6. Recreation or Forest Management Plan

Post award, grantees must complete a recreation plan for properties under 25 acres or a forest management plan on properties of 25 acres or more. Although a forest management plan is required for properties of 25 or more acres, properties are not required to have active forest management at the time of application or acquisition. Commercial forestry cannot be completed on properties smaller than 25 acres. Information for Recreation and Forest Management Plans may be added to existing plans and/or included in plans for larger properties, as long as the required information is included.

Recreation Plans (under 25 acres) must include:

- Property goals, a description of how goals fit in with Municipal Comprehensive Plans if applicable, zoning, and other local planning goals and objectives, long-term goals and plans for public recreation and public access to the property, a description on planned public participation in creation of goals and management decisions
- A description of the property and past and present uses and a list of relevant public recreation opportunities and limitations
- Identification of archeological sites, public recreation facilities, and infrastructure that already exist on the property
- New public recreation facilities and improvements proposed to be constructed and maintained, such as trails
- Impacts of current and proposed recreation on the property and natural resources
- How public access and recreation will be implemented and managed and who will have responsibility management and meeting property goals

- How public access is anticipated to interact with other uses of the property such as active forest management and private leasing programs.

Forest Management Plans (25 or more acres) must include all of the information listed above for Recreation Plans and have the following additional information, written by a [Cooperating Forester](#):

- Long-term goals and plans for forest management
- Boundaries and size of the forest and other types of land within the property, such as open fields, roads, and lakes
- Forest inventory delineating stands, site characteristics, potential forest health issues, and forest composition including species composition, stocking levels, and volumes
- Maps showing forest types, forest stands, current and future roads and expected forestry-related improvements and locations of archaeological sites and special treatment areas
- Identification of planned commercial harvests, noncommercial thinning, road construction and other management practices
 - Identification of best management practices to protect natural resources during implementation of these practices

Forest Management Plan information written by a Cooperating Forester may be integrated with the Recreation Plan information or included as an attachment to Recreation Plan information.

7. Real property sales contract copy

A copy of the real property sales contract must be supplied to DEC for review and approval before it is signed by the Grantee.

8. Insurance

A component of the contract process. Contractors will be required to carry appropriate insurance as specified in the MCG. See Section VI, 2, a in this RFA for further information.

9. VRQ – Vendor Responsibility Questionnaire

Successful applicants will need to request a VRQ from the seller following award, as a component of the contract process. A vendor responsibility review includes a contractor and/or subcontractor (or in this case, the landowner) to present evidence of its continuing legal authority to do business in NYS, integrity, experience, ability, prior performance, and organizational and financial capacity. See Section VI, 2, c in this RFA for further information.

Additional requirements for acquisitions that establish a conservation easement:

1. Baseline data and documentation

Baseline data and documentation is required for all conservation easement acquisitions, including information on existing structures, rights-of-ways, and other information on the existing condition of the property.

2. Deed language

Easement language must include a process for regular, productive communication between the easement holder and landowner. Applicants will be expected to make use of a

Conservation Easement template that will be provided by DEC. Email molly.hassett@dec.ny.gov to request a copy of the draft template if needed.

3. Monitoring and Enforcement Plans

Applicants are required to submit protocols to demonstrate proper enforcement and monitoring of properties or easements acquired with funding through this grant opportunity. The Monitoring and Enforcement Protocol is a written document which must be submitted for review and approval and must include at least the following:

- Monitoring procedure
 - Annual frequency
 - Contact with landowners and participation in the monitoring program (only applicable to conservation easements)
 - Type of monitoring (ex: boundary survey, annual structure inspection, forest health survey)
 - Annual monitoring documentation (ex: updated site photos, maps)
 - Parties responsible for annual monitoring (ex: staff, volunteers, contractors)
- Enforcement
 - Violation definitions (ex: minor/major)
 - Potential violation response (ex: notification, mitigation period, enforcement warning)
 - Violation documentation
 - Resolving violations (ex: resolution agreement, remediation plan, legal actions)

c) Education and outreach

Although education and outreach will not be a part of eligibility or scoring criteria, outreach activities such as a grant award press release, social media, announcements and community involvement at local meetings, presentations at town board meetings and workshops, newsletters, mailings to residents, and press events will be encouraged and will be coordinated with grantees upon establishment of the MCG. Typically, at least three education and outreach activities will be encouraged as a condition of contract, and these activities will be reported on in progress reports.

d) 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. (you may require applicants to answer a program question (and/or upload documentation that may support their claims of cost effectiveness, e.g., vendor quotes) in the Gateway that will support cost effectiveness criteria).

e) Match Requirement and Expenditures

See section 8 - Eligible and Ineligible Expenditures for program specific information.

Match is the portion of project expenditures not paid for with grant funds. Applicants must provide ten percent (10%) match in the form of cash match towards project expenditures or use match for community forest improvement such as installing trails, signage.

f) 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.

