



# Department of Environmental Protection

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## **FFY 2023-2024**

### **Section 319 Nonpoint Source Competitive Grants Program**

#### **Request for Proposals**

#### **Summary of Written Questions and MassDEP Official Answers**

**April 5, 2024**

MassDEP released the Federal Fiscal Year (FFY) 2023-2024 Section 319 Nonpoint Source Competitive Grants Program Request for Proposals (RFP) on March 15, 2024. On that date, the RFP was posted on COMMBUYS, the official procurement record system for the Commonwealth of Massachusetts, and to the MassDEP Grants & Financial Assistance: Watersheds & Water Quality website (<https://www.mass.gov/info-details/grants-financial-assistance-watersheds-water-quality>). Beginning on March 15, 2024, and ending on March 29, 2024, prospective applicants were able to submit written questions related to the FFY 2023-2024 Section 319 RFP. MassDEP is now posting its official answers to questions received during the question period for the benefit of all interested parties. The written questions and MassDEP's official answers are provided below.

1. **Question:** Do these [319] grants cover such items as refurbishing our marina's marine sanitation pump-out facilities? These facilities were provided to us by both state and Federal entities through such vehicles as the Clean Water Act.

**Answer:** A project related to a pump-out facility could be eligible, depending on the proposed activity. For example, if the project is related to connecting to a sewer line or the installation of a sewer line connection, it would be ineligible. Activities such as refurbishing a pump-out boat, tight tank, or pumping mechanism could be eligible. See Section 2.3 of the RFP for more information about Eligible and Ineligible Projects. The Massachusetts Division of Marine Fisheries also has a program for buying or replacing Clean Vessel Act equipment

for use by towns, cities, and private marinas to offer free pump-outs. More information can be found at <https://www.mass.gov/info-details/clean-vessel-act>.

2. **Question:** The Town is looking to redo a path down to our pond – different one from the last 319 grant that we were given many years ago. We are also in the process of obtaining a Watershed-Based Plan (WBP) for the pond. Can we apply for the 319 grant for the pathway construction if we do not yet have a completed Water Based Plan?

**Answer:** Yes. For implementation projects, an approved WBP must be submitted by the start of a grant contract for this funding cycle. If the proposed project will directly benefit Massachusetts' Communities with EJ Populations, the WBP can be completed as a part of the §319 contract. Under EPA's Justice40 guidelines, §319 funds can be used for both planning and implementation of WBPs if the project directly benefits Communities with EJ Populations. Such proposals must show a detailed plan to engage Communities with EJ Populations actively and inclusively throughout the project. See Section 4 of the RFP for more information about the Selection Criteria/Evaluation Process and Frequently Asked §319 Questions and Responses in Attachment D of the RFP.

3. **Question:** What is the earliest date that matching expenses can be proposed in the grant application? In the Pre-RFP call it was stated that expenses incurred after October 2023 would count even though they are incurred prior to the award date of the grant. Could you please clarify or restate. The project we are going to propose will begin prior to the award date and we would like to receive the benefit of the match of any Town funded expenses prior to the award date.

**Answer:** Any non-federal match accrued on or after October 1, 2023, through the end of the grant project or September 30, 2027, whichever comes first, is eligible. See Section 2.2.1 of the RFP for more information about Non-Federal Match Requirements.

4. **Question:** In the Pre-RFP Call, I understood that not all Federal funds are ineligible to count as a match. That EPA program funds cannot count, and 319 funds cannot be matching funds. Would funds provided by the Town that it received under the federal 2021 American Rescue Plan (ARPA) be eligible to count as matching funds?

**Answer:** MassDEP is waiting to receive further guidance from EPA about an Applicant's use of this specific funding source. As the information becomes available, MassDEP will provide EPA guidance on the use of ARPA funds as match. Applicants should use their best judgment to decide whether to solely rely on ARPA funds as a match. Please note that that while providing match may make an application more competitive (RFP Section 2.2.1), they

are not required under this grant award cycle. Applicants are encouraged to include this match source, subject to further review after MassDEP receives guidance from EPA.

