



**EXECUTIVE OFFICE OF ENERGY &  
ENVIRONMENTAL AFFAIRS**

**Bethany A. Card, Secretary  
Grant Announcement**

**RFR ENV 23 DCS 14  
Posting Date: December 2, 2022**

**Drinking Water Supply Protection Grant  
FY 2023**

**BID #: BD-23-1042-ENV-ENV01-82097**

## **1. GRANT OPPORTUNITY SUMMARY:**

**A. PROPOSALS SOUGHT FOR:** Financial assistance for the purchase of land in existing Department of Environmental Protection (DEP)-approved drinking water supply protection areas, or land in estimated protection areas of identified and planned future water supply wells or reservoirs.

**B. OVERVIEW AND GOALS:** The Executive Office of Energy and Environmental Affairs (EEA) protects, conserves, and restores the natural resources of the Commonwealth. To fulfill this mission, Bethany A. Card, Secretary of EEA, announces the Fiscal Year (FY) 2023 Drinking Water Supply Protection (DWSP) Grant Program. This grant provides funds to assist in protecting and conserving the quality and quantity of public drinking water supply sources in the Commonwealth. This is a reimbursement program.

**C. ELIGIBLE PROJECTS:** Purchase of land in fee simple, a conservation restriction (CR) or Watershed Preservation Restriction (WPR). See further detail on eligible projects in section 2B.

**D. ELIGIBLE APPLICANTS:** This bid is open to municipalities and to water districts and fire districts duly established by law. See further detail on eligible applicants in section 2A.

**E. APPLICATION DEADLINE:** **Friday, March 10, 2023 at 3:00 pm**  
See further detail on deadlines and grant program calendar in section 4.

**F. INFORMATION SESSION:** **Wednesday, January 11, 2023 at 1:00 pm** via MS Teams. Email Vanessa Farny by Monday, January 9, 2023 for the Teams invitation. Potential applicants are strongly encouraged to attend this information session.

**G. FUNDING AVAILABILITY:** Maximum reimbursement available: \$350,000 unless increased at the discretion of the Secretary. See further detail on funding availability in section 2E.

**H. BUDGET REQUIREMENT:** This is a reimbursement program. Applicants selected to receive funding must show authorization to expend the total project cost from non-state sources. See further detail on budget requirements in section 2F.

**I. TOTAL ANTICIPATED DURATION OF CONTRACT(S):** Contracts issued pursuant to this bid limit reimbursement to approved project costs incurred on or after the date that EEA signs the contract and on or

before the end of the fiscal year for which the grant is awarded. Projects funded pursuant to this bid must complete the purchase of the property before the end of the fiscal year (June 30, 2023 for FY2023 awards; June 30, 2024 for FY2024 awards) to be eligible for reimbursement. See further detail on anticipated duration of contract(s) in section 2F.

**J. REGULATIONS, STATUTES, OR AUTHORIZATION GOVERNING THIS GRANT PROGRAM:** This bid is issued according to M.G.L. c. 40, §39B and 41. It is funded through Chapter 312 of the Acts of 2008, § 2A, 2200-7017 and Chapter 209 of the Acts of 2018, § 2A, 2000-7072. All properties for which grant assistance is provided will become protected open space under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, dedicated to water supply protection and land conservation. This program provides funding for acquisitions of interests in land only; funding through the DWSP program does not replace or constitute approval of any proposed development of new drinking water sources or groundwater recharge or wastewater discharge. Applicants must adhere to all relevant DEP regulations and approval processes.

**K. CONTACT INFORMATION:** Vanessa Farny  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street – Suite 900  
Boston, MA 02114  
**Vanessa.Farny@mass.gov**

## 2. Performance and Contract Specifications

### A. ELIGIBLE APPLICANTS:

Municipalities, water districts and fire districts duly established by law that meet the following requirements:

1. **Have secured authorization** to acquire the property, expend funds, and accept the grant award, through a town meeting or city council vote, or through a vote of a Board of Water Commissioners, or Select Board acting as such. The vote must:
  - identify the specific parcel(s) to be acquired. The Board of Water Commissioners (or Board of Selectmen/City Council authorized as such under M.G.L. c. 40, §39A) must be designated to hold and manage the property for water supply protection and land conservation purposes under M.G.L. c. 40, §39B and 41, and Article 97 of the Amendments to the Massachusetts Constitution.
  - authorize the application to, and acceptance of funds from, the DWSP Grant Program (Chapter 312 of the Acts of 2008, § 2A, 2200-7017 and Chapter 209 of the Acts of 2018, § 2A, 2000-7072), as well as the conveyance of a CR if a CR is applicable to the project, or conveyance of a license for maintenance or other compatible property use.
  - authorize the appropriation, transfer from available funds or borrowing of the total cost of the project stated in the DWSP application. The vote may make the appropriation, transfer or borrowing contingent upon receiving grant funding.

A draft vote must be reviewed and approved by the program manager prior to being voted on. A certified copy of the vote is required to execute a grant contract.

2. **Have Department of Environmental Protection (MassDEP) approval** of the acquisition of land for public drinking water supply purposes. Subsequent to receiving a DWSP grant award, the grant recipient must finalize MassDEP approval to acquire the property through a public hearing and

formal DEP approval process. The process takes up to six weeks to complete. Details are available at <https://www.mass.gov/how-to/ws-26-sale-or-acquisition-of-land-for-water-supply-purposes>.

The following is a summary of the steps:

1. Applicant contacts the Drinking Water Program in their MassDEP regional office.
2. The Drinking Water Program will provide the Applicant with instructions for completing the required public hearing process.
3. At a minimum, the Applicant will need to notify abutters and place a public notice in the newspaper.
4. The Drinking Water Program will issue the Applicant a final approval letter after the public hearing process is completed.

Further, open space protection may qualify as mitigation for increased water withdrawal under the Sustainable Water Management Initiative framework

(<http://www.mass.gov/dep/water/resources/swmi.htm>) and as regulated by the MA Water Management Act (<https://www.mass.gov/water-management-act-program>) administered by MassDEP. Care should be taken to understand the implications any anticipated additional withdrawals from the subwatershed may have under the WMA regulations.