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.

g) Debriefing and Protest

1. Debriefing Procedure

In accordance with section 163 of the NY State Finance Law, DEC must, upon request, provide a debriefing to any unsuccessful offeror that responded to the Program Overview, 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.

2. Protest Procedure

DEC does not have a formal protest procedure, therefore an applicant may file an initial protest with OSC's Bureau of Contracts (BOC) after the Department has made a contract award. The protest must be in writing and filed with BOC within ten business days of notice of the contract award or if a debriefing has been requested by the interested party, within five business days of the debriefing (whichever is later). If the interested party is not provided with notice of the contract award, the interested party may file a protest with BOC at any time after the contract award and prior to the Comptroller's final action on the contract.

Formal protests concerning a pending contract award must be received within five (5) business days after the protesting party knows or should have known of the facts that constitute the basis of the formal protest.

The protest must be filed with:
Bureau Director
at bidprotests@osc.ny.gov or
Bureau of Contracts
New York State Office of the State Comptroller

110 State Street, 11th Floor
Albany, NY 12236

h) 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.
- Make an award, in whole or in part, in accordance with the method of award, or withdraw the RFA at any time at the DEC's sole discretion.
- Award a portion of a grant request based on the proposed work plan included in the application and ineligible project-related costs.
- Award only one application for funding from a single applicant or project.
- Rescind an award in the event a grantee fails to negotiate a grant contract with DEC within 60-90 days
- 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. This includes non-responsiveness on behalf of the grantee and/or tardiness with progress reports.
- Disqualify any applicant whose conduct and/or proposal fails to conform to the requirements of the RFA.
- Withhold funding from projects that do not receive a minimum score of 75 percent of the total points.
- Not fund projects that are determined not to be consistent with NYS's Smart Growth Public Infrastructure Policy Act.
- Not fund projects that are determined not to be consistent with the Climate Leadership and Community Protection Act or its implementing regulations.
- Seek clarification from an applicant to effectively evaluate a project proposal.
- Reject any or all applications in response to the RFA at the Agency's sole discretion.

i) 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.

j) 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.

k) Municipal Resolution

Applicants must provide a municipal resolution stating the intention to purchase the property (fee title) or enter the property into a conservation easement at the time of application. An example municipal resolution can be found in Appendix C.

l) Disadvantaged Community

Disadvantaged community maps have been developed under the 2019 NYS Climate Act and are to be referenced to determine if the applicant’s project location meets this criteria. To reference these maps, use the DEC info Locator at <https://www.dec.ny.gov/pubs/109457.html>. Further information and instruction is given in #5. Application Evaluation, Scoring and Selection.

m) Community Project Vision and Long-term Planning

Proposed projects that include Community Project Vision and Long-Term Planning to promote future benefits will receive points in the evaluation of their application.

Projects are expected to be supported after the grant is completed and the project should be sustainable without substantial maintenance. Points will be awarded to projects that demonstrate long-term sustainability and durability.

n) Smart Growth Infrastructure Policy Act

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 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.

5. 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.

a) Step 1: Eligibility Questions

Applicants should carefully review the pass/fail eligibility criteria, evaluation criteria, and the checklist in Appendix B contained in this RFA to avoid application disqualification. **Be sure to upload all required documents to the Pre-Submissions Uploads section of the application before answering the questions in Grants Gateway.**

1. **Project Type:** Does the project involves the acquisition of land (fee title or conservation easement) to create a community forest? *Pass=Yes, Fail=No*
2. **Applicant Type:** Is the applicant a municipality? *Pass=Yes, Fail=No*
3. **Project Location Map:** Does the applicant upload a map that identifies the project area and acreage?
 - Please upload maps under Section II. PROJECT TECHNICAL EVALUATION, SCORING AND SELECTION in question 2, Project Location. *Pass=Yes, Fail=No*
4. **Property Eligibility:** Does the proposed project include acquisition of 10 or more acres of contiguous private property within New York State? *Pass=Yes, Fail=No*
5. **Forest Requirement:** Does the project location include at least 75% cover of forest, as defined in this RFA, and has the applicant provided a short description? *Pass=Yes, Fail=No*
6. **Deed copy:** Does the applicant provide a copy of the deed from the current landowner?
 - Upload a copy of the seller's deed in one .pdf, in Grants Gateway Pre-Submission Uploads. *Pass=Yes, Fail=No*
7. **Current school and town/county tax bill(s):** Does the applicant include a copy of the current school and town/county tax bill(s) for the proposed acquisition?
 - Upload the current tax bills in a single .pdf, in Grants Gateway Pre-Submission Uploads. *Pass=Yes, Fail=No*
8. **Estimate of market value:** Does the applicant provide a written estimate of market value provided by a NYS certified general appraiser?
 - Upload estimate in a single .pdf, in Grants Gateway Pre-Submission Uploads. *Pass=Yes, Fail=No*
9. **Property interest attestation:** Does the applicant attest that there are no other known additional interests on the property such as reservations of mineral rights, leases, contracts, or life estates that may be counter to use of the property as a community forest? *Pass=No, Fail=Yes*

