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Lieutenant Governor

Bethany A. Card
Secretary

Martin Suuberg
Commissioner

MassDEP's Official Answers to Questions Regarding the November 8, 2022 Sewage Notification Assistance 2022-2023 Grant Program Posted on November 21, 2022

On November 8, 2022, the Massachusetts Department of Environmental Protection (MassDEP) announced the 2022-2023 Opportunity for the Sewage Notification Assistance Grant Program (Grant Program). On November 16, 2022, at 1 p.m., MassDEP held a virtual Bidders' Conference and accepted both verbal and written questions from potential applicants through the 3 p.m. deadline for the submission of questions as posted in the Section 3 of the Grant Program's Estimated Procurement Calendar.

Below are MassDEP's official Answers to all questions received by the November 16, 2022 deadline. All questions are formatted in **bold font** and answers are posted below questions in normal *italicized* font.

Eligible Entities

Question 1 (Q1): What constitutes a "bidder"? Is it an applicant for funds?

Answer 1 (A1): Yes, bidders are the Grant Applicants.

Q2: Are we eligible, even if we only have SSO events (no CSOs)?

A2: Yes. See Grant Program Sections 1.B.(Overview and Goals: include obligations of entities that are defined as "permittees" under 314 CMR 16.00 to notify for SSOs) and Section 1.D.(Eligible Entities are regional or municipal wastewater utilities that meet the definition of "permittee" and are subject to the requirements of 314 CMR 16.00).

Q3: Please clarify the definition of Eligible Entities and "Permittees". Who can apply for this grant? Does it include communities that do not have CSOs?

A3: Any entity that meets the regulatory definition of “permittee” and who is required to notify the public of any event listed in Section 1.B of the Grant Program and under MassDEP’s 314 CMR 16.00 regulations is eligible for this grant. Eligible Entities can include communities that do not have CSO events. See also A2 above.

Eligible Projects

Q4: What areas of the project fall under qualifications for this grant program? Would it be limited to software purchased to maintain the program or would it include services hired to get the program going (like hiring consultants for development of the program or contractors for signs and installation)?

A4: As stated in Section 1.E of the Grant Program, Eligible Projects will result in non-operational expenditures, capital investments, planning projects, or installation of equipment that will help Sewage Notification permittees to meet one or more requirement(s) of 314 CMR 16.00. This means that Eligible Permittees can propose one or more Eligible Projects that will assist the Permittee to meet one or more of the requirements of the regulations, which could include both software services and/or consultant or contractor services, provided that the proposal specifies how these projects will assist with the implementation of the regulatory requirements. As noted in Section 1.E of the Grant Program document:

Examples of Eligible Projects include, but are not limited to:

- Signage at public access points or at CSO outfalls;
- Services to design and/or implement a public notification system for subscribers to receive emails/text message notifications of CSO activation which will be hosted and supported/operated by the municipal or regional utility beyond the grant funding cycle;
- Consultant services for design or improvement of a website that will be hosted and supported/operated by the municipal or regional utility beyond the grant funding cycle;
- Purchase/installation of meters or costs for renting meters¹;
- Purchase/installation of other equipment including a one-time software or sensor installation used to detect/determine discharges and/or measuring volume (i.e., computer models);
- Services of metering companies (i.e., processing metering data);
- Consultant services for developing final CSO notification plans;
- Consultant services for modeling or of CSO events; or

¹ A meter is defined as a device or equipment installed in outfalls, CSO regulator structures, tide gates, or the sewer system intended to detect, quantify, or communicate a discharge of wastewater to the environment, including but not limited to depth monitoring equipment, flow monitoring equipment, or inclinometers. Definition taken from: <https://www.mass.gov/doc/frequently-asked-questions-on-314-cmr-1600-notification-requirements-to-promote-public-awareness-of-sewage-pollution/download>

- *Translation services.*

Examples of projects that are not eligible for funding include, but are not limited to:

- *Salary for existing or new municipal or contracted employees involved in work related to 314 CMR 16.00;*
- *Funding for the Operation and maintenance of sewer systems; or*
- *Funding for the Operation of assets associated with metering or detecting discharges.*

Q5: Additionally, do we take into consideration the work put in by internal staffing?