3. **No unresolved protected open space conversion issues with EEA** (see EEA Article 97 Disposition Policy at: [https://www.mass.gov/files/documents/2018/06/06/article97\\_LandDisposition\\_Policy.pdf](https://www.mass.gov/files/documents/2018/06/06/article97_LandDisposition_Policy.pdf)).
4. **No current enforcement orders** or orders of non-compliance related to land protection or management. Applicants with outstanding enforcement orders may receive grant awards, with payment contingent upon their satisfactory resolution, at the sole discretion of EEA.

## **B. ELIGIBLE PROJECT(S)/SCOPE(S) OF WORK:**

EEA seeks to further the conservation of lands contributing to the protection of drinking water supplies within the Commonwealth. Applications may be to purchase land in fee simple, a CR, or WPR. All applicants must specify whether their proposed acquisition will protect water supply lands for an existing well or reservoir or a planned new well or reservoir.

### **The Property:**

1. **Must contribute to water supply protection.** This requirement is met in different ways depending upon whether the project is to protect an existing well or reservoir or a planned future well or reservoir.
  - a. **Projects to protect existing wells or reservoirs:** Fifty percent (50%) or more of the property must be located in a DEP-approved Zone I, II, or III (groundwater) or Interim Wellhead Protection Area (IWPA), or Zone A, B, or C (surface water). Property that contains more than 50% Zone II will be viewed most favorably. Applicants may use the Water Supply Protection Areas available on Mass Mapper or available here: <http://maps.massgis.state.ma.us/images/dep/omv/wspviewer.htm>.
  - b. **Projects to protect future wells or reservoirs:** The property must be primarily located within an area identified as of value for anticipated future water supply use through an appropriate process, or that has been tested and included in an application to DEP for a site

exam under the new source review approval process. Appropriate planning processes include locally-developed and accepted plans such as: drinking water resource management plan, integrated water resource management plan, wastewater resource management plan, regional watershed plan, water assets report, or direct testing. Documentation of this planning should be submitted with the application. Priority will be given to projects that have already submitted an application to DEP for new source review. The process for the Approval to Site a Source and Conduct a Pumping Test can be found here: <https://www.mass.gov/how-to/ws-17-approval-to-site-a-source-and-conduct-a-pumping-test-for-a-source-greater-than-70>

2. **Cannot be included in Zone I areas designated after 1990.** Parcels located in a Zone I are eligible to receive funding only if well construction was approved by DEP prior to June 6, 1990. Projects including Zone I land for wells approved after this date may receive funding only for the protection of the portion of property outside of Zone I. The appraisal must present a clear valuation of the property excluding the Zone I area for the project to be considered eligible.
3. **Must be currently unprotected.** Land that is already protected for any purpose under Article 97 or under an EEA-approved CR is ineligible for funding. Article 97 status may be conferred on a property through an EEA grant program (LAND Grant, PARC Grant, Conservation Partnership, Landscape Partnership, or Land and Water Conservation Fund (LWCF)); a CR; Agricultural Preservation Restriction; or by virtue of its acquisition by a government entity for any Article 97 purpose. Lands enrolled in Chapter 61, 61A or 61B are not classified as permanently protected land and are eligible to receive funding.
4. **Cannot be already owned by a 501(c)(3) non-profit environmental or conservation organization unless it was purchased no earlier than the posting date for this grant with the sole intention of pre-purchasing the land until the applicant receives a potential DWSP grant. Any exercise of this exemption is at the risk of the non-profit organization.** EEA does not guarantee funding as a result of this exemption.
5. **Cannot be already owned by the applicant.** Land already owned by the applicant, regardless of purpose (e.g., general municipal land), is not eligible.

#### **Additional notes on eligible projects:**

- Applicants may submit more than one application. Contiguous parcels held by the same property owner should be packaged in the same application.
- Municipalities may apply on behalf of any public water supplier (PWS).
- Municipalities may apply to purchase land or a CR that is partially or wholly located within another municipality.

#### **Allowable uses of property acquired with DWSP funds:**

While the primary purpose of this grant is to protect public drinking water supplies, an additional goal of the program is to encourage compatible uses of protected open space. Properties acquired with assistance from this program are encouraged to permit public access for appropriate passive recreational uses such as hiking and hunting, consistent with MassDEP Drinking Water Regulations 310 CMR 22.00 and other applicable federal, state, and local regulations (public access may not be compatible within Zone 1 areas or on surface waterbodies). The unique characteristics of the property will guide what specific activities are appropriate and the permitted recreational uses will be determined by the applicant, with EEA approval.

**This list is not a complete list of permitted or prohibited uses. For specific activities, contact the grant manager.**

**Permitted uses:** Watershed protection, passive recreation, limited sustainable forestry and agriculture where compatible with water supply protection.

Examples of acceptable passive recreation: hiking, hunting (with consent of the BOWC and consistent with local and state regulations), Nordic skiing, wildlife viewing, educational programs.

**Prohibited uses:** Active recreation, intensive agriculture, or developed uses; uses prohibited in 310 CMR 22.00.

Examples of prohibited uses: athletic fields, motorized vehicles, row crops, feedlots, large-acreage clear-cutting, swimming pools, play structures, golf courses, buildings, etc.

**Article 97 protection:** Any property acquired with EEA grant assistance becomes permanently protected open space, dedicated to water supply protection and land conservation, in accordance with M.G.L. Chapter 40, § 38, 39B, and 41, and Article 97 of the Amendments to the Massachusetts Constitution. **The deed must include language stating that the property was acquired for water supply protection and land conservation purposes and is permanently protected open space in accordance with M.G.L Chapter 40, § 38, 39B, and 41, and Article 97 of the Amendments to the Massachusetts Constitution** and is under the control of the applicant's Board of Water Commissioners (or Board of Selectmen authorized as such); properties acquired by private water suppliers must be subject to a CR held by an eligible government entity. The property may not be sold, disposed of, altered, or subject to a change in use without the prior approval of the Secretary of EEA, both houses of the Massachusetts Legislature, and the Governor, and appropriate mitigation to comply with the EEA No Net Loss of Open Space Policy.

