



**Department of  
Environmental  
Conservation**

## **GUIDELINES AND APPLICATION INSTRUCTIONS**

**New York State  
Department of Environmental Conservation  
Division of Water**

**Clean Water Act, Section 604(b) Water Quality Management  
Planning Program**

NYS Grants Gateway Application ID No.:

**Baseline Planning Program:  
Application # DEC01-604b-2023**

**Statewide Planning Coordination Program:  
Application # DEC01-604bSW-2023**

Application Due Date: 3:00 pm ET, May 12, 2023

**Timetable of Key Events:**

Application Period Begins	March 1, 2023
Webinar	March 15, 1:00 p.m.
Question & Answer Period Ends	April 28, 2023
Applications Due	May 12, 2023; 3:00 PM ET
Award(s) Announced By (anticipated)	June 21, 2023

# Table of Contents

## CONTENTS

1. Grant Information.....	4
a) Funding .....	4
b) Proposed Program Timeframes .....	5
c) Minimum and Maximum Award Amounts .....	5
d) Application Limit/Award limit .....	5
e) Eligible Program Locations .....	5
2. Eligible Applicants.....	5
3. Inquiries & Designated Contact Information.....	6
4. Application Submission .....	6
5. Grant Opportunity General Information and Conditions.....	8
a) Grant Application Requirements .....	8
b) Expenditure Based Budget.....	13
c) Match Requirement and Expenditures.....	14
d) Work Plan.....	14
e) Debriefing Request.....	14
f) Department of Environmental Conservation Oversight .....	14
g) Sexual Harassment Prevention Certification.....	15
h) Partnerships/Stakeholder Engagement .....	16
i) Regional/Statewide Needs .....	16
j) Environmental Justice .....	16
k) Quality Assurance (Required for Water Quality Assessment and Monitoring Projects) .....	16
l) Long-Term Support and Benefits .....	17
m) Alignment with Regional Economic Development Council Priorities .....	17
n) Coastal Consistency Requirements .....	18
6. Application Evaluation, Scoring and Selection.....	18
7. Method of Award: .....	21
8. Grant Program Payment.....	22
9. Eligible and Ineligible Expenditures .....	22
a) Eligible Program Expenditures .....	22
b) Ineligible Program Expenditures .....	22
10. Grant Program Reporting .....	22

11. What to Expect If You Receive an Award .....	23
a) Notification of Award.....	23
b) State of New York Master Contract for Grants (MCG) .....	23
c) MCG Requirements.....	24
d) Vendor Responsibility Questionnaire .....	24
e) Iran Divestment Act .....	24
f) Minority/women Business Enterprises (M/WBE) and Equal Employment Opportunities (EEO) Requirements .....	25
g) Service-Disabled Veteran-Owned Business Participation Requirements .....	26
h) Procurement of Contractors/Subcontractors .....	26
i) Americans With Disabilities Act .....	27
j) Executive Order 16.....	27

## 1. GRANT INFORMATION

The New York State Department of Environmental Conservation (DEC, “Department”) is pleased to announce funding for programs that will implement regional comprehensive water quality management planning activities as described in Section 604(b) of the Federal Clean Water Act. Clean Water Act, Section 604(b) funding provides the financial resources for states and territories to pursue water quality planning under Sections 205(j) and 303(e) of the Clean Water Act. This program authorizes the awarding of funds through the Environmental Protection Agency to States for water quality assessment and management planning grants. The 1987 amendments to the Clean Water Act mandated that 40% of each State's award be granted to Regional Public Comprehensive Planning Organizations (RPCPOs) and Interstate Organizations (IOs).

604(b) funds are to be used for water quality management planning activities, including tasks to determine the nature, extent, and causes of point and nonpoint source water pollution problems, and to develop plans to resolve these problems. Sample tasks for each objective are listed following each objective below.

The U.S. Environmental Protection Agency (EPA) is providing additional funding for the Clean Water Act, Section 604(b) program over the next five years through appropriations from the Bipartisan Infrastructure Law (BIL) signed by President Biden in November 2021. Consistent with EPA's Interim Implementation Guideline for Clean Water Act Section 604(b) Grants for Fiscal Years 2022 through 2026, this program overview incorporates equity, environmental justice, and climate considerations into planning and management objectives. Therefore, it is expected that programs awarded funding through this NYS Section 604(b) Water Quality Management Planning Program align with NYS's 2019 Climate Leadership and Community Protection Act (CLCPA, <https://climate.ny.gov/>) and align with EPA's Strategic Plan toward equity and climate by including efforts toward: 1) reducing emissions that cause climate change and accelerating resilience and adaptation to climate change impacts; and 2) promoting environmental justice and protecting civil rights at the local level.

Application questions will require an applicant to describe long-term/multi-year plans, including a schedule for meeting proposed objectives, tasks, and desired outcomes (i.e., performance measures) that will take longer than one year to complete, but no longer than five annual funding periods.

The application work plan should include all the anticipated water quality management planning objectives, tasks, and performance measures to be performed during the five-year term of the program. Applicants must identify which years they expect to work on each of the program tasks listed in their application work plan and an estimated schedule for completing the performance measures.

Applicants selected to receive grant funding will work with the Department to refine their annual work plan and budget for a simplified renewal contract based on available annual funding levels, and Department and regional priorities.

### a) Funding

The Department anticipates receiving at least \$1.3 million annually over the next five years in Clean Water Act 604(b) funding from the EPA as the 40% pass-through allocation under 604(b). Actual amounts available for annual periods of the contract resulting from this grant opportunity will depend on Congressional appropriations. Applicants must show that their programs are flexible

and can be scaled to accommodate variable annual funding levels. Contract workplans and budgets will need to be renewed annually based on the annual funding amount received from EPA.

### **b) Proposed Program Timeframes**

All programs must have defined objectives, tasks, and deliverables accounted for in performance measures that can be completed and invoiced within a five-year contract term. Costs outside of the contract period/term are ineligible. The Master Contract for Grants (MCG) must be fully approved by the Department, and if applicable approved by the Attorney General and the State Comptroller. Time extensions beyond the contract term end date will be considered by the Department on a case-by-case basis, based upon written justification from the Grantee. Applicants should not submit an application if they do not anticipate their program can be completed within the specified contract term. The activity for the request must fall within the August 1, 2023 to July 31, 2028 time period. Program expenditures prior to MCG start date and after the MCG end date are not eligible for reimbursement or match.

