



Department of
Environmental
Conservation

GUIDELINES AND BID INSTRUCTIONS

New York State

Department of Environmental Conservation

Establishing Large Forests (ELF): A Climate SMART Forestry Practice

*from the
NYS DEC Regenerate NY Grant Program
and
USDA Natural Resources Conservation Service (NRCS)
Partnerships for Climate Smart Commodities*

NYS SFS Grants Management Bid Event ID No.:
ELF 2024

Apply through the [SFS Vendor Portal](#)

Timetable of Key Events: Bidding Period Begins
Webinar
Question & Answer Period Ends
Bids Due
Award(s) Announced By (anticipated)

Wednesday, October 30, 2024
Thursday, November 14, 2024
Thursday January 2, 2025
Tuesday January 7, 2025, at 3 PM
Monday, July 1, 2025

Webinar Details

Join information.

Meeting link:

<https://meetny.webex.com/meetny/j.php?MTID=m468f41069910cdb2b1f53f278c746889>

Meeting number: - 161 774 7485

Password - AWiA938prRb

Join by video system:

Dial 1617747485@meetny.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone:

+1-518-549-0500 US (English Menu)

Access code: 161 774 7485

Host PIN: 8041

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1. New York Forest Landowners: Reforest your open lands to fight climate change and gain additional benefits.

Following European colonization and through colonial expansion, New York's forests began to decline, as forests were cleared for agriculture and other uses. This trend increased rapidly during the Industrial Revolution, and by the 1880s, less than 20% of New York was forested. With the recognition that New York must restore its forested resources to prevent widespread erosion and land degradation, DEC's precursor, the New York State Conservation Department, began widespread planting efforts in the early 1900s, which continued through the Civilian Conservation Corps in the 1930s and following World War II. With these efforts, alongside natural regeneration on abandoned agricultural lands and adoption of more sustainable management practices, New York is now 63% forested, but opportunities remain for additional afforestation and reforestation efforts.

Of all land use practices, reforestation has the potential to sequester the greatest additional amount of carbon dioxide per acre and enhances vital ecosystem services such as climate resilience, wildlife habitat, flood mitigation, air quality, and water quality. Reforestation has been identified as a key strategy for mitigating climate change in New York State and is essential for getting the state closer to reaching the 2050 net zero emissions goals identified in the Climate Act, as well as accomplishing the 2024 State of the State initiative to plant 25 million trees by 2033.

The purpose of the Establishing Large Forests grant program (ELF) is to provide state financial support to establish new forest areas through reimbursement for site preparation, tree planting, protection from deer, monitoring and maintenance activities on non-industrial private lands. 97% of potentially available lands for reforestation are privately owned, however, establishment of new forest areas is often an overwhelming and expensive task for private landowners. Private lands are essential for re-establishing forest ecosystems to the landscape to deliver vital services to New Yorkers such as carbon sequestration, carbon storage, wildlife habitat, flood mitigation, air quality, water quality and recreational opportunities. For this opportunity, we are targeting reforestation via one or more projects per grant award, each on open lands greater than 5 acres to maximize climate mitigation impact.

2. Grant Information

The New York State Department of Environmental Conservation (DEC) is pleased to announce funding for projects for the Establishing Large Forests Grants, which provides funding for establishing new forested area on privately held lands within New York State. Successful projects will establish at least 5 acres of new forest through tree planting and assisted regeneration in areas that are currently non-forested. All projects must be guided by a private forester or natural resource professional. The goal of this grant is to target large-scale, "shovel ready" tree planting projects that will help the State reach its ambitious climate change mitigation targets.

a) Funding

Approximately \$4,500,000 is available for Establishing Large Forests Grants. Funding for this grant opportunity is provided from the United States Department of Agriculture's Partnership for Climate SMART Commodities, under agreement number NR233A750004G035, and the New York State Environmental Protection Fund, and **Regenerate NY Grant Program**.

This is a reimbursement cost share grant program. **All costs must be incurred by the landowner, company or organization acting on behalf of the landowner prior to reimbursement.** NYS cannot reimburse for sales tax for goods and services; an exemption voucher will be issued to grantees for purchasing goods and services.

b) Proposed Project Timeframes

All projects must have defined objectives, tasks, and deliverables accounted for in performance measures that can be completed and invoiced within a three (3) year contract period/term. Costs outside of the contract period/term are ineligible. If multiple projects are submitted in a single bid, the bidder must have the capacity to complete all the projects submitted within the 3-year timeframe. The Master Contract for Grants (MCG) must be fully approved by DEC, and if applicable approved by the Attorney General and the State Comptroller. Time extensions beyond the contract term end date will be determined by the Department case-by-case based upon written justification from the Bidder. Bidders should not submit a bid if they do not anticipate their project can be completed within the specified contract term.

c) Minimum and Maximum Award Amounts & Bid Limit

Minimum grant amount per project is \$30,000; Maximum grant amount per project is \$750,000.

Bidders may submit up to one bid, however there is no limit to the number of projects included in each bid if a landowner or organization wishes to submit for multiple projects. There is no maximum bid limit for bids submitted for multiple projects. (e.g., one (1) bid with one project would have a maximum award of \$750,000, but if there was one bid with 3 projects, then each project would have a maximum award of \$750,000, for up to a total bid amount of \$2,250,000.

If the full allotment of funding for this grant is not used, DEC may reach out to bidders to award additional funding, based on capacity and project scope. See Eligibility Question 16 to provide the qualifying information.

Bidders should make sure that all the necessary information is included for each of the projects listed in the bid application, to ensure eligibility and scoring determinations may be efficiently made.

d) Post-Award Follow-up

DEC Program Staff may work with bidders after bid application is submitted to collect additional information detailed in this Bid Document, under the Grant Opportunity General Information and Conditions section 7, paragraph I Federal Requirements, to determine whether each submitted project complies with federal requirements. This additional information will neither delay nor be considered in the scoring review, however, it will impact the Department's ability to proceed to Contract with each bid selected for award. All grantees notified of the need for additional information prior to Contract will be provided with a uniform set of instructions on the same date and the standard deadline for Contract execution will not be waived.

e) Eligible Project Locations

Eligible projects for grant funding must be located on one or more contiguous properties. Projects must establish forests through plantings on at least 5 acres or more on privately owned lands. Bidders are required to upload a map of each project area in SFS Grants Management as part of Eligibility Question 10 - Project Location.” Hand-drawn maps will not be accepted.

Ineligible Locations - Lands owned by the state, county, city or any other municipality or governmental entity are not eligible for this opportunity.

3. Eligible Practice

Establishing Large Forests (ELF) projects must be an afforestation practice further established below. The requirements for this practice are reflected in the standards and specifications. Bidders should carefully review the practice information below, and the pass/fail eligibility criteria contained in this Bid Application to avoid disqualification. The Practice Template form with basic stand information and practice specific information must be downloaded from the Event Comments and Attachments section of SFS GM or from Appendix 3 in this Bid Document, completed by the Bidder and uploaded to the SFS Grants Management Practice Template Question to be considered for funding.

The goal of this program is to establish new forests through the planting of trees. These practices CANNOT be used to establish or maintain orchards, ornamental, nursery or Christmas tree farms.

Funding will be approved only for species on the Department’s Regenerate NY Approved Tree Species List, which can be found at the following link:

<https://www.tax.ny.gov/research/property/assess/species.htm>.

Substitutions may be allowed with Departmental approval.

Alignment with Natural Resources Conservation Service (NRCS) Environmental Quality Incentives Program (EQIP) Practices

Reimbursement is allowed for projects if landowner use the specifications and standards outlined below or by the following aligned NRCS EQIP Practices, as they apply to the project.

- 314-Brush Management Practices (starting on page 21)
- 315-Herbaceous Weed Control (starting on page 22)
- 490-Site preparation (starting on page 52)
- 612-Tree Planting (starting on page 67)
- 342-Critical Area Planting (starting at page 28)
- 391-Riparian Forest Buffer (starting at page 39)
- 382-Fence (starting at page 37)

To receive payment, the project must be installed to NRCS standards, and the stated standards listed in this Bid Document. A DEC forester will sign off on the execution of these standards.

NRCS rates for 2024 for New York can be found on the USDA Natural Resource Conservation Service Environmental Quality Incentive Program (NRCS EQIP) page (<https://www.nrcs.usda.gov/sites/default/files/2022-11/New-York-EQIP-23-payment-rates.pdf>).

Please use the above codes to find (**hint: use control F function to quickly find each section**) the correct practice sections within the document for the relevant reimbursement rates.

Note* NRCS EQIP Rates are only based on 75% of the full cost of practice installation, while the ELF Grant will reimburse up to 100% of the project cost, including installation, labor and materials. Please carefully consider these differences in project estimates. It is expected that bids for the ELF Grant will be above NRCS's EQIP reimbursement rate by at least a 25% margin.

a) Site Preparation

Depending on site factors, there will likely be a need for some site preparation. Site factors that indicate a need for site preparation include:

- Compacted soils (such as if the field was previously used for agriculture), which likely indicate a need for tilling,
- Steep slope or erodible soils (silt or clay), which likely indicate the need for erosion control, and/or
- Presence of vegetation cover on the site (>30% cover), will require mechanical control (ex: mowing), vegetation exclusion (ex: weed mats, gravel mulch), and/or herbicide control prior to planting.

Materials and tasks that are approved for site preparation include:

- Purchase of supplies, tools, and equipment related to site preparation activities including, but not limited to erosion mats, cover crop seed, weed mats, gravel mulch, and herbicides,
- Labor hours to prepare the site for tree planting, and
- Rental equipment directly related to site preparation (i.e. heavy equipment, skid steer, brush hog, etc.).

Vegetation Control

For sites where there is more than 30% cover of vegetation, which will compete or interfere with seedling or tree stock growth, mechanical control, vegetation exclusion, and/or herbicide control will be required. Control of vegetation cover must be maintained throughout the site preparation, tree planting and protection, and maintenance and monitoring phases of a project. For projects that involve vegetation control outside of industry standards, Bidders must provide supporting documentation of control methods in the form of peer reviewed research, such as research articles cited in scientific journals or fact sheets by attaching them to the Project Template for upload to the Required Documents page uploads section of SFS Grants Management.

- Competing Vegetation Control practice cost estimates should be based on current USDA Natural Resource Conservation Service Environmental Quality Incentive Program (NRCS EQIP) rates for Federal Fiscal Year 2024 and local estimates. The NRCS EQIP rates can be found in the Events, Comments and Attachments page of the SFS Grants Management. NRCS EQIP reimbursement rates for Brush Control and Herbaceous Weed Control can be found starting on pages 18 and 19 of the associated guide (<https://www.nrcs.usda.gov/sites/default/files/2022-11/New-York-EQIP-23-payment-rates.pdf>).
- These practices are **not** for orchard, ornamental, nursery or Christmas tree purposes.

Mechanical Control

For mechanical treatments, plans should describe the type of equipment, techniques or procedures to be followed and timing of treatment to achieve best results.

Herbicide control

- Bidders who will use herbicide control must submit an Herbicide Application Plan to be considered for funding (see Appendix 4).
- Herbicide Plans should include:
 - Acceptable chemical treatment references for containment and management or control of target species.
 - Evaluation and interpretation of herbicide risks associated with selected treatment(s).
 - Acceptable dates or plant growth stage at application to best effect control and reduce reinvasion.
 - Any mitigation, timing considerations or other factors that must be considered to ensure the safest, most effective application of herbicide.
- Application of herbicides must be done according to the label (labels attached) and manufacturer's safety instructions and in compliance with State regulations.
- Chemicals must be legally registered in NYS as an herbicide to be used as such under this grant opportunity.
- All of the designated area must be treated uniformly and after the herbicide application, at least 80% or more of the target vegetation stems must be dead. The effectiveness of the herbicide application will be evaluated by the DEC after June 15th during the following growing season using six-foot radius sample plots. Fern and woody species will be evaluated separately for effectiveness of the herbicide application.