### **C. APPRAISAL REPORTS:**

Applications must include the appropriate type of appraisal or market analysis. Appraisals must be dated no earlier than one year prior to the grant application deadline. The applicant or one of the applicant's project partners must be the client for the appraisal; the owner of the property cannot be the client. All appraisal reports must be prepared in accordance with the EEA Specifications for Analytical Narrative Appraisal Reports. See the Division of Conservation Services website for detailed Appraisal Report Specifications at <https://www.mass.gov/doc/eea-grant-programs-appraisal-report-requirements/download>.

- 1. Parcels with an estimated value of under \$40,000:**  
One certified appraisal report, restricted appraisal report, or contracted realtor's market analysis.
- 2. Parcels with an estimated value of between \$40,000 and \$99,999:**  
One certified appraisal report or restricted appraisal report.
- 3. Parcels with an estimated value of between \$100,000 and \$1,000,000:**  
One certified appraisal report.
- 4. Parcels with an estimated total value of over \$1,000,000:**  
One certified appraisal report. Applicants are strongly encouraged to obtain a second appraisal report or review appraisal.

EEA reserves the right to request additional or review appraisals, as it deems necessary.

#### **D. EVALUATION CRITERIA:**

Each application will be scored using the criteria below. See the full Selection System in Attachment B for a more detailed description.

- **Project quality – 76 points**
- **Resource management – 18 points**
- **Demographics – 11 points**
- **Community Compact Agreement and/or Drought Management Plan – up to 4 bonus points**

This program encourages projects that serve Environmental Justice populations to help address the disproportionate share of environmental burdens borne by these communities. In Massachusetts, Environmental Justice populations are defined as neighborhoods that meet one of more of the following criteria:

- annual median household income is not more than 65 percent of statewide annual median household income; or
- minorities comprise 40 percent or more of the population; or
- 25% or more of the households lack English language proficiency (households that do not have an adult proficient in English); or
- Minorities comprise 25% or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150% of the annual median household income.
- A geographic portion of a neighborhood that meets at least 1 criterion above and has been designated an environmental justice population by the Secretary.

More information, including a list of communities and maps, can be found at: [Massachusetts 2020 Environmental Justice Populations](#)

A project Selection Committee composed of EEA and DEP staff members will review all applications, conduct site visits, and make funding recommendations.

#### **E. FUNDING AVAILABILITY, BUDGETING GUIDELINES & ALLOWABLE EXPENDITURES:**

Reimbursement rate: 60% of the approved project cost  
Maximum award amount: \$350,000 unless increased at the discretion of the Secretary

Applicants must submit the appropriate type of appraisal(s), provide an itemized estimated budget, and a specific grant request. The maximum award for any single project may be increased at the discretion of the Secretary. Only expenditures for eligible items made within a grant recipient's contract period will be reimbursed.

Costs **eligible** for reimbursement include;

Property acquisition	Recording fees
Title research and certification	Survey or plan of land
Baseline Documentation Report (CR)(up to \$1,500)	

Costs that are **ineligible** for reimbursement include:

Staff salaries	Equipment or goods
Legal fees other than title research & certification	Appraisal
Application preparation and submission costs	Buildings, pumps, or other infrastructure
	Any cost incurred outside of the contract period
	Other items as determined by EEA

All contracts shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, a contract shall be deemed under suspension and contract performance must halt. An applicant (contractor) will not be entitled to compensation for any performance provided during the period of contract suspension. EEA may lift the suspension if additional funding is received. In the absence of foreseeable available funding, EEA may terminate the contract.

## **F. BUDGET REQUIREMENT:**

Applicants selected to receive grant funding must show the use of funds from non-state sources, such as PWS funds, Community Preservation Act (CPA) payments other grants from private or non-profit foundations, federal funds, including those administered by state agencies, and/or cash contributions from local partners or individuals. Reimbursement payments are made based on the total amount spent by the applicant on the project, as shown by cancelled checks, transfer statements, and Treasurer's statement from the applicant. Only expenditures from the contracted applicant's account will be used as the basis of reimbursement. Funds from other state land acquisition grant programs, or the federal LWCF, may not be paired with this grant. Other state funding sources may be used for site remediation, brownfields compliance, well development, and aspects not eligible for funding from the DWSP grant.

## **G. PROJECT TERMS:**

1. **Ownership and control:** Property acquisitions resulting from this bid must be held by the municipality, water district, or fire district and placed under the control of the Board of Water Commissioners.
2. **Project Agreement:** A DWSP Project Agreement that identifies the property was acquired for the purpose of permanent drinking water supply protection and land conservation, must be recorded and appropriately cross-referenced with deed or CR. Property acquired using DWSP grant funds is permanently protected open space land under Article 97. Conversion to another use or transfer to another ownership is subject to the Article 97 procedures.
3. **Survey:** External property boundaries, and any internal easements or rights-of-way, must be surveyed. The survey must be on record and appropriately cross-referenced with recorded documents required of property interests acquired using grant funds (e.g. deed, CR, or WPR).
4. **Title:** Applicants selected to receive an award through this program must demonstrate, as a condition of reimbursement, that they possess good, clear, marketable title to the interest acquired in the form of a Title Certificate. Title research should be conducted well in advance of anticipated closing, to allow for resolution of any issues that may arise. Research must be brought up to time of acquisition. Where clear title is unavailable, applicants may acquire the property by a friendly taking (eminent domain) process to clear the title.
5. **Public access:** All DWSP grant-funded properties are encouraged to be open to the general public for appropriate passive recreational uses, as consistent with all applicable federal, state, and local

regulations. Access to the site, including parking should be accommodated where reasonable and appropriate.

6. **Baseline Documentation Report or EEA Land Management Plan:** A Baseline Documentation Report must be submitted for all properties protected under CR. For properties acquired in fee without a CR, a Land Management Plan that identifies current conditions is submitted.
7. **Grant Acknowledgement:** A sign acknowledging receipt of a DWSP Grant, and describing the terms of public access where appropriate, must be installed and maintained in a prominent location on all funded properties.
8. **Vegetative cover:** To ensure aquifer recharge benefits, levels of vegetative cover should be retained or improved to the extent possible.