### **c) Minimum and Maximum Award Amounts**

Baseline Planning Program Funding Category: Minimum grant amount is \$25,000 per year; maximum grant amount is \$150,000 per year.

Statewide Planning Coordination Program Funding Category: Minimum grant amount is \$15,000 per year; maximum grant amount is \$25,000 per year.

### **d) Application Limit/Award limit**

Applicants may submit one application per funding category. It is anticipated that approximately ten applications will be funded under the Baseline Planning Program category. Only one application will be funded under the Statewide Planning Coordination Program category.

### **e) Eligible Program Locations**

Eligible programs for grant funding must be located within New York State. Certain grant objectives may be limited to a particular geographic area/watershed, as described in this document.

## **2. ELIGIBLE APPLICANTS**

For the purposes of this grant program, the following entities are considered eligible applicants: Regional public comprehensive planning organizations in New York State; and/or Interstate planning organizations working in New York State. Find the list of eligible applicants on DEC's 604(b) Water Quality Planning Grants webpage at: <https://www.dec.ny.gov/lands/53122.html>.

Applicants must possess the knowledge, relevant experience, and skills, and /or track record to successfully implement the program within the proposed timeframe.

If a proposed program objective involves a cooperative agreement or partners, the lead applicant must assume the responsibility for the grant application, performance of work consistent with this Request for Applications (RFA), and the State of New York Master Contract for Grants.

### 3. INQUIRIES & DESIGNATED CONTACT INFORMATION

For general information on completing this application and for clarification of application requirements, contractual terms and procedures, contact: [user.water@dec.ny.gov](mailto:user.water@dec.ny.gov). Include “604(b) Funding” in the subject line of the email. All questions must be submitted in writing and will be accepted by the Department until C.O.B. April 28, 2023. All questions and answers will be uploaded in the Grants Gateway application for all applicants to view.

For technical information regarding the Grants Gateway application, direct questions to:  
NYS Grants Management  
Contact Information: [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov) or (518) 474-5595

### 4. APPLICATION SUBMISSION

#### Pre-Application Requirements

Applications must be submitted through the NYS Grants Gateway <https://grantsgateway.ny.gov>. Microsoft Edge is the recommended browser to access the Grants Gateway. 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 that, within NYS Grants Gateway, 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. When the application is ready for submission, click the Status Changes tab, then click the “Apply Status” button under “Application Submitted.”

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

**Do not delay 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 section 604(b) water quality planning grant application submission may not be considered. Applicants should not assume that their prequalification information will be reviewed if they do not adhere to this timeframe.

#### Applicant Prequalification

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

All Applicants must be Prequalified in the Grants Gateway at the time and date that the application is due. Applicants that have not registered and are not Prequalified in the Grants Gateway by the application due date and time listed at the beginning of this document cannot be evaluated. Such applications will be disqualified from further consideration.

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

**Please note:** The information included here regarding Prequalification is not intended to be exhaustive, and Applicants should visit the Grants Management website <http://www.grantsgateway.ny.gov/Grantees> or contact the Grants Management Team [grantsgateway@its.ny.gov](mailto: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.

**Step 1** 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](mailto: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.

**Step 2** Complete your Prequalification Application

- Log in to the Grants Gateway. If this is your first time logging in, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.
- Click the Organization(s) link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A Document Vault link will become available near the top of the page. Click this link to access the main Document Vault page.
- Answer the questions in the Required Forms and upload Required Documents. This constitutes your Prequalification application. Optional Documents are not required unless specified in this document.
- Specific questions about the Prequalification process should be referred to your agency representative or to the Grants Management Team at [grantsgateway@its.ny.gov](mailto:grantsgateway@its.ny.gov). The Grants Management help desk/hotline can be reached at (518) 474-5595.

**Step 3** Submit Your Prequalification Application

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

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

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

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

## 5. GRANT OPPORTUNITY GENERAL INFORMATION AND CONDITIONS

### a) Grant Application Requirements

#### *Baseline Planning Program Objectives*

*NOTE: Program proposals and work plans must address one or more of the following objectives, and for each objective chosen, the specific tasks your program will include. Applications can include every objective and task listed in this RFA, but it is not a requirement.*

- **Objective 1. Nine Element (9E) Watershed Management Plan Development and Implementation Assistance** (See [https://www.dec.ny.gov/docs/water\\_pdf/9efaq17.pdf](https://www.dec.ny.gov/docs/water_pdf/9efaq17.pdf) and <https://www.dec.ny.gov/chemical/23835.html> for more information about 9E plans) **(One or more tasks can be included if this objective is selected)**

**Task 1.** Update existing watershed plans to meet the requirements of a 9E Plan. This task would include: documenting gaps between existing watershed plans and requirements of a 9E Plan; reaching out to a watershed organization(s) to determine resources available to close the gaps; developing a workplan (including a scope, schedule, budget) to update the existing watershed plan to meet the requirements of a 9E Plan.

**Task 2.** *(Must be included if this objective is selected).* Inventory implementation associated with existing 9E Plans. This task would include collection of best management practice implementation data (as described in Element C of the existing plan) to assess the effectiveness/extent of BMP implementation against the milestones identified in Element G of the existing plan.

**Task 3.** Assist with implementing projects/recommendations outlined in approved 9E Plan(s). This may include facilitating the establishment of and/or coordinating an intermunicipal organization to implement a 9E Plan.

**Minimum performance measure for Task 3:** Document activities undertaken to support 9E Plan implementation.

**Minimum performance measures for all tasks:** During the annual workplanning process, consult with appropriate Department staff to determine which municipalities will be the focus of the awardee's activities for the upcoming year. Ensure that efforts are coordinated with any other source water and/or watershed planning efforts occurring in the area of the selected municipalities.