- 10. Existing easement:** If the property has an existing easement, does the applicant provide a copy of the easement terms? If there is no existing easement, please indicate N/A in the textbox provided.
- Upload easement terms in a single .pdf, in Grants Gateway Pre-Submission Uploads *Pass=Yes, Fail=No*
- 11. Municipal resolution:** Does the applicant provide a municipal resolution including a commitment to set aside funds, including match funds for fee simple purchase of the property or to enter a conservation easement, an estimated value of project costs and match, and recognition that this is a reimbursement grant? If additional funding is being used (See Section II, Part 8, above), has the applicant provided a letter of commitment with their municipal resolution upload? See example municipal resolution in Appendix C.
- Upload municipal resolution in a single .pdf, in Grants Gateway Pre-Submission Uploads. *Pass=Yes, Fail=No*
- 12. Landowner agreement:** Does the applicant provide a formal written agreement or letter between the landowner and the applicant, including the seller's name and address, demonstrating a willing intent to sell the lands or enter into a conservation easement? Note: a contract of sale will not be accepted in place of a letter of agreement
- Upload landowner agreement in a single .pdf, in Grants Gateway Pre-Submission Uploads. *Pass=Yes, Fail=No*
- 13. Time Frame:** Does the applicant verify that the applied for project can be completed within three years? *Pass=Yes, Fail=No*
- 14. Sexual Harassment (Attachment S):** Has Applicant signed and uploaded the Sexual Harassment Prevention Certification form or uploaded a signed statement with their application detailing the reasons why the certification cannot be made into the pre-submission uploads folder? *Pass=Yes, Fail=No*
- 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. If the applicant has no employees, certify the second section. Locate the Certification form in Grants Gateway Pre-Submission Uploads.
 - Upload the signed Sexual Harassment Prevention Certificate in Grants Gateway Pre-Submission Uploads
- 15. Executive Order No. 16:** Has Applicant signed and uploaded the Executive Order No. 16 Certification form with their application? *Pass=Yes, Fail=No*
- This Order 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.” See the RFA for more information.
 - Applicants 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”, located in Pre-Submission Uploads.
- 16. Smart Growth Infrastructure Policy Act:** Has Applicant signed and uploaded the Smart Growth Assessment form with their application? *Pass=Yes, Fail=No*
- 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 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.

b) Step 2: Project Evaluation, Scoring and Selection

Applications that pass the eligibility pass/fail review will receive a technical and cost evaluation review by a DEC review panel. **Be sure to upload all additional documents for scoring to the Pre-Submissions Uploads section of the application.** Applications will be evaluated and scored (total points =100) based on the following criteria:

Is the project a fee title or conservation easement acquisition?

- | | |
|---|--------|
| (A) The acquisition is fee title. | 5 pts. |
| (B) The acquisition is through conservation easement. | 0 pts. |

What is the location of the project and overall condition of the site? Has the applicant written a detailed description in the dialogue box?

Upload maps and photos in Grants Gateway Pre-Submission Uploads.

Upload a **clearly labeled map or maps** identifying:

- The boundaries of the desired community forest area (Neighborhood or hamlet references will be accepted)
- location of the forested area,
- a north arrow, a legend,
- aerial imagery,
- a scale, and
- an approximate location address for the site

Hand drawn maps are not eligible.

Upload **ground truth photos** of the site such as existing infrastructure, the property entrance, forest condition, and/or natural features.

- | | |
|--|---------|
| (A) Applicant clearly described the project location, uploaded a clearly labeled reference map and ground truth photos. | 10 pts. |
| (B) Applicant adequately described the project location and included either a clearly labeled referenced map or ground truth photos. | 5 pts. |
| (C) Applicant did not adequately describe the project location or did not include supporting documents. | 0 pts. |

Has the applicant completed a robust Work Plan ('tell us your story') for the project, including details, scope of work, the overall goals, and desired outcomes along with a detailed timeline? Include information such as:

- location,
- land history,
- estimated costs for: acquisition, closing costs, title, survey, appraisal, management plan, and other costs related to the project
- the planned use of any additional funding sources (See Section II, Part 8, above)
- current condition of the location,
- local needs,
- overall number of persons to be served and
- service delivery method (ex: personnel working on the project, contractors, outreach).

Include proposed project objectives and tasks associated with meeting each objective. Also include how tasks will be accomplished, including staffing and budget. The work plan should include steps that need to be completed for easement or acquisition closing and results or deliverables such as recreation and forest management plan writing. The Work Plan should include answers to other scored questions and these answers may be copied into this narrative to help provide the needed details and descriptions.

The Work Plan becomes the basis for the Master Contract for Grants awardee progress reporting and project reimbursement.

