



# Agriculture and Markets

## **RFA0161 - REQUEST FOR APPLICATIONS**

for State Assistance Payments for

## **Municipal Agriculture and Farmland Protection Planning Grants**

Open Enrollment as of

**WINTER 2018**

### **Proposal submission requirements have changed:**

Proposals considered for funding under the Municipal Agriculture and Farmland Protection Planning Grants must be submitted via the Grants Gateway. Proposals must be deemed acceptable by the program manager prior to an award based on the Planning Grants Administrative Rule 1 CRR-NY §390.5(c) (1)(ii).

**Municipal Agricultural and Farmland Protection Plan  
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### I. INTRODUCTION

The New York State Department of Agriculture and Markets invites applications for financial assistance in the development of Municipal Agricultural and Farmland Protection Plans.

#### 1.1 Purpose/ Overview

Article 25-AAA of the Agriculture and Markets Law (AML) authorizes the Commissioner to maintain a state agricultural and farmland protection program to provide financial and technical assistance, within funds available, to assist counties and municipalities in developing agricultural and farmland protection plans and to assist both in the implementation of such plans. The purpose of these programs is to fund local initiatives that are intended to maintain the economic viability of the State's agricultural industry and its supporting land base and to protect the environmental and landscape preservation values associated with agriculture.

#### 1.2 Important Dates

Release Request for Proposals (RFA)	Winter 2018
Deadline for Questions	Open
Final Questions and Answers Posted	Continual
Deadline for Proposals	Open
Announcement and Award of Grants	Continual

#### 1.3 Questions and Answers

Prospective applicants with questions concerning this RFA should present those questions to:

Jeff Kehoe  
New York State Department of Agriculture and Markets  
10 B Airline Drive  
Albany, NY 12235  
(518) 457-4626  
Fax: (518) 457-3412  
[jeffrey.kehoe@agriculture.ny.gov](mailto:jeffrey.kehoe@agriculture.ny.gov)

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Questions must be submitted in writing or by email. Applicants should note that all clarifications are to be resolved prior to the submission of a proposal. A list of questions about the program and answers to those questions, as well as any changes, additions or deletions to the RFA, will be posted in the “Funding Opportunities” section of the Department’s website, under the heading: Municipal Agricultural and Farmland Protection Planning Grant.

If you are unable to access the web site, please contact Mr. Kehoe to arrange for alternate delivery. All questions and answers shall become a formal addendum to the RFA. Applicants are urged to check the Department’s web site frequently for notices of any changes, additions or deletions to the RFA here: <https://www.agriculture.ny.gov/RFAS.html>

### 1.4 Project Funding

For this funding cycle, the Department has allocated \$600,000 from the Environmental Protection Fund for Agriculture and Farmland Protection Planning Grants. Maximum funding available to a municipality to develop a new or updated agricultural and farmland protection plan is set at \$25,000 or \$50,000 for two municipalities applying jointly.

### 1.5 Project Duration

Proposed projects should be completed within twenty-four (24) months.

## II. ELIGIBILITY

New York State municipalities that are located within a county which has established an agricultural and farmland protection board are eligible to submit applications for funding under this RFA. Municipalities include cities, towns and villages. Two municipalities may apply jointly. If applying jointly, one municipality must be designated as the lead municipality for contract purposes.

### 2.1 Project Eligibility

Projects involving agricultural and farmland protection planning activities that result in the creation of or revision to a municipal agricultural and farmland protection plan are eligible for funding. Please see section 3.2, which details the required elements of a municipal agricultural and farmland protection plan, the planning and approval process and the plan review process.

### 2.3 Eligible Costs

Funds distributed pursuant to this RFA may be used for any of the following purposes directly related to the completion of a municipal agricultural and farmland protection plan:

- personal services, including fringe benefits for professional, secretarial, and legal services related directly to the development of the plan
- consultant services (professional, technical, operational)
- travel (at State government rates)

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- conducting public hearings
- expendable supplies
- printing and communication.

**Please Note:** Costs incurred prior to the award of funding by the Department shall not be eligible for reimbursement.

### 2.4 Match Requirements

Municipalities must provide a twenty-five percent (25%) match of cash or in-kind services. A minimum of twenty percent (20%) of that match must be cash (see sample below). Cash and in-kind match must be for items that are eligible cost categories and may be provided by the applicant or other supporters of the project. In-kind service also includes compensated labor, materials or equipment. The cost of preparing applications, project costs incurred prior to the announcement of awards, indirect and overhead, and other New York State Funds may not be considered as an applicant match.

**Please note:** Applicants must attach documentation, such as a resolution or letter from an authorized municipal official, obligating the cash match.