---

➤ **Objective 2. Drinking Water Source Protection Program Development and Implementation Assistance (See <https://www.dec.ny.gov/chemical/115250.html> for more information about the Drinking Water Source Protection Program.) (Task 1, 2, and 3 must be included if this objective is selected)**

**Task 1.** Facilitate the flow of outreach and messaging from the Department to municipal officials, water treatment operators, and other relevant municipal stakeholders. Message facilitation can include relaying Drinking Water Source Protection Program (DWSP2) information, highlighting specific benefits of protecting drinking water sources for municipalities, and assist in establishing expectations and an understanding of the roles and responsibilities within a DWSP2 plan. Awardees can use messaging and content prepared by themselves/other entities with prior approval from the Department.

**Minimum performance measure for Task 1:** Discuss messaging schedule and content with the Department during the annual work planning process. Distribute available messages and content generated by the Department through applicable mediums, such as social media, email, fliers, handouts, and face-to-face meetings. Document and share what outreach strategies were used and how they were implemented through the quarterly report. Attend DEC messaging training(s).

**Task 2.** Prepare and give source water-related training to municipal officials, consultants working for municipalities and other stakeholders at least once a year. Training topics can include, for example, introductory Drinking Water Source Protection Program (DWSP2) presentation to officials, land use controls to protect source water, how to prepare a source water protection plan using the DWSP2 Framework, Data Summary, Plan Template or other State Source Water Protection approved tools as released, using GIS, and how to implement a drinking water source protection plan. Awardees can use modules or presentations prepared by other entities with prior approval from the Department.

**Minimum performance measure for Task 2:** Discuss course content and frequency with the Department during the annual work planning process. At least five trainings are held over the five-year period.

**Task 3.** Develop at least three drinking water source protection programs with municipalities during the five-year period using draft/final "[A Framework for Creating a Drinking Water Source Protection Program Plan](#)" the [DWSP2 Plan Data Summary](#), the [DWSP2 Plan Template](#), and other State source water protection approved tools as released:

- a) This task can include working with:
  - i. Municipalities surrounding a waterbody used by multiple municipalities as their source of drinking water to develop an area-wide drinking water source protection program. At a minimum, work with the municipalities that are using the waterbody as their drinking water source; preferably, work with all municipalities surrounding the waterbody.
  - ii. A municipality whose source of drinking water lies partially or fully outside its municipal jurisdiction, and the municipality(ies) that own(s)

the source of the public drinking water supply, to develop an area-wide drinking water source protection program.

**Minimum performance measure for Task 3:** At the end of the five-year period, awardees are expected to have finished developing drinking water source protection program(s) for the municipality(ies) they agreed to work with. Awardees will provide the Department with the community's DWSP2 Data Summary when submitting quarterly reports and at least three DWSP2 plans when they are completed.

**Task 4.** Help municipalities start or accomplish implementation tasks in both new and previously completed drinking water source protection program(s) by: providing grant writing/grant management assistance to implement protection and management methods from their completed DWSP2 plan including, but not limited to, land acquisition, zoning changes, education and outreach; participating in plan management meetings and updating the community's progress tracker; and, developing, improving or implementing land use protection measures such as zoning, local ordinances, municipal comprehensive plans, etc.

**Minimum performance measure for Task 4:** At the end of each funding year, awardees are expected to have aided with at least one protection or management method from a completed DWSP2 plan. Document activities and progress, utilizing state approved source water protection tools, that have helped municipalities implement their drinking water source protection program(s). Share the community's progress tracker with the Department when submitting quarterly reports.

**Minimum performance measures for all tasks:** During the annual work planning process, consult with appropriate Department staff to determine which municipalities will be the focus of the awardee's activities for the upcoming year. Ensure that source water efforts are coordinated with any other source water and/or watershed planning efforts occurring in the area of the selected municipalities.

---

➤ **Objective 3. Municipal Separate Storm Sewer System (MS4) General Permit (GP) Assistance (*One or more tasks can be included if this objective is selected*)**

**Task 1.** Provide technical and outreach/education assistance for MS4 stormwater management programs, and/or to help with planning the implementation of the stormwater management program already in place to meet the requirements of the MS4 GP.

**Task 2.** Assist with data collection and recordkeeping, including GIS mapping of components required by the MS4 GP, and/or components listed in the MS4 Mapping Table (Appendix A), and updating recordkeeping systems to track activities as required by the MS4 GP.

**Task 3.** Assist with writing policies and procedures for implementing the six minimum control measures identified in the MS4 GP.

**Task 4.** Assist with the formation, physical hosting, and/or managing of an MS4 coalition serving to implement the requirements of the MS4 GP. This includes hiring personnel for this task as needed.

**Minimum performance measure for all tasks:** Document activities undertaken to help MS4s comply with the general permit renewal.

---

**Objective 4. Chesapeake Bay Phase III Watershed Implementation Plan (WIP) Local Engagement Assistance** (*Chesapeake Bay Watershed Only - see appendix B for a map of the Chesapeake Bay watershed*) (**All tasks must be included if this objective is selected**)

**Task 1.** Using Department data reporting templates, collect and verify nonpoint source best management practice (BMP) data from local partners in the watershed (e.g., street sweeping, catch basin cleaning, retrofitting). Data will be collected from both MS4 and non-MS4 areas.

**Task 2.** Provide education and outreach to raise awareness of Phase III WIP implementation and local action programs available that encourage the implementation of BMPs (e.g., Tree City USA, Tree Boards, Climate Smart Communities, Chesapeake Stormwater Network).

**Minimum performance measures for all tasks:** Provide documentation of data reporting activities undertaken to support implementation of the Chesapeake Bay Phase III WIP. During the annual workplanning process, consult with appropriate Department staff to determine which municipalities will be the focus of the awardee's activities for the upcoming year. Ensure that efforts are coordinated with any other source water and/or watershed planning efforts occurring in the area of the selected municipalities.

---

➤ **Objective 5. Local, Regional and Watershed Planning** (*the following tasks must be specifically linked to programs and projects in your area and in accordance with Division of Water statewide and regional priorities*) (**One or more tasks can be included if this objective is selected**)

**Task 1.** Provide water quality funding assistance, such as identifying funding sources for local entities, providing grant writing assistance, and/or providing funding application system assistance (e.g., Grants Gateway).

**Task 2.** Assist with local law development and/or the removal of barriers hindering environmental protection/restoration within watersheds.

