



**f EXECUTIVE OFFICE OF ENERGY &
ENVIRONMENTAL AFFAIRS**

**Rebecca Tepper, Secretary
Grant Announcement**

**RFR ENV 24 DCS 08
Posting Date: December 14, 2023**

**Drinking Water Supply Protection Grant
FY 2024
BID #: BD-24-1042-ENV-ENV01-96278**

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 for 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, Rebecca A. Tepper, Secretary of EEA, announces the Fiscal Year (FY) 2024 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, municipal water suppliers 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 8, 2024, at 3:00 pm**
See further detail on deadlines and grant program calendar in section 4.

F. INFORMATION SESSION: **Thursday, January 11, 2024 at 1:00 pm** via MS Teams. Email Vanessa Farny by Monday, January 8, 2024 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, 2025 for FY2025 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, and Chapter 268 of the Acts of 2022. 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

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).
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 and reserves the right to request additional documentation to verify the intent of the purchase prior to granting an award.
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).**

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**
- **Drought Management Plan – up to 2 bonus points**

This program encourages projects that serve Environmental Justice populations to help address the disproportionate share of environmental burdens borne by these communities. 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 and the application of funds from Chapter 268 of the Acts of 2022 for the grant program is 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.

Successful applicants may receive funds provided to Massachusetts under the American Rescue Plan Act of 2022 (“ARPA”). As such, these awardees may be considered sub-recipients of ARPA funds and will need to comply with all governing federal laws and regulations. These include, but are not limited to: 2 CFR Part 200 UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS (Uniform Guidance); 2 CFR Part 25 UNIVERSAL IDENTIFIER AND SYSTEM FOR AWARD MANAGEMENT; various reporting requirements; and various federal non-discrimination laws including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. Grant agreements will include language reaffirming these requirements and providing the Commonwealth with remedies if a grant recipient fails to comply with these requirements. Additionally, applicants awarded funds from Chapter 268 of the Acts of 2022 should understand any potential impacts of the award to their federal award to total that would trigger a single audit. See 2 CFR Part 200, Subpart F. All grant awardees will be notified of the source of funds for their grant award.

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 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 FY25 will be in effect from the date of execution, or July 1, 2024, whichever is later, until June 30, 2025. Projects selected to receive awards for FY24 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 February 2025 for FY 25 awards.

K. INVOICING:

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

3. Instructions for Application Submission

A. APPLICATION DEADLINE:

Applications must be received electronically via email to Vanessa.Farny@mass.gov by **Friday, March 8, 2024 at 3:00 pm**. Electronic applications must include all required documents identified below. ***Incomplete applications may be rejected.***

Applications received after the deadline will not be accepted.

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 submit a Request for State-listed Species Information to the NHESP. See <https://www.mass.gov/how-to/request-rare-species-information> for information on submitting that request online or by mail. The request should include “DWSP Grant” in the Project or Site Name. There is no charge for this request 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 with Coronavirus State Fiscal Recovery Fund (FRF) Contract Addendum
- 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. EEA contacts applicant 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 (if applicable):**

Projects that receive a grant award for the purchase of a CR must submit a draft CR to Catherine Sarafinas-Hamilton at MassDEP (catherine.sarafinas-hamilton@mass.gov) for review prior to submitting the CR to EEA-Division of Conservation Services (DCS) for approval. 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>. Instructions for submitting CRs to DCS are available at <https://www.mass.gov/info-details/conservation-restriction-review-program>. **A draft CR must be submitted to DCS for review at least four months prior to the closing date or grant deadline.**

Projects that receive a grant award for the purchase of land and have received DEP approval for the project, *but that must convey a CR to meet CPA or other requirements*, should use the DCS Model CR available on the DCS Restriction Review Program web page above. The CR should be submitted directly to DCS for review and approval (see instructions at <https://www.mass.gov/info-details/conservation-restriction-review-program>). DCS will coordinate DEP review to ensure allowable uses are compatible with intended property protections for drinking water.

6. **Secure municipal, district, or PWS Board votes** to acquire property and authorize expenditures (if not previously voted). A vote is required before EEA will execute award contracts.
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. **Secure DEP approval of acquisition.** This process requires a public hearing. See page 3 for steps required.
9. **Survey the property.** Unless a recent survey has already been completed, a recordable survey must be completed for reference in the deed or CR.
10. **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.
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. **Request reimbursement:** Submit billing form to EEA with all required documentation of project completion identified in grant award letter.
14. **Reimbursement payment is made.**

4. Deadlines and Procurement Calendar

A. RELEASE OF BID: December 14, 2023

B. INFORMATION SESSION: An information session will be held on Thursday, January 11, 2024 at 1:00 pm via MS Teams. Attendees must email [Vanessa Farny](#) by Monday, January 8, 2024 for the Teams invitation. Potential applicants are strongly encouraged to attend this information session.

D. APPLICATION DEADLINE: 3:00 pm, Friday, March 8, 2024

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 of 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 – FY2024

Deadline: Friday, March 8, 2024 at 3:00 pm

Instructions:

- Submit the application with all required materials by email to vanessa.farny@mass.gov.
- Attachments cannot exceed a total of 10 MB.
- Please label the required attachments as follows: [Municipality]_[Name of attachment from attachment checklist]_DWSP
- Please format attachments as PDFs unless submitting as a Word Document.
- Due to size, **appraisals may be emailed separately if necessary.**

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.)

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

If yes, provide 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 (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

Appraisal Report		Review Appraisal (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 in FY 2025 (July 1, 2024 - June 30, 2025)?

- ☐ Yes, but FY24 (before June 30, 2024) is preferred.
☐ Yes, and FY25 is preferred.
☐ No.

Project budget:

Item	Amount	Grant request amount (not to exceed 60% of total cost)
Property acquisition*	\$	\$
Recording fees	\$	\$
Title certification	\$	\$
Survey	\$	\$
Baseline & Management Plan (up to \$1,500)	\$	\$
Total (maximum award is \$350,000)	\$	\$

*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:

4. PROJECT DESCRIPTION

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

- 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 any of the following plans?

- ☐ 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:

Will 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 a vote of approval from town meeting/city council/PWS board?

☐ Yes

☐ No

If not, what is the date for the vote? _____

Submit 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.
- ☐ For future well sites/reservoirs, include MassDEP site examination request or approval.
- ☐ 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.
- ☐ Evidence of good land stewardship on current property holdings. Documentation may include examples such as: trail building or trail condition surveys, evidence of invasive species control, recent outdoor programs conducted, a forest or land management plan. If applicant does not presently own protected land, include a brief description of how the applicant will address property stewardship.

Attachment B: RATING SYSTEM for DWSP Grant Acquisition Projects

CATEGORY		Description					Max
DEMOGRAPHICS – 11 points							
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
RESOURCE MANAGEMENT – 18 points							
Management		Rate of water use: Residential gallons per capita per day: ≤55.0 55.1-65.9 66.0-70.9 71.0+ 7 6 1 0					7
		Percentage of unaccounted for water: ≤5.0% 5.9-10.9% 11.0-15.9% 16.0%+ 7 6 1 0					7
		Water rate structure: Tiered or ascending Seasonal Flat rate or Flat fee 					

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.