### 2.5 Sample Project Budget (see Application Instructions for budgeting details)

Eligible Costs	State Contribution	Cash/ In-Kind* Contributions		Total Project Cost
		Cash	In-Kind	
Staff Services			\$5,555	\$ 5,555
Consultant Services	\$ 25,000	\$ 1,667		\$ 26,667
Supplies				
Printing			\$1,111	\$ 1,111
Communication				
Travel				
Other				
<b>Totals</b>	<b>\$ 25,000</b>	<b>\$ 1,667</b>	<b>\$ 6,666</b>	<b>\$ 33,333</b>

## III. DOCUMENTATION AND OTHER ADMINISTRATIVE REQUIREMENTS

### 3.1 Proposal Format

Proposals must be submitted through Grants Gateway, which follows the questions on page 11 of this RFA. General instructions for using Grants Gateway can be found at <https://grantsgateway.ny.gov> In addition to completing all the questions within the application, all applicants must submit an authorizing resolution which includes the signature of the chair of the municipal legislative body.

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### 3.2 Municipal Agricultural and Farmland Protection Plan

Pursuant to Agriculture and Markets Law §324 and Administrative Rule 1 NYCCR 390.4, as summarized in [Circular 1500](#), the development or revision of a Municipal Agricultural and Farmland Protection Plan shall include:

- A statement of the municipalities goal(s) with respect to agriculture and farmland protection;
- An identification and analysis of the lands or areas proposed to be protected, including the following factors:
  - Value to the agricultural economy of the municipality;
  - Open space value;
  - Consequences of possible conversion;
  - Level of conversion pressure on the lands or areas proposed to be protected;
  - Maps are *not* mandatory, but may be useful to clearly illustrate strategies.
- Description of activities, programs, and strategies intended to be used by the municipality to promote continued agricultural use, including how they are going to be financed;
- A description of efforts to support the successful transfer of agricultural land from existing owners to new owners and operators, especially new and beginning farmers; which may include but not limited to revisions to the municipality's comprehensive plan pursuant to General Municipal Law(GMU) § 272a of town law and GMU §7-722 of the village law, as appropriate.
- A description or identification of other municipal and county planning and land use programs, if any, such as economic development, zoning and comprehensive land use planning, which may be shown to complement and be consistent with, the municipal agricultural and farmland protection plan, as well as identification of any municipal and county plans, policies or objectives which are not consistent with or conflict with the plan.
- The municipality shall conduct at least one public hearing for public input regarding such agricultural and farmland protection plan;
- The municipality shall undertake specific efforts to involve members of the farming community in the planning process;
- The municipality shall consult with the Department throughout the process;
- The municipality shall submit the proposed plan to the municipal legislative body and the agricultural and farmland protection board for the county in which the municipality is located for approval; however, the municipal legislative body need not approve the final plan within 24 months;
- The municipal agricultural and farmland protection plan must be submitted by the municipality to the Commissioner of the NYS Department of Agriculture and Markets for approval.

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### 3.3 Registration Requirements for Applicants

Municipalities that intend to seek a State funding must register on the State's new Grants Gateway system prior to grant application.

The following is a summary of the steps that must be undertaken for you to register.

- Go to the Grants Gateway website and download a copy of the [Registration Form](#). Please review the instructions for submission of this Form. The form must be signed and notarized by an authorized representative of your organization, and must be submitted as soon as possible to gain access to the Grants Gateway.
- Upon submission of your Registration Form, you will be provided with a User ID allowing you to gain access to the New York State Grants Gateway.
- Applicants who have already submitted registration materials and received their user credentials do not have to re-register.
- Please refer to the Gateway Training Materials and resource links posted on the "Grantees" section of the Grants Gateway website for help. If you still have questions, please address them to the Grants Gateway Team at: [GrantsGateway@its.ny.gov](mailto:GrantsGateway@its.ny.gov). **If you have not yet registered, please do so immediately.**

## IV. PROPOSAL EVALUATION AND AWARD

### 4.1 Funding Priority

Priority for funding will be determined by the date an application is determined eligible and complete. If available funding for projects is exhausted in the current fiscal year, complete applications will be held in order of receipt by the Department for award in the next fiscal year, subject to the availability of funding.

### 4.2 Advisory Council on Agriculture (ACA)

The Commissioner, in consultation with the Advisory Council on Agriculture, shall determine whether an application shall receive funding within 30 days from the receipt of application.