**Task 3.** Assist with stormwater and floodplain management, such as resiliency planning for flooding.

**Task 4.** Provide technical assistance for water-related projects identified by County Water Quality Coordinating Committees or watershed groups.

**Task 5.** Provide assistance to DEC Regions and Central Office for special needs.

**Minimum performance measure for all tasks:** Programs/projects and expected deliverables must be clearly defined by the applicant for all tasks proposed in this category. Consult with appropriate Department staff annually.

---

- **Objective 6. Targeted Surface Water Monitoring to Support Statewide Water Quality Reporting or a Specific Planning or Implementation Initiative** (*The following tasks must be completed in accordance with the Quality Assurance protocols outlined below in this RFA and updated as needed on DEC's Water Quality Assurance webpage: <https://www.dec.ny.gov/chemical/23850.html>.*) (**One or more tasks can be included if this objective is selected**)

**Task 1.** Work with local watershed stakeholders to identify waterbodies on the NYS Waterbody Inventory/Priority Waterbodies List where water quality monitoring is needed. Develop and coordinate a targeted monitoring plan that will provide environmental data to inform the Department's 303(d) List and 305(b) Integrated Reporting to EPA, which may include completing, updating, and/or confirming water quality assessments in accordance with the Consolidated Assessment and Listing Methodology ([https://www.dec.ny.gov/docs/water\\_pdf/calmmay2021.pdf](https://www.dec.ny.gov/docs/water_pdf/calmmay2021.pdf)).

**Task 2.** Work with Division of Water and local watershed stakeholders to develop and coordinate a targeted monitoring plan for the collection and use of environmental data that will support implementation of a Department-approved watershed implementation plan (i.e., TMDL, 9 Element Plan, or Harmful Algal Bloom Action Plan), track progress toward achieving the plan's water quality goals, support the Department's development of water quality standards and their assessment (e.g., contaminants of emerging concern), and/or support assessment of drinking water supplies, including tributaries to drinking water supplies.

**Task 3.** Work with the Basin Coordinator for one of New York's watershed programs (i.e., Great Lakes, Mohawk River, Hudson River Estuary, Long Island Sound, etc.) to develop and coordinate a targeted monitoring plan for the collection and use of environmental data that will support the goals of the identified program or track progress toward achieving the plan's water quality goals.

**Task 4.** Monitor the effectiveness of at least one type of water quality improvement Best Management Practice included in [DEC's Stormwater Management Design Manual](#) or the [Nonpoint Source Best Management Practice List](#) within an identified geographic area or specific waterbody or watershed. Develop and coordinate a targeted monitoring plan to achieve this task.

**Minimum performance measures for all tasks:** All activities must comply with the requirements outlined in the Quality Assurance section of this program overview. This includes, but is not limited to, the use of laboratories certified by the NYS DOH Environmental Laboratory Approval Program and the submittal of data to the EPA Water Quality Exchange. Develop and obtain Department approval for a Quality Assurance Project Plan (QAPP) before sampling begins. Complete the sampling/monitoring according to the approved QAPP. Provide documentation of activities and share results with the Division of Water.

## Statewide Planning Coordination Program Objectives

### ➤ **Objective 1. Serve as statewide coordinator for the 604(b) Water Quality Management Planning Program**

*This objective should include all of the following tasks:*

**Task 1. Encourage Collaboration:** participate in and encourage collaboration of programs and efforts between the 604(b) grant recipients, other entities involved in water quality protection activities statewide, and the Department.

**Task 2. Circulate Program Information:** disseminate water quality management planning program information from the Department to 604(b) grant recipients and from 604(b) grant recipients to the Department.

**Task 3. Coordinate Feedback:** coordinate input and feedback among 604(b) grant recipients on water quality programs and share with the Division of Water.

**Task 4. Host Program Meetings:** sponsor and organize periodic centrally-located 604(b) program meetings and provide status reports to 604(b) grant recipients, as necessary.

**Task 5. Support Program Fulfillment:** promote timely fulfillment of 604(b) program responsibilities among the 604(b) grant recipients. This includes, but is not limited to:

- sending reminders to all 604(b) grant recipients to submit timely quarterly and final reports,
- creating a summary table of all the objectives and tasks the awardees are working on; and/or,
- tracking progress (percent completion) of work.

**Minimum performance measures for all tasks:** During the annual workplanning process, consult with appropriate Department staff to determine the focus of the awardee's activities for the upcoming year.

---

## b) 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.

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

### c) Match Requirement and Expenditures

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

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

**Baseline Planning Program:** Applicants must match at least 5% of the grant funding amount. Match cannot be met using federal or state funding sources.

**Statewide Planning Program:** Grant will fund 100% of approved program costs and does not require the applicant to provide a local share or match funds.

**Both the Baseline and Statewide Planning Programs** described in this RFA are reimbursement grant programs. Grantees will be required to submit supporting cost documentation of all approved and eligible program-related expenditures (signed cost summaries, copies of invoices, receipts, cancelled checks, etc.) to receive reimbursement of grant funding.

Once the MCG is fully approved by all required state agencies, grantees are eligible to request an initial advanced payment, not to exceed 25% of the grant award amount.

### d) 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.

### e) Debriefing Request

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

### f) 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.
- Amend the RFA specifications, prior to application due date, to correct errors or oversights, or to supply additional information as it becomes available.
- Direct eligible applicants, prior to application due date, to submit application modifications addressing subsequent RFA amendments.
- Seek clarifications of applications.
- Award an agreement for any or all parts of the RFA in accordance with the method of award, or withdraw the RFA at any time at the Department's sole discretion.
- Award only one application for funding in the event there are multiple application submissions for a single program or for pieces of a single program.
- Award to the next highest scoring application in the event a grantee fails to negotiate a grant contract with the Department within 90 days of a grant award.
- Reduce an award from the amount requested in the application, should the project budget contain costs considered ineligible under this grant program.
- Reduce an award from the amount requested in the application, as long as the reduced funding does not jeopardize the viability of the project to proceed at the reduced funding level.
- Negotiate with the successful applicant within the scope of the RFA in the best interests of the State.
- Round an award to the nearest dollar.
- 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.
- Deny funding programs that are determined to be inconsistent with NYS's Smart Growth Public Infrastructure Policy Act.
- Deny funding programs determined to be inconsistent with the Climate Change Leadership and Community Protection Act or its' implementing regulations.
- Reject any or all applications in response to the RFA at the agency's sole discretion.
- Limit all or some funding for a program in the final scored ranked list if the same activities have been awarded funding by another funding source.

