



**Agriculture
and Markets**

LAND TRUST GRANTS PROGRAM - ROUND 2

REQUEST FOR PROPOSALS- RFP0172

“Appraisals for Proposed Agricultural Conservation Easements”

SUMMER 2018

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I. INTRODUCTION

1.1 Purpose/ Overview

This grant will cover appraisal costs for landowners considering the sale or donation of development rights on viable agricultural lands.

Pursuant to Section 325-a of New York State Agriculture and Markets Law, and considering that appraisals are the principal factor used to determine the value of development rights for conservation projects, this grant is being offered to land trusts to assist local governments with farmland protection efforts identified in Commissioner approved Agriculture and Farmland Protection Plans.

1.2 Timeline

Release Request for Proposals (RFP)	Summer 2018
Deadline for Questions	September 21, 2018
Final Questions and Answers Posted	September 28, 2018
Deadline for Proposals	January 28, 2019 4:00PM
Award Grants	March 2019

1.3 Questions and Answers

All questions about requirements contained in this RFP must be submitted in writing and be received at the Department by 4:00 PM local time, September 21, 2018. Please submit all written questions to the coordinator for this grant opportunity:

Jeff Kehoe
NYS Dept. of Agriculture and Markets
10B Airline Drive
Albany, New York 12235
E-mail: jeffrey.kehoe@agriculture.ny.gov

A list of questions about the program which are received from potential applicants, and answers to those questions, as well as any changes, additions, or deletions to the RFP, will be posted by September 28, 2018, in the Funding Opportunities section of the Department's website here: <https://www.agriculture.ny.gov/RFPS.html> under the heading "Questions and Answers", along with the electronic version of this RFP.

1.4 Available Funding

Awards of up to \$50,000 will be granted to successful applicants. Total amount of available funding under this RFP is \$500,000.

Each qualified land trust may submit only one (1) proposal in response to this RFP.

1.5 Eligible Applicants

Land trusts that comply with New York Environmental Conservation Law [§ 49-0303](#), are organized for conserving real property **and** have at least one active farmer on their board of directors by **March 31, 2019** (See the section 6.1 for additional details.) are eligible applicants.

II. PROJECT ELIGIBILITY REQUIREMENTS

2.1 Eligible Projects

Eligible projects will pay for the cost of qualified appraisals (see section 2.2.1) for land owners considering selling or donating a perpetual conservation easement on viable agricultural land. Before funds will be provided for a specific project, a site plan for **each** project must be approved by the Department (see section 2.2.1).

An “Acknowledgement of Consistency With A Local Plan” must be submitted for **each** appraisal project (see section 6.2).

Additionally, all applications must include a single letter of project endorsement from each County Agriculture and Farmland Protection Board where projects occur.

2.2 Guidance Documents

2.2.1 Appraisals

- [Guidance Document #6: Appraisals for Conservation Easements](#)

2.2.2 Site Plan

- [Guidance Document #3: Developing A Land Plan For and Agricultural Easement](#)

2.2.3 Conservation Easement

All appraisals submitted as part of this grant must include an agricultural conservation easement. Additional points will be scored on proposals that use the Department’s model easement or that include the Department provisions below:

- [2016 Model Agricultural Conservation Easement](#)
- or**
- [Farmland Protection Implementation Grants \(FPIG\) Program Required Easement Provisions](#)

We encourage the applicant's easements to reference NYS ECL Article 49 instead of §247 of New York State General Municipal Law. Also, easement provisions should not contain unreasonable restrictions to Farm Operations in contravention of the purposes of Article 25-AA of the Agriculture and Markets Law.

2.3 Eligible Costs

- Land trust administrative costs (not to exceed 5% of Award amount).
- Qualified appraisals consistent with guidance (see Section 2.2.1).

Funds cannot be used as match for any other State funded project.

Contingency funds are not available for this opportunity and any additional project costs beyond requested State funds are the obligation of the Applicant.

2.4 Match Requirements

There is no match requirement for this opportunity.

2.5 Project Duration

Projects are expected to be completed within 2 years with a total contract length of 3 years from date of award. Awards are anticipated to be announced in March 2019.

III. PROPOSAL EVALUATION

3.1 Receipt of Proposals

The Department will first screen applications to ensure that they meet all eligibility and proposal completeness requirements. All proposals deemed eligible will be competitively rated by evaluators designated by the Department. Incomplete proposals will be given 5 business days to address deficiencies.

3.2 Advisory Council on Agriculture (ACA)

A summary of all eligible proposals will be provided to the ACA whose members may provide comments to the grant coordinator. Any comments received by the coordinator shall be provided to the designated evaluator.

3.3 Scoring Criteria

A total of 50 points are available based on the scoring criteria below; scores will be ranked in order from highest to lowest.

1. *Project Clearly Addresses the Purpose of this Opportunity*- 20 points

- (1 to 10 Points) How well does the proposal align with purposes of this opportunity?
- (0 to 5 Points) Percentage of proposed easements using model easement or FPIG provisions (see section 2.2.3)?

- (1 to 5 Points) Has the proposals narrative conveyed the need for appraisals to facilitate farmland preservation projects?

2. Adequate Capacity to Complete the Required Work- 15 points

- (1 to 8 points) How well does the applicant demonstrate organizational capacity?
- (1 to 7 points) How well does the applicant demonstrate landowner readiness to convey a perpetual agricultural conservation easement?

3. Project is Cost Effective- 15 points

- (1 to 5 points) What is the average cost per acre for this proposal?
- (1 to 5 points) How many appraisals are proposed to be prepared?
- (0 to 5 points) Has the applicant provided any matching funds?

IV. AWARDS

Awards will be made to those proposals receiving the highest scores above the threshold score (35 points) and continuing until available funds are exhausted, or until all such proposals are funded, whichever occurs first.

