



EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
Department of Conservation and Recreation
Brian Arrigo, Commissioner

GRANT ANNOUNCEMENT

CommBuys Number: BD-24-1020-DCRCU-DC250-94273
Dated: November 1, 2023

2024 MassTrails Grants

1. Grant Opportunity Summary

A. PROPOSALS SOUGHT FOR: The Department of Conservation and Recreation (DCR) announces the availability of grant funds for support to municipalities, non-profit organizations, federally- or state-recognized Native nations, and state and federal agencies through the MassTrails Grant Program. MassTrails grants are funded through two funding sources. “Commonwealth Trails” funds are authorized through the 2018 Environmental Bond Bill and supported by the state's annual Capital Investment Plan. “Recreational Trails Program” funds are authorized by the U.S. Transportation Bill through the Federal Highway Administration and administrated by the Commonwealth of Massachusetts.

B. OVERVIEW AND GOALS: MassTrails is an inter-agency initiative of the Commonwealth lead by the Governor’s Office, Executive Office of Energy and Environmental Affairs, Department of Transportation, and the Department of Conservation and Recreation. MassTrails seeks to expand and connect the Commonwealth’s networks of off-road, shared-use pathways and recreational trails for all users of all abilities across Massachusetts by providing matching grants, technical assistance, and resources to individuals, municipalities, non-profits, federally- or state-recognized Native nations, and other public entities to plan, design, construct, and provide maintenance for high quality trail networks in Massachusetts.

C. APPLICABLE PROCUREMENT LAW

This bid is issued under the following law(s):

MGL c. 7A, § 7; St. 1986 c. 206, § 17; 815 CMR 2.00 (Grants)

D. ELIGIBLE PROJECTS: Eligible grant activities include project development, design, engineering, permitting, construction, and maintenance of recreational trails, shared-use pathways, and the amenities that support trails. (See further details on Eligible Projects in Section 2B).

E. ELIGIBLE APPLICANTS: MassTrails grants are available to public entities, non-profit organizations, and federally- or state-recognized Native nations. (See further details on Eligible Applicants in Section 2A).

F. APPLICATION DEADLINE: Thursday, February 1, 2024 at 11:59 pm. (See further details on Deadlines in Section 4).

G. FUNDING AVAILABILITY: MassTrails Grants are administered by the Department of Conservation and Recreation (DCR). Grant amounts are dependent on the project and its needs, with a minimum grant award of \$5,000 and a maximum grant award of \$500,000 awarded to high priority projects. (See further details on Funding Availability in Section 2C).

H. MATCH REQUIREMENT: MassTrails grants require that proponents provide a minimum match of 20% of the total project cost. The source of match can vary but includes cash match (obtained from other state or federal grants, CPA funds, donations, etc.), donated services, and volunteer labor. (See further details on the Match Requirement in Section 2D).

I. TOTAL ANTICIPATED DURATION OF CONTRACT(S): The contract period will begin on the date that the DCR Commissioner (or other designated DCR signature) signs the contract. The contract time period associated with an awarded grant will vary from one- to two-year contracts, depending on the scope, budget, and source of funds for the project. Contracts issued pursuant to this bid document must expend 100% of costs and match associated with the approved project before the contract end date. (See further details on Anticipated Duration of Contract(s) in Section 2F).

J. REGULATIONS, STATUTES, OR AUTHORIZATION GOVERNING THIS GRANT PROGRAM: There are two funding sources for MassTrails and therefore all applicants are responsible for compliance with all applicable federal and state rules and regulations governing the funding source. The Recreational Trails Program is authorized within the current U.S Transportation Bill, Fixing America's Surface Transportation Act (FAST Act) <https://www.transportation.gov/fastact/>. Additional funds for MassTrails are authorized through the 2018 Environmental Bond Bill (H.4613) and funded through the state's annual Capital Investment Plan.

Pursuant to Title VI of the 1964 Civil Rights Act, property acquired or developed with MassTrails assistance shall be open to entry and use by all persons regardless of race, color, or national origin, who are otherwise eligible. Section 504 of the Rehabilitation Act of 1973 requires no qualified person shall, on the basis of disability, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance. The Americans with Disabilities Act of 1990 (P.L. 100-336) simply references and reinforces these requirements for federally assisted programs.

MassTrails seeks projects that go above and beyond the Architectural Barriers Act (ABA) and Americans with Disabilities Act (ADA) requirements. For more information on accessible trail standards for non-paved surfaces specifically, please visit the U.S. Forest Service "Accessibility Guidebook for Outdoor Recreation and Trails" online at <https://www.fs.usda.gov/sites/default/files/Accessibility-Guide-Book.pdf>.