- | | |
|--|------------|
| (A) Work plan provides clear details on the project, location condition, and community local needs and the details provided clearly illustrate the project's intended outcomes and outline what tasks need to be accomplished to reach these outcomes. | 15
pts. |
| (B) Work plan provides adequate details on the project and the details provided adequately illustrate the project's desired outcomes and outline what tasks need to be accomplished to reach these outcomes. | 10
pts. |
| (C) Work plan does not adequately provide details on the project and/or the details provided do not illustrate the project's desired outcomes and outline what tasks need to be accomplished. | 5 pts. |
| (D) Work plan does not adequately provide details on the project and the details provided do not illustrate the project's desired outcomes or outline what tasks need to be accomplished. | 0 pts |

Describe the local need for the forest, intended benefits and outcomes and long-term vision for the project. Include information on:

- why there is a local need for this forest,
- if the forest will be easily accessible to the public
- how the community will use the land and potential benefits (ex: recreation, forest products, environmental education, flood prevention, etc.)
- expected tasks that will need to be completed after the grant timeline.
- potential risk of local forests to development and if there are other forests in the local area,
- how the project fits in to other local initiatives such as those related to recreation, forest conservation, climate-related resilience actions and planning,

This narrative should also be included in the Work Plan.

- | | |
|--|------------|
| (A) The narrative provided clearly demonstrates the community’s need and vision for the community forest and commitment to climate and conservation action. Details provided clearly demonstrate long-term planning needs and outline the actions that will be needed after the grant period to reach the vision provided. | 10
pts. |
| (B) The narrative provided adequately demonstrates the community’s need and vision for the community forest and commitment to climate and conservation action. Details provided adequately demonstrate long-term planning needs and outline the actions that will be needed after the grant period to reach the vision provided. | 8 pts. |
| (C) The narrative adequately demonstrates the need and vision for the community forest and commitment to climate and conservation action, however details do not demonstrate long-term planning needs or outline the actions that will be needed after the grant period. | 3 pts. |
| (D) The narrative does not adequately demonstrate the need or vision for the community forest, long-term planning needs, or outline the actions that will be needed after the grant period to reach the vision provided. | 0 pts. |

5. Organizational Capacity

Describe the roles, qualifications, and experience for key personnel, any additional staffing requirements, and the organization’s experience in grant management,

- | | |
|---|--------|
| (A) The roles, experience and qualifications of key personnel and additional staffing needs are clear, well described, and sufficient to deliver the project on the proposed timeframe. | 5 pts. |
| (B) The roles, experience and qualifications of key personnel and additional staffing needs are not clear or well described. | 0 pts. |

6. Disadvantaged Communities

What portion of the project is near a disadvantaged community? Disadvantaged community maps have been developed under the 2019 NYS Climate Act and are to be referenced to determine this criterion. To reference these maps, use the DECinfo Locator at <https://www.dec.ny.gov/pubs/109457.html>, click Search and enter the zip code, then, on the DEC Information Layers tab, then click the Public Involvement tab on the left side of the map. Check the box for Disadvantaged Communities (DAC) only. Use the Tools tab to print the map or take a screen shot. Upload a copy of the map showing the project area in relation to the DAC in Pre-submission Uploads. A project within one mile of a Disadvantaged Community (DAC) will receive points towards the application evaluation.

- When uploading more than one document, please include in a single .pdf file.

- | | |
|--|------------|
| (A) The proposed project is within one mile of a DAC and a map is provided that clearly shows the relative location of the project to a DAC. | 10
pts. |
| (B) The proposed project is not within one mile of a DAC. | 0 pts. |

Include a letter (or letters, up to 5) of support from elected officials and any partnering organizations (not directly associated with the applicant) that support the community forest

acquisition. Letters should state their reasons for supporting the community forest and any planned participation (ex: volunteers, recreation, education, and outreach). Community Support letters should not be from DEC personnel. Please upload Community Support letter in a single .pdf, in Grants Gateway Pre-Submission Uploads.

- (A) Three or more letters of support were uploaded. Participation and reasons for support are clearly defined within the letters. 10 pts.
- (B) Two letters of support were uploaded. Participation and reasons for support are clearly defined within the letters. 6 pts.
- (C) One letter of support was uploaded and participation, and reasons for support are clearly defined within the letter. 3 pts.
- (D) No letters of support were uploaded or participation and reasons for support are not clearly defined within the letters. 0 pts.

Is the project location easily accessible by the community? Include information about if there are already trails on the property, if there is a nearby public parking lot, if this forest is within safe walking or biking distance from nearby communities, homes or workplaces, and if trails on this property will link to other public lands or forests once built. If there is no or little road or other direct access to property, describe how public access will be created for the property.

For projects that include extension of an existing community forest, include information on trail connections to and through the new forest area and a description of how the acquired forest will contribute to the existing community forest.

- (A) Applicant clearly described if the property is accessible and/or how the property will be made accessible to the public once acquired. 5 pts.
- (B) Applicant did not clearly describe if the property is accessible or how the property will be made accessible to the public once acquired. 0 pts.

Does Attachment C: Work Plan Summary in Grants Gateway contain an exceptional or adequate level of budget detail to assess the cost-effectiveness of the project and are all the project costs eligible? Explain all expenditures in the Work Plan.