Applicants must abide by the Standard Commonwealth of Massachusetts Terms and Conditions. All contracts are subject to successful negotiation of a Final Scope of Services. EEA does not guarantee that any contracts may result from this bid, or that any particular funding level will be awarded. Costs incurred outside of the contract period will not be reimbursed.

#### **H. ANTICIPATED DURATION OF CONTRACTS:**

Contracts for FY23 will be in effect from the date of execution until June 30, 2023. Contracts for FY24 will be in effect from the date of execution, or July 1, 2023, whichever is later, until June 30, 2024. Projects selected to receive awards for FY23 could commence immediately upon EEA's announcement and the signing of a contract by the Commonwealth. Award contracts may be extended or otherwise amended at the sole discretion of EEA.

#### **I. DELIVERABLES, OWNERSHIP, AND CREDIT DUE:**

EEA must be notified in advance of, and its representatives must be invited to, any public events sponsored by the grant recipient in celebration of a project that has received a DWSP grant award. Receipt of funding from the DWSP program must be acknowledged in any press issued by the applicant or its partners.

#### **J. REPORTING:**

Applicants are expected to communicate regularly with EEA staff and must promptly inform EEA of any expected delays or significant complications. Progress reports are required in May 2023 for FY 23 awards and in February 2024 for FY 24 awards.

#### **K. INVOICING:**

The DWSP program is a **reimbursement** program. Award recipients must submit a DWSP billing form and invoices and documentation of payment. Billing forms will be sent to grant recipients with their contract. Only approved expenses incurred during the contract period are eligible for reimbursement.

### **3. Instructions for Application Submission**

#### **A. APPLICATION SUBMISSION:**

Applications must be received in one hard copy and one electronic copy via online form by **3:00 pm, Friday, March 10, 2023**. Submit **an application using the online application form**, which can be [found here](#). Applications received after the deadline will not be accepted.



*Help reduce waste! Please print double sided when possible. Please avoid the use of plastic covers and/or binders when submitting an application.*

## **B. REQUIRED DOCUMENTS:**

A complete application package includes:

1. Application form
2. Appraisal report(s)
3. Cover letter signed by an authorized signatory for the applicant (e.g., Chair of the Board of Selectmen, Mayor) authorizing the project manager to submit the grant application on behalf of the municipality, district, or PWS
4. Copy of municipal or board of water commissioners, PWS or district vote authorizing the acquisition for water supply protection, and authorizing expenditure of the total project cost. If this has not been voted, include the draft language in the application.
5. Project narrative
6. Map(s) that clearly identify the parcel(s) proposed for protection, and whether the project is located within existing water supply protection area (Zone II, Zone III, IWPA, Zone A, B, C, or eligible Zone I) and/or high- or medium-yield or sole source aquifers. If the project is proposed to protect planned future wells or reservoir areas, please show the estimated supply area, as identified through an appropriate planning process and include copies of the relevant parts of the plan. Applicants may use the Water Supply Protection Areas online map located here: <http://maps.massgis.state.ma.us/images/dep/omv/wspviewer.htm> or at Mass Mapper: <https://maps.massgis.digital.mass.gov/MassMapper/MassMapper.html>
7. All applicants must request comments from the Massachusetts Natural Heritage & Endangered Species Program (NHESP) on the presence or absence of rare species listed under the Massachusetts Endangered Species Act (MESA) on or near the proposed land acquisition. To request comments, please send an email to NHESP at [natural.heritage@mass.gov](mailto:natural.heritage@mass.gov). The email's subject line should read "DWSP comment letter request" and its body should include a brief description of the acquisition, and a map of the acquisition. There is no charge for this comment letter.
8. A draft Conservation Restriction (or Watershed Preservation Restriction) if funding is requested for the purchase of a CR (or WPR).

## **C. DOCUMENTATION REQUIRED IF SELECTED TO RECEIVE FUNDING:**

If selected, the Applicant will be required to submit the following forms to receive an executed contract:

- Commonwealth Standard Contract Form
- Commonwealth Scope and Budget Form
- Completed Contractor Authorized Signatory Listing Form
- DWSP Project Agreement

Respondents should review the Commonwealth Standard Contract Form, Commonwealth Scope and Budget Form, and Contractor Authorized Signatory Listing Form at <https://www.mass.gov/lists/osd-forms>.