K. CONTACT INFORMATION: Amanda Lewis
MassTrails Director
Department of Conservation and Recreation

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www.mass.gov/masstrails

2. Performance and Contract Specifications

A. ELIGIBLE APPLICANTS: This RFR is open to -

- Municipalities
- Non-Profit Organizations
- Federally- or state-recognized Native nations
- Commonwealth of Massachusetts Departments
- Federal Agencies

Multiple Applications: Multiple applications will be accepted from the same entity. Given the high volume of applications in recent grant rounds, DCR reserves the right to limit awards to one per applicant; however, each applicant is welcome to submit multiple applications.

B. ELIGIBLE PROJECT(S)/SCOPE(S) OF WORK: MassTrails provides federal and state capital grant funds to eligible communities to pay for project development, design, engineering, permitting, construction, and maintenance of trails in Massachusetts. For the purpose of this RFR, a “trail” is defined as an off-road linear corridor with varied surface type, width, length, and terrain. It can be primarily recreational in nature and/or serve the purpose of connecting communities and people to distinct destinations. Sidewalks and/or road improvements are not eligible as trail projects under this program.

Eligible project activities include:

1. Trail planning, design, engineering, and permitting.
2. Construction of new trails.
3. Maintenance and restoration of existing trails.
4. Development and rehabilitation of trailside and trailhead amenities.
5. Purchase and lease of trail-related construction and maintenance equipment.
6. Acquisition (in limited cases) of easements and fee interest in property for trails and trail corridors.

Types of trails can include **shared-use pathways** (e.g., Charles River Pathway, Mystic River Greenway, Mass Central Rail Trail, Norwottuck Rail Trail, Clipper City Rail Trail); **hiker/pedestrian trails** (e.g., Appalachian Trail, Worcester East-West Trail, Stone Farm Trail System in Brockton, Riverwalk in Great Barrington, Watertown Riverfront Park and Braille Trail, New Bedford Harborwalk); **off-road motorized trails** (i.e., accommodate ATVs, off-road motorcycles, snowmobiles); and “other” trails which can include any infrastructure which falls under the definition of trail, including but not limited to: water trails (e.g., Connecticut River Paddlers Trail, Assabet River Trail); mountain biking trails (e.g., Greylock Glen, Blue Hills State Reservation); cross-country ski trails (e.g., Northfield Mountain, Notchview); equestrian trails (e.g., Great Brook Farm, Crane Beach); historic trails (e.g., Freedom Trail Boston); and urban trails (e.g., The Walking City Trail, Boston).

Permitting: It is the applicant's responsibility to ensure that any necessary permits (e.g., Natural Heritage, Mass Historic, Wetlands Protection Act) are in place prior to beginning any work on the project. Failure to obtain necessary permits may prevent grant payment. Permits are not required to be in place at the time of application.

Land Ownership: The public must be assured legal access to trails and trail-related facilities developed or maintained with MassTrails funds. The applicant must identify all outstanding rights and interests held by others on the land upon which the project is proposed. All applications must include a signed statement from the landowner(s) or manager(s) specifically authorizing the project and ensuring that the property is open for continuing public access, in addition to any other required forms specific to a given landowner/entity. Applications without adequate landowner permissions will be considered incomplete and will not be considered for funding. It is the sole responsibility of the applicant to obtain landowner permission. The required MassTrails Grants landowner permission forms can be found on the MassTrails website. If the applicant is the landowner, a landowner permission form is still required.

If another entity holds a **Conservation Restriction (CR)** on the land, they must be notified and provide written authorization for the project work in the grant application package. Failure to identify that the land includes a CR will disqualify the project from funding. There are two options for providing documentation of this authorization. One option is to submit a signed MassTrails Conservation Restriction Work Authorization Form with the application. The other option is to obtain a letter from the entity which holds the CR with specific language authorizing the proposed project work. The CR work authorization form/letter is required in addition to the landowner permission form.

Community Outreach: It is anticipated that all projects will or have undergone community outreach before applying for grant funds. It is the applicant's responsibility to communicate with the landowners, stakeholders, and abutters and have all permissions and approvals in place prior to trail construction or maintenance work. Receipt of grant funds is not to be assumed as authorization of the project.

Acquisitions: MassTrails funds may be used for land or easement acquisition for trail development. Legislation associated with MassTrails funding prohibits condemnation of any kind of interest in property. Therefore, acquisition of any kind of interest in property must be from a willing landowner or seller and must comply with federal and state law. In particular, acquisitions with MassTrails funds must comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, as amended. The Uniform Act provides for the uniform and equitable treatment of persons displaced from their homes, businesses, or farms by federal and federally assisted programs and establishes uniform and equitable land acquisition policies for federal and federally assisted programs, such as the Recreational Trails Program. Appraisals associated with land acquisition projects must be submitted with the application, however, the cost of an appraisal may be counted as pre-agreement match.