When the Grantee hires a contractor to apply herbicides as part of this grant, the Grantee's Contractor must be a registered pesticide business that is currently registered with the NYS DEC and employs a certified applicator in the appropriate category (i.e., Category 2). A pesticide applicator who is a holder of a N.Y.S. Commercial Applicator Permit (Category 2) must be present during the spraying operation.

b) Tree Planting & Protection from Deer

Tree planting is required for all sites. Deer fencing is required for all hardwood plantings and for softwood plantings with a high browse preference by deer (e.g., cedar). Fencing, of at least eight (8) feet in height, will be installed around tree planting sites to protect planted tree stock from herbivory by white-tailed deer and help ensure survival. Any alterations to specifications will be made on a per-project basis and will be made following discussions with the bidder and upon approval of DEC.

Materials and tasks that are approved for tree planting and protection include:

- Purchase of supplies, tools, and equipment related to tree planting and protection activities including, but not limited to bareroot or containerized tree seedlings, shovels or planting bars, deer fencing, and fencing posts.
- Temporary watering infrastructure that will help ensure planting success rates (i.e., solar pumps, portable water tanks and associated accessories)
- Labor hours to plant tree stock on the site and install deer fencing
- Rental equipment directly related to tree planting and deer fencing installation (e.g., mechanized hole diggers and fence pounders)

Tree planting

- Choose appropriate planting dates and handling methods to increase rates of survival. Typically, plantings have the most success if completed in the fall prior to frost or the early spring following thaw.
- Select planting techniques and timing appropriate for soil and site conditions.
- A guide for tree planting can be found at the following link:
https://www.dec.ny.gov/docs/lands_forests_pdf/tftplantmaint.pdf.
- Funding will be approved only for species on the Department's Regenerate NY Approved Tree Species List, which can be found at the following link:
<https://www.tax.ny.gov/research/property/assess/species.htm>. Substitutions may be allowed with DEC approval.
 - Plantings must consist of trees or shrubs stock. Up to 10% of the site may include shrub plantings. Project tree and shrub stock specifications must be included in estimates. To ensure planting success, DEC may require bidders to use different planting stock based on site, project timelines, stock availability and other unforeseen situations.
 - Tree species must conform with the current forest type or desired future forest type. A number of factors should be considered when selecting trees for planting including:
 - Site factors such as soil type, drainage and aspect
 - Hardiness zone
 - Ability to perform future maintenance, such as thinning and pruning
 - Landowner goals
 - Growth rates and/or carbon sequestration rates
- Planting Guidelines:
 - Plantings of at least a density of 500 trees per acre is the target for projects using seedlings or bare root stock.
 - Plantings using the seedlings should target 5"-14" in height with a maximum 3-3 age (3 years in seed beds and 3 years in transplant beds) will be expected.
 - Plantings using bare root stock should target sizes at or below 1" caliper
 - Plantings using containerized stock may be expected to be planted at a density of 100-200 trees per acre, with a maximum 5-gallon container size.
- Depending on the landowners' goal, selected tree species, planting stock (bare root or containerized) a higher or lower number of trees per acre may be planted upon approval from DEC
- Select only viable, high-quality, and adapted plant materials. Select planting stock that conforms to established seed transfer protocols within the State and complies with minimum standards accepted by the American National Standards Institute (ANSI). Do not plant any species on the Federal or State invasive species or noxious weed lists. NYS's list of prohibited plants can be found [here](#). Federal and regional prohibited species lists can be found [here](#).
- Total tree stock survival must be 65% or greater for bare root stock and 75% or greater for containerized stock during the three-year contract period to receive full reimbursement for this practice.
- Tree planting cost estimates should be based on current USDA Natural Resource Conservation Service Environmental Quality Incentive Program (NRCS EQIP) rates for Federal Fiscal Year 2024 and local estimates. The NRCS EQIP rates can be found at <https://www.nrcs.usda.gov/sites/default/files/2023-12/fy24-newyork-rcpp-eqip.pdf>. To more efficiently search the pdf document, use the control F function with the below codes to navigate to the desired NRCS EQIP reimbursement rates.

- 314-Brush Management Practices (starting on page 21)
- 315-Herbaceous Weed Control (starting on page 22)
- 490-Site preparation (starting on page 52)
- 612-Tree Planting (starting as the last entry on page 67)
- 342-Critical Area Planting (starting on page 28)
- 391-Riparian Forest Buffer (starting on page 39)
- 382-Fence (starting on page 37)
- Any tree stock purchased outside New York State must be USDA approved. Nurseries must comply with federal inspections

Deer fencing

- All deer enclosure fences must be at least eight (8) feet tall.
- All hardwood plantings shall require wildlife protection fencing.
- Softwood plantings will not require protective fencing, unless a species is chosen with a high deer browse preference (i.e., cedar).
- Bids and Plan Templates must describe the extent or size of the fence and describe how the materials, type and design of installed fence will meet the management objectives and site challenges.
- Based on objectives, fences may be permanent, portable, or temporary, however all installed fences will need to be maintained for at least 10-years following project approval and sign off.
- Fences shall be positioned to facilitate management requirements.
 - Ingress/egress features such as gates shall be planned to meet management requirements.
 - Fencing and gates for the purposes of property protection, aesthetics, or any other purposes other than for the protection of tree stock from deer herbivory are not eligible.
 - Fences shall be designed, located, and installed to meet appropriate local wildlife and land management needs and requirements.

Deer Enclosure fencing practice cost estimates should be based on current USDA Natural Resource Conservation Service Environmental Quality Incentive Program (NRCS EQIP) rates for Federal Fiscal Year 2024 and local estimates. The NRCS EQIP rates specifically for fencing can be found starting on page 37 of the EQIP rates pdf (<https://www.nrcs.usda.gov/sites/default/files/2023-12/fy24-newyork-rcpp-eqip.pdf>).

c) Monitoring & Maintenance

After the project is completed, the landowner is expected to perform the necessary maintenance at the project site to achieve at least a 65% survival rate for bare root stock at 5"-14" in height and 75% expected survival success rate for containerized stock, with upkeep of the installed deer fence for the 10-years following implementation. Costs incurred following the contract period or above the awarded amount will be covered by the landowner to maintain the tree stock survival rate and the installed deer fence.

- Once implemented, the landowner will monitor this project throughout its lifespan (10 years) to evaluate success. As part of this, the landowner should frequently monitor tree stock survival, seedling threats (ex: pests, drought, disease, etc.) and inspect the fence to ensure seedling survival and proper function of the fence.
 - Monitoring records should be maintained by the landowner throughout the lifespan (10-years) of the practice and be available upon request by DEC. These records

should provide the necessary information needed to enable the DEC to evaluate the site. DEC and partners at SUNY ESF and Cornell University will also conduct on-site monitoring throughout the lifespan of the project to evaluate project and program success and determine the carbon benefits of this program.

- Monitoring of the installed fence should occur approximately once per month and after storm and other disturbance events to:
 - Repair or replace of loose or broken material, gates and other forms of ingress/egress
 - Remove trees/limbs
 - Replace of water gaps as necessary
 - Repair of eroded areas as necessary
 - Repair or replacement of markers or other safety and control features as necessary
- For areas where vegetation control is required, the landowner must evaluate post-treatment regrowth of vegetation to determine success of control. Length of evaluation periods will depend on the woody species being monitored, proximity of propagules (seeds, branches, and roots) to the site, transport mode of seeds (wind or animals) and methods and materials used. Follow up treatments may be needed throughout the maintenance period to successfully ensure tree stock survival.
- As part of maintenance, the landowner will be expected to protect the planted area from unacceptable adverse impacts of pests, wildlife, livestock, and/or fire. Pest protection may require the use of integrated pest management techniques for prevention, avoidance, monitoring, and suppression.
- Supplemental water will be required on an as needed basis to maintain tree stock survival as part of planting and maintenance.

To help ensure planted tree stock survival, the landowner should evaluate the site to determine if mulching, supplemental water or other cultural treatments (e.g., tree protection devices, shade cards, brush mats, etc.) are needed to assure adequate survival and establishment. Additional long-term maintenance can be expected for:

- Sites that have existing vegetation cover and/or presence of invasive species
- Long-term mechanical control (ex: mowing), vegetation exclusion (ex: weed mats, gravel mulch), and/or herbicide control may be necessary to exclude competing vegetation from the site.
- Sites that have a high population of mice and voles (mostly recent agricultural lands)
- This may include the need for more intense long-term mechanical control (ex: mowing), vegetation exclusion (ex: weed mats, gravel mulch), and/or herbicide control may be necessary to exclude competing vegetation from the site.
- Silty or compacted soils, which are more prone to frost-heaving.
- This may require additional tilling as part of site preparation, mulching around trees and/or avoiding planting in the wetter parts of the site.
- Steep slopes, south or southwest-facing aspects, high elevation, high wind may increase tree stock water loss at a site.
- This may require selection of tree species that are more drought-tolerant, leaving larger areas of undisturbed soils, and installation of tree shelters at a site as part of site preparation and maintenance and/or additional frequency in watering tree stock at these sites may be needed.

In many cases, the need for additional maintenance can be minimized by selecting species that will be best adapted to the site, planting trees in the correct method, and planting only during the fall and spring planting seasons.

4. Eligible Bidders

For the purposes of this grant program, the following entities are considered eligible bidders:

- Non-industrial private landowners
- Companies or organizations acting on behalf of non-industrial private landowners. Examples may include quasi-government agencies (e.g., SWCD), a private forestry business, a natural resource business focused on tree planting, and not-for-profit (NFP) corporations. Companies or organizations acting on behalf of non-industrial private landowners that submit a bid must accept full responsibility for the project, including meeting post-award requirements needed for contract execution, receiving and disbursing funds related to the grant, and administering the requirements throughout the DEC grant process, including reporting of grant activity.

Bidders must possess the knowledge, skills, and /or track record to successfully implement the project.

For this grant opportunity, a NFP is subject to New York State's Not-For-Profit Corporation Law, is qualified for tax-exempt status under Section 501(c)(3) of the Federal Internal Revenue Code, has an IRS 501(c)(3) determination letter to be incorporated in New York State and is current in their charities reporting requirements with the Office of the Attorney General.

If a proposed project involves a cooperative agreement or partners, only one eligible, designated lead bidder can submit the bid for grant funding. The lead bidder must assume the responsibility for the project bid, performance of work consistent with this Bid Document, and the State of New York Master Contract for Grants. Letters substantiating the collaboration from each partner are required. These letters are to be uploaded to the SFS Grants Management system in a single PDF under the appropriate question for the bid (see Appendix 8 or 9).

5. Inquiries & Designated Contact Information

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

Contact Information: largeforests@dec.ny.gov

For technical information regarding the Grants Management Bid Event, direct questions to:

NYS SFS Grants Management

Contact Information: helpdesk@sfs.ny.gov | 877-737-4185 toll-free | 518-457-7737

Include “**Establishing Large Forests**” in the subject line of the email. Questions regarding this grant opportunity will be accepted by the Department until January 2, 2025. All questions, and answers, will be uploaded in the Grants Management System bid event for all bidders to view.

6. Bid Submission

Bids must be submitted through the [SFS Grants Management System](#). Using **Google Chrome** to access the SFS Grants Management System (GM) is recommended. Using other browsers may cause errors. SFS Grants Management advises that uploads should be in uneditable pdf's or Word documents. For forms such as Practice Templates, Save the uneditable form to Print, then select Adobe and then upload the saved document to the question.

If you do not have access to the SFS Vendor Portal and if your organization is already established within the SFS Vendor portal, an SFS Delegated Administrator has been authorized within your organization to provision user login credentials, unlock accounts, or reset passwords. Please reach out to your SFS Delegated Administrator directly. If you do not have this information please email the SFS GM help desk directly at HelpDesk@sfs.ny.gov.