A5: Salaries are not included as an Eligible Expense under this grant program.

Q6: Is this applicable: Installation of level sensors, required per an Administrative Order?

A6: While the installation of level sensors is included as one type of Eligible Project for this grant program, MassDEP normally does not provide grant funding in any of its grant programs for proposals that consist solely of activities that have been previously mandated as a result of enforcement to address statutory or regulatory violations, such as federal, state or local administrative or court-issued orders. Given the limited information set forth in this question, the MassDEP grant review team reserves the right to disqualify this type of application from funding based upon this rationale upon further review of the pertinent information as submitted by the applicant in the grant proposal.

Q7: If CSO instrumentation was installed before July 1, but there are modifications/maintenance are those eligible? In this case it was a change from a copper to cellular receiver, aka, a system upgrade.

A7: From the information presented in this question, this project appears to be a one-time system upgrade to enhance system performance, rather than system maintenance. If the system has been upgraded (as indicated) and the Project Proposal meets eligibility requirements and is completed within the timeframe of eligible projects, then the project would be eligible for funding under this program. The MassDEP grant review team would need to fully review the details of this Project Proposal to definitively decide on the project's eligibility.

Q8: Some expenses incurred are on an annual subscription basis. Will future expenses be considered? To clarify, we are subscribing to a software service to deliver notifications.

A8: Only expenses that an Applicant incurs during the project period between July 1, 2022 and June 30, 2023 are eligible for reimbursement. If a payment for a subscription service falls outside of this project period, the costs are not eligible for reimbursement under FY23 funding.

Q9: We have contracted services for CSO data processing. This service is invoiced and paid on a monthly basis. How should this be presented and submitted for grant consideration? Would we need to prepay to 6/30/23 to qualify?

A9: Since these services fall under the category of Eligible Projects (see Section 1.E. of the Grant Program document), the Applicant can prepare an application that reflects the monthly expenses for the contracted services that were incurred or are to be incurred (and paid) during the project period from July 1, 2022 until June, 30, 2023 and request funds for reimbursement for these services, and include the appropriate documentation in the proposal. Expenses incurred outside of the July 1, 2022, to June 30, 2023, window are not eligible for reimbursement.

Q10: We have meter rentals, can those be included in this grant?

A10: Yes. Rented meters are listed as an eligible project in Section 1.E. of the Grant Program.

Q11: Are permit fees eligible?

A11: No. The goal and purpose of the Sewage Notification Grant Program is to support Eligible Projects proposed by Permittees to assist these entities in meeting one or more requirements of 314 CMR 16.00. Permits are not directly required by these regulations. However, even if a Permittee is required to apply for a MassDEP (or other) permit for activities that are indirectly related to the requirements of 314 CMR 16.00, permit fees are ineligible expenses for reimbursement through this grant program.

Q12: Would you be able to provide greater detail what is considered "operation of assets", listed under "Examples of projects that are not eligible for funding?" Would it be considered something such as battery replacement? and/or labor incurred for this.

A12: Any projects that request funding for facility operations and maintenance are ineligible for funding through this grant program. This includes all operational costs for a facility, including staffing/labor costs and/or other maintenance costs of a system. In general, Battery replacement is considered to be a maintenance activity that would not be eligible for funding. However, if the applicant's proposal is for the initial purchase of a battery to be utilized for metering or similar activities related to the Permittee's compliance with the requirements of 314 CMR 16.00, the battery's cost would be eligible for reimbursement under this grant funding opportunity. Nevertheless, the installation of the battery may be ineligible. The MassDEP grant review team would need additional information from the application through its grant submission to make a full determination regarding the eligibility of proposed batter costs.

Q13: Can the Grant be used as a Reimbursement on previously expended capital to finalize a plan with my consulting engineers?

A13: Yes. This type of project would be eligible for funding, provided that the project was initiated on or after July 1, 2022 and will be completed by June 30, 2023, or (if the project is not yet initiated) the project will be completed by June 30, 2023. See NOTE TO APPLICANTS regarding Eligible Projects at Section 1.E. of the Grant Program document.

Q14: Please confirm that the grant funds can be used to reimburse costs already incurred by the permittee.