### **g) Sexual Harassment Prevention Certification**

State Finance Law §139-I 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.

### **h) Partnerships/Stakeholder Engagement**

Proposed projects that will build and/or sustain partnerships, including contribution or participation by appropriate stakeholders and municipal government, will receive points in the evaluation of their application.

### **i) Regional/Statewide Needs**

Proposed projects that address local water quality, emerging contaminants, and/or climate change impacts will receive points in the evaluation of their application.

### **j) Environmental Justice**

DEC demonstrates a commitment to Environmental Justice (EJ) and remedies for communities that may be burdened by negative environmental consequences. EJ is defined by the DEC as the fair treatment and meaningful involvement of all people, regardless of race, color or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. A proposed program that is located in an EJ community or will directly benefit an EJ community, or positively impacts drinking water serving an EJ community, will receive points in the evaluation of an application. Maps of EJ areas in New York State are available at: <https://www.dec.ny.gov/public/911.html>.

To qualify for EJ points, your application must include a summary narrative referencing a DEC EJ map, along with details describing how the program will contribute to water quality management planning in an EJ area, and where the benefit will be provided.

### **k) Quality Assurance (Required for Water Quality Assessment and Monitoring Projects)**

Quality Assurance applies to all programs that involve the collection, generation or use of environmental data associated with the mapping, modeling, monitoring, and assessment of water quality data intended for use by the New York State Department of Environmental Conservation for its regulatory purposes. This includes the design or use of water quality focused environmental technology. Guidance and resources for DEC's quality assurance can be found on DEC's quality assurance webpage at <https://www.dec.ny.gov/chemical/23850.html>. Activities associated with these types of programs/projects, conducted in the field or laboratory, shall be:

1. Performed in accordance with an effective quality system for planning and assessing environmental measurements and tests, and for conducting required quality assurance and quality control procedures to promote and maintain the accuracy and reliability of environmental measurements and test results. An effective Quality System includes a Quality Assurance Project Plan (QAPP) based on guidance provided by the USEPA Guidance for Quality Assurance Project Plans (QA/G-5 May 2006), or American National Standard ASQ/ANSI E4:2014: Quality management systems for



environmental information and technology programs—Requirements with guidance for use, approved February 4, 2014.

2. The fulfillment of the data verification, validation, and usability component of QAPP is to be documented in a Data Usability Assessment Report (DUAR).
3. Performed by a laboratory certified by the New York State Department of Health (NYSDOH) under the Environmental Laboratory Approval Program (ELAP) pursuant to Section 502 of the Public Health Law. This requirement shall not apply to specific parameters where NYS DOH ELAP has not issued a certificate for the specific parameter.
4. Performed in a manner that ensures all requisite quality control and calibration requirements are met, including field testing, sample collection, preservation, and record-keeping. Basic quality assurance and quality control requirements defined in 40 CFR Part 136.7 shall be followed as well as any specific method requirements.
5. Required to submit environmental monitoring data electronically to US EPA Water Quality Exchange (WQX) following the guidance as set by US EPA's WQX Submission Instructions.
6. Covered under the Publicity clause (article IV.G.) of the Master Contract for Grants – Standard Terms and Conditions. Specifically, the Contractor agrees that any work products, including but not limited to, water quality data or environmental information; measured, generated, or developed under this contract shall not be released, published, cited, or shared in draft or final form without prior written authorization from the Department.
7. At a minimum, performed in accordance with water quality standards in 6 NYCRR Part 703 and/or guidance values in Technical and Operational Guidance Series (TOGS) 1.1.1. Projects designed to assess water quality or inform regulatory decisions must measure parameters with applicable water quality standards and/or guidance values.

### **l) Long-Term Support and Benefits**

Proposed projects that include long-term support and promote future benefits will receive points in the evaluation of their application.

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

The applicant must demonstrate how the proposed objectives and tasks will ultimately be supported. For this program question, identify and describe how expected benefits will be attained. Outreach or training to help people utilize the proposed plans, designs or guidance may be included.

### **m) Alignment with Regional Economic Development Council Priorities**

The Regional Economic Development Councils (REDCs) were established to analyze the most significant business clusters in their respective areas. Any grants awarded by the State of New York shall take into consideration the recommendation of the relevant REDC or the

Commissioner's determination that the proposed project aligns within the regional strategic priorities of the region where the proposed project is located.

The Applicant can provide a brief narrative describing the economic benefits of the proposed project and how the project aligns with the strategies of the REDC plan for the project's region. The narrative must be included with the Application to receive points in the application review. Each region has a unique plan. Visit <http://regionalcouncils.ny.gov> for information on your region's Economic Development Council.

## n) Coastal Consistency Requirements

SEQR Type I and Unlisted actions located within the NYS Department of State's coastal zone boundaries must meet the consistency requirements of the Secretary of State's Coastal Management Program. This consistency determination will be performed by the Department as part of the grant review process. If the proposed project is located within a municipality that has an approved Local Waterfront Revitalization Plan (LWRP), the policies of that LWRP apply. Projects in other areas will need to be consistent with the State's 44 coastal policies. The coastal policies can be found at <https://dos.ny.gov/system/files/documents/2020/02/coastalpolices.pdf>. Applicants are encouraged to determine if their project is located within the coastal zone, and to include in their site plan or sketch map their project's location within the coastal zone boundaries if applicable. Maps of the coastal zone boundaries can be found at <https://dos.ny.gov/coastal-consistency-review>.

## 6. APPLICATION EVALUATION, SCORING AND SELECTION

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

### Step 1: Application and Program Eligibility Review

An application that receives a "fail" in any of the following criteria within Step 1 will be disqualified from further technical evaluation.