Also, if you do not have a login and if you are new to the SFS Vendor portal, and would like to establish an account for the purposes of doing business with the State of New York, contact the SFS Help Desk at 518-457-7717, 855-233-8363 or HelpDesk@sfs.ny.gov for more information. The SFS GM system offers a Vendor User Manual, training videos and webinars for bidders requiring assistance. Please visit <https://grantsmanagement.ny.gov/transition-SFS>.

Paper bids will NOT be accepted. Bidders are strongly encouraged to submit their bids prior to the bid deadline. Late bids will not be accepted. Please note, staff with a Bid Response Initiator role can begin a bid, but only staff with the Bid Response Submitter role can submit the bid response.

All Bidders must be Registered with SFS GM to apply. Please visit <https://grantsmanagement.ny.gov/transition-SFS> to register.

In addition to registration, not-for-profits must also be Prequalified at the time and date that the bid is due. If you are not Prequalified at that time and date, your bid will not be considered.

PLEASE DO NOT DELAY IN BEGINNING AND COMPLETING THE PREQUALIFICATION PROCESS. PLEASE VISIT THE GRANTS MANAGEMENT [Prequalification Page](#) TO GET STARTED.

THE STATE RESERVES 5 DAYS TO REVIEW SUBMITTED PREQUALIFICATION APPLICATIONS. PREQUALIFICATION APPLICATIONS SUBMITTED TO THE STATE FOR REVIEW LESS THAN 5 DAYS PRIOR TO THE **ESTABLISHING LARGE FORESTS** APPLICATION DUE DATE MAY NOT BE CONSIDERED.

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

a) Bidder 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 SFS Grants Management Website.

All Bidders must be Prequalified in the SFS Grants Management System at the time and date that the bid is due. Bids from non-prequalified entities will be rejected. The system will not allow you to submit your bid.

The SFS Handbook: SFS Training for Vendors guide is available on SFS Coach and includes guidance for prequalification. Additional training is available on SFS Coach.

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

- Video tutorials on Grants Management Registration or Prequalification
- SFS Handbook: SFS Training for Vendors includes walkthroughs for the Bid process

Uploads and Attachments - ALL Bidders must download the required forms such as Sexual Harassment and Executive Order 16 from the Event Comments and Attachments section in SFS Grants Management, complete and save the form, prior to uploading the completed form as an attachment to the Vendor Bid Factor question in SFS Grants Management.

7. Grant Opportunity General Information and Conditions

a) Grant Bid Requirements and Conditions

Please be sure to include with your bid, information on the following requirements, if applicable to your project:

Bid must meet the following minimum requirements to be eligible:

Attestation requirements

1. Individual bidders must be a US citizen (or otherwise meet Federal legal immigration status requirements). All other organizations and legal entities must be ≥ 90% held by people who are US citizens or otherwise meet requirements.

2. Project must take place on 5 or more acres of open or non-forested land and target establishment of a forest.
3. All projects included in the bid must be able to be completed within 3 years.
4. Landowner must attest that they intend to continue to own the project land for at least 10-years following implementation.
5. Bidder must attest that they will continue to maintain the project for at least 10 years following implementation.
6. Identification of any rare, threatened or endangered species on the property and provide mitigation strategies in the project description and/or project template if impacted by the project using the Department's Environmental Resource Mapper <https://gisservices.dec.ny.gov/gis/erm/>.
7. Confirm that the proposed project is not already receiving funds from another New York State or federal assistance program for the same project.
8. Confirm that a [Forester, Certified Arborist and Natural Resource Professional](#) will assist with project oversight, guidance, administration and/or implementation.
9. Confirm that DEC and partners including staff and students from SUNY ESF, Cornell University, and Cornell Cooperative Extension will be granted access to the project location for review and monitoring.

Submissions required for upload to SFS Grant Management

10. Individuals and bidding organizations that own the land the project will occur on must provide a copy of their tax bill or tax map parcel ID or deed. Companies or organizations acting on behalf of individuals or unincorporated organizations or groups who own private lands must provide a letter of agreement from the landowner supporting implementation of the project.
11. Provide a map clearly identifying the project area on private land (no hand-drawn maps).
12. Provide a completed practice template (Appendix 3).
13. Provide documentable cost estimates for project costs such as contractor letterhead, emails or screenshots.
14. If herbicides will be applied, upload a Herbicide Application Plan (Appendix 4).
15. Provide a CV for the forester or natural resource professional if they are not listed on DEC's Cooperating Forester List.
16. Provide a completed Sexual Harassment Prevention Certification form.
17. Provide a completed Executive Order No. 16 form.

b) Tax Implications

Reimbursement received through a grant award may count as taxable income. Bidders / landowners are encouraged to contact their tax professional regarding any potential implications for income, property, or any other possible taxes associated with the acceptance of this grant, completion of work, and reimbursement by New York State. Regarding sales tax, NYS cannot reimburse sales tax for goods and services. A voucher will be issued to grantees for purchasing and renting project necessary goods and services.

c) Expenditure Based Budget

Bidders must complete an itemized budget in the SFS Grants Management that provides details of the proposed project-related expenses. The itemized budget should also include an

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 Bid Document. A project's reasonableness of costs is at least 20% of the evaluation factor in the scoring of the bid therefore, attention to budget accuracy will increase your project score.

d) Expenditures (No Match Requirement)

THERE IS NO MATCH REQUIREMENT FOR THIS GRANT OPPORTUNITY.

Grant funds are available for up to 100% of the requested budget.

e) Work Plan

Bidders must complete a work plan in the SFS GM that provides a clear overview of the project. Bids 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. Include measures such as location of practice by stands(s), extent of treatments or tasks (acres, feet, # of trees, etc.), the person/company performing specific tasks and practices. Please provide the timeframe for tasks and practices that are scheduled for completion in the project by season and/ or year. Describe supplies and equipment being used to complete project. Include details about the procurement of trees, supplies and equipment. Include all deliverables (project and financial) in the Objectives, Tasks and Performance Measures and these will be the basis for ongoing Progress Reports.

f) Data Protection and Disclosure

As part of this grant opportunity, staff from DEC, State University of New York College of Environmental Science and Forestry (SUNY ESF), Cornell University, Cornell Cooperative Extension, and partners will be collecting information on program success and benefits, which will inform future program development and landscape-wide modeling of carbon benefits for these practices. Data including, but not limited to which practices were implemented, technical assistance providers, tree stock survival, deer and wildlife browse, tree stock and growth rates, and tree stock and soil carbon will be collected as a part of project monitoring from a subsample of sites funded through this opportunity. Data sharing beyond program partners will not be attributed to specific landowners or projects without additional express permissions from the landowner. This data will not be shared commercially. Upon request, landowners will have access to data collected from their land and associated modeling related to program success and benefits from the Department.

g) 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.
- Provide partial awards for one or more projects upon bid application review; including the right to reject one or more costs within a bid and/or one or more projects submitted within a multi-project bid based on the proposed work plan and ineligible project-related costs, at the Department's discretion.

- Award an agreement for any or all parts of the Bid Document in accordance with the method of award or withdraw of the Bid Document at any time at the Department's sole discretion.
- Award only one bid for funding in the event there are multiple bid submissions for a single project or for pieces of a single project.
- Award to the next highest scoring bid in the event bidder fails to negotiate a grant contract with the Department within 60 days of a grant award.
- Monitor the progress of all grant awards and withdraw grant funding if the bidder fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.
- Refuse to fund projects that are determined to be inconsistent with NYS's Smart Growth Public Infrastructure Policy Act.
- Refuse to fund projects that are determined to be inconsistent with the Climate Change Leadership and Community Protection Act or its' implementing regulations.
- Reject any or all bids in response to the Bid Document at the agency's sole discretion.
- Reach out to Bidders for clarification on bids received.

h) Sexual Harassment Prevention Certification

State Finance Law §139-l requires all bidders 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 bid submitted to the state or any public department or agency of the state must contain the following statement: "By submission of this bid, each bidder and each person signing on behalf of the bidder certifies, and in the case of a partnering bid each party thereto certifies as to its own organization, under penalty of perjury, that the bidder 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."

Bids that do not contain the certification will not be considered for award; provided however, that if the Bidder cannot make the certification, the Bidder may provide a signed statement with their bid detailing the reasons why the certification cannot be made. After review and consideration of such statement, the Department may reject the bid or may decide there are sufficient reasons to accept the bid without such certification.

ALL Bidders must download the form from the Event Comments and Attachments section, complete and save the Sexual Harassment Prevention Certificate form, prior to uploading the completed form as an attachment to the Sexual Harassment Question in SFS Grants Management.

i) 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”.

ALL Bidders must download the form from the Event Comments and Attachments section, complete and save the Executive Order No. 16 Certification form as an attachment to the Executive Order 16 Question and upload to SFS Grants Management.

j) SEQRA and Permits (if applicable to your project/may be revised)

The bidder is responsible for assuring that any SEQR determinations, permits, approvals, lands, easements, and rights-of-way that may be required to carry out the activities of the project are obtained, if necessary.

k) Letters of Permission (if applicable to your project/may be revised)

If applicable to your project. The bidder must own the property, or obtain an applicable access agreement, for the proposed project site.

- If the property is owned by the bidder– a copy of the current deed, or recent tax bills or ability to provide tax map parcel id number.
- If the property is not owned by the bidder– a formal written agreement between the bidder and landowner which allows the bidder access to the property, and represent the landowner, to accomplish the proposed project.

l) Federal Requirements

Any agricultural producers or landowners receiving a payment through participation in a project awarded under this opportunity are considered beneficiaries for purpose of the federal Notice of Funding Opportunity **No. USDA-NRCS-COMM-22-NOFO0001139**: Partnership for Climate-Smart Commodities and must meet the following requirements:

1. Meet the eligibility requirements of [7 CFR Part 12](#); wetland and erodible land.
2. Must have control of the land involved for the term of the proposed award period; and
3. Must maintain the project for at least 10-years following project approval and final sign off. In the event that land ownership must change for an unforeseen, unavoidable circumstance within this 10-year period, the landowner is expected to comply with the following requirements:
 - a. The Grantee and/or landowner agrees to notify the Department prior to entering into any Real Property Sales Agreement or any other contract for landowner to otherwise quit ownership.

- b. The landowner agrees to transfer maintenance responsibilities via a new Letter of Agreement to be signed by the new landowner and submitted to the Department, and if applicable, to the non-land-owning Grantee as a party to the letter of agreement, prior to closing.
 - c. Should the new landowner not agree to adopt maintenance responsibilities, this must be documented in writing and submitted to the Department.
- 4. Must also satisfy the following eligibility criteria, as applicable:
 - a. **If a person:** any person who is not a citizen of the United States or an alien lawfully admitted into the United States for permanent residence under the immigration and Nationality Act (8 U.S.C. 1101-1778) will be Ineligible to receive any disbursement under this NFO on land that is owned or operated by the person, unless the person is an individual who **Partnerships for Climate-Smart Commodities** Funding Opportunity is providing land, capital, and a substantial amount of personal labor in the production of goods on the land; or

If a corporation or legal entity: A corporation or other legal entity will be ineligible to receive disbursement under this NFO if more than 10 percent of the ownership of the legal entity is held by persons who are not citizens of the United States or lawful aliens unless each foreign person who is a stockholder or other type of member provides a substantial amount of active personal labor in the production of goods on and owned or operated by the legal entity. However, upon the written request of the legal entity, the grant recipient may make payments in an amount representative of the percentage interest of the legal entity that is owned by citizens of the United States and lawful aliens or foreign stockholders or other type of member who provide a significant contribution of active personal labor in the production of goods on land owned or operated by the legal entity. USDA will provide additional direction on how these percentages may be determined and approved.
- 5. The following will be required for submittal after award, but before contract execution and project implementation:
 - a. Completion of federal requirements, including submitting a Customer Data Worksheet (AD-2047), certifying highly erodible land conservation (HEL) and wetland conservation (WC) compliance through Form AD-1026, and obtaining a Farm Service Agency Farm ID, Tract ID(s), and Field ID(s) from your local USDA Service Center.
 - a. As a part of these requirements, a copy of your subsidiary print form, which can be obtained from the local USDA FSA office, is required to be submitted to DEC each year by the grantee for reimbursement. Bidder or applying organization's principals will also need to supply their SSN for exclusion and disbarment check.
 - b. Submittal of additional information about the project and landowner including, but not limited to demographic information, motivation for the project, and previous funding and experience, may be required.
- 6. The following forms will be required to be submitted before grant contract execution:
 - a. USDA Part 418, Appendix A, Certification Regarding Lobbying, (over \$100,000),
 - b. USDA Part 418, Appendix B, Disclosure Form to Report Lobbying; (over \$100,000),
 - c. MWBE Good Faith Policy Statement, required for Federally funded contracts over \$10,000.
- 7. Prior to grant contract execution, the Department will ensure that no contract award is made to parties (either an individual bidder or a bidder organization's principals) listed on the governmentwide exclusions in the System for Award Management (SAM), in

accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension."