A14: See A13 above. Grant funds can be used to reimburse costs that were previously incurred, provided that all costs submitted for reimbursement are incurred between the dates of July 1, 2022, and June 30, 2023.

Q15: Most funds were spent prior to July 1 to be in compliance with the program, any way that date for eligible projects can be pushed forward?

A15: No. The funds that support this grant program are capital funds that are authorized only for the state fiscal year 2023, which runs from July 1, 2022, through June, 30 2023. Any eligible costs incurred on or after July 1, 2022, and before or by June 30, 2023, are eligible for funding under this grant program. See also A13 and A14 above.

Q16: If a project goes out to bid but is not constructed by June 30, [2023] is it not eligible?

A16: That is correct. All tasks outlined within the scope of the proposed projects will need to be completed by or before June 30, 2023. See also A13, A14, and A15 above.

Grant Deadlines

Q17: Can the project completion be extended to June 2024? We recently received this grant beginning in November and would help out the participants develop and implement a good project.

A17: The funding in this grant cannot be extended beyond June 30, 2023; see A13-A16 above. Eligible Projects for this grant program must be initiated on or after July 1, 2022 and must be completed by June 30, 2023. While MassDEP anticipates that funding for this grant program will become available in future years, any future grant programs are contingent upon the availability of funding.

Q18: Do you know if this grant will be available again next year? Or this is a one time only opportunity?

A18: See A17 above.

Q19: Why such a short deadline for applications? Did this come out before and we just didn't see it?

A19: MassDEP posted this grant program on November 8, 2022, after the Agency received confirmation of funding availability and receipt of all authorizations and approvals of the grant program components that were required for posting. While the grant procurement timeline is ambitious, MassDEP has endeavored to provide all Eligible Applicants with a feasible calendar of events to initiate and/or complete Eligible Projects by the mandatory end date of June 30, 2023, for this program. As noted in prior Answers, MassDEP anticipates that, contingent upon the availability of funding, the agency will be offering this grant program in future years.

Funding

Q20: Could you clarify the total amount of funding available for this opportunity? Is it \$600,000 to be shared between successful applicants? Or could multiple applicants be awarded grants of up to \$600,000 each?

A20: The total maximum funding currently available through this grant program is up to \$600,000. The amount awarded to the successful applicant(s) will not total more than \$600,000. Individual grant awards may range from \$10,000 to \$600,000 per applicant, although the MassDEP's review committee reserves the right, in its discretion, to grant smaller awards to proposals of exceptional merit. While it is conceivable that MassDEP's review committee may award a single \$600,000 grant to one applicant, it is more likely – based upon the agency's past experience with various grant programs – that the \$600,000 in grant funding will be awarded to more than one applicant. See Section 1.H. of the Grant Program document regarding Funding Availability.

Q21: What is the overall total funding available in the grant program? A max grant may be \$600,000 for a single entity, but how much in total grant funding are we all competing for? One applicant alone could use that amount.

A21: See A20 above.

Application

Q22: If we have costs associated with compliance and we submit a grant for X dollars, we would happily accept less.

A22: The MassDEP review committee will evaluate all proposals based on the requested dollar amount for a project and apply the evaluation criteria outlined in Section 2.A. of the Grant Program document. The committee will rank all projects based on the evaluation criteria of the Grant Program, and the projects that score highest that meet all program requirements will be recommended for funding. If an Eligible Project scores

lower, but the remaining grant funds are not sufficient to cover the full grant request, the review committee has the discretion to recommend a partial award of grant funding, and, if approved, would work with the potential grantee to reduce the scope of eligible tasks/deliverables to align the Project Proposal with the remaining available funds. See also Section 1.H. of the Grant Program document regarding Funding Availability.

Q23: What documentation is required as part of the application for previously incurred costs as far as backup?

A23: Invoices and documentation evidencing payment for previously incurred project costs that occurred after July 1, 2022, should be included as attachments in the application along with a budget table that summarizes the eligible expensed funds during the project period.

Q24: What is the process once all applications are in? Is it similar to the SRF program with the IUP?