#### Criteria for both the Baseline Planning Program and the Statewide Planning Program:

- The applicant was prequalified in the Grants Gateway by the due date of this application if they are a Not-For-Profit (NFP) 501(c)3 corporation. (*pass/fail*)
- The applicant is a qualifying governmental or NFP regional public comprehensive planning organization in NYS or an interstate planning organization working in NYS. (*pass/fail*)
- The application is complete (e.g., all questions have answers and applicable uploads) and was submitted electronically through the Grants Gateway by the application due date. (*pass/fail*)
- The application supports that the applicant has or will have key program personnel and dedicated staff responsible for carrying out the proposed program for the duration. (*pass/fail*)
- The application addresses the appropriate application objectives that support a water quality management planning program. (*pass/fail*)

#### Additional criteria applicable to only the Baseline Planning Program:

- The application clearly identifies acceptable (non-state/non-federal) forms of the required 5% local share. (*pass/fail*)

- The application includes at least one of the objectives and applicable task(s) from this RFA. (pass/fail)
- The application clearly supports that the program will provide water quality benefits. (pass/fail)
- The application clearly supports that the program can be scaled to accommodate variable annual funding levels. (pass/fail)
- Additional criteria applicable to only the Statewide Planning Coordination Program:
- The application supports how the program will build and/or sustain partnerships between 604(b) grantees and the Department. (pass/fail)
- The application supports the promotion and sharing of information related to water quality with stakeholders, and facilitates sharing of water quality management planning program information between 604(b) awardees and the Department. (pass/fail)
- The application supports how the applicant will organize and host periodic centrally-located 604(b) program meetings. (pass/fail)

## **Step 2: Program Evaluation, Scoring and Selection**

Applications that pass the eligibility review will receive a technical and cost evaluation by a Department review panel using the Evaluation and Scoring Standards. Scores will be averaged, and a final composite score will be determined for each application. Applications will be ranked from highest to lowest scores.

### **Evaluation and Scoring Standards:**

#### **Baseline Planning Program**

*(100 Total Possible Points)*

1. Alignment with RFA Objectives and Tasks: *0 – 15 points*
  - The application clearly proposes completion of at least one objective and the associated task(s) described in the RFA; application supports that proposed goals will be accomplished by the end of the contract term; strong reasoning is provided for why objectives and tasks were selected; the objectives/tasks selected are appropriate for the applicant's geographic areas, staffing and technical abilities, and local readiness; the quantity of objectives selected and depth of work described is appropriate for the contract length, cost and staffing commitments.
2. Environmental Benefits and Deliverables: *0-12 points*
  - The application clearly identifies specific water quality and environmental benefits, deliverables and tangible outcomes from the proposed work.
3. Regional/Statewide Needs: *0-10 points*
  - The application exhibits an informed understanding of the nature, extent, and severity of the regional water quality problems and needs; the program tasks meet the needs identified in the region of the program as well as statewide needs.
4. Applicant Qualifications and Past Performance: *0 – 10 points*
  - Ability to implement program and maintain benefits; credentials and experience; compliant with directions on application; positive past and current performance with the Department, regardless of funding source, including timeliness, completeness of reporting, cooperation with Department staff and partners, and goal achievement.
5. Program Readiness: *0 – 7 points*
  - Program is clearly defined in the work plan; program is flexible and can be scaled to accommodate the variable annual funding levels; ability to complete

- by end date; readiness of partnerships, preparatory activities, assessments and/or permits; environmental issues addressed.
6. **Cost-Effectiveness: 0 – 20 points**
    - The budget is reasonable and itemized, accurately reflects allowable percentages for program costs, and identifies matching funds; good “Return on Investment”; reasonable cost/benefit ratio; appropriate complexity and project size to address the problem; appropriate use of technology; useable approach for future projects.
  7. **Partnerships and Stakeholder Engagement: 0 – 10 points**
    - The program will build and/or sustain partnerships; includes contribution or participation by appropriate stakeholders and municipal government.
  8. **Long-term Support: 0 – 5 points**
    - The applicant will promote long-term support of the program objectives, tasks, and expected benefits described in the application.
  9. **Program & Plan Integration: 0 – 5 points**
    - Program complements, or helps to implement, other federal, state, regional plans or programs, or municipal plans or programs, such as the federal Bipartisan Infrastructure Law, the state Climate Leadership and Community Protection Act, and watershed implementation plans (TMDLs, 9-Element Plans, Harmful Algal Bloom Action Plans, etc.)
  10. **Environmental Justice Benefits: 0 – 3 points**
    - Program will directly benefit at least one EJ community and/or give special consideration to under-served urban neighborhoods.
  11. **Alignment with REDC Priorities: 0 – 3 points**
    - The program aligns with Regional Economic Development Council strategic priorities.

#### Statewide Planning Coordination Program

*(100 Total Possible Points)*

1. **Statewide Needs: 0 – 25 points**
  - The program effectively supports the needs and objectives of the 604(b) Water Quality Management Planning Program; the application exhibits an awareness of ongoing Department programs related to water quality and includes program tasks that encourage collaboration between the Department and other entities involved in water quality management planning activities statewide.
2. **Partnerships: 0 – 10 points**
  - The program will build and/or sustain partnerships between 604(b) grant recipients and the Department; includes promoting contribution or involvement by suitable participants.
3. **Outreach and Information Sharing: 0 – 10 points**
  - The program includes outreach and promotes sharing of information related to water quality with appropriate stakeholders; facilitates sharing of water quality management planning program information between 604(b) grant recipients and the Department.
4. **Applicant Qualifications and Past Performance: 0 – 10 points**
  - Ability to implement the program, including hosting centrally located meetings, and maintain benefits; credentials and experience; compliance with directions on application; positive past and current performance with the Department, regardless of funding source, including timeliness, completeness of reporting, cooperation with Department staff and partners, and goal achievement.
5. **Program Readiness: 0 – 10 points**

- The program is clearly defined in the work plan; ability to complete by end date; readiness of partnerships; preparatory activities to address potential issues.
- 6. Cost-Effectiveness: *0 – 20 points*
  - The budget is reasonable and itemized, accurately reflects allowable percentages for program costs; good “Return on Investment” (ROI); reasonable cost/benefit ratio; appropriate complexity and project size for problem; appropriate use of technology; useable approach for future projects.
- 7. Environmental Benefit: *0 – 7 points*
  - The application explains how the program would provide water quality and other environmental benefits.
- 8. Program & Plan Integration: *0 – 5 points*
  - The program complements, or helps to implement, other federal, state, regional plans or programs, or municipal plans or programs, such as the federal Bipartisan Infrastructure Law, the state Climate Leadership and Community Protection Act, and watershed implementation plans (TMDLs, 9-Element Plans, Harmful Algal Bloom Action Plans, etc.).
- 9. Alignment with REDC Priorities: *0 – 3 points*
  - The program aligns with Regional Economic Development Council strategic priorities.