8. After the award but before project implementation, DEC will conduct an environmental evaluation for the project (CPA-52), and highly erodible land/wetland determinations that may impact the project. If this is the case, there may be a need for changes to the project and/or a contract amendment prior to the commencement of work. Any necessary revisions will be discussed with bidders and/or their representatives via phone call or Webex. If it is determined that a site visit would be beneficial to the project, one may be requested.
9. The bidder agrees to comply with **Attachment A-3 Federal Terms and Conditions**. For more information on the Federal Attachment A-3 Terms and conditions, please visit DEC's webpage (www.dec.gov/federal_attachmentA3_terms_and_conditions_webpage)

Appendix 12 - Bidder Advisory is also included with this bid document. It is a list intended to summarize and highlight requirements in the Federal Terms & Conditions that carry through to the Contractor. However, no separate advisory, summary, or list shall take precedence over the complete terms and conditions incorporated via Attachment A-3.

m) Long-Term Support and Benefits

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

Projects are expected to be supported after the grant is completed. Points will be awarded to projects that demonstrate long-term sustainability, durability, monitoring, and maintenance. Uploading supporting documentation is optional, but encouraged, to substantiate these claims.

The bidder must demonstrate how the proposed plan/project will ultimately be implemented or adopted after completion. For this program question, identify and describe how implementation/adoption will be attained. Training to help people utilize the proposed plans, designs or guidance may be included and is encouraged where applicable.

8. Bid Evaluation and Scoring Criteria

All bids will be reviewed and scored by a review team in accordance with the evaluation and scoring criteria contained in this Bid Document. Bidders are strongly encouraged to read and address the Bid Review and Scoring Standards in the process of developing a bid. Knowledge of the scoring criteria is valuable for designing and proposing a relevant and quality project. Scoring consists of:

Step 1: Bid and Project Eligibility Determination

Pass/Fail - Yes/No = Pass/Fail

All bids will be individually evaluated and reviewed by an eligibility reviewer.

Bids will be reviewed for landowner and project eligibility on a pass/fail basis. Bids that fail one or more of the following eligibility criteria will be disqualified. Upon completion of eligibility

review, the bid will be given a pass or a fail determination. Bids that pass eligibility will then be scored on a points basis.

1. **Bidder or organization citizenship:** If the Bidder is a landowner, can they attest that they meet US citizenship or legal immigration status requirements? If the Bidder is a corporation or legal entity, did they attest that <10% of the corporation or legal entity is held by people who are not citizens of the US or otherwise meet requirements? *Pass/Fail*
2. **Proof of Private Land Ownership:** If the Bidder is a landowner, did they provide a copy of their tax bill or provide their tax map parcel ID or deed as proof of ownership? If the Bidder is not the landowner, did they provide a letter of agreement from the landowner supporting implementation of the project on this property? *Pass/Fail*

Upload any proof of ownership, letter of agreements, and/or letters of support documents in a single PDF in SFS GM in Proof of Private Landownership Question. *Pass/Fail*

3. **Project Size:** Did the Bidder describe one or more projects that will establish new forest on area(s) of 5 acres or more per project? *Pass/Fail*
4. **Project Type:** Did the bid include only eligible practices on lands that are currently open and/or non-forest? *Pass/Fail*
5. **Time Frame:** Can the project applied for be completed within a three-year time frame? *Pass/Fail*
6. **Future land ownership:** Does the Bidder attest that they intend to own the land on which this project is implemented for at least 10 years following implementation (barring death or other life altering situation)? *Pass/Fail*
7. **Project maintenance:** Does the Bidder attest that they will maintain the project for at least 10-years following implementation? Note: there is a federal penalty associated with lack of maintenance for projects implemented through this grant program. *Pass/Fail*
8. **Identification and mitigation of rare, threatened or endangered species** Did Bidder accurately identify the presence of any rare, threatened or endangered species on the property and provide mitigation strategies in the project description and/or project template if impacted by the project using the Department's Environmental Resource Mapper <https://gisservices.dec.ny.gov/gis/erm/>? *Pass/Fail*
9. **Other Funding:** Is the proposed project already receiving funds from another New York State or federal assistance program for the same activities as those being proposed in this bid? *Pass/Fail (No=Pass, Yes=Fail)*
10. **Project Location Description, Map and Photos:** Did the Bidder upload a map clearly identifying the project area on private land (no hand-drawn maps)? Did the applicant upload photos of the proposed project area? Please upload document in a single PDF in SFS GM question 10. *Pass/Fail*
11. **Practice Template:** Did the Bidder upload a completed practice template for the project as a PDF in SFS GM Question 11 (See Appendix 3 for form)? *Pass/Fail*

12. **Cost Estimates:** Did the Bidder upload cost estimates for project items such as trees (seedlings, bare root and container stock), fencing, supplies, contractual services, etc.?
- Estimates should be clearly written and totaled on contractor's company letterhead or through documented communication.
 - Estimates for tree stock and other goods such as fencing, tree tubes, and other supplies should include a unit price, size/caliper and shipping costs. If the consulting forester or other party will order, pick up, inspect, and deliver tree stock or other goods to the project planting site, an estimate from the nursery or other vendor for the tree stock or goods, and a separate estimate from the consulting forester for inspection, delivery and installation (or other specific duties they will perform) should be uploaded. Ensure estimates are totaled; handwriting on estimates to clarify budgets is appropriate.
 - Estimates for contractors performing herbicide application, land clearing, equipment rental, tree planting, or other services should include the contractor's own direct costs.
 - Goods and services may be purchased at different sources from where estimates were obtained for this application after award; the application estimates do not bind the Bidder to purchase from the same company or source.

Please upload documents in PDF's in SFS GM Cost estimates Question. *Pass/Fail*

13. **Herbicide Plan:** Are herbicides being applied? If Yes, has the Bidder uploaded a Herbicide Application Plan as a PDF in SFS GM Herbicide Plan Question (see Appendix 4 for form)? *Pass/Fail If not applicable indicate N/A in the dialog box.*

14. **Use of a Forester, Certified Arborist and Natural Resource Professionals.** Will the project be overseen, guided, administered, or completed by a forester, certified arborist or natural resource professionals?

a. A forester can be utilized for all ELF practices. A forester means an individual who has earned an associate's or higher degree in a program recognized by the Society of American Foresters, or who possesses qualifications for the practice of forestry essentially equivalent to those possessed by a graduate of a school of forestry in a degree program recognized by the Society of American Foresters. Foresters who are currently on DEC's Cooperating Forester List and/or who are qualified to write 480a plans and submit prescriptions are prequalified and do not need to upload additional qualifications. Please provide name of the forester in the dialog box below. For foresters not on the DEC Cooperating Forester List or who do not work with 480a, please upload a CV document into a single .pdf in SFS GM Required Documents page. The Cooperating Forester List can be found at: https://www.dec.ny.gov/docs/lands_forests_pdf/cooplist.pdf.

b. A certified arborist or other natural resource professional can be used for establishing new forest areas. Qualified persons will need to have knowledge or experience in tree species selection and planting techniques for bare root and containerized stock. A certified arborist can be found at <https://nysarborists.com/for-everyone/find-an-arborist>. For other natural resource professionals, a Curriculum Vitae (CV) is required and should include relevant education and project experience to successfully guide, administer or complete a project to establish new forest areas. If using a certified arborist, please submit name and the International Society of Arboriculture Certification Number in the text box. For other natural resource

professionals, please upload a CV document in a single .pdf in SFS GM Use of a Forester Question.

15. **Field Evaluation:** Does the Bidder agree to give DEC, SUNY ESF, and Cornell students and staff access to the project location for project review and monitoring? *Pass/Fail*
16. **Additional capacity funding:** Does the Bidder possess the capacity to take on additional funding beyond initial award request to achieve a greater quantity of practice implementation over what they have bid for, in the event the DEC can allocate further funding?
17. **Sexual Harassment Prevention Certification:** Has the Bidder signed and uploaded the Sexual Harassment Prevention Certification form or uploaded a signed statement with their bid detailing the reasons why the certification cannot be made into the pre-submission uploads folder? If the Bidder has no employees, did they certify the second section? Locate the Certification form in SFS GM Sexual Harassment Question. *Pass/Fail*
18. **Executive Order No. 16.** Has the Bidder signed and uploaded the Executive Order No. 16? Locate the form in SFS GM Required Documents page, then download, complete and upload to SFS GM Executive Order No. 16 Question. *Pass/Fail*

Step 2: Project Evaluation, Scoring and Selection

If the bid meets all eligibility pass/fail criteria, it will be further evaluated and scored by a review team in accordance with Section 8 Bid Evaluation and Section 9 Method of Award.

Note: questions and question numbers in this Bid Document may not correspond exactly to those in SFS GM.

1. Project description, planning, and timeline

Has the Bidder described project planning and timelines with thorough, well or adequately planned detail?

- Who will be involved in the planning, including internal departments and outside groups (i.e., DPW, planning staff, parks department, tree board, not-for-profits, etc.)
- Who will implement the project?
- How will the project be implemented?
- Describe how the project will be completed within the 3-year grant period.

This information should be reflected in the Work Plan and serve as a narrative to the project template.

The project is thoroughly planned out and detailed, with necessary personnel requirements included, and a detailed timeline is included, and that focuses on high priority work in the management plan.	20 pts.
The project is well planned with sufficient details, a sufficient timeline is included, and addresses high priority work in the management plan.	15 pts.
The project is adequately planned but missing some details, some high priority work in the management plan is included, and a minimal timeline is included.	7 pts.
The project is inadequately described, no high priority work listed in the management plan is included, and/or the timeline is unclear.	0 pts.

2. Project Location

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

Upload maps and photos in SFS GM at the Project Location question.

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

- The boundaries of the desired project area (location of the property or properties the project area is located on,
- a north arrow, a legend,
- aerial imagery,
- a scale, and
- an approximate location address for the site

Hand drawn maps are not eligible.

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

Bidder clearly described the project location, uploaded a clearly labeled reference map and ground truth photos.	10 pts.
Bidder adequately described the project location and included either a clearly labeled referenced map or ground truth photos.	5 pts.
Bidder did not adequately describe the project location or did not include supporting documents.	0 pts.

3. Site Preparation, Planting & Long-term Maintenance Planning

Are the site preparation, planting, and maintenance methods described in the Practice Template (see Appendix 3) appropriate for the project? In addition to the information provided in the project template, describe the long-term plan for maintenance and protection of planted trees following the grant period. Projects are expected to be maintained and supported for at least 10-years following implementation.

The narrative provided clearly demonstrates long-term planning for maintenance and protection of the planted trees following the grant period.	20 pts.
The narrative provided adequately demonstrates long-term planning for maintenance and protection of the planted trees following the grant period.	10 pts.
The narrative does not adequately demonstrate long-term planning for maintenance and protection of the planted trees following the grant period.	0 pts.