- (A) All the project costs are eligible expenses, and the Work Plan contains an exceptional level of budget detail to assess cost-effectiveness. 15 pts.
- (B) All the project costs are eligible expenses, and the Work Plan contains sufficient budget detail to assess cost-effectiveness. 10 pts.
- (C) There are one or more ineligible costs or there is not enough detail to assess that project costs are eligible, but there is an adequate level of detail to assess cost-effectiveness 5 pts.
- (D) There are one or more ineligible costs included in the budget and/or there is an inadequate level of detail to assess that project costs are eligible. 0 pts.

Are costs for the project reasonable? Will the acquisition include costs for structures or improvements or a bargain sale?

- (A) The acquisition costs for the project are highly economical. Requested acquisition costs will only go towards land value (and not towards value of existing structures or improvements on the property) and/or the land is being acquired through a bargain sale. 15 pts.
- (B) The acquisition costs for the project are highly economical. Requested acquisition costs will include some costs for existing structures or improvements on the property, however the main acquisition costs will be for land value. 10 pts.
- (C) The acquisition costs for the project are moderately economical. Requested acquisition costs will include moderate costs for existing structures or improvements on the property and one ineligible cost may be included. 5 pts.
- (D) The proposed acquisition costs for the project are not economical. Ineligible costs are included, the acquisition costs are expected to be higher than the value of the property, or the majority of the acquisition costs will go towards existing structures and improvements on the property. 0 pts.

6. Method of Award

Applications will first be reviewed for applicant and project eligibility on a pass/fail basis. Applications that fail one or more of the following eligibility criteria will be disqualified.

All eligible applications submitted to Grants Gateway by the due date will be reviewed and scored by members of a DEC review committee in accordance with the Evaluation and Scoring Criteria contained in this RFA. Reviewers' scores will be averaged for each application to determine a final score. Final scores will be ranked from highest to lowest scores. Applications will be selected for funding beginning with the highest down to the lowest ranked project until all available funding is exhausted, or no eligible applications remain. The total number of points that can be awarded are 100, and each applicant should exceed 50% to be awarded funding.

Tie Breaker: If there is a numerical tie between multiple applications, 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.

7. 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.

8. Eligible and Ineligible Expenditures

In general, we encourage grantees not to spend more than the appraised value on acquisition of a property. The total funds from NYS funding sources including but not limited to this and other grant opportunities offered by state agencies used for acquisition may not exceed the appraised value of the property. Use of state and/or federal funding sources and land donations used toward the project are not eligible for grant reimbursement or use towards the match.

Prior to reimbursement for acquisition and closing costs, the program will need to review and approve the final title policy, recorded deed, and the recording page.

a) Budget Costs Eligible for Reimbursement or as Match:

Contractual: Fee purchase price or easement acquisition costs, provided such value is from an appraisal(s) deemed acceptable to the Department. These costs may include the value of the fee simple or conservation easement, appraisal(s) to DEC standard, recording fees, survey and boundary line marking completed by a professional land surveyor, Phase I Environmental Site Assessments, attorney fees, cooperating forester fee, costs for management plans, title search, owner's title insurance, recording fees, tax service, and seller's tax proration at time of sale. If a municipality decides to work with or hire outside entities such as land trusts for specific pieces of the grant project such as management plan writing or boundary marking, associated costs should be included in this contractual section.

Personal Services: Salaries directly devoted to the project implementation are eligible, including staff time to negotiate and close the acquisition transaction, manage the preparation and compilation of required deliverables, and locally administer the award funding agreement. 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. Fringe costs are not eligible for reimbursement. Up to 5% of total project costs can be allocated for personal services if needed.

Other: Materials and supplies directly related to the work plan, such as signage costs or advertising.

b) Match Requirement and Eligibility

Applicants must provide ten percent (10%) match in the form of cash match towards project expenditures, land donations and bargain sale, or use of match for community forest improvement such as installing trails, signage. For example, a \$50,000 grant would require a match of \$5,000 for a total project cost of \$55,000; \$50,000 of which would be funded by the grant, and \$5,000 of which would be match from the applicant. Match costs paid from State or Federal funding sources will not be considered eligible sources of matching funds. During the contract term, when requesting reimbursement each voucher should include 10% in cash match up to 10% of the total project cost. For example, a voucher requesting reimbursement for a surveyor for \$1,000 would request \$900 funding reimbursement and show 10% cash match paid by the municipality.

Cash Match

Any cash match must be provided from local general revenue.

Land donations and bargain sale

Contiguous, forested land donated or sold to a municipality for a lower cost than the appraised value and associated costs will be eligible as match but will not be eligible for reimbursement. Land donation and bargain sale can only be used as match after the property closing. Cash match still needs to be included in the budget and will be collected in any partial reimbursement prior to the closing. Following the closing, any cash match replaced by donation or bargain sale will be reimbursed.