## 7. METHOD OF AWARD:

Applications that pass the eligibility review will receive a technical and cost evaluation review by a Department review panel using the Evaluation and Review Standards. Scores will be averaged and a final composite score will be determined for each application. Applications will be ranked from highest to lowest scores.

**Baseline Planning Program:** Grant awards will be made to the highest ranked programs.

**Statewide Planning Coordination Program:** One grant award will be made to the highest ranked program.

If applications are received that include tasks that overlap with another proposed program, the Department may, at its discretion, decide to fund only the tasks from the higher ranked grant program. If applications are received that include tasks that overlap with an existing program, are not cost-effective, or do not align with the Department’s regional or statewide goals, the Department may, at its discretion, decide to reduce or eliminate funding for such proposed tasks and objectives.

**Tiebreaker:** If two or more applications receive the same final composite score, the application that scores the highest for evaluation criterion number 6 (Cost-Effectiveness) will determine placement on the ranked list. If a tie remains, the highest score for evaluation criterion number 4 (Applicant Qualifications and Past Performance) will determine placement.

Award amounts will be determined based on the amount of available funding, the cost-effectiveness of the program, and how well it meets the water quality goals identified within each major drainage basin or region of the state. The Department reserves the right to award programs under the RFA in whole or in part if it is in the best interest of the State.

## 8. GRANT PROGRAM PAYMENT

Advance payments of up to 25% of each contract period award amount may be available to grantees once a Master Contract for Grants (MCG) has been fully approved by all applicable State agencies. Only not-for-profits are eligible to receive advance payments under State Finance Law.

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

## 9. ELIGIBLE AND INELIGIBLE EXPENDITURES

### a) Eligible Program Expenditures

Grant funding is for the purpose of promoting regional comprehensive water quality management planning activities. Costs must be incurred within the term of the contract to be considered eligible costs for reimbursement. Eligible program-related costs can include:

#### Personal Services:

- Salaries (current or newly hired personnel)
- Fringe (may not exceed Federally approved rate for New York State)

#### Non-personal Services:

- Contractual services (e.g., laboratory analysis)
- Travel (out of state travel must have prior approval from DEC and if known ahead of time, be identified in the grant workplan and budget)
- Equipment
- Space/property & utilities
- Other (including necessary supplies and materials)

### b) Ineligible Program Expenditures

State and/or federal funding: program costs funded from other state and/or federal funding sources are not eligible for grant reimbursement

Costs incurred outside the start and end date of the contract

Legal fees

Food and drink

Work outside New York State

## 10. GRANT PROGRAM REPORTING

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.

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 program 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 were 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.

Any program 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.

Programs 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.

## **11. WHAT TO EXPECT IF YOU RECEIVE AN AWARD**

### **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 are expected to execute a MCG within 90 days from the time of their award notification. Failure to submit timely required MCG documents could cause a grantee to lose their grant award. Applicants should review and be prepared to comply with all MCG terms and conditions should grant funding be awarded. The MCG and attachments can be reviewed and/or downloaded in the Grants Gateway HRE application under the screen named 'Contract Document Properties'. The MCG and attachments include:

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

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

### **c) MCG Requirements**

#### ***Applicants (referred to as “Contractor” following award of Grant Contract) Should Be Prepared to Comply With the Following MCG Requirements:***

##### **I. Insurance Requirements**

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

##### **II. Permit Requirements (if applicable)**

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

##### **III. State Environmental Quality Review (SEQR) Documentation**

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

### **d) Vendor Responsibility Questionnaire**

Not-For-Profit contractors, and/or subcontractors of all awardees, are subject to a vendor responsibility review by the State to ensure public dollars are being spent appropriately with responsible contractors. A vendor responsibility review may include a contractor and/or subcontractor to present evidence of its continuing legal authority to do business in NYS, integrity, experience, ability, prior performance, and organizational and financial capacity. To enroll in and use the NYS VendRep System, see the VendRep System instructions available at <http://www.osc.state.ny.us/vendrep/enroll.htm>, or go directly to the VendRep System at <https://onlineservices.osc.state.ny.us/Enrollment/login?1>.

### **e) Iran Divestment Act**

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. By entering into a Contract, the Contractor certifies that it is not on the “Entities Determined To Be Non-Responsive Bidders/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.

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

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

Applicants subject to executing a future NYS Master Contract for Grants agree, in addition to any other nondiscrimination provision of the MCG and at no additional cost to the Department, to fully comply and cooperate with the Department in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for certified minority and women-owned business enterprises (“MWBEs”). Contractor’s demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, state or local laws.

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

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

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

MWBE reporting for Department of Environmental Conservation contracts must now be completed using the New York State Contract System (NYSCS).

<https://ny.newnycontracts.com/>. Contracts which meet the established MWBE-EEO thresholds require the Contractor to submit the Utilization Plan prior to the execution of the contract and Monthly Compliance Audits (“subcontractor payments”) in the NYSCS upon execution of the contract. 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 the DEC Equal Employment Opportunity Policy Statement and EEO 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 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 M/WBE-EEO “Fair Share” goals are established as follows:

- **Minority and Women Owned Business Enterprise (MWBE) Overall Participation Goals:**

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

NYS Department of Environmental Conservation  
Division of Management and Budget Services  
DEC MWBE Compliance  
Mwbe@dec.ny.gov  
625 Broadway, 10th Floor  
Albany, New York 12233-5028  
Phone: (518) 402-9240  
Fax: (518) 402-9023

### **g) Service-Disabled Veteran-Owned Business Participation Requirements**

Veterans’ Services Law article 3 provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOB”), thereby further integrating such businesses into New York State’s economy. The New York State Department of Environmental Conservation (Department) recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of Department contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. To obtain more information regarding the utilization of SDVOBs including how to find and contact them, please use the contact information below or go to the Division of Service Disabled Veteran’s Business Development (DSDVBD) website at <https://ogs.ny.gov/veterans>

### **h) Procurement of Contractors/Subcontractors**

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

### **i) Americans With Disabilities Act**

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

### **j) 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.

## Appendix A

### Comprehensive MS4 System Mapping Table

The table below lists the elements of a comprehensive MS4 system map.