4. Project Scope and Reach

How well does the project meet the overarching goal of establishing large contiguous areas of forested land?

The project aims to establish contiguous forested areas of more than 20 acres.	10 pts.
The project aims to establish contiguous forested areas between 15 and 20 acres.	7 pts.
The project aims to establish contiguous forested areas between 10 and 15 acres.	4 pts.
The project aims to establish contiguous forested areas between 5 and 10 acres.	2 pts.

Work Plan

The workplan contains 3 sections, which are all required:

- Project Summary (can be copied directly to the Work Plan in SFS Grants Management)
- Organizational Capacity
- Project Details- Objectives, tasks and performance measures

(The Project Summary and Project Details become part of the contract if awarded)

5. Project Summary

Does the Bidder use the Project Summary to describe the entire project and include information from the application questions? Details that should be included are listed below:

- the overall goals and desired outcomes
- scope of work (ex: personnel working on the project, contractors, volunteers, etc.).
- detailed timeline
- location and current condition
- estimated costs
- long-term plans for maintenance and protection

The Bid addresses all elements bulleted above listed in a clear and concise manner, are an accurate accounting of the project's details in their entirety, how the project will be maintained long-term, and how the program's goals will be achieved. 10 pts.

The Bid addresses most of the bulleted elements above, presenting the basics of the project, with some project specifics and long-term maintenance basics, loosely connects how the programs goals will be achieved through the project. 5 pts.

The Bid minimally addresses the elements from the bulleted list above, does not contain the necessary details to appropriately consider or score the project, and there are little to no connections to the goals of the program. 0 pts.

6. Organizational Capacity

Does the Bidder describe the staffing (if applicable), qualifications and relevant experience of the bidder to successfully implement the project?

The Bidder has clearly documented they have the organizational capacity and experience to execute the proposed project successfully 4 pts.

The Bidder has provided good information about their organizational capacity and experience to execute the project, but some information is missing or more detail is needed 2 pts.

The Bidder provided little or no detail about their organizational capacity and experience to successfully implement the project. 0 pts

7. Objectives, Tasks and Performance Measures

The objectives, tasks and performance measures become part of the contract if awarded. Has the Bidder completed the Projects Detail section with objectives, tasks and performance

measures that cover all deliverables. See the Workplan – Project Details worksheet in the Bid Document.

- The objectives, tasks and performance measures cover all project deliverables and expenses. 6 pts.
- The objectives, tasks and performance measures cover most deliverables and expenses. 4 pts.
- The objectives, tasks and performance measures are missing some important deliverables or expenses. 2 pts.
- The objectives, tasks and performance measures provided little or no information. 0 pts.

Cost Effectiveness

Complete all applicable fields in the SFS Grants Management Expenditure Budget. All grant funds must be accounted for in the Budget section. The Narrative sections require expenditures to be explained including purpose of expenses (salaried person’s roles, equipment, rentals, supplies, etc.). Explain how the Salary amount was arrived at – number of people x hours x per hour rate x duration (# of months). Associated equipment, materials and supplies should be itemized in the Summary section. Items more than \$2,500 require estimates/quotes to be included. Two estimates/quotes are required for equipment and supplies over \$5,000 and all estimates should be totaled. Please upload quotes, emails, estimates, screenshots, and other estimate/quote documents in a single PDF in SFS GM Cost Estimates Question (see Eligibility Section of this Bid Document for more detail).

Include details of materials to be purchased such as tree stock (seedlings, bare root or container stock), fencing, stakes, ties, guards, soil, and materials necessary for project. DEC will review and assess proposed projects based on the cost-effective nature and value of the proposal. Ensure that the quantity and size of tree stock and quantities of other materials are appropriately matched to the acreage and planting methods described in your project work plan. Projects with clearly written budgets that: are deemed cost effective; only include eligible costs; and demonstrate value for cost, will be approved. Bids that do not provide sufficient information to determine whether costs are eligible and reasonable will lose points and may receive a reduced grant award if funded.

8. Cost Effectiveness 1 - Budget Details and Eligible costs

How detailed is the budget? Is the budget clear? Are quotes/estimates totaled and easy to read, are all deliverables over \$2,500 accounted for?

- The budget contains an exceptional level of detail to assess cost-effectiveness. Estimates or quotes have been provided for supplies and equipment over \$2,500. 10 pts.
- The budget contains a good level of detail to assess cost-effectiveness. Estimates or quotes have been provided for supplies and equipment over \$2,500. 7 pts.
- The budget contains a fair level of detail to assess general cost-effectiveness. All estimates or quotes have not been provided for supplies and equipment over \$2,500. 3 pts.
- The budget does not contain an adequate level of detail to assess cost-effectiveness. Estimates or quotes have not been provided for supplies and equipment over \$2,500. 0 pts.

9. Cost Effectiveness 2 - Reasonableness of Costs

Does the budget contain reasonable and eligible expenses for implementing the project? NRCS practice scenarios for New York can help Bidders set reasonable cost estimates for projects and can be found at <https://www.nrcs.usda.gov/sites/default/files/2023-12/fy24-newyork-scenarios.pdf>.

- (A) All expenses are included in the budget and only reasonable and eligible implementation expenses as detailed in the Bid Document are included in the budget. The value relative to the cost is very good. 10 pts.
- (B) Mostly reasonable implementation expenses are included in the budget. The value relative to costs is good. 7 pts.
- (C) Multiple unreasonable expenses are included and/or Bidder did not provide adequate detail. 3 pts.
- (D) Many ineligible or unreasonable expenses are included and/or Bidder did not describe need for them. 0 pts.

All eligible bids will be individually evaluated and scored by at least three technical review team members.

9. Method of Award

Bids will be reviewed for eligibility and scoring. The highest-scoring eligible projects (we expect to award projects scoring 70% and higher) will receive an Award letter by email. In the event that two eligible projects receive the same score, the earliest submitted bid by date and time will be ranked higher.

If successful, the Bidder will be contacted by Establishing Large Forests program staff after awards are made for a field visit prior to contract execution to view the property and project area.

10. Eligible and Ineligible Expenditures

a. Budget Costs Eligible for Reimbursement:

Personal Services: Salaries directly devoted to the project implementation are eligible for reimbursement. Landowner, company, and/or organization salaries should be listed in this category. Itemize salaries according to job title and roles/responsibilities on the project. Bidders will be required to document time worked, tasks, pay ratio and payment. Landowners of the property where project activity will be located may charge an amount equivalent to the general NYS hourly volunteer rate calculated and reported by the organization, Independent Sector. The current (2024) rate is \$33.49

as reported by Independent Sector – (<https://independentsector.org/resource/value-of-volunteer-time/>). This rate should be checked periodically to ensure accuracy. Bidders should anticipate some landowner effort and/or administrative staff time related to grant contract administration and reporting. This is an eligible expense, however amounts are subject to DEC approval or substitution prior to grant award.

Fringe - **fringe benefit costs** are limited to 15% of direct staff salaries devoted to the project. (Fringe benefits may include social security, workers compensation, unemployment insurance, health insurance and any other benefits.).

Contractual: Costs for services rendered to the project under a written agreement with the grantee, such as consultant forester, hired equipment operator, etc. Expenses related to the preparation of the planting & maintenance plan are allowed post award and post contract date.

Equipment: Costs for equipment purchase or rentals are eligible but are subject to DEC approval or substitution prior to grant award. Purchase of heavy equipment such as tractors, skidders, bulldozers, etc. will not be approved for reimbursement except in extraordinary circumstances. A Federally funded equipment item must be tracked and used by other DEC forest regeneration grantees or for other Federal projects throughout its useful life. Rentals are the preferred substitute. Two estimates are required to apply for equipment costs over \$5,000; one estimate is required for costs between \$2,500-\$4,999. Once under Contract, Department pre-approval is required before any equipment item over \$5,000 is purchased, in case other equipment options come available.

(Other) Materials and Supplies: Costs for materials and supplies directly related to the work plan. As an example, tree stock (seedlings, bare root and container) tree shelter, fencing, fertilizer, tools, water tanks and hoses and follow up spraying would be eligible costs. Two estimates are required for costs over \$5,000; one estimate is required for costs between \$2,500-\$4,999.

Bidders are advised that Federal terms and conditions require that:

- 1) Grantee must procure items with the highest practicable percentage of “recovered” (e.g., recycled) material when buying items listed in 40CFR part 247.
- 2) No telecommunications or remote security equipment shall be purchased under this award without DEC prior approval of product and manufacturer.
- 3) Grantee must buy American products (including but not limited to iron, aluminum, steel, cement, and other manufactured products) to the greatest extent possible.

b. Costs NOT Eligible for Reimbursement

Donated labor, equipment usage, and/or other items: Costs that are not paid by the grantee, such as volunteer labor, are not eligible for reimbursement.

Sales Tax: NYS cannot reimburse sales tax for goods and services. A voucher will be given to grantees for use with purchases.

Contractual – cost incurred for practice planning and practice specification prior to the Contract Term date.

Indirect/Overhead: Costs including accounting fees, insurance, interest, legal fees, rent, water, repairs, telephone bills, space/property, utilities; contingencies, and grant bid preparation.

Personal Services - Salary: Employee leave hours including vacation, sick, personal etc. are not project related expenses and therefore not eligible.

Outside contract term: Costs incurred prior to an award or prior to a contract start date or after the contract end date. A contract term start, and end date will be determined by DEC at the time of an official award. The Contract Term Start Date is generally the date the Award letter is sent to the Bidder. The Contract Execution Date is the date the Bidder signs the contract, usually 30-90 days after the Award letter is sent.

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

11. Grant Cost Incurrence Timeline

Advance payments of up to 25% of the awarded grant amount may be available **to not-for-profit** bidders 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 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. 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.

12. Grant Program Reporting and Payment

Semi-Annual Progress Reports must be submitted in SFS GM in narrative form, no later than 30 days from the end of the period. The reports will summarize how the project progressed toward meeting project objectives and deliverables during the respective period.

- The first progress report will be due six months after the Contract Term Start Date and will incorporate all activity from the MCG term date through the close of the first six months. Details of plans for the following six months can also be included.
- Projects already receiving funds from another NYS or Federal assistance grant program are not eligible to receive funding for the same project activities identified in this Bid Document.
- *Optional* - Expenditure Reports, detailed by object of expense as defined in the MCG Attachment B-1 Expenditure Based Budget, may accompany the semi-annual progress reports. These reports may correlate to vouchers submitted for payment. Approved project-required permits, inspections, and permissions must be in place to submit a reimbursement request.
- A DEC inspection will be required to confirm all work was completed in accordance with the approved project work plan prior to the final payment.

A final report must be submitted in SFS GM and approved by DEC prior to the release of the final grant payment to the Grantee. The Contractor must submit the final report no later than 30 days after the end of the contract term. The final report should detail all aspects of the program and summarize how the use of grant funds was utilized in achieving the goals set forth in the approved MCG or C Work Plan. Copies of appropriate documents and deliverables (i.e., inventory and/or management plan, photographs, maps) must be submitted and approved by DEC.

13. What to Expect If You Receive an Award

a. Notification of Award

Bidders selected to receive a grant award will be notified by email and in an official Department award letter. SFS Grants Management will also provide you with an award status.

IMPORTANT NOTE: By accepting an award, the bidder agrees to abide by all Master Contract for Grants (MCG) terms and conditions. Any changes to the terms and conditions will not be accepted and may affect bidder's award.

b. State of New York Master Contract for Grants (MCG)

Bidders selected to receive a grant award will be required to execute an MCG within 60 - 90 days from the time of their award notification. Failure to submit timely required MCG documents could cause a bidder to lose their grant award. Bidders should review and be prepared to comply with all MCG terms and conditions should grant funding be awarded. The MCG and attachments include, and links to these documents can be reviewed on DEC's website @!!!!!!!:

- MCG Grants Face Page
- MCG Standard Terms and Conditions (NYS standard terms and conditions)
- Appendix A – Statewide Terms and Conditions
- Attachment A-1 Agency Specific Terms and Conditions
- Attachment A-2 Program Specific Terms and Conditions
- Attachment A-3 Federal Terms and Conditions
- 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. 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.