## **D. APPLICATION STEPS AND PROCEDURES:**

1. **Submit application.**

2. Applicant is contacted by EEA to schedule a **site visit**.
3. **EEA evaluates applications:** See Attachment B for rating system.
4. **Awards are announced:** EEA sends grant recipients a project approval letter with Commonwealth Standard Contract Form, and Project Agreement. State funds are obligated by the Commonwealth upon execution of contract documents. Applicants not selected to receive funding will receive a brief explanation of why the project was rejected.
5. **Conservation Restriction (CR) review:** Projects that involve purchase of a CR must have a draft CR reviewed by MassDEP and the EEA-Division of Conservation Services (DCS). Model CRs to protect public water supplies are available at: <https://www.mass.gov/lists/groundwater-wellhead-protection-and-surface-water-supplies#forms,-checklists-and-templates>. The draft CR should be submitted to [catherine.sarafinas-hamilton@mass.gov](mailto:catherine.sarafinas-hamilton@mass.gov) for MassDEP review prior to DCS review and approval. **The draft CR is submitted to DCS (email Denise Pires at [denise.pires@mass.gov](mailto:denise.pires@mass.gov)) for review not later than four months prior to the expected closing to obtain required signatures by the deadline.** For municipalities that will purchase land and convey a CR for CPA or other purposes, the DCS Model CR may be used and the CR submitted directly to DCS for review and approval. DCS will coordinate DEP review to ensure allowable uses are compatible with intended property protections for drinking water.
6. **Municipal, district, or PWS Board votes** to acquire property and authorize expenditures (if not previously voted).
7. **Contract is signed by the municipality and submitted to EEA for execution:** Commonwealth Standard Contract Form is signed by applicant and returned to EEA with required documents. EEA contacts applicant with executed contract.
8. **Survey the property.** Unless a recent survey has already been completed, a recordable survey must be completed for reference in the deed or CR.
9. **Conduct title exam.** Grant recipients must demonstrate good, clear, marketable title for the property acquired through a title certificate to secure reimbursement for the purchase.
10. **Secure DEP approval of acquisition.** This process requires a public hearing. See instructions in bid document.
11. **Follow state procurement law:** Grant recipients must adhere to the state's procurement laws, M.G.L. c. 30B (Uniform Procurement Act). DWSP projects fall under Section 16(2)(e). Work with your procurement officer to ensure that your project conforms to the law, including advertising in the Central Register 30 days prior to closing. Communities using CPA funds for the acquisition are exempt from this requirement.
12. **Purchase the property.** Grant recipient acquires property and records the deed and/or CR, DWSP Project Agreement, and survey (if not previously recorded).
13. **Prepare the property:** Applicant completes contract conditions and performs site cleanup as needed.
14. **Submit Baseline Documentation Report (for CRs) or EEA Land Management Plan:** For all properties that will be protected under CR (either purchased or conveyed), a BDR must be submitted that documents the conditions of the property at the time of acquisition (but after removal of debris, buildings, etc.). For properties purchased in fee, for which no CR is anticipated, a template Land Management Plan document will be provided to applicants. EEA must review and approve the final BDR or LMP.
15. **Request reimbursement:** Submit billing form to EEA.
16. **Reimbursement payment is made.**

## 4. Deadlines and Procurement Calendar

**A. RELEASE OF BID:** December 2, 2022

**B. INFORMATION SESSION:** An information session will be held on Wednesday, January 11, 2023 at 1:00 pm via MS Teams. Attendees must email [Vanessa Farny](mailto:Vanessa.Farny) by Monday, January 9, 2023 for the Teams invitation. Potential applicants are strongly encouraged to attend this information session.

**D. APPLICATION DEADLINE:** 3:00 pm, Friday, March 10, 2023

**E. ESTIMATED AWARD DATE:** Grant awards are estimated to be announced about 120 days after the application deadline, subject to budget finalization.

**F. ESTIMATED CONTRACT START DATE:** Notwithstanding any verbal representations by the parties, or an earlier start date listed on the EEA executed contract, and only after an award is issued and a final scope of services has been negotiated, the effective start date shall be the latest of the following dates: the date the contract is executed by an authorized signatory of the contractor and the procuring department; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the EEA executed contract.

## Miscellaneous

**A. TYPE OF PROCUREMENT:** Grant

**B. USE OF THIS PROCUREMENT BY SINGLE OR MULTIPLE DEPARTMENTS:** This bid is a single department procurement. All contracts awarded under this bid will be utilized solely by EEA.

**C. REQUEST FOR SINGLE OR MULTIPLE CONTRACTORS:** This bid may result in multiple contracts.

**D. BID DISTRIBUTION METHOD:** This bid has been distributed electronically using the Commbuys system. It is the responsibility of every applicant to check Commbuys for any addenda or modifications to a bid to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to applicants who fail to check for amended bids and submit inadequate or incorrect responses. Potential applicants are advised to check the “last change” field on the summary page of bids for which they intend to submit a response to ensure they have the most recent bid files.

Applicants may not alter bid language or any bid component files. Those submitting a proposal must respond in accordance to the bid directions and complete only those sections that prompt an applicant for a response. Modifications to the body of this bid, specifications, terms and conditions, or which change the intent of this bid are prohibited. Any unauthorized alterations will disqualify response.

**E. LIST OF ATTACHMENTS TO THIS BID:**

- A. Application Form
- B. DWSP program acquisition selection and rating system
- C. Requirements for use of Community Preservation Act funds

## Attachment A: Application Form

### Massachusetts Executive Office of Energy and Environmental Affairs Drinking Water Supply Protection (DWSP) Grant Program APPLICATION FORM – FY2023

Deadline: Friday, March 10, 2023 at 3:00 pm

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*Instructions:*

- *The application must be submitted through an [online form](#). The Applicant will be asked to enter the information from the application below directly into the form.*
- *The application **can** be saved while working on it. However, the application must be submitted within 30 days of saving, or changes will be lost. Click “Save and Resume Later” at the bottom of the form and then on “Save and Get Link.” A link to the application will be provided which must be copied and saved in order to return to the application. A good way to ensure that the link is not lost is to email it to yourself.*
- *Saving the application does NOT save documents that have been uploaded if you leave the site before submitting the application. Only upload files just prior to submitting the application.*
- *Attachments cannot exceed a total of 25 MB.*
- *Please use the following naming convention for attachments: [Municipality]\_[Name of attachment from attachment checklist]\_DWSP*
- *Please format attachments as PDFs if possible.*
- *Due to size, **appraisals may be emailed to [vanessa.farny@mass.gov](mailto:vanessa.farny@mass.gov).***

#### 1. APPLICANT INFORMATION

**Applicant:** \_\_\_\_\_

**Project name:** \_\_\_\_\_

Public Water System ID# the  
project will serve \_\_\_\_\_

Municipalities served: \_\_\_\_\_

Population served by the PWS: \_\_\_\_\_

Which year did your agency receive its last DWSP Grant? \_\_\_\_\_

Does the water supply serve an identified Environmental Justice community? (see <https://www.mass.gov/info-details/environmental-justice-communities-in-massachusetts> for information)

Yes

No

**Project manager:**

This is the person who will be the day-to-day contact for the project and who will represent the Applicant in communication with EEA.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

## 2. PROJECT DETAILS

**Project type:** What is the purpose of your proposed acquisition (select one)?

**Protect land serving an existing well or reservoir**

Water Supply Source ID# (list sources protected by this acquisition, e.g., 01G, 02G): \_\_\_\_\_

**Protect land that will serve a planned future well or reservoir**

**Property Interest:** Which is proposed for purchase:  Fee  CR  WPR

**Property information (please confirm acreage reflects appraisal report):**

Total project acres: \_\_\_\_\_ Wetland Acreage: \_\_\_\_\_

Assessor's Map/Lot(s): \_\_\_\_\_

Does the property have frontage?  Yes  No

Parcel address/location (street): \_\_\_\_\_

**Past use(s):** \_\_\_\_\_

\_\_\_\_\_

**Present use(s):** \_\_\_\_\_

\_\_\_\_\_

**Proposed use(s) if acquired by applicant** (*Public access for passive recreation is encouraged where appropriate and consistent with water supply protection. Necessary and reasonable restrictions to public access may be made in Zone I and other sensitive areas*):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Are there buildings, structures, or debris on the property?**  Yes  No

If yes, describe in detail. (DWSP Program funds may not be used to purchase developed land. All structures, buildings,

and debris present on the property must be removed prior to grant reimbursement.)

