



Agriculture and Markets

RFA0263 - REQUEST FOR APPLICATIONS

for State Assistance Payments for

Municipal Agricultural and Farmland Protection Planning Grants

Open Enrollment as of

January 2022

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1 INTRODUCTION

The New York State Department of Agriculture and Markets (the Department) 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 Applications (RFA)	January 2022
Deadline for Questions	Open
Final Questions and Answers Posted	Continual
Deadline for Proposals	Open
Announcement and Award of Grants	Biannually beginning 04/01/2022

1.3 Questions and Answers

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

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

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 website frequently for notices of any changes, additions or deletions to the RFA at: <https://www.agriculture.ny.gov/RFPS.html>.

1.4 Project Funding

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

1.5 Project Duration

Projects should be completed within twenty-four (24) months of contract approval.

2 ELIGIBILITY

2.1 Applicant 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.

2.2 Project Eligibility

Projects involving agricultural and farmland protection planning activities that result in the creation of a municipal agricultural and farmland protection plan are eligible for funding.

Please see Appendix 1 of this RFA, 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);
- conducting public hearings;
- expendable supplies;
- printing; and

- communication.

Please note: Costs incurred prior to the award of funding by the Department are not 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 Project Budget 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 from the municipal legislative body 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
Expendable Supplies				
Printing			\$1,111	\$1,111
Communication				
Travel				
Other				
Totals	\$25,000	\$1,667	\$6,666	\$33,333

3. PROPOSAL FORMAT

3.1 Grants Gateway

All applications must be submitted online through the Grants Gateway at <https://grantsgateway.ny.gov>. See Appendix 2 of this RFA for an outline of the information that must be provided in an application submitted through Grants Gateway.

An application will not be deemed complete by the Department until all requested information is provided through the Grants Gateway, including a letter from the chair of the municipal legislative body authorizing submission of the application.

3.2 Grants Gateway Registration

New York State vendors must register in the Grants Gateway and establish users in the system. To start this process, go to the New York State Grants Management website at <https://grantsmanagement.ny.gov/>, “Register Your Organization” to view your options.

If your municipality is not registered, please do so immediately. New York State Grants Management reserves 5-10 business days from the receipt of complete materials to process a registration request.

4. APPLICATION REVIEW AND APPROVAL

4.1 Application Review Criteria

All applications will be reviewed for eligibility and completeness. The Commissioner, in consultation with the Advisory Council on Agriculture, will determine whether an application shall receive funding within 90 days from the receipt of a complete application. 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;
- 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 Article 25-AAA of the Agriculture and Markets Law; and
- the completeness of the application.

4.2 Funding Approval

Awards will be made on a biannual basis beginning April 1, 2022. 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.

The Commissioner may negotiate the amount of funds awarded versus funds requested. The standard for determining the amount of funds awarded is the extent to

which the application meets the criteria set forth in section 4.1 above, as well as mutually acceptable modifications to the application and /or plan of work, and the availability of funds in relation to the number of eligible applications received.

Awarded applicants must comply with all applicable federal, State and local laws, rules and regulations for funding to be awarded. Evidence of such compliance may be required.

5. CONTRACTS, PAYMENT AND REPORTING

5.1 Contracts

A contract defining all terms and conditions and responsibilities of the successful applicant shall be developed by the Department after funds have been awarded. The contract will incorporate the plan of work and budget approved by the Department, among its provisions.

Upon agreement by the awardee and the Department to the provisions of the contract, it will be submitted for approval to the Attorney General of the State of New York and the Comptroller of the State of New York.

5.2 New York State Master Contract

New York State has developed a “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.

5.3 Payment Requirements

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 will retain ten percent (10%) of the budget amount to be disbursed to the contractor upon approval of the plan by the Commissioner.

Payment to the contractor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, at the Commissioner’s sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary state procedures and practices. The Contractor shall comply with the State Comptroller of New York’s procedures to authorize electronic payments. Contractor acknowledges that it will not receive payment on any Claim for Payment Form submitted under this agreement if it does not comply with the State Comptroller of New York’s electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

5.4 Reporting Requirements

The Department 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 must 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.

5.5 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 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 workers' compensation or disability insurance at (866) 298-7830.

6. CONSIDERATIONS

6.1 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.

6.2 Freedom of Information

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

6.3 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) 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

- 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.

APPENDIX 1
MUNICIPAL AGRICULTURAL AND FARMLAND PROTECTION
PLAN REQUIREMENTS

Pursuant to § 324-a of the Agriculture and Markets Law and § 390.4 of Title 1 of the New York Codes, Rules and Regulations the following guidelines set forth the requirements for municipal agricultural and farmland protection plans, and the procedures for the development and approval of such plans.

(a) Required Elements of a Plan.