A24: In general, the MassDEP review committee will screen each application for completeness of the submission and will then review and score all complete application submissions based upon the grant program's evaluation criteria. The committee will recommend the highest scoring proposals that can be funded under the allocated funds for funding. After all required reviews and approval of the committee's recommendations have occurred, the grant recipients will be announced, with direct email notification to the applicant.

Q25: When we submit via email, can DEP reply to confirm receipt?

A25: Yes, MassDEP will acknowledge receipt of proposals.

Q26: Will you accept an application that "checks the box/es" that they are authorized to submit grant and enter into the contract "pending Board's approval" at a later date/say a December Board Meeting, since it may be too late to submit to a Board Meeting prior to the Application deadline?

A26: No. As noted on page 1 of Attachment A (Application), to be eligible for funding through this grant program, the applicant must confirm (without qualification) that:

- 1. The Applicant has authorization to submit this application on behalf of the named Permittee; and*
- 2. The Applicant acknowledges and agrees that the entity (i.e., the Permittee) can enter into the contract to perform the project and meet all requirements of the grant program.*

Q27: Any guidance on what to ask for in terms of dollar amount? Should we submit applications that request funds based on population served?

A27: MassDEP does not provide Applicants with guidance on how much an Applicant should request for their proposal. The Applicant is encouraged to submit their application based upon an estimated budget for a new project, or a budget that reflects (and includes) expenses previously incurred due to an existing project that is being completed during the project period, between July 1, 2022, and June 30, 2023.

Q28: Will oversized pages/plans be accepted?

A28: Yes, the Applicant may submit oversized plans as part of their application if the Applicant believes that these plans will facilitate the committee's review of the Application. However, all other application materials must be in normal letter (8.5" x 11") format.

Q29: Does invoice backup count toward the page limit?

A29: The program recommends the applicant includes all funds requested as part of incurred invoices in a single budget table within the application, and then include copies the invoices as attachments (for reimbursement requests) to ensure that the page 15-page limit of the application is not exceeded.

Q30: Can other things be attached, notification plans for example?

A30: No. The information required in the 15 page application is what the MassDEP review committee will evaluate for grant award, and committee will not evaluate extraneous materials such as notification plans. Attachments which can be included with the application are documents that directly support the grant request, such invoices for payment (for reimbursement requests), or pricing information to support a proposed project. See also A29 and A31.

Q31: When it comes to items that have not occurred yet but are estimated for the future (before July 2023) what kind of accompanying documentation would be required upon application? Would we need quotes from contractors, open POs, or just budgeted/estimated plans for work?

A31: For Proposed Projects, the Applicant must develop a scope of work including tasks and deliverables as well as a budget that reflects the scope of work to be performed. If the work is expected to be carried out by contractors, the Applicant should present documentation of the most accurate pricing information available to demonstrate a realistic understanding of project costs (see Project Budget criteria).

Other requirements

Q32: What do we need for a final report?

A32: As required by Section 1.L. of the Grant Program document, a Final Report must be provided upon completion of the project and with the submission of the final request for reimbursement. The Final Report consists of a one-page summary of the project tasks, with links or copies to the produced resources. The Final Report should be submitted to Nicole.Galambos@mass.gov.

Q33: Are there other administrative requirements associated with the grant program aside from the final report.

A33: Please refer to the following text at Section 2.C. of the Grant Program Document:

If selected for a Grant Award, the Applicant will be required to submit the following forms to complete the contracting process. Forms with an asterisk () need not be submitted, if they have been completed previously and are already on file with the Commonwealth:*

- Commonwealth Standard Contract Form, filled out and signed by the applicant. Standard Contract Form is listed under Contracts on this website: www.macomptroller.org/forms.*
- Commonwealth Terms and Conditions. www.macomptroller.org/forms These Terms and Conditions are incorporated by reference into the Standard Contract Form, and do not need to be executed separately.*
- Commonwealth W-9 tax information form filled out and signed by the applicant with DUNS number and Federal Tax ID(*) www.macomptroller.org/forms*
- Completed Contractor Authorized Signatory Listing Form <https://www.macomptroller.org/forms>*
- Electronic Funds Transfer (EFT) form(*) <https://www.mass.gov/how-to/tips-for-completing-the-electronic-funds-transfer-eft-form>*