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**Is contamination present or suspected on the property?**       Yes       No

If yes, attach a copy of the most recent site assessment (e.g., MCP Phase I or II, or ASTM Phase I or II) to identify the nature of contamination and remediation actions recommended. The Project Narrative should describe remediation plans and a timeline for work to be completed prior to reimbursement. Identify funding sources for remediation, disbursement of liability (e.g., will the applicant acquire liability or will it remain with the current owner?), and how remediation action will ensure risk to the public is addressed.

### 3. ACQUISITION AND FUNDING DETAILS

<b>Appraisal Report</b>		<b>Review Appraisal</b> (recommended for projects valued over \$1,000,000)	
Value	\$	Value	\$
Appraiser		Appraiser	
Valuation Date		Valuation Date	

Buildings are not eligible for funding; their value may not be included in the value of the subject property. Buildings must be removed prior to grant reimbursement.

**Acquisition details:**

Has the sale been negotiated:       Yes       No  
 If yes identify the negotiated agreement:       P&S Agreement  
     Option to Purchase  
     Other: \_\_\_\_\_

Negotiated Purchase Price:      \$ \_\_\_\_\_

Has a title exam been completed?       Yes       No

If yes, is title clear?       Yes       No

If no clear title, is an eminent domain taking anticipated?       Yes       No

If yes, proposed pro tanto award amount:      \$ \_\_\_\_\_

Can this project be completed next fiscal year, FY 2024 (July 1, 2023 - June 30, 2024)?

- Yes, but FY23 (before June 30, 2023) is preferred
- Yes, and FY24 is preferred
- No.

**Project budget:**

Item	Amount	Grant request amount (not to exceed 60% of total costs)
Property acquisition*	\$	\$
Recording fees	\$	\$
Title certification	\$	\$
Survey	\$	\$
Baseline & Management Plan (up to \$1,500)	\$	\$
<b>Total</b> (maximum award is \$300,000)	\$	\$

\*Reimbursement for the acquisition will be based on the appraised value or agreed upon purchase price, whichever is less.

Will Community Preservation Act (CPA) funding be used?  Yes  No  
*Use of CPA funds require the conveyance of a permanent CR to an eligible non-profit organization.*

Have you identified an organization to hold the CR?  Yes  No

Name of organization: \_\_\_\_\_

Are you seeking funds from other sources or partners? Please list:

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**4. PROJECT DESCRIPTION**

Describe in a 1-2 page project narrative the following:

- The property characteristics including its value for water supply, proximity to other protected open space
- Applicants existing water conservation measures, water resource plans, and/or water resource management priorities
- The development threat to the property
- Purpose of acquisition and proposed uses; how the acquisition will protect water supplies, promote passive recreation where appropriate (including types of recreation to be permitted), or promote climate change preparedness
- Plans for property management, and existing stewardship of fee or CR/WPR properties currently held by the applicant, including agreements with any project partners
- Whether the proposed project will serve as a potential catalyst for conservation of additional lands. (e.g. concurrent agreements with the landowner, or neighbors).

- A project timeline

**5. WATER RESOURCE MANAGEMENT** Supporting documentation may be requested.

What is your service area's current rate of water use? \_\_\_\_\_ residential gallons per capita per day

What is your service area's current percentage of unaccounted-for water? \_\_\_\_\_ %

What is your current water rate structure?

- Tiered or Ascending       Seasonal       Flat Rate or Flat Fee

**6. PROJECT QUALITY** Supporting documentation **MUST** be included to receive credit.

**Water resource planning:**

Is project located in an area identified as a priority for protection in one of the following plans (check those that apply)?

- Municipal/PWS Source Water Assessment and Protection (SWAP) report,
- Wellhead protection plan,
- Surface water supply protection plan,
- Community master plan,
- Water or wastewater resources management plan,
- Regional watershed plan,
- Water assets report
- Analysis of lands utilizing established water assets GIS screening methodology

(See <https://www.mass.gov/lists/water-resources-policies-guidance>).

**Resource protection:** complete only the section that corresponds to your proposed project type.

**A. For projects to protect land serving existing well sites/reservoirs:**

How many acres of protected land is under the ownership or control of the applicant (public water supplier)?

\_\_\_\_\_ acres

By what percentage will the proposed project increase the amount of land under the ownership or control of the applicant (public water supplier)?

(existing acres/project acres): \_\_\_\_\_%



Distance from property to wellhead or reservoir: \_\_\_\_\_ feet

Percentage of project that is within a Zone II wellhead protection area? \_\_\_\_\_%  
(A map showing Zone II designation as well as wellheads or reservoirs identified must be included.)

**B. For projects to protect land serving planned future well sites/reservoirs:**

Will this future source replace a lost water supply due to a contamination event?

Yes  No

Has a MassDEP site exam been requested?

Yes  No

Has a MassDEP site exam been conducted?

Yes  No

Has MassDEP approved the site for a new source/reservoir?

Yes  No

**Recreation:**

What appropriate low-impact, passive public recreational activities will be permitted on the property?