Bidders (referred to as “Contractor” following award of Grant Contract) should be prepared to comply with the following federal requirements:

The following will be required for submittal after award, but before contract execution:

1. Completion of federal requirements, including submitting a Customer Data Worksheet (AD-2047), certifying highly erodible land conservation (HEL) and wetland conservation (WC) compliance through Form AD-1026, completion of the and obtaining a Farm Service Agency Farm ID, Tract ID(s), and Field ID(s) from your local USDA Service Center.
 - o As a part of these requirements, a copy of your subsidiary print form, which can be obtained from the local USDA FSA office, is required to be submitted to DEC each year by the grantee for reimbursement.
2. Submittal of additional information about the project and landowner including, but not limited to demographic information, entities the landowner has receives assistance from (ex: DEC, Soil and Water Conservation Districts, private consulting forester, Cornell Cooperative Extension, etc.), motivation for the project, and previous funding and experience.
3. USDA Part 418, Appendix A, Certification Regarding Lobbying (over \$100,000)
4. USDA Part 418, Appendix B, Disclosure Form to Report Lobbying (over \$100,000)
5. MWBE Good Faith Policy Statement, required for Federally funded contracts over \$10,000.
6. The Department will ensure that no contract award is made to parties (either an individual bidder or a bidder organization's principals) listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension."
7. Tree Tracking Survey. This is a requirement of DEC's Lands and Forests and will be included in all tree planting grants for the 25 Million Trees initiative. The tracking will be done through DEC's website.

In addition, after award but before contract finalization and project implementation, DEC will conduct an environmental evaluation for the project (CPA-52), and highly erodible land/wetland determinations that may impact the project. If this is the case, there may be a need for changes to the project and/or a contract amendment prior to the commencement of work.

Bidders (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 Agency 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 DEC. The Contractor has notified, and shall continue to notify, DEC of all actions proposed for complying with the environmental review requirements imposed by SEQRA.

c. Vendor Responsibility Questionnaire

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

d. 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.

e. Minority and Women Business Enterprise (MWBE) and Equal Employment Opportunity (EEO) Requirements

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

Bidders subject to executing a future NYS Master Contract for Grants (MCG) agree, in addition to any other nondiscrimination provision of the MCG and at no additional cost to the Department, to fully comply and cooperate with the Department in the implementation of New York State Executive Law Article 15-A. These requirements include Equal Employment Opportunities (EEO) for minority group members and women and contracting opportunities for certified Minority and Women Owned Business Enterprises (MWBEs). Contractor’s demonstration of Good Faith Efforts (GFEs) pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, state or local laws.

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

Please refer to the NYS MCG - Article IV (J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review MWBE and EEO requirements.

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

MWBE reporting for Department of Environmental Conservation contracts must now be completed using the New York State Contract System (NYSCS). <https://ny.newnycontracts.com/>.

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

All contractors shall complete an Equal Employment Opportunity (EEO) Policy Statement and Staffing Plan form and submit it prior to the execution of the contract.

For more information regarding MWBE compliance and reporting guidelines, and to download required forms, please visit <https://www.dec.ny.gov/about/61016.html#MWBE>.

The following MWBE “Fair Share” goals are established as follows:

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

Construction/Engineering – up to 0%
Commodities – up to 0%
Services/Technologies –up to 0%

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

f. Service-Disabled Veteran-Owned Business (SDVOB) Participation Requirements

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

The contractor is required to complete and submit a SDVOB Utilization Plan detailing how the contractor intends to meet the SDVOB goal. In addition, the contractor must complete and submit quarterly compliance reports detailing the amount spent on SDVOBs in the previous quarter. In addition, all forms and guidance can be located at; [Division of Service-Disabled Veterans' Business Development Compliance and Reporting | Office of General Services \(ny.gov\)](#). Please contact the Department’s SDVOB compliance staff with any questions at:

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

g. Procurement of Contractors/Subcontractors

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.

h. 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>. Diesel Emissions Reduction Act 2006

In 2007, New York State passed legislation establishing the Diesel Emissions Reduction Act 2006 (DERA). This Act amended the Environmental Conservation Law (ECL) by adding Section 19-0323 which requires the use of best available retrofit technology (BART) and ultra-low sulfur diesel fuel (ULSD) for heavy duty vehicles owned or operated by, including on behalf of, state agencies and state or regional public authorities. The Department has promulgated regulations (6 NYCRR Part 248) to provide guidance on provisions of the law. The regulations may be found on the Department’s website at <http://www.dec.ny.gov/regs/2492.html>.

If applicable, the contractor must comply with the specifications and provisions of ECL Section 19-0323 and 6 NYCRR Part 248, which require the use of BART and ULSD, unless specifically waived by the Department. Qualifications for a waiver under this law are the responsibility of the Contractor.

i. Debriefing Request

In accordance with section 163 of the NY State Finance Law, DEC must, upon request, provide a debriefing to any unsuccessful offeror that responded to the Program Overview, regarding the reasons that the proposal or bid submitted by the unsuccessful offeror was not selected for an award. An unsuccessful offeror wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that their proposal did not result in an award. Debriefings requested after fifteen calendar days may be denied.

j. Protest Procedure

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

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

The protest must be filed with:

Bureau Director
at bidprotests@osc.ny.gov or
Bureau of Contracts
New York State Office of the State Comptroller
110 State Street, 11th Floor.
Albany, NY 12236

APPENDIX 1 – DEC’s List of Cooperating Foresters

The Cooperating Forester Program is designed to encourage landowners to work with qualified private foresters in managing their forests. Cooperating foresters can provide valuable information and advice critical for landowners to make long-range or large-scale land management decisions.

More information can be found on the [Cooperating Forester Program webpage](#). More specifically, a pdf of the [list for Cooperating Foresters](#) is also available.

APPENDIX 2 – Bid Submission Checklist

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

- Tax map parcel ID or tax bill or deed
- Letter of agreements (for bids where the bidder is not the landowner)
- Map and photos clearly identifying the project area
- Completed project template
- Cost estimates for project costs, such as contractor letterhead, emailed quotes or screenshots
- Herbicide Plan (if being applied)
- CV of forester or natural resource professional (if not on DEC's Cooperating Forester List and/or who are qualified to write 480a plans and submit prescriptions)
- Sexual Harassment Prevention Certification
- Executive Order No. 16

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

- Cost estimates including contractor letterhead, email or screenshots of quotes.
 - One estimate must be provided for any contractor service, material order, or equipment over \$2500.
 - Two estimates are required for equipment and supplies over \$5000
 - Make sure estimates are totaled so the amount matches the budget.

The following will be required for submittal after award, but before project implementation

Completion of federal requirements, including submitting a Customer Data Worksheet (AD-2047), certifying highly erodible land conservation (HEL) and wetland conservation (WC) compliance through Form AD-1026, and obtaining a Farm Service Agency Farm ID, Tract ID(s), and Field ID(s) from your local USDA Service Center.

- As a part of these requirements, a copy of your subsidiary print form, which can be obtained from the local USDA FSA office, is required to be submitted to DEC each year by the grantee for reimbursement.
- Submittal of additional information about the project and landowner including, but not limited to demographic information, motivation for the project, and previous funding and experience.

In addition, after award but before project implementation, DEC will conduct an environmental evaluation for the project (CPA-52), and highly erodible land/wetland determinations that may impact the project. If this is the case, there may be a need for changes to the project and/or a contract amendment prior to the commencement of work.

- Insurance – requirements will be supplied
- MWBE/SDVOB Policy Statement and EOO Staffing Plan – forms will be supplied
- Federal Lobbying Certification and Disclosure (over \$100,000) – forms will be supplied

APPENDIX 3 – Establishing Large Forest (ELF) Practice Template

Section 1. General Information & Rare Threatened or Endangered

Owner	Classified By	Date
Property Address	Department Use Only	
City, State Zip Code	Checked By	Date
Presence or Absence of rare, threatened, or endangered species in any area an ELF project is occurring. If yes, please note species and mitigation measures below.		

Section 2. Site Preparation

Field #	Control Method (Acres)		Type of Chemical Treatment	Type of Mechanical Treatment	Target Vegetation	Seasonal Timing	# of Follow up Treatments
	Mechanical	Chemical					

Section 3. Tree Planting Information

Planting Site Description								
						Light Conditions (Check One)		
Field #	Acres	Soil Type(s) (Map Unit Symbol)	Slope (%)	Aspect	Drainage	Full Sun	Partial Sun	Shade

Section 4. Tree Selection

Tree Species	Number of Seedlings	Type of Root Stock	Field #

If using abbreviations for tree species, please write out here:

Section 5. Deer Protection

Field #	Exclosure Material	Perimeter of Exclosure in Feet	Planned Acres for Protection	Fence Height

Section 1

- General Information: Fill out table completely. Provide the physical address of the property where the project will take place. If there is no physical address, please provide the tax map parcel number.
- For rare, threatened, or endangered please check [Environmental Resource Mapper \(ny.gov\)](#). Please note species and mitigations measures. If no rare, threatened, or endangered are identified please state none present.

Section 2

- Stand/Field # should match the project area/location map.
- Express which type of control (mechanical, chemical, or both) will be utilized and give acres of treatment.
 - For projects that involve vegetation control, Bidders must provide supporting documentation of control methods in the form of peer reviewed research, such as research articles cited in scientific journals or fact sheets by attaching them to this template for upload to the Required Documents page uploads section of SFS Grants Management.
- Indicate type of chemical treatment that will be utilized (broadcast, cut stump, hack & squirt, or other)
- Indicate type of mechanical treatment that will be utilized (hand pulling, mowing, brush hogging, or other)
- Indicate the target vegetation to be treated.
- Indicate the timing of treatments (spring, summer, fall, winter)
- Give an estimate on the number of treatments needed.

Section 3

- Stand/Field # should match the project area, location, or forest type maps.
- Indicate number of acres to be planted.
- Identify USGS Soil Type(s) symbol. Soils information can be found at [Web Soil Survey \(usda.gov\)](#)
- Estimate the percent slope of the planting site.
- Indicate Aspect of the planting site (North, Northeast, East, Southeast, South, Southwest, West, Northwest)
- Indicate Drainage class of planting site (Well drained, moderately well drained, poorly drained, etc.)
- Indicate which light conditions are present on planting site.

Section 4

- Indicate tree species being planted (if using abbreviations please specify at bottom of table)
- Provide the number of seedlings bare root, container stock etc. being planted for each species.
- Specify type of root stock (bareroot, plug, containerized)
- Stand/Field # should match the project, location, and/or forest type map.

Section 5

- Stand/Field # should match the project area, location, or forest type maps.
- Indicate type of enclosure material being used (welded wire, polyfence, etc.). Product name is also acceptable.
- Give the approximate perimeter of the enclosure in feet.
- Give the approximate acreage of the enclosure in acres.
- Indicate the height of fence in feet.

APPENDIX 4 – ELF Herbicide Application Plan Template

NYS Pesticide Applicator Certification #: (1 letter and 7 digit code)

Project Description:

Required/Recommended Herbicides & Required Timing of Application:

The target vegetation will be treated by the Landowner/Contractor with the specified herbicides according to the schedule in the table below:

Comparable herbicide products using the same active ingredients as those specified above and approved for forestry use as described below may also be used. The Landowner/Contractor may choose the most suitable application method, subject to DEC review and concurrence. Additional or alternative herbicides or application methods must be documented in the Pesticide Application Record of Concurrence discussed above.

Safety Procedures/Personnel

Application of herbicides must be done according to the label (labels attached) and manufacturer's safety instructions and in compliance with State regulations. If the Landowner desires to hire a contractor to complete the herbicide application, the Contractor shall be a registered pesticide business that is currently registered with the NYS DEC and employs a certified applicator/technician in the appropriate category (i.e., Category 2). A pesticide

applicator/technician who is a holder of a N.Y.S. Commercial Applicator Permit (Category 2) must be present during the spraying operation.