### 4.3 Application Review and Approval

Pursuant to NYCCR 390.5(c) the following criteria will be used by the Commissioner in determining approval of applications:

- The responsiveness of the grant application to the analytical factors required under AML § 324-a;
- The degree to which the need for agricultural protection by the municipality is substantiated by facts and trends;

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- The adequacy of the plan of work (e.g., does it relate to the needs identified, is it logically constructed, and can it be accomplished within the timeframe predicted);
- The qualifications of the principals who will be developing the plan;
- The reasonableness of the estimated cost of developing the plan versus the work to be performed;
- Overall compliance with procedural requirements of AML article 25-AAA; and
- The completeness of the application.

### **4.4 Awards**

All applications will be reviewed for eligibility and completeness. All eligible applicants shall receive funding for approved project costs until all funds designated for this purpose are exhausted. Awarded applicants must comply with all applicable federal, State and local laws and rules and regulations for funding to be awarded. Evidence of such compliance may be required.

## **V. PAYMENT AND REPORTING**

### **5.1 Reporting Requirements**

The Department of Agriculture and Markets will monitor contract performance. An interim progress report that summarizes the work completed on the project shall be submitted on a quarterly basis. A completed municipal agricultural and farmland protection plan and a final report must be submitted no later than sixty (60) days after the contract end-date. The Final Report shall include a detailed description of the work completed under the contract and a description of any problems encountered which affected completion of the project. The Department reserves the right to conduct a follow-up survey of funded projects to determine progress in addressing identified protection strategies.

### **5.2 Payment Requirements**

A contract defining all terms, conditions and responsibilities shall be developed by the Department upon the Department's approval of a complete application. Once the contract has been fully executed, State funds will be disbursed on a reimbursement basis subject to submission of quarterly progress reports except for an initial advance of up to twenty-five percent (25%) of the total State award, if requested, at the discretion of the Department. The Department shall retain ten percent (10%) of the budget amount to be disbursed to the contractor until such time that the plan has been approved by the Commissioner.

## **VI. FINAL PLAN REVIEW AND APPROVAL**

Pursuant to Administrative Rule 390.4(c), the following criteria shall be used by the Commissioner to determine the acceptability of a municipal agriculture and farmland protection plan:



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- The consistency of the plan with State agriculture and farmland protection plans, policies, and objectives; and State environmental plans, policies, and objectives; and State comprehensive plans, policies, and objectives;
- The consistency of the plan with county and municipal plans, policies, and objectives which could affect:
  - the practicality of the plan
  - the extent to which the plan satisfies the analytical factors addressed under AM § 324-a;
  - the adequacy of substantiating data, information and facts;
  - the cost implications of the protection measures identified in the plan; and,
  - whether the municipal legislative body and County Agriculture and Farmland Protection Board has approved the plan.

## VII. CONSIDERATIONS

### 7.1 Liability

The Department shall not be held liable for any costs incurred by any party for work performed in the preparation of and production of an application or for any work performed prior to the formal execution of a contract.

### 7.2 Freedom of Information

All applications submitted and all related contracts and reports may be subject to disclosure under the Freedom of Information Law.

### 7.3 M/WBE Requirements

The Agriculture and Farmland Planning Grants Program is exempt based on an Agency Contract Goal of **0%**.

### 7.4 Reserved Rights

The Department reserves the right to:

- reject any or all applications received with respect to this RFA;
- waive or modify minor irregularities in applications received;
- utilize any or all ideas submitted in the applications received unless those ideas are covered by legal patent or proprietary rights;
- request from an applicant additional information as deemed necessary to more fully evaluate its application;
- amend the program's specifications after their release, with appropriate written notice to all potential applicants by posting amendments on the Department web site ([www.agriculture.ny.gov](http://www.agriculture.ny.gov)) with the RFA;
- select only certain portions of applications for State funding;
- make all final decisions with respect to the amount of State funding and the timing of payments to be provided to an applicant; and

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- negotiate the terms of the budget.

All applications submitted in response to this RFA will become the property of the New York State Department of Agriculture and Markets.

### **7.5 NYS Master Contract**

New York State has developed a standard Master Contract containing standard clauses required in all State Contracts. The Master Contract will be executed for all projects awarded under the Agricultural and Farmland Protection Planning Grant Program, and applicants are responsible for complying with the terms and conditions contained therein.

### **7.6 New York State Environmental Quality Review Act Requirements**

Some projects may be subject to review under the New York State Environmental Quality Review Act (SEQRA). Municipalities should go to the New York State Department of Environmental Conservation web site [www.dec.ny.gov](http://www.dec.ny.gov) for further information regarding applicability.

### **7.7 Workers' Compensation and Disability Insurance Requirements**

New York State Workers' Compensation Law §57 and §220 require that the Department not enter into a contract unless proof of Workers' Compensation and Disability Insurance in a form satisfactory to the New York State Workers' Compensation Board has been secured.