Match for Community Forest Improvement

Match put towards community forest improvement does not need to be cash match (e.g. does not need to come from general revenue funds). Match for community forest improvement may be used after the property closing to increase public access, such as installation of trails or signage, and to address other issues identified in the recreation or forest management plan. If match is being applied to community forest improvement, 15% of the total grant funded portion of the project will be withheld until community forest improvement match is submitted and approved by the program.

Labor donations: Awardee and third-party labor is eligible for community forest improvement match only.

Supplies and Materials: Third-party donated supplies and materials are eligible for community forest improvement match only.

Equipment: Costs for equipment purchase or rentals is eligible for community forest improvement match only where it is needed to increase public access or address other issues identified in the recreation or forest management plan.

c) Budget Costs NOT Eligible

Cost not directly associated with acquisition are not eligible.

Other state or federal funding: Costs paid from other state or federal funding sources are not eligible for reimbursement or match.

Contractual grant administration costs: Contractual costs for administering the grant such as recordkeeping, preparation of grant contract documents, reports, payment requests, and paperwork.

Outside contract term: Costs incurred prior to an award or prior to a contract start date or after the contract end date, including costs associated with grant preparation. A contract term start and end date will be determined by DEC at the time of an official award and cannot be back-dated. Funds may not be used to reimburse municipalities for acquisitions that have already gone through closing or will go through closing before DEC issues an official award and establishes a contract term.

Indirect/Overhead: Costs including accounting fees, insurance, interest, legal fees not mentioned above, labor burden, rent, repairs, telephone bills, expenditures, space/property, and utilities.

Travel: staff and/or contractor travel to and from the project from home location.

Other: Funds cannot be used for general operating support, fees for trainings or events, accreditation fees, insurance premiums, real estate commissions, property taxes, or other local, state, or federal taxes, buildings, open space inventories, natural resource inventories.

9. Grant Program Reporting

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.

Quarterly Narrative 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. Quarterly reports shall be submitted in the NYS Grants Gateway.

Optional: 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.

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.

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 the use of grant funds was utilized in achieving the goals set forth in the approved MCG Attachment C Work Plan. Copies of appropriate documents (i.e., inventory and/or management plan) must be submitted and approved by the DEC.

A DEC on-site inspection or visit may be required. e.g., DEC may need to visit the land parcel prior to award or post-contract to ascertain the match component if being used for trail improvement.

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. The total number of volunteers and volunteer hours for the entire project must be reported in the Final Report.

Projects already receiving funds from another NYS or Federal assistance grant program are not eligible to receive funding for the same project activities identified in this RFA.

10. 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 Master Contract for Grants (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.

Applicants (referred to as "Contractor" following award of Grant Contract) Should Be Prepared to Comply with the Following MCG Requirements:

c) Insurance Requirements

Contractor will be required to carry appropriate insurance as specified in the MCG, 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.

d) Permit Requirements

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.

e) Vendor Responsibility Questionnaire

While applicants will not need to complete a VRQ, the seller will be asked to complete a VRQ as a post-award requirement and this will be requested in the applicant award letter. In addition, 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, or log in at <https://onlineservices.osc.state.ny.us>.

f) 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/Offerers 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.

g) Minority and Women Business Enterprise (MWBE) and Equal Employment Opportunity (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 Master Contract for Grants (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 (EEO) for minority group members and women and contracting opportunities for certified Minority and Women Owned Business Enterprises (MWBEs). Contractor’s demonstration of Good Faith Efforts (GFEs) 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 MWBE 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 MWBE and EEO requirements.

- 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 MWBE 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/>.

All contracts of \$25,000 or more will be assessed for MWBE goals. Contracts which meet the established MWBE-EEO thresholds require the Contractor to submit the Utilization Plan prior to the execution of the contract and Monthly Compliance Audits in the NYSCS after the contract is executed. To submit the required MWBE Utilization Plan, log-in to NYSCS and access the Utilization Plans section displayed on the user dashboard. Plans requiring action will be displayed in red.

All contractors shall complete an Equal Employment Opportunity (EEO) Policy Statement and Staffing Plan form and submit it prior to the execution of the contract. These EEO forms are to be uploaded to the Grants Gateway in the grantee document folder.

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 MWBE “Fair Share” goals are established as follows:
 - **Minority and Women Owned Business Enterprise (MWBE) Overall Participation Goals:**
 - Construction/Engineering – up to 0%
 - Commodities – up to 0%
 - Services/Technologies –up to 0%

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

h) Service-Disabled Veteran-Owned Business (SDVOB) Participation Requirements

The Department is required to implement the provisions of New York State Veteran’s Law Article 3. The contractor must make Good Faith Efforts to subcontract a goal of 0% of the contract amount to New York State Certified Service-Disabled Veteran-Owned Businesses (SDVOBs), for purposes of providing meaningful participation by SDVOBs.