Trail-based activities (example: hiking)

Daytime wilderness activities (example: bird watching, hunting)

Other (describe): \_\_\_\_\_

*Public access for passive recreation is encouraged where appropriate and consistent with water supply protection. Necessary and reasonable restrictions to public access may be made in Zone I and other sensitive areas.*

**7. MUNICIPAL OR PWS BOARD OF COMMISSIONERS APPROVAL**

Does this acquisition have town meeting/city council/PWS board approval?

Yes  No

If not, what is the date for the vote? \_\_\_\_\_

Attach a certified copy of the vote, or draft language for EEA review.

**9. CERTIFICATION**

This application was prepared by:

Name:

Title/organization:

Mailing address:

City:

State:

Zip:

Email:

Telephone:

*The information and data that has been included in this application to the Drinking Water Supply Protection Grant application is true and correct to the best of my knowledge.*

Signed:

Date:

## REQUIRED APPLICATION ATTACHMENTS:

- Municipal CEO's authorization identifying project manager
- Map(s) of parcel(s) proposed for acquisition that identify 1.) percentage of property within a high- or medium- yield aquifer, 2.) the overlay of any applicable water supply land designations (Zones), 3.) adjacent or nearby protected lands, and 4.) any other applicable resource values and features (i.e., habitat, recreation).
- Project narrative
- Supporting documentation of applicable water resource planning identified in the proposal
- Appraisal report. **Applications lacking the correct type of appraisal report(s) will not be considered.**
- Town meeting, city council, or PWS board authorization to apply to this grant and acquire the subject parcel(s) for water supply and land conservation purposes. If the vote to acquire the property is pending, please submit draft language for EEA review and approval.
- Documentation of MassDEP site examination request or approval for future well sites/reservoirs.
- Massachusetts Natural Heritage & Endangered Species Program (NHESP) letter identifying if species listed under Massachusetts Endangered Species Act (MESA). If this letter has not been received by the application date, please include the submitted request.
- Documentation of good land stewardship on current property holdings. Documentation may include examples from up to three different activities such as: trail condition surveys, evidence of invasive species control, trail building, recent outdoor programs conducted, a forest or land management plan. If applicant does not presently own protected land, provide a narrative of how the applicant will provide property stewardship.

## Contract documents

Applicants selected to receive funding under this bid will be required to submit the following forms in order to execute a contract with the Commonwealth. Forms will be provided. They are also available from the Operational Services Division at <http://www.mass.gov/anf/budget-taxes-and-procurement/oversight-agencies/osd/osd-forms.html>.

- Commonwealth Standard Contract
- Commonwealth Scope and Budget Form
- Contractor Authorized Signatory Listing Form
- DWSP Project Agreement

**Attachment B: Land Acquisition Project Selection System**  
**Drinking Water Supply Protection Grant Program**

In reviewing applications for land acquisition and developing funding recommendations, the grant review committee considers:

**1. Demographics**

- Population served
- Environmental Justice: whether the applicant serves an Environmental Justice Community, defined according to income, race, and English language proficiency

**2. Resource Management**

- Rate of water use: residential gallons per capita per day
- Percentage of unaccounted-for water
- Water rate structure

**3. Project Quality**

- Identification of property as priority for acquisition in appropriate plan
- Importance of parcel(s) proposed for acquisition to the water resource. Separate criteria for each of two project types:
  - A. Land to protect current wells/reservoirs:
    - 1. Percentage by which the proposed project will increase the amount of land under the ownership or control of the applicant
    - 2. Distance of parcel from wellhead or reservoir
  - B. Land to protect proposed future wells/reservoirs:
    - 1. The need for replacement of water supply source due to contamination event.
    - 2. New source approval submission to DEP
- Level of development threat and potential impact to water resources
- Percentage of property located within a medium-, high-yield or sole source aquifer
- Opportunity for property remediation
- Project size
- Public recreational opportunities
- Project abuts protected open space or will serve as a catalyst for the conservation of adjacent acres.
- Applicants proven land stewardship capacity
- Overall quality

**4. Bonus Points:** Applicants that have signed the Community Compact Agreement with Environmental Best Practices receive 2 bonus points. Applicants that have a Drought Management Plan receive 2 bonus points.