Recipients of grants under this RFA will be required to produce proof of Workers' Compensation and Disability Insurance in a form satisfactory to the New York State Workers' Compensation Board prior to the execution of the contract.

Please refer to the Workers' Compensation and Disability Insurance Requirements posted on the Department's website, [www.agriculture.ny.gov](http://www.agriculture.ny.gov) under the heading of this RFA or visit the New York State Workers' Compensation Board website, [www.wcb.ny.gov](http://www.wcb.ny.gov) for more information. You may contact the Board's Bureau of Compliance with any questions related to workers' compensation or disability insurance at (866) 298-7830.

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### VIII. PROGRAM SPECIFIC QUESTIONS (pursuant to CRR-NY 390.5 (b) Applications)

The responses to the following questions will need to be answered in the online application found in the [Grants Gateway](#). Please refer to the [Application Instructions](#) and the [Frequently Asked Questions](#) for additional resources.

1a. Please provide full name, address, phone number and email for the Town Supervisor for this proposal.

1b Please provide full name, address, phone number and email for the Principal Contact for this proposal.

1c. Please provide full name, address, phone number and email for the County Agriculture and Farmland Protection Board Chair.

2. Briefly summarize the trends and conditions affecting the municipality which warrant agricultural and farmland protection measures.

3. Provide a brief description of the agricultural setting in the municipality including:

- i. the approximate number and types of farms within the subject area of plan,
- ii. the present and prospects for farm viability in the municipality
- iii. other indications of the economic condition and importance of agriculture to the municipality.

4. Briefly describe the in-kind services to be used for up to 80% of the required match.

5. \*Please upload Scope of Work

6. \*Please upload evidence of availability of matching funds

7. \*Please upload an authorizing resolution for the submission of this application from the municipalities governing authority.

\*Required upload. If uploading multiple pages, please scan documents into a single PDF.

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### **IX. CHECKLIST FOR APPLICATION COMPLETENESS**

#### **APPLICATION**

- ( ) Proposal submitted by eligible applicant, as described in the "Applicant Eligibility" section on page 4 of the RFA.
- ( ) Application is complete. Double check all uploaded required documents in Grants Gateway.
- ( ) Name and address of municipality applying.
- ( ) Name of the Town Supervisor.
- ( ) Identification of the County AFPB Chair (name, address, and telephone number).
- ( ) Identification of an individual to be contacted concerning information contained in the application.
- ( ) Amount of the state funding request.
- ( ) Estimate of the time frame for completing the plan.

#### **PROJECT NARRATIVE**

- ( ) Summary of the overall goal and anticipated project outcome.
- ( ) List of organization committed to assist in developing the plan.
- ( ) Summary statement of the economic trends and conditions in the municipality that warrant agricultural and farmland protection measures.
- ( ) Description of the agricultural setting in the municipality along with the approximate number of farms and type of farms within the land area which is the subject of the plan.
- ( ) Summary of the present and future prospects for farm viability in the municipality.
- ( ) Summary of other indications of the economic conditions and importance of agriculture to the municipality.
- ( ) List of key personnel including experience in developing agricultural sections of municipal comprehensive plans and land use regulations.

#### **WORK PLAN**

- ( ) Scope of work/work plan that reflects the required plan elements as outlined in Circular 1500 § 324-a.
- ( ) The required public hearing is included within the scope of work.
- ( ) The application includes an authorizing resolution which includes the signature of the chair of the municipal legislative body.

#### **BUDGET AND COSTS**

- ( ) Budget Found in Grants Gateway is complete
- ( ) Proposal does not request more than \$25,000 in state funding.
- ( ) Evidence of availability of cash match by uploading a signed letter authorizing funds.
- ( ) Matching funds or in-kind services for project equals or exceeds twenty-five percent (25%) of the total project costs and at least twenty percent (20%) of that match is cash.
- ( ) Description of in-kind services to be used for up to eighty percent (80%) match.
- ( ) Funding request is for eligible costs only, as described on pages 4 and 5 of the RFA.
- ( ) Matching project expenses do not include work performed prior to announcement of awarded projects.
- ( ) New York State funds not used for any of the match.
- ( ) Indirect and overhead costs are not used for matching in-kind.

#### **REMINDERS**

- ( ) Application is for agricultural and farmland protection planning activities that will result in the preparation of a municipal agricultural and farmland protection plan.
- ( ) Planning activities resulting in the preparation of a municipal agricultural and farmland protection plan are to be completed within the twenty-four (24) months.