If two or more proposals have the same final score, then the projects to be awarded shall be determined by the following tie-breaking procedure.

- a) Estimated percentage of productive farmland (i.e., sum of prime soils plus soils of statewide importance) on proposed projects;(see Worksheet)
- b) applicant is accredited by the Land Trust Alliance (PSQ #4); and, if necessary,
- c) coin flip.

The Commissioner will approve a final list of proposed awards pursuant to the above.

A contract defining all terms and conditions and responsibilities of the successful applicant shall be developed by the Department after the awarding of funds. The contract will incorporate project details and a budget approved by the Department, among its provisions.

V. PERFORMANCE BASED PAYMENTS AND REPORTING

5.1 Initial Payment

An initial payment of 25% will be disbursed upon request after State contract approval.

5.2 Project File and Interim Payment

A Project File is due within 6 months of contract execution and shall include a site plan for **each** project identified in the application and suitable documentation that appraisal services have been retained.

An Interim Payment of 65% of the award amount will be disbursed once Project File is approved.

5.3 Final Report and Final Payment

A Final Report is due no later than sixty (60) days after contract end date. The Final Report must include: (1) digital copy of each appraisal, (2) a single PDF of paid receipts for each appraisal, (3) revised Appraisals Summary form.

Upon approval of the Final Report, a Final Payment of 10% will be disbursed.

5.4 Payment and Reporting Schedule

TIMING	MILESTONES / DELIVERABLES	SCHEDULED PAYMENT
Contract Approval Date	State Approval of Contract <ul style="list-style-type: none"> Initial Payment intended to secure appraisal services 	Initial Payment 25%
Within 6 Months of Contract Approval Date	Submission of Project File: <ul style="list-style-type: none"> Digital version of each site plan a single PDF of cost estimates for appraisals 	--
--	Department Approval of Project File	Interim Payment 65%
Within 2 Months of End of Contract	Submission of Final Report: <ul style="list-style-type: none"> Digital copy of each appraisal A single PDF of paid receipt(s) for each appraisal Revised Appraisal Projects Summary 	--
--	Department Approval of Final Report	Final Payment 10%

VI. DOCUMENTS AND OTHER ADMINISTRATIVE REQUIREMENTS

6.1 Active Farmer Certification

Pursuant to New York State AML Section 325-a, all eligible organizations shall provide for the appointment of an “active farmer” to the organizations board of directors. An *Active Farmer* is engaged in the production of “Crops, Livestock, or Livestock Products” as part of a “Farm Operation” as those terms are defined in NYS AML 25-AA Section 301. A certification of an active farmer is a required upload in the application.

6.2 Acknowledgement of Consistency With Local Plan

Applicants must submit a completed form for **each** appraisal project in the application. This form acknowledges that agricultural land identified in its county or local farmland protection plan includes the property that is the subject of this grant proposal.

6.3 Letters of Project Endorsement

A letter of project endorsement for the submission of this application must be submitted by each County Agriculture and Farmland Protection Board where projects occur.

6.4 Proposal Format

All proposals must be submitted online through the [Grants Gateway](#).

6.5 Grants Gateway Registration and Pre-Qualification

New York State vendors must register in the Gateway and establish users in the system. To start this process, from the Grant Opportunity Portal https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx, under Registration, click “Request Access Now!” to view your options.

For existing NYS vendors, there is only one step. You must submit a Registration Form for Administrators identifying a Delegated Administrator responsible for managing your organization’s profile and users.

All not-for-profit organizations that intend to submit a proposal in response to this RFP must also be pre-qualified prior to the submission of your proposal. For more information regarding the pre-qualification process, please view the [Vendor Prequalification Manual](#) and [Maintaining Prequalification](#) as provided by the New York State Grants Reform Team.

If you have not prequalified, please do so immediately!

Grants Gateway Help Desk:

Email: grantsgateway@its.ny.gov

Phone: 518-474-5595

Hours: Monday through Friday 8:00 am to 4:00 pm

(User Roles, Application Completion, Policy, Registration, and Prequalification questions)

Agate Technical Support Help Desk:

Phone: 1-800-820-1890

Hours: Monday through Friday 8:00 am to 8:00 pm

Email: helpdesk@agatesoftware.com

Technical

(User roles and system questions)

6.6 Workers’ Compensation & Disability Insurance

New York State Workers’ Compensation Law sections 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. Please visit the New York State Workers’ Compensation Board website, www.wcb.ny.gov, for more information. You may contact the Board’s Bureau of Compliance with any questions related to worker’s compensation or disability insurance at (866)298-7830.

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 a proposal or for any work performed prior to the formal execution of a contract.

7.2 Reserved Rights

The Department reserves the right to:

- reject any or all proposals received with respect to this RFP;
- waive or modify minor irregularities in proposals received after prior notification and concurrence of the applicant;
- utilize any or all ideas submitted in the proposals 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 proposal;
- amend the program's specifications after their release, with appropriate written notice posted on the Department's website;
- select only certain portions of proposals for state funding;
- the Department reserves the right to conduct a follow-up survey of funded projects to determine long-term impacts;
- make all final decisions with respect to the amount of State funding and the timing of payments to be provided to an applicant; and
- negotiate the terms of the budget.

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

7.3 Freedom of Information

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

7.4 Debriefing

An unsuccessful bidder has 15 days to request a debriefing regarding the reason(s) its application was not selected for award. Upon request, the Department will provide a debriefing to any unsuccessful applicant as to the reasons that the proposal submitted was not selected for an award. To request a review of an unsuccessful application, contact Ms. Judy Giovannetti, Division of Fiscal Management via e-mail at procurement.info@agriculture.ny.gov .