	Basic Elements Map (Application must include these elements if they are not already included in map)	Intermediate Elements Map (Applications must look to include these elements if they are not already included in map)	Advanced Elements Map (Elements beyond the required permit elements)
<b>Outfall Mapping</b>			
Receiving waterbody name	X		
Type of conveyance (e.g., open drainage, closed pipe, catch basin)	X		
Outfall material	X		
Outfall shape	X		
Outfall Prioritization <sup>1</sup>	X		
Type of outfall (i.e., direct, indirect, interconnected MS4 outfall)	X		
Submerged in water?	X		
Submerged in sediment?	X		
Latitude/longitude	X		
Land use in drainage area			X
Inspection data			X
Owner			X
Structure/facility ID			X
<b>Storm Sewer System Mapping<sup>2</sup></b>			
Type of conveyance system (closed pipe or open drainage)	X		
Closed pipe or open drainage Description: material, shape, size	X		
Direction of flow	X		
Drop inlet, catch basin, & manhole locations	X		

<sup>1</sup> For the purposes of this grant, the following criteria must be used to determine outfall prioritization: high priority outfall criteria are outfalls directly discharging to impaired waters and outfalls discharging to water with designated best usage of primary and secondary contact recreation or higher (Class AA-S, A-S, AA, A, B, SA, or SB) and all other outfalls are considered low priority outfalls.

<sup>2</sup> For the purposes of this grant, this also includes stormwater infrastructure located at municipally owned/operated facilities.

Number of connections to catch basins and manholes	X		
Latitude/longitude	X		
Receiving waterbody name		X	
Depth of catch basin/manhole			X
Sump depth of catch basins			X
Location of points receiving discharge from updrainage connections with adjacent MS4s (include name & contact info. for adjacent MS4 Operator)			X
Owner			X
Structure/facility ID			X
<b>Stormwater Management Practice (SMP) Mapping</b>			
Address	X		
Latitude/longitude	X		
Type of SMP (pond, bioretention, swale, rain garden, etc.) <sup>3</sup>		X	
Receiving waterbody name		X	
Date practice was installed		X	
Ownership of SMP		X	
Responsible party for maintenance		X	
Location of documentation depicting O&M requirements & legal agreements for practice			X
Frequency of inspection of practice			X
Reason for SMP (retrofit, new development, flood control, etc.)			X
Location where SMP discharges (Does SMP drain to MS4?)			X
Contributing drainage area to SMP (if known)			X
Construction date (if known)			X
Last inspection date (if known)			X
Structure/facility ID			X
<b>Municipally owned/operated facilities</b>			
Location/address	X		
Latitude/longitude	X		
Name		X	

<sup>3</sup> Stormwater Practice Type defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017.

Type (municipal buildings, DPW garage, vehicle & fleet maintenance areas [fire station, police station, bus stations], landfills, salt storage areas, parks& open space, solid waste disposal areas, transfer stations, marinas, etc.)		X	
Facility Prioritization <sup>4</sup>		X	
Receiving waterbody name		X	
Standard Industrial Classification (SIC) Code (if applicable)			X
SPDES ID or No Exposure ID(if applicable)			X
Responsible Department			X
Contact Information			X
Status of facility specific SWPPP (if high priority)			X
Location of facility specific SWPPP (if high priority)			X
Type of activities present on site			X
Last assessment date			X
Year built			X
Size of facility (acres)			X
Owner			X
Structure/facility ID			X
<b>Sewershed Boundary</b>			
Preliminary	X		
Impaired waters (if applicable)	X		
Per MS4 outfall		X	
<b>Priority Areas</b>			
Areas with onsite wastewater systems subject to Part IX requirements	X		
TMDL watersheds	X		
Land use within Impaired Watersheds (Commercial, HD Residential, LD Residential, Industrial, Open Space)		X	

<sup>4</sup> For the purposes of this grant, the following criteria must be used to determine municipal facility prioritization: high priority facilities have one or more of the following on site: storage/use of chemicals, salt, petroleum, pesticides, fertilizers, anti-freeze, lead-acid batteries, tires, waste/debris; fueling stations; vehicle or equipment maintenance/repair; and/or turf management, excluding mowing (e.g., pesticide, fertilizer or other chemical application) and all other municipal facilities are considered low priority municipal facilities.

Land use within other Watersheds (commercial, HD residential, LD residential, industrial, open space)		X	
Description of concern (i.e. sewershed to impaired waters, septic systems, high water table, industrial area, etc.)		X	
Pollutant(s) of concern (litter, sediment, nutrients, etc.)		X	
Areas contributing to impaired waterbodies		X	
Areas where stormwater flows have significant potential to cause erosion (soil, silt, rock, etc.)		X	
Areas contributing to waterbodies of significant value (drinking water supply, public bathing beaches, shellfishing, high recreation value)		X	
Densely populated residential areas		X	
Commercial/industrial areas		X	
Hot spot areas (remediation sites, clusters of industrial activity, salt storage, etc.)		X	
Areas where a high number of construction activities are occurring		X	
Areas with a high number of illicit discharges		X	
Areas of high discharge potential (Refer to Table 14 of IDDE Guidance Manual for identification)			X
Areas of shallow groundwater			X
Areas of low infiltrative soils			X
Areas of historic on-site sanitary system failures			X
Sites with a history of major oil or chemical leaks/spills (Include date of event, type of spill, and final resolution)			X
High priority construction sites (Discharges to impaired waters, AA-S, AA, or A classified water sources, or T (trout)/TS (trout spawning) protected bodies)			X
Other areas of concern (wetlands, riparian buffers, flood plains, steep slopes, etc.)			X

Areas with onsite wastewater systems (include typical age)			X
<b>Proposed Retrofits</b>			
Location	X		
Contributing drainage area to the proposed stormwater retrofit	X		



## Appendix B

### Chesapeake Bay Watershed Map