Application of herbicide outside of the time periods described above is not recommended; however, the DEC may consider exceptions on a case-by-case basis. Spraying outside of the above date ranges shall not occur without prior approval of the DEC. The Contractor shall assume all risk for working outside of the above date ranges. Other modifications to this control plan shall not be made without prior approval of the DEC.

Proposed Application Method:

The contractor shall also notify the DEC after application is complete.

Application methods may include foliar, cut stump, and cut frill or stem injection, commonly known as “hack and squirt”.

Foliar herbicide applications will be applied by the Contractor using backpack sprayers according to the product label and manufacturer’s safety instructions. Foliar applications shall be applied to the target vegetation uniformly throughout the area on a spray-to-wet basis but not to the point of runoff.

Hack and squirt or cut-stump applications of herbicide must include a suitable dye in the herbicide mixture to ensure that the treated areas are readily visible.

All of the designated area must be treated uniformly and after the herbicide application, at least 80% or more of the target vegetation stems must be dead. The effectiveness of the herbicide application will be evaluated by the DEC after June 15th during the following growing season through the use of six-foot radius sample plots. Fern and woody species will be evaluated separately for effectiveness of the herbicide application. If the goal is not obtained after the first treatment, an additional herbicide application will be required. A contract extension will be required if the herbicide evaluation time period extends beyond the term of the contract. The Contractor will be required to file an extension to the contract if there is not sufficient time remaining in the original contract to properly evaluate the effectiveness of the application and to conduct any secondary herbicide application. Failure to do so may result in the forfeiture of all or part of the performance bond.

Weather/Treatment Conditions:

To ensure the effectiveness of foliar applications, herbicide spraying shall only take place when the foliage is dry. Herbicide spraying shall not take place when rainfall is expected within 12 hours before or after application, during times when the temperature is below 68 degrees Fahrenheit, or when winds are gusty or exceed 10 miles per hour. The herbicide spraying shall be done in a manner, such that drifted herbicide does not impact adjacent private land.

No herbicide application may take place when the Palmer Drought Index drops below negative two (-2). The Palmer Drought Index map is available on the internet at: https://www.cpc.ncep.noaa.gov/products/monitoring_and_data/drought.shtml. Scroll down to and select: Palmer Drought Severity Index Graphic (current). The DEC may allow or prohibit spraying if local conditions differ from the Palmer Drought Severity Index.

Need a Contractor with a NYS Commercial Pesticide Certified Applicator or Technician?

<https://www.dec.ny.gov/nyspad/?0>

APPENDIX 5 - Expenditure Based Budget Cont.

PERSONAL SERVICES DETAIL

Landowner	\$26,150.00	15	100	12	\$26,150.00
Subtotal					\$26,150.00
PERSONAL SERVICES TOTAL					\$26,150.00

APPENDIX 5 - Expenditure Based Budget Cont.

NON-PERSONAL SERVICES DETAIL

Contract - qualified for competing vegetation control	\$9,830.00
TOTAL	\$9,830.00
Landowner equipment for mechanical vegetation control	\$3,420.00
TOTAL	\$3,420.00
Tree planting and Deer Exclosure materials	\$24,450.00
TOTAL	\$24,450.00

APPENDIX 6 – Sample Work Plan and Objectives Worksheet

PROJECT NAME: ELF Ontario Afforestation Site Preparation, Planting and Maintenance Project

CONTRACTOR SFS PAYEE NAME: John Smith

CONTRACT PERIOD: From: 12/01/2024
To: 11/30/2027

Provide a high-level overview of the project, including the overall goal and desired outcomes. Include information such as location, target population, overall number of persons to be served, service delivery method and hours of operation.

This project will work to establish forests on 10 acres of open lands located in Ontario County. The project area consists of land that was previously used for pasture but has sat idle for the past 10 years. Over time, the project area has developed patches of competing vegetation that cover approximately 40% of the site, including herbaceous species like goldenrod and shrub species including multiflora rose and autumn olive. The soils of the site do not show signs of compaction, are not sloped, and are not highly erodible (loamy-sand), which will help minimize required site preparation prior to planting. To address the competing vegetation present at the site, an herbicide plan will be followed and has been attached to this grant application. This includes spraying and maintaining a 3 meter buffer around each planted tree with herbicide.

For this project, we plan to follow all of the planting recommendations included in the ELF grant program, including tree species, planting 500 trees per acre, and associated tree planting and tree quality standards. In addition, a deer enclosure fence will be set up around the perimeter of the stand to protect natural regeneration. Specifically, practices are broken out as specific tasks below:

- 1) Competing Vegetation Control: Herbicide treatment for all stands utilizing backpack sprayer and associated supplies (repeated annually for 3 years, as required based on site conditions).
- 2) Deer Enclosure/Fencing: Use 8' tall polypropylene fencing with a guy wire at the top and approximately 0.5' apron with material to weigh it down at the bottom, covering 10 acre site.
- 3) Planting: Plant 500 hardwood stems/ac on 10 acre site. Species to plant in addition to natural regeneration will include northern red oak, white oak, black walnut, butternut, black cherry, black oak, chestnut oak, hickory spp., tulip poplar, scarlet oak, sugar maple, and white pine.

Budget – Costs for tree planting and deer installation by the landowner, with the technical advice of a tree planting professional are \$26,150. Cost for mechanical invasive/interfering species on 10 acres over a continuous 3-year period is \$9,830.00. Costs for tree planting and mechanical control equipment is \$3,420. Deer fence installation supplies will cost approximately \$24,450, including material and labor. Total costs associated with the project are \$63,850 (NOTE: this is just an example for what a high-level project overview looks like; budget costs and other details in this example may not be accurately representative).

APPENDIX 6 – Sample Work Plan & Objective Worksheet cont.

Objective

- 1 Prepare the site for tree planting and plant trees to establish forest

Tasks

- 1.1 Competing Vegetation Control - Hire mechanical treatment contractor. Contractor is hired. Performance Measures:
- 1.1.1 Initial treatment multiflora rose/other invasives/herbaceous - 10 acres of invasives/herbaceous species is treated.
 - 1.1.2 Subsequent treatment multiflora rose/other invasives/herbaceous - 10 acres of invasives/herbaceous species is treated in year 2.
 - 1.1.3 Final treatment multiflora rose/other invasives/herbaceous - 10 acres of invasives/herbaceous species is treated in year 3. Assess for effectiveness and potential future chemical treatment.

Tasks

- 1.2 Install deer enclosure - Hire fence contractor. Contractor is hired. Performance Measures:
- 1.2.1 Install deer enclosure - Install fence (8' tall), using posts in open field area
- Monitor fence 2-3 times a year - Monitor to ensure that no deer are getting inside. Fix breaks/tears.

Tasks

- 1.3 Reforestation - Plant tree seedlings. Hire a contractor. Performance Measures:
- 1.3.1 Plant tree seedlings - Plant tree seedlings over 10 acres. Achieve 65% survival rate.

Tasks

- 1.4 Long term maintenance - Ensure seedling survival via monitoring, watering, etc. over 10 years. Performance Measures:
- 1.4.1 Long term maintenance - Ensure seedling survival via monitoring, watering, etc. Replant if survival is below 65%.

Tasks

- 1.5 DEC Inspections - DEC Forester will inspect and approve after most major work/practice is completed and ready for payment. Performance Measure:
- 1.5.1 DEC Forester will inspect and approve after most major work/practice is completed and ready for payment

APPENDIX 7 - Work Plan

ORGANIZATIONAL CAPACITY

Describe the staffing, qualifications and ongoing staff development/training activities, and relevant experience of the provider organization to support the project.

The owner will hire a consulting forester to delineate and carry out the treatment of the project area. In addition, the consulting forester is a registered pesticide business that is currently registered with the NYS DEC and employs a certified applicator in Category 2 (CXXXXXX). Additional staff will be provided by consulting arborist including pesticide technicians and other forest management technicians.

Land owner will supply in-kind labor including but not limited to the following: support with tree planting and tree tube installation, and installing fencing and gates.

APPENDIX 8 – Letter of Agreement -Trusts

SAMPLE – Letter of Agreement –Trusts

Name of Bidder Landowners or Trust:

Trust Email: _____

Name of Project: _____

Project address and Tax Parcel id # _____

Bids that are submitted by Trusts having more than an individual landowner need to write a Letter of Agreement and provide who is the signatory for this bid and contract that includes brief project description Scope of Work and Budget and state that all parties are agreed and able to move forward with a contract. The Letter of Agreement should be signed and dated by all parties and uploaded to Pre-Submission Uploads.

Name of Bidder submitting this bid to DEC in SFS Grants Management: _____

Name of Contract Signatory if the bid is awarded: _____

Type a brief description of the Scope of Work (list the practices being applied for in the bid) and basic budget details (amount to be spent on Contractual, Equipment, Other {supplies, trees etc}). Use a second page if needed.

We, the undersigned, are members of (Trust Name) (include a second page if more than six (6) trustees).

We are collectively agreed upon, and in full support of, the practices described, the contractor's estimate of work to be provided and the Work Plan procedures for completing the work.

As such, all Trust members are in agreement that the project may be implemented if awarded by ELF.

Trust member name, email and signature _____

Trust member name, email and signature _____

Trust member name, email and signature _____

Trust member name, email and signature _____

Trust member name, email and signature _____

Trust member name, email and signature _____

APPENDIX 9 – Letter of Agreement - Landowner

SAMPLE – Letter of Agreement – Landowner and Company or Organization Bidder, such as Consulting Forester, Soil and Water Conservation District, Cornell Co-operative Extension

Name of Landowner:

Landowner Email: _____

Name of Project: _____

(Landowner Name) is in full support of the above referenced project. I/We understand that (Name of Company or Organization Bidder) is applying to the New York State Department of Environmental Conservation on my/our behalf for a project under the 2024 Establishing Large Forests Grant Program.

Project activities to be performed are located at (Address of project property), a site located within the operating area or territorial jurisdiction of (Company or Organization Bidder).

As such, (Landowner Name) hereby gives approval/endorsement for (Name of Company or Organization Bidder), and any consultants working on behalf of their efforts related to the above referenced project, access to (property address) for project plan development purposes; all that area described by Tax Map# (Tax Map #). The Company or Organization Bidder has informed me of the implementation work that will occur as well as the long-term maintenance responsibilities and monitoring requirements related to this grant. In the event that this project is awarded grant funding, I agree to make a good faith effort to enter into any legal agreement that may be necessary to support the Company or Organization Bidder's successful completion of the project.

(Please check bullet with an X or check mark)

- A. Requirement: landowner agrees to allow access for company or organization bidder and their contractor(s) to perform work on the land.
- B. Landowner agrees to support the project and the long-term maintenance goals and agrees not to conduct any activity for a period of 10 years that would impair the project in any way.
- C. Who will be responsible for long term maintenance. Check one of the following:
 - i. Company or Organization bidder agrees to perform long term maintenance. Landowner agrees to provide access to company or organization bidder for long term maintenance.
 - ii. Landowner agrees to perform long term maintenance
- D. Landowner agrees to provide access to NYS DEC and partners to inspect activity and to monitor project effectiveness for a period of up to 10 years.
- E. Company or Organization bidder will be responsible for semi-annual progress reports and possible interim questions from program staff and regional DEC foresters. Landowner agrees to provide accurate and up to date information to the company or organization bidder, where applicable, and photos as needed for reporting.

Signed (Landowner Name) _____

Dated _____

Signed (Bidder representative/title) _____

Dated _____

Bidder – Print Name _____

APPENDIX 10 - Certification for Sexual Harassment Prevention

Attachment S

Sexual Harassment Prevention Certification Form

By submission of this bid, each Bidder and each person signing on behalf of any Bidder certifies, and in the case of a partnering bid each party thereto certifies as to its own organization, under penalty of perjury, that the Bidder 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.