## RATING SYSTEM for Drinking Water Supply Protection Grant Acquisition Projects

CATEGORY		Description	Max
<b>DEMOGRAPHICS – 11 points</b>			
Population served	How many people does this water supply serve? Score will be ranked relative to other applications. 0 - 6		6
Environmental Justice	Water supply serves, or will serve, identified EJ community Yes : 5 No: 0		5
<b>RESOURCE MANAGEMENT – 18 points</b>			
Management	Rate of water use: Residential gallons per capita per day: <div style="display: flex; justify-content: space-around; font-size: small;"> <span>≤55.0 7</span> <span>55.1-65.9 6</span> <span>66.0-70.9 1</span> <span>71.0+ 0</span> </div>		7
	Percentage of unaccounted for water: <div style="display: flex; justify-content: space-around; font-size: small;"> <span>≤5.0% 7</span> <span>5.9-10.9% 6</span> <span>11.0-15.9% 1</span> <span>16.0%+ 0</span> </div>		7
	Water rate structure: <div style="display: flex; justify-content: space-around; font-size: small;"> <span>Tiered or ascending 4</span> <span>Seasonal 2</span> <span>Flat rate or Flat fee 0</span> </div>		4
<b>PROJECT QUALITY 76 points</b>			
Importance (rate only on criteria for relevant type of project)	<b>A. Current wellhead /reservoir projects</b>	Percentage by which the proposed project will increase the amount of land under the ownership or control of the public water supplier. Project will be ranked relative to other applications and rated accordingly (2 – 5 points).	16
		Distance to wellhead or reservoir: <div style="display: flex; justify-content: space-around; font-size: small;"> <span>&lt;500 ft. 6</span> <span>500-999.9 ft. 4</span> <span>1,000-1,999.9 ft. 2</span> <span>2,000-3,999.9 ft. 1</span> <span>≥4,000 ft. 0</span> </div>	
		More than 50% of project within a Zone II wellhead protection area: Yes: 5 No: 0	
	<b>B. Proposed future wellhead / reservoir projects</b>	Proposed future source replaces a lost water supply due to a contaminated event Yes: 6 No: 0	
		MassDEP site examination has been requested Yes: 4 No: 0	
		MassDEP has approved the site for a new source/reservoir Yes: 6 No: 0	
Resource protection	Proposed project abuts protected open space (25+ acres) or proposed project will serve as a potential catalyst for the conservation of 25+ adjacent acres: Yes: 5 No: 0		23
	How significantly will the subject property's resource value be impacted if parcel is developed? Project will be ranked relative to other applications received and ranked accordingly. <div style="display: flex; justify-content: space-around; font-size: small;"> <span>High Impact 8</span> <span>Medium Impact 5</span> <span>Low Impact 2</span> </div>		
	Percentage of property located over a medium- or high-yield aquifer, or sole-source aquifer: <div style="display: flex; justify-content: space-around; font-size: small;"> <span>&lt;5% 0</span> <span>5.0-10.9% 1</span> <span>11.0-25.9% 2</span> <span>26.0-50.9% 3</span> <span>51.0-74.9% 4</span> <span>&gt;75% 5</span> </div>		
	Project will achieve critical remediation, including removal of structures, impervious surfaces or contamination that present a risk to water supply. Yes: 5 No: 0		
Landscape conservation	Project size (acres): <div style="display: flex; justify-content: space-around; font-size: small;"> <span>&lt; 10 1</span> <span>10-24.9 2</span> <span>25-49.9 4</span> <span>50-74.9 6</span> <span>75-99.9 8</span> <span>100-149.9 10</span> <span>150+ 12</span> </div>		12
Recreation	Public recreational opportunities: (confirmed at site visit) Wilderness activities (hunting, fishing, wildlife viewing, etc) Yes: 2 Marginal: 1 No: 0 Trails-based (e.g., hiking): Yes: 1 Marginal: 0.5 No: 0 Environmental, historic, or cultural education Yes: 1 Marginal: 0.5 No: 0 Other Yes: 2 Marginal: 1 No: 0		6
Stewardship Capacity	Applicant has proven capacity to carry-out proper future stewardship of land held in fee or CR Excellent Good Limited 6 3 1		6
Distribution of state resources	Applicant received a DWSP grant: More than 5 years ago 3-5 years ago In the past 2 years 3 2 1		3
Overall project quality			1-10
<b>TOTAL</b>			<b>105</b>
Bonus Point – Community Compact	Applicant has signed the Community Compact Agreement Yes – 2 No – 0		2
Bonus Point – Drought Management Plan	Applicant has a Drought Management Plan Yes – 2 No – 0		2

## **Attachment C: Requirements for acquisition projects funded through the Community Preservation Act (CPA)**

The Community Preservation Act (CPA) states that land acquired with CPA funds must be bound by a permanent restriction (see excerpt of act below). Property acquired with the help of the DWSP grant program is protected Article 97 conservation land, however, this does not supersede the requirements of the Community Preservation Act. The CPA requires that, for fee acquisitions, the municipality convey a Ch. 184 Sec. 32 Conservation Restriction to a qualified 501(c)(3) organization whose purpose is land and/or water conservation (e.g., land trusts). It may not be an internal deed restriction. Fulfillment of the CPA is the responsibility of the municipality. **Conveyance of a CR to a qualified entity is required for reimbursement under this grant program.**

Conveying a CR over conservation land normally would trigger the formal Article 97 disposition process, requiring a 2/3 vote of the legislature. However, here, if a municipality acquires property under the CPA statute, it is required to impose a restriction on the property as a matter of law and thus the imposition of the restriction should be considered part of an integrated plan for dealing with the property. Therefore, the imposition of the restriction should not be considered a 'disposition' of an interest in the property within the meaning of Article 97.

### **Points to remember when conveying a Conservation Restriction:**

1. The municipality should vote to authorize the grant of the CR at the same time that it votes to acquire the property, and also indicate that the purchase of the property and conveyance of the CR be conducted in a simultaneous closing.
2. The deed to the municipality should indicate that the municipality may grant a CR to the specific entity identified to hold it or to an entity authorized to hold a CR under M.G.L. Ch. 184, Sec. 32.
3. As long as a restriction is recorded **after** the recording of the deed of acquisition (even if immediately after), the unrestricted value (and therefore higher value) of the property is used for funding determinations in DCS grant programs.
4. Since the CPA funding statute *requires* a restriction be conveyed, this may mean that a party seeking a charitable contribution deduction for a bargain sale of property may not be able to use the unrestricted value of the property in calculating the tax benefit.
5. The "proceeds" clause of the conservation restriction, if conveyed at no cost to the applicant, must provide that the municipality (as the fee owner) receives all of the proceeds of an extinguishment or taking, and the applicant receives none of such proceeds. In the event that the land subject to the CR is ever converted to non-conservation use, the municipality would remain responsible for replacing the converted property with land of equal or greater monetary value and conservation use and described in the Program Regulations, as though the land were owned in fee simple. Applicants should consult with DCS for guidance on drafting conservation restrictions for the appropriate language.

### **Community Preservation Act**

#### **Section 12 of the Chapter 44B Real property interest; deed restriction; management**

(a) A real property interest that is acquired with monies from the Community Preservation Fund shall be bound by a permanent restriction, recorded as a separate instrument, that meets the requirements of sections 31 to 33, inclusive, of chapter 184 limiting the use of the interest to the purpose for which it

was acquired. The permanent restriction shall run with the land and shall be enforceable by the city or town or the commonwealth. The permanent restriction may also run to the benefit of a nonprofit organization, charitable corporation or foundation selected by the city or town with the right to enforce the restriction. The legislative body may appropriate monies from the Community Preservation Fund to pay a non-profit organization created pursuant to chapter 180 to hold, monitor and enforce the deed restriction on the property.

(b) Real property interests acquired under this chapter shall be owned and managed by the city or town, but the legislative body may delegate management of such property to the conservation commission, the historical commission, the board of park commissioners or the housing authority, or, in the case of interests to acquire sites for future wellhead development by a water district, a water supply district or a fire district. The legislative body may also delegate management of such property to a nonprofit organization created under chapter 180 or chapter 203.