

**EEA 14 POL 01**  
**DAM, LEVEE AND COASTAL INFRASTRUCTURE REPAIR AND REMOVAL PROGRAM**

**QUESTIONS AND ANSWERS**

*The items below are provided for clarification purposes and are not intended to reflect a change in the conditions for which awards will be made under this RFR.*

**Q: Under what conditions is the prevailing wage law to be observed?**

A: The Massachusetts Prevailing Wage Law, G.L. c. 149, §§ 26 - 27; c. 5, § 1; c. 71, § 7A and c. 121B, § 29B ("The Prevailing Wage Law") establishes minimum wage rates for workers on public construction projects, workers engaged in school bus transportation, operators of vehicles and equipment for engaged by public entities for public works purposes (including solid waste and recycling), workers engaged by employers which provide janitorial services for state buildings, office moving services and for certain employees of housing authorities. As stated on Page 2 of the RFR, the prevailing wage shall apply for publicly owned structures. In the case of an award to a private entity for work on a privately held structure, prevailing wage does not apply. For engagements that are subject to Prevailing Wage Rates, rates should be obtained by the Awarding Authority from the Dept. of Labor Standards on an individual basis. All employees of Contractors engaged in activities subject to the Prevailing Wage Law must be paid at least these rates for any work performed under a Contract resulting from this RFR when working in a public building or on a public work. Additional information concerning the prevailing wage program can be found at:

<http://www.mass.gov/lwd/labor-standards/prevailing-wage-program/>

**Q: In demonstrating risk to storm or climate change, which FEMA floodplain maps should we refer to – the existing maps or the draft maps?**

A: As the recently released draft maps are still in draft form, they may be referenced but the existing maps should be cited as your primary basis of decision.

**Q: How much will be awarded in this current round?**

A: A firm total budget for Fiscal Year 2014 awards has not been established at this time. Potential applicants are reminded of the maximum awards available under each category, specifically

Dams:	\$1 million
Coastal Infrastructure:	\$4 million
Levees:	\$1 million

**Q: At times the acronym EEA is used, at times ENV. Is there a difference?**

A: For the purposes of this RFR, they are synonymous.

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**Q: When may we expect contracts to be executed and funds available?**

A: In this first year of the program, it is difficult to offer a firm answer to this question. The time to award funds will be dependent on the number of applications received, the time needed to conduct site visits, evaluate applications, etc.

**Q: If an applicant has multiple projects, should that applicant file multiple applications or one general application?**

A: A separate application for each distinct project should be filed, and each will be evaluated separately on its particular merits.

**Q: What about very large projects? Can they be addressed in phases, with separate applications for each?**

A: If each application indicates a distinct goal achieved and benefit to the segmented approach, then that application will be reviewed. It may also be viable to submit an application for emergency work to stabilize a structure with a separate application for overall repair planned for a later period.

**Q: Is the intent of this program to address existing structures or will new structures be funded as well?**

A: Under this RFR the funding of new structures is not envisioned.

**Q: Can funds be used for studies, plans, or work performed in the past?**

A: No the funds can only be used for expenses incurred after the contract is executed.

**Q: With the coastal infrastructure priorities focused on the protection of public infrastructure, are funds available for private seawall repairs which protect public infrastructure?**

A: No.

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**Q: The evaluation criteria include the credit worthiness of an applicant. How will EEA evaluate that component?**

A: Tools similar to conventional evaluations will be used, including publicly available credit ratings. A copy of a recent financial audit may be requested, if considered necessary.

**Q: Must all applicants complete the Supplier Diversity form, even municipalities?**

A: Yes.

**Q: I understand that if the project offers significant ecological improvement benefits, a 0% loan for the construction loan may be available. To which of the three categories does this apply?**

A: All three categories.

**Q: How will applicants justify their selection of project design, especially in defending the use of naturally occurring systems over hard infrastructure or vice versa?**

A: In first defining the problem to be addressed, the RFR asks the applicant to “provide documentation, in the form of published reports of Municipal, Local, State or Federal entities engaged in environmental protection. Laboratory results are also acceptable. Please provide web links (if available) and specific page references within any planning document or laboratory report submitted in support of the application. Proponents should note on the project site map where the affected resources are located” (page 6). The RFR then goes on to ask that “feasibility study(s) relied upon for the development of the project plan” (page 7) be cited. The quality and depth with which the applicant defends their proposal through the use of previously prepared documentation will be considered.

**Q: Why are the maximum awards different for the categories? How does this difference relate to the larger amount of funding being proposed in the Environmental Bond for coastal projects?**

A: The difference in award caps reflect the general expectation of proposals based on previously published reports of need. These caps are for this RFR only. This RFR and the proposed Environmental Bond before the Legislature are two wholly separate items and unrelated to each other.

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**Q: The RFR states that “it is anticipated that the grant portion of the award shall be for final design, permitting, and bid package preparation, while the loan portion of the award shall be for costs primarily related to construction and implementation.” (Page 3) How definite is the division between what can be funded by grants vs loans? For example, if a municipality is requesting funding for construction of a dam removal, are they only eligible to receive loan funding for this portion of the project?”**

A: In the case of your example, a dam removal applied for under Category 1, the answer is yes. As stated in the RFR, “Municipal and charitable organizations may, if the project is already fully designed and permitted, request that their entire award be a construction loan. The full value of the eligible award remains the same.” (Page 3) The full award cap of up to \$1 million will be considered for construction costs, offered as a loan.

**Q: Are demonstration project proposals accepted and, if so, how does EEA define demonstration projects?**

A: There is no specific call for projects specifically developed for the purposes of demonstration or technology transfer. While EEA has expressed an interest, through the RFR, in “project(s) that address flood control issues while also improving natural resource and ecological values by employing/expanding the utilization of naturally occurring systems to address the hazards of climate change impacts, including coastal storm events” (Page 12), such projects will be considered on their own merit as a solution to a defined problem. In that paragraph it is asked that a task of displaying the project for others be included in the timeline and budget. In this statement, it is envisioned that the awardee would take an active role in raising awareness of such sustainable solutions and encouraging submission of similar projects by applicants to future RFR rounds..

**Q: If there are circumstances in which access should be restricted due to safety or security, would it hurt the prioritization of the application relative to other sites that have no issues with access?**

A: Access must be assured to be sure the work will be done. If the applicant is NOT the owner of the structure, a notarized letter from the owner in support of the project and authorizing the applicant to file on their behalf is required and must accompany the application. Applicants must also provide evidence of authorization for access to the property for an application site review as well as access during project implementation.

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**Q: Can a municipality apply for a grant to do work (design or construction) on an “orphan” dam within its boundaries without being the clear owner of the dam? If so, what obligations would the municipality incur?**

A: Lack of clear ownership may incur other conflicts down the road. Funds will not be awarded in situations where ownership is unclear.

**Q: Please review the sequencing of a loan being awarded versus project status?**

A: This matter is mentioned in the RFR and dealt with in greater detail in Appendices E and F. Those considering applying should review all aspects of the offering prior to applying, including appendices.

Appendix E contains sample loan agreements, which are provided for informational purposes only. The actual loan agreements, if executed, will be substantially similar to what appears in this appendix. These documents are offered as a sample only and subject to revision upon final issuance of an award from the Dam and Seawall Fund. Do NOT complete these documents as part of the Response to this RFR.

**Q: Are Lake Associations and similar non-profit entities eligible for grants?**

A: Yes, provided they qualify as a charitable organization under the regulations guiding the administration of the Fund.

Charitable Organization means an organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code and that is registered with the Massachusetts Office of the Attorney General as a public charity.