Company Name: _____

Signature: _____

Print Name and Title: _____

Date: _____

If the above certification cannot be made, the Bidder must submit a signed statement below detailing the reasons why the certification cannot be made.

Company Name: _____

Signature: _____

Print Name and Title: _____

Date: _____

APPENDIX 11 - Executive Order 16 Certification

Certification Under Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia

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 [here](#).

The Executive Order remains in effect while sanctions 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.

Is Vendor an entity conducting business operations in Russia, as defined above? Please answer by checking one of the following boxes:

1. No, Vendor does not conduct business operations in Russia within the meaning of Executive Order No. 16.

- 2.a. Yes, Vendor conducts business operations in Russia within the meaning of Executive Order No. 16 but has taken steps to wind down business operations in Russia or is in the process of winding down business operations in Russia. (Please provide a detailed description of the wind down process and a schedule for completion.)

- 2.b. Yes, Vendor conducts business operations in Russia within the meaning of Executive Order No. 16 but only to the extent necessary to provide vital health and safety services within Russia or to comply with federal law, regulations, executive orders, or directives. (Please provide a detailed description of the services being provided or the relevant laws, regulations, etc.)

3. Yes, Vendor conducts business operations in Russia within the meaning of Executive Order No. 16.

The undersigned certifies under penalties of perjury that they are knowledgeable about the Vendor's business and operations and that the answer provided herein is true to the best of their knowledge and belief.

Vendor Name: (legal entity)

By: (signature)

Name: _____

Date: _____

APPENDIX 12 – Federal Funding – Bidder Advisory of Terms & Conditions

Federal Funding: Bidder Advisory of Terms & Conditions that apply to Grantees under the Establishing Large Forests (ELF) Grant Program

This Bidder Advisory is provided to draw attention to Federal Terms that apply to you as a Grantee. Do not rely on this document to include ALL pertinent detail or full text of Federal Terms & Conditions. The full text of the detailed terms and conditions are incorporated into the contract as listed in Attachment A-3 Federal Terms & Conditions and are available via the following links.

1. **2CFR Subtitle A - Chapter 1 - Governmentwide Regulations (Parts 2 - 199)** at <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-I>
2. **2CFR Subtitle A - Chapter 2 – OMB Guidance (Parts 200 - 299)** at <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II>
3. **2CFR Subtitle B – Chapter 4 - USDA (Parts 400 – 499)** at <https://www.ecfr.gov/current/title-2/subtitle-B/chapter-IV>
4. USDA’s Farm Production and Conservation mission area **Specific Terms & Conditions** at <https://www.fpacbc.usda.gov/about/grants-and-agreements/award-terms-and-conditions/index.html>
5. USDA NRCs Partnerships for Climate Smart Commodities **Additional Specific Terms and Conditions** at https://www.fpacbc.usda.gov/Assets/fpacbc/files/about/grants-agreements/partnerships_for_climate-smart_commodities_addendum_02282023.pdf

ORDER	<u>GRANT INFO / TERMS & CONDITIONS</u>	<u>INFO / T&C DETAILS</u>	<u>ADVISORY RE. FEDERAL FUNDING</u>
0.00	Program Name:	USDA Partnerships for Climate-Smart Commodities	
1.00	GRANT #:	NR233A750004G035	
2.00	GRANT AGREEMENT:	NR233A750004G035 NOTICE OF GRANT AND AGREEMENT AWARD	
3.00	FUNDING PERIOD:	January 1, 2023 – December 31, 2027	
4.00	GRANT TOTAL:	\$60,000,000	
175.00	Part 175 - Award term for trafficking in persons	<p>Award revoked if a private recipient or a subrecipient: engages in severe forms of trafficking in persons during award; Procures a commercial sex act during award; or uses forced labor in the performance of the award</p> <p>If Contractor or their employee has violated this term, DEC must be informed immediately of any information received from any source alleging a violation.</p>	Bidder is advised of need to monitor for and report human trafficking
200.3	Subpart D—Post Federal Award Requirements:	<p>Whistleblower disclosure is protected if it meets two criteria:</p> <p>The disclosure must be based on a reasonable belief that wrongdoing has</p>	Bidder is advised of Federal Whistleblower Protections

	<p>200.300 Statutory and national policy requirements.</p>	<p>occurred. As explained in the chart below, the definition of wrongdoing varies slightly depending on your place of employment.</p> <p>The disclosure must also be made to a person or entity that is authorized to receive it. Employees who reasonably believe they have evidence of wrongdoing are always protected for submitting that information to the OIG Hotline. However, as explained in the chart below, the other authorized audiences are different, depending on your place of employment.</p> <p>Wrongdoing Defined Gross mismanagement of a Federal contract or grant; Gross waste of Federal funds, Abuse of authority relating to a Federal contract or grant, Substantial and specific danger to public health or safety, or Violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.</p> <p>Authorized Audiences For all disclosures, classified or unclassified, an employee of a contractor or grantee is only protected if the disclosure is made to:</p> <ul style="list-style-type: none"> (A) A Member of Congress or a representative of a committee of Congress. (B) An Inspector General. (C) The Government Accountability Office. (D) A Federal employee responsible for contract or grant oversight or management at the relevant agency. (E) An authorized official of the Department of Justice or other law enforcement agency. (F) A court or grand jury. (G) A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct. 	
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200.313	Equipment	<p>If the Contractor acquires equipment under this Contract, beyond contract term and throughout the duration of the equipment’s useful life, the equipment must continue to be used in the program or project for which it was acquired, as long as needed, whether or not the program or project continues to be supported by the federal award. When no longer needed for the original program or project, the equipment may be used in other activities in the following order of priority:</p> <ul style="list-style-type: none"> a. activities supported under a federal award from the USDA; then, b. activities under federal awards from other federal awarding agencies. <p>During the time that equipment is used on the project or program for which it was acquired, the non-Federal entity must also make equipment available for use on other projects or programs currently or previously supported by the Federal Government</p>	Equipment requirements are detailed within the Bid Document. No equipment over \$5,000 shall be purchased under this award without DEC prior approval.
200.321	Contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms.	MWBE Solicitation Requirements - 6 general steps required mirror the State MWBE requirements. This is not a quota or set-aside. Focus is on providing firms an opportunity to compete. Non-discrimination, lowest responsive, responsible bidder standard still applies, including for subcontracts.	<p>FORM ATTACHED and listed in Bid Document as a requirement prior to Contract Execution - MWBE Good Faith Policy Statement Required For All Contracts Over \$10,000</p> <p>More extensive NYS MWBE Requirements apply at standard \$25,000 / \$100,000 thresholds.</p>
200.601	2CFR 200 Appendix II	(A) Contracts for more than the simplified acquisition threshold, (<i>currently \$250,000 - 2024</i>), which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.	This requirement is satisfied by the Master Contract for Grants.

200.602	2CFR 200 Appendix II	(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.	This requirement is satisfied by the Master Contract for Grants.
200.606	2CFR 200 Appendix II	(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR § 401.2 (a) and the [DEC] wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the [DEC] must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.	Bidder is advised of the extensive regulations regarding rights to “Inventions Made” in performance of this grant.
200.607	2CFR 200 Appendix II	(G) Clean Air Act (42 U.S.C. 7401–7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).	Clean Air Act (42 U.S.C. 7401–7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387) environmental violations must be reported to DEC. This term is incorporated into contracts over \$150,000 via Attachment A-3.
200.608	2CFR 200 Appendix II	(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.	Bidder is advised that individual and principal names and SSNs will be checked for exclusion in SAM.

200.609	2CFR 200 Appendix II	(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.	Bidders are advised that, for Contracts over \$100,000, lobbying Certification and Disclosure forms will be collected. FORMS ATTACHED and listed in Bid Document as a requirement prior to Contract Execution – Appendix A to Part 418—Certification Regarding Lobbying Appendix B to Part 418—Disclosure to Report Lobbying
200.610	2CFR 200 Appendix II	200.323 A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.	Bidders are advised they must procure items with the highest percentage of “recovered material” when buying items listed in 40CFR part 247.
200.611	2CFR 200 Appendix II	(K) See § 200.216 for restrictions on certain telecommunications and security equipment.	Bidder is advised that no telecommunications or remote security equipment shall be purchased under this award without DEC prior approval of product and manufacturer.
200.612	2CFR 200 Appendix II	(L) See § 200.322. For non-construction (more strict Buy America applies to construction), As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured	Bidder is advised of the requirement to buy American products to the greatest extent possible.

		<p>products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.</p>	
<p>4000.10</p>	<p>Acknowledgement of USDA Support on Publications and Audiovisuals</p>	<p>The following acknowledgment of USDA support must appear in the publication of any material, whether copyrighted or not, and any products in electronic formats (web sites, computer programs, etc.) that is substantially based upon or developed under this award:</p> <p>“This material is based upon work supported by the U.S. Department of Agriculture, under agreement number NR233A750004G035.”</p> <p>In addition, all publications and other materials, except scientific articles or papers published in scientific journals, must include the following statement:</p> <p>“Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Agriculture. In addition, any reference to specific brands or types of products or services does not constitute or imply an endorsement by the U.S. Department of Agriculture for those products or services.”</p> <p>b. All publications printed with Federal Government funds will include the most current USDA nondiscrimination statement, available from the Public Affairs Division, Civil Rights Division, or on the USDA home page. If the material is too small to include the full nondiscrimination statement, the material must, at a minimum, include the following statement:</p> <p>“USDA is an equal opportunity provider, employer, and lender.”</p> <p>The Contractor is responsible for ensuring that an acknowledgment of USDA is made during news media interviews, including popular media such as radio, television, and news magazines, that discuss work funded by this award in a substantial way.</p>	<p>Bidder is advised of the need to acknowledge USDA support in publications and outreach.</p>

4000.25	NON-DISCRIMINATION IN USDA PROGRAMS	The Contractor agrees that, in accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.	Bidder is advised of non-discrimination requirement.
5000.II	Climate Smart Commodities-Specific Terms & Conditions	<p>Any agricultural producers or landowners receiving a payment through participation in a project awarded under this opportunity are considered beneficiaries for purpose of the federal Notice of Funding Opportunity No. USDA-NRCS-COMM-22-NOFO0001139: Partnership for Climate-Smart Commodities and must meet the following requirements:</p> <ul style="list-style-type: none"> 6. Meet the eligibility requirements of 7 CFR Part 12; 7. Must have control of the land involved for the term of the proposed award period; and 8. Must maintain the project for at least 10 years following project approval and final sign off. 9. Must also satisfy the following eligibility criteria, as applicable: <ul style="list-style-type: none"> a. If a person: any person must be a citizen of the United States or an alien lawfully admitted into the United States for permanent residence under the immigration and Nationality Act (8 U.S.C. 1101-1778) <p>If a corporation or legal entity: A corporation or other legal entity will be ineligible to receive disbursement under this NFO if more than 10 percent of the ownership of the legal entity is held by persons who are not citizens of the United States or lawful aliens.</p>	These requirements are detailed within the Bid Document
5000.V	Producer Data Protection and Disclosure	[DEC] must ensure each producer has convenient access to any data collected from that producer or the producer’s land and any associated modeling as part of the project. The [DEC] must provide each producer applying for benefits under this grant a description in writing of how their information, including but not limited to data about their farm and commodities, will be utilized, protected and shared as applicable.	These policies are detailed within the Bid Document

5000. VII	Competition and Anti Competitive Practices	In connection with this grant, [DEC] may not prohibit or otherwise limit a producer from changing the provider of other services or materials not included as part of this grant. [dec] may not condition, limit, steer, or discriminate in their provision or sale of non-project business functions or products to producers based on their participation or non-participation in or use of any services provided as part of this grant. Additionally, funds in this agreement shall not be used for purposes or activities related to mergers or acquisitions.	Bidder is advised of freedom from anti-competitive practices
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