5. **Question:** How firm are the WBE/MBE/DBE requirements, in the event that the scope is narrow (e.g., one implementation action provided by one specialized vendor) or there are no companies that can fulfill the required percentage of work?
- The RFP states that the goals are 4.2% D/MBE and 4.5% D/WBE; is that required or the preferred goal (i.e.-can the percentages be lower so long as they are used)?
  - Do both types of DBEs need to be utilized or can it be one or the other so long as it 4.2% if it's MBE and 4.5% if it's WBE?

**Answer:** Proposals must identify all budget categories from which it is anticipated that the DBE participation goals will be met and show the anticipated dollar amount of DBE participation in each budget category. See Section 2.2.2 of the RFP for more information about the DBE (Disadvantaged Business Enterprise) Fare Share Implementation Goal.

- D/MBE goals are requirements of the 319 grant program. Grantees must make a good-faith effort to meet the requirement. However, grantees have the option to request a waiver at the end of the project if they can demonstrate they have made a good-faith effort but were unable to meet the requirement fully.
  - Grantees must make a good-faith effort to fully meet both goals (4.2% D/MBE and 4.5% D/WBE). At the end of the contract, full or partial waivers may be granted for either D/MBE or D/WBE participation, or both. Waiver requests must be in writing and must fully document to the Department's satisfaction the "good faith" efforts made to meet the DM/WBE goal. Grantees must follow the six affirmative steps set forth in EPA's fair share procurement regulations.
6. **Question:** Though match is not required during this cycle, is there criteria in the evaluation process that links match (\$ or %) with additional points that translates into a more specific competitive advantage for different amounts of match added?

**Answer:** RFP Section 4.8, Quality and Responsiveness of Proposal (15 pts), describes how non-federal match will be assessed: "Has the source and amount of the non-federal match been clearly described within the tasks and budget as well as within the project description?"

**Note:** Non-federal match is not required for this RFP; however, providing match will increase a proposal's competitiveness." There is no quantitative criteria for evaluating the amount of match proposed.

7. **Question:** Given the emphasis on benefiting communities with EJ Populations in the grant guidelines, how are outreach efforts to EJ areas outside the target watershed considered in the evaluation for the Environmental Justice NPS Coordinator initiative? Does the initiative prioritize direct benefits within the target area, or are broader engagement efforts with EJ communities also recognized as part of that initiative?

**Answer:** The Environmental Justice NPS Coordinator Program will support broader engagement efforts with communities with EJ Populations. The proposal must demonstrate how the proposed work in and outside of the target watershed will benefit EJ Populations. See Section 2.3.4.A of the RFP for more information about §319 Environmental Justice NPS Coordinator Program.

8. **Question:** The implementation project that we are going for is under the non-implementation project category. Can you provide guidance and a target award amount for those non-implementation/coordinator role projects?

**Answer:** In this grant cycle, approximately \$2.9 million of the available funds is directed toward implementation projects and capacity building in the Communities with EJ Populations. The EJ NPS Coordinators Program will be funded through this category.

Approximately \$200,000 will be directed toward remaining non-implementation projects, which includes Regional NPS Implementation Project Development and Agriculture Regional NPS Implementation Project Development.

The target award amount should be based on the scope of the proposed work and be commensurate with the value of service and deliverables. See Section 1.2 for more information about the RFP Scope, Goals and Descriptions.

9. **Question:** The document notes that while no match is required for this cycle, voluntary inclusion of a match will provide a competitive advantage. Could you elaborate on how the voluntary match is evaluated and how significant its impact is on the competitive ranking of applications?

**Answer:** See answer to question 7.

10. **Question:** For applicants considering providing a voluntary match, what are some examples of eligible sources for these matching funds or in-kind services?

**Answer:** See RFP Section 2.2.1 Non-Federal Match Requirements.

11. **Question:** I had a quick question about the 319 grant application, specifically the formatting of the actual application. Are we supposed to use the application template exactly as provided or is some light reformatting allowed provided we follow the same structure?

**Answer:** Yes, please use the application template provided in Attachment B of the RFP. The template can be lightly reformatted as necessary for your specific project.