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 upload all required forms to the Grants Gateway. In addition, all forms and guidance can be located at; [Division of Service-Disabled Veterans' Business Development Compliance and Reporting | Office of General Services \(ny.gov\)](#). Please contact the Department's SDVOB compliance staff with any questions at:

DEC SDVOB Compliance Unit
NYS Department of Environmental Conservation
Bureau of Contract and Grant Development/SDVOB Program
625 Broadway, 10th Floor
Albany, New York 12233-5028
SDVOB@dec.ny.gov
Phone: (518) 402-9240

i) 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.

j) 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>.

End.

Appendix A

Example Project Summaries

1. **Example fee title project** – “Town of Roseville requests \$200,000 for the acquisition of 22 acres of forested land within 2 miles of the town hall. It is very rare that a parcel this size becomes available, and its purchase would signal a significant and dynamic environmental progress for our town, and the landowner, a life-long Roseville resident of several generations, would prefer it goes to the Town rather than to commercial developers. The land is flat and cleared at the base (where we envisage a small 6 car parking lot, bike rack, tables and benches and kiosk), and then slopes up to a peak of 500’, facing south and west. Soils are mostly humus/loam on top of sandy clay so should have a good base for walking and hiking trails. As a town with a young population, we will assist and encourage local schools to develop programs for outdoor ecology including bird watching, plant and tree identification and forest appreciation. We would also open the land to hunting on specific weekdays during the season. In the early years following purchase, we may benefit from light timber removal and intend to utilize the wood for on-site trail marking. We have been in close discussion with George Green, landowner, for the past 18 months (see formal written agreement) and the release of this DEC grant will enable the town to proceed with the market evaluated purchase price of \$172,000.”
2. **Example conservation easement project** – “The Village of Hornsby in Oneida County has been approached by a local landowning family having 68 acres of forestland which was previously used for dairy production over a period of 50 years. A new generation of the family intend to hold the land and enjoy the trout stream and many trails, wildlife and birds that inhabit the area and have expressed the intent to enter into an easement with the Village so the community may enjoy the same benefits. The property is a mile south of the local Post Office and there is a local bus service that regularly passes the farm, which would accommodate the senior citizen center, the schools and village residents who don’t drive, walk, or bike in the area. The Village has a small transport grant and proposed footpaths to the easement are possible in coming years.”
3. **Example of funded projects as a portion of an existing federal grant** – “The City of Glenelg requests \$300,000 towards the acquisition of land (2.5 acres) bearing a total agreed price of \$525,000, the balance of which will be committed by U.S. Dept. Of Agriculture GoGetUm large city grants of 2020. The City is 15 miles west of Buffalo and has seen a tremendous growth in housing estates in the last 25 years and the lack of green space has become glaringly evident. We have been able to make several small purchases of land in the last 10 years and the original planned parks have an annual budget. However, there is no open space forest land of this size left in the area, so it is quite critical that the acquisition be realized. It should be noted that the City has been successful with four land negotiations for green space and have had bids accepted on the basis of long-term care and community support. We applied for the USDA grant in 2019 and have been looking at various forms of leverage since the award in 2020, including local bond and loans but have needed to address pressing issues such as an upgraded sewage plant and increased police force. The landowners are keen to see the property be purchased and maintained by the City but are beginning to lose patience as developers approach them.”

Appendix B

Application Submission Checklist

Be sure to submit the following items with your application to avoid disqualification:

- Map
- Deed
- Current School and Town/County tax bills
- Estimate of market value
- Municipal resolution
- Letter of agreement from landowner (a contract of sale will not be accepted)
- Sexual Harassment Prevention Certification form
- Executive Order 16
- Smart Growth

Be sure to submit the following items with your application to receive additional points

- Ground Truth photos
- Map of nearby Disadvantaged Communities (DACs)
- Community Support letters

Appendix C

Sample Municipal Resolution [Official Letterhead of Municipality]

Resolution No. _____

A RESOLUTION OF [MUNICIPALITY NAME] TO SET ASIDE FUNDS FOR COMMUNITY FOREST ACQUISITION

WHEREAS, [Municipality name] desires to apply for [\$request amount] in financial assistance through the [Year] DEC Community Forest Conservation Grant Program, a reimbursement grant; and

WHEREAS, the application proposes funding for acquisition of land to establish community forests for public benefit; and

WHEREAS, community forests provide benefits such as recreation [list potential property-specific recreation uses such as fishing, hiking, biking, hunting, wildlife observation], [list other benefits for this property, which may include flood mitigation, wildlife habitat, clean water, forest products (timber or maple syrup), tourism, and carbon sequestration and storage]; and

WHEREAS, the property located at [property address] is available for [fee title or conservation easement] acquisition and the landowner wishes to [sell the land to or enter into a conservation easement with] the municipality for the purpose of establishing a community forest

NOW, THEREFORE BE IT RESOLVED, that the [Governing body] of the [Municipality] approves and endorses the application for the [Year] DEC Community Forest Conservation Grant Program and, recognizing this is a reimbursement grant that will require funding upfront, commits to passing a budget of [\$project costs and match funding] to support this project.