Municipalities may develop agricultural and farmland protection plans, in cooperation with cooperative extension and other organizations, including local farmers. These plans shall include at least the following elements:

- (1) a statement of the municipality's goal(s) with respect to agricultural and farmland protection (e.g., to stabilize or enhance the agricultural economy of the municipality; preserve open space; abate land conversion pressure; maintain community goals with respect to development and growth; and protect natural resources such as air quality, watersheds, aquifers, or wildlife);
- (2) an identification of the general location of any lands or other designation of areas that are proposed to be protected (e.g., the whole municipality, all agricultural district lands within the municipality, farms or farmlands in particular sections of the municipality). Specific tracts of land or farms need not be identified. Maps are not mandatory but may be used at the discretion of the municipality to illustrate strategies or to explain the plan more completely;
- (3) an analysis of the lands or areas to be protected, such as their value to the agricultural economy of the municipality, their open space value, the level of conversion pressure being experienced, and the consequences of possible conversion;
- (4) a description of activities, programs and strategies, including efforts to support the successful transfer of agricultural land from existing owners to new owners and operators, especially new and beginning farmers, intended to be used by the municipality to promote continued agricultural use, including how they are to be financed, and which may include but not be limited to revisions to the municipality's comprehensive plan pursuant to section 272-a of the Town Law or § 7-722 of the Village Law as appropriate; and
- (5) 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 inconsistent with or conflict with the plan.

(b) Planning and approval process.

In developing an agricultural and farmland protection plan, the municipality shall follow the planning and approval process in sequence as follows:

- (1) the municipality shall conduct at least one public hearing to solicit citizen views and recommendations;
- (2) the municipality shall undertake specific efforts to involve members of the farm community in the planning process, and to assure that the final plan is made available to the farm community for comment before it is approved;
- (3) the municipality shall consult with the Department throughout the planning process;
- (4) 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;
- (5) municipal legislative body approval of the plan shall be documented by a resolution;
- (6) plans of work must be completed within 24 months to be eligible for State matching grants under this program, unless said period is extended by written agreement between the municipality and the department; however, the municipality legislative body need not approve the final plan within 24 months; and
- (7) the municipality shall submit the plan to the Commissioner for approval. The Commissioner shall act upon the plan within 45 days of receipt of the document and notify the municipality of the plan's approval or disapproval. A copy of the Commissioner's decision shall be sent to the chair of the agricultural and farmland protection board for the county in which the municipality is located.

(c) Plan review process.

The following criteria shall be used by the Commissioner to determine the acceptability of a municipal agricultural and farmland protection plan:

- (1) the consistency of the plan with State agricultural and farmland protection plans, policies and objectives; State environmental plans, policies, and objectives; and State comprehensive plans, policies, and objectives;
- (2) the consistency of the plan with county and municipal plans, policies, and objectives which the plan could affect;
- (3) the practicality of the plan (*i.e.*, the extent to which it can reasonably be expected to meet the identified municipality goal[s] for agricultural and farmland protection);
- (4) the extent to which the plan satisfies the analytical factors addressed under section 324-a of the Agriculture and Markets Law;
- (5) the adequacy of substantiating data, information, and facts;
- (6) the cost implications of the protection measures identified in the plan (*i.e.*, what can be accomplished recognizing limited State/local funding mechanisms in view of the public benefit to be derived from protection of agriculture and agricultural lands); and
- (7) whether the municipal legislative body has approved the plan.

APPENDIX 2

APPLICATION REQUIREMENTS

(Pursuant to Title 1 New York Codes Rules and Regulations 390.5(b))

The following information must be provided in the online application found at [Grants Gateway](#). Please refer to the [Application Instructions](#) and the [Frequently Asked Questions](#) for additional resources.

- 1a. Provide the full name, address, phone number and email for the Chair of the municipal legislative body.
- 1b. Provide the full name, address, phone number and email for the Principal Contact for this application.
- 1c. Provide full name, address, phone number and email for the County Agricultural and Farmland Protection Board Chair.
2. Briefly summarize the trends and conditions in the municipality that 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 the plan;
 - ii. the prospects for farm viability in the municipality; and
 - iii. other indications of the economic condition and importance of agriculture to the municipality.
4. Upload a detailed description of the plan of work to be followed in developing the plan;
5. Provide the anticipated timeframe for completing the plan of work;
6. Briefly describe the in-kind services to be used for up to 80% of the required match.
7. Provide the qualifications of the principals who will be developing the plan including experience in developing agricultural protection sections of comprehensive plans and land use regulations.
8. Upload evidence of availability of matching funds. *If you have multiple documents, please scan into a single PDF to upload.* Acceptable documentation includes a copy of a resolution, a copy of a portion of the municipal budget demonstrating that matching funds have been earmarked for such activities, a letter from the municipal executive stating that the municipality has appropriated matching funds, or a copy of the letter(s) from an external granting agency that funding is provided to the municipality, or its agent for the development of the plan.
9. Upload a letter from the chair of the County legislative body authorizing submission of this application.