Passed by the vote of [Governing body] Members voting in favor thereof:

Affirmative:

Negative:

Abstain:

RESOLVED this [Date] day of [Month], [Year]

I, [Clerk name], do hereby certify that resolution [Number] was passed at a meeting of the [Governing body] held on [Date], and is [incorporated in the original minutes of said meeting OR on file and of record], and that said resolution has not been altered, amended, or revoked and is in full force and effect.

[Signature of Clerk]

[Official Seal of Municipality]

Appendix D

Additional Guidance for Project Purpose and Land Use

The goal of the Community Forest Conservation Grant Program is to fund municipal land acquisition for community forests, which allow free public access. Any restrictions to public access must align with the goals of this grant program and be approved by DEC. In addition, lands purchased through this grant opportunity:

- Will be used for public forest conservation purposes and is required to be dedicated for use as a community forest. However, this support is not intended to be subject to Article 54, Title 3 as an "Open Space Land Conservation Project" nor Title 9 as a "Municipal Parks Project."
- Will not be converted from forest or otherwise developed
 - In general, structures, impervious surfaces, exterior lighting, dams and water impoundments, and utilities may not be installed
- Will not be subdivided
 - If only a portion of a property will be acquired through this grant program, all subdivisions must be complete well before closing and this must be outlined in the landowner letter of agreement and workplan of the application. Some subdivision costs may be considered for reimbursement or match eligibility at the time of closing if they are determined by DEC to relate to and advance the acquisition of the property.
- Land may not be transferred or sold, except to New York State
- Will be managed for the public benefit
 - No dumping of wastes, trash, or debris
 - No mining
- Will only allow sustainable forms of recreation
 - Follow a recreation management plan, which is updated at least every 10 years
 - Trails may be constructed of non-impervious surface
 - No motorized use of public trails except for accessible access
- No planting of non-native species
- If conducting timber harvests, will use sustainable forestry and best management practices (25 or more acres)
 - Follow a forest management plan, which is updated at least every 5 years

It is intended that all restrictions listed above will run in perpetuity with the land. As a part of the requirement of grant projects, a notice of grant and/or conservation easement language will become attached to the deed to help ensure use of the property remains subject to the terms and conditions of the grant. For additional details of what is intended for both fee title and conservation easement acquisitions, email molly.hassett@dec.ny.gov to request a copy of the draft template.

Appendix E

Sample Landowner agreement letter

LETTER OF AGREEMENT TO ENTER INTO A CONTRACT OF SALE OF (ACREAGE AMOUNT AND FULL STREET ADDRESS, TAX ID #) PURSUANT TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION COMMUNITY FOREST CONSERVATION GRANT PROGRAM

THIS AGREEMENT is made the (date), 2023, by and between the (Name of Municipality), New York (the "Town"), and (Seller's Name/s) (the "Owner");

WHEREAS, Owner is the owner of real property with Tax Parcel ID# xxxxx-xx-xxx situated on (full address including County), New York (the "Property"),

WHEREAS, the Town (Name) is a municipal corporation eligible for financial assistance to purchase land for the purpose of establishing a community forest pursuant to the 2023 DEC Community Forest Conservation Grant Program;

WHEREAS, the Owner desires to sell and the Town desires the purchase the Property in fee simple for the express purpose of establishing a community forest and protecting the land from future development; and

WHEREAS, to be eligible for a potential award of financial assistance through the 2023 DEC Community Forest Conservation Grant Program, the Town must obtain a letter of agreement demonstrating the Owner's intent to sell the Parcel;

THEREFORE, the Town and Owner agree that the Town intends to purchase, and the Owner intends to sell, the Parcel, for establishment of a community forest for the public benefit, and the Town and Owner may enter into a future contract for sale of the Property, but only upon the following conditions and restrictions:

1. Execution of any contract for sale of the Property shall be contingent upon the Town's award of financial assistance through the 2023 DEC Community Forest Grant Program;
2. The Property shall be used for public forest conservation purposes and shall be dedicated for use as a community forest;
3. The Property shall not be converted from forest or otherwise developed, and in general, structures, impervious surfaces, exterior lighting, darns and water impoundments, and utilities may not be installed, unless approved by the DEC;
4. The Property shall not be subdivided and shall be held in trust for the public as a community forest accessible by the public, forever;
5. The Property shall be managed for the public benefit, and dumping of wastes, trash or debris, and mining, shall be prohibited;
6. Only sustainable forms of recreation shall be permitted on the Property; a forest management or recreation management plan shall be created and updated at least every 10 years; no trails may be constructed of non-impervious surfaces except where wood bridges or board walks are required; and no motorized use of public trails will be permitted except for accessible access;

7. Permitted recreational uses shall include, at a minimum, hiking, biking, wildlife watching, snowshoeing, cross country skiing;
8. Planting of non-native species shall be prohibited; and
9. A forest management plan shall be created and updated every five years, and sustainable forestry for timber harvests shall be implemented.

Signed - **SELLER** Name (Date, full address and signature)

Signed - **Municipality Name**, Town official's name, full municipal address and signature

Add Notary if available

End.