C. FUNDING AVAILABILITY, BUDGETING GUIDELINES, AND ALLOWABLE EXPENDITURES: All MassTrails grants are administered by the Massachusetts Department of Conservation and

Recreation. The minimum grant award is \$5,000 and the maximum is \$500,000 for high priority projects. Exceptions may be made at the Department's discretion. Applicants must submit the estimated total project cost, specific grant request, and proposed match as a part of the application package. Applicants should take into consideration that there is a lag time of at least five (5) months between application and award. Therefore, potential cost increases should be considered while formulating the project's budget.

Costs eligible for reimbursement include all approved project costs incurred on or after a selected Applicant's contract execution date to the end date of the contract. Allowable costs include the purchase of materials or equipment, paid consultant/contractor labor, paid staff time, and costs associated with the acquisition of land or easements. The grantee must pay for 100% of the costs of any item or invoice before applying for reimbursement. Match of 20% or more must be accrued within the same time period and reported with the reimbursement request(s). Ineligible project costs include, but are not limited to, costs associated with the preparation and submission of an application in response to this RFR, administrative supplies and equipment, and the purchase of food.

Equipment Purchases: Equipment must be dedicated exclusively for trail building and maintenance to qualify for purchase under MassTrails. Equipment is defined as tangible personal property having a useful life of at least five years and a per-unit acquisition cost of \$5,000 or greater. The equipment must be purchased in full to qualify for reimbursement. Three bids must be solicited and documented for all equipment purchases with a value of \$5,000 or more, in order to be reimbursed. It is advised to do so at the time of application to determine the appropriate grant request amount, however, this is not required with the application. The equipment title will rest with the Grantee and must be used for the proper authorized use as stated in the project proposal. The Grantee is required to use and report on the equipment for its proposed and intended purpose for a period of five years. If purchasing equipment, Section VI of the MassTrails Grant Application must be completed in full.

Build America, Buy America Act:

Established in 2021 as part of the Infrastructure Investment and Jobs Act, the Build America, Buy America Act (BABA) seeks to maximize the use of American-made products and materials in all federally funded projects, including grants funded through federal agencies. The Recreational Trails Program (RTP) is funded by the Federal Highway Administration and thus the new Build America, Buy America Act applies to grants awarded through MassTrails' federally funded arm.

However as of August 16, 2023, all RTP sub-recipient projects (which include MassTrails grants) that do not exceed \$500,000 will qualify for a waiver of BABA. This includes equipment purchases. If a Grantee's project will not exceed \$500K over its overall development and implementation – including when a phased approach is taken – no further documentation or action is required by the applicant. If a project is anticipated to have costs greater than \$500K, then BABA regulations must be adhered to in order to receive federal funds. In almost all cases, a MassTrails RTP grant will qualify for the waiver.

The current Build America, Buy America waiver is valid through August 16, 2028.

D. MATCH REQUIREMENT: MassTrails grants are MATCHING grants and require that proponents provide a minimum of 20% of the total project value. The project application must include estimates for the matching portion of the project cost. The match must cover a minimum (greater amounts are encouraged) of 20% of the total value of a project. For example, an \$8,000 grant funding request would require at least \$2,000 in matching contributions, for a total project value of \$10,000 (80% of \$10k = \$8k in awarded funds, 20% of \$10k = \$2k in matching funds). If your project is selected for a grant, the match will need to be documented with invoices, time sheets, or other acceptable records. The actual, documented value of the match must equal at least 20% of the total project value before the final grant payment can be made and the grant closed out.

E. PROJECT TERMS: If awarded, all vendors will be required to abide by the Standard Commonwealth of Massachusetts Terms and Conditions. In addition, all final contracts are subject to successful negotiation of a Final Scope of Services. Please note that DCR does not guarantee that any contracts may result from this RFR or that any particular funding level will be awarded. It is anticipated that projects could commence immediately upon DCR's decision. The awarded contracts will be reviewed during their course and, upon request by the Grantee, may be extended or otherwise amended at the sole discretion of DCR. Any extensions granted will not necessarily change, or increase, the monetary value of the contract. Any requests to increase the value of the grant must be submitted to DCR and are subject to review and approval.

In accordance with the Massachusetts Comptrollers Guidance on Grants Procurement and Contracts last revised September 8, 2014 a copy of which can be found here, <https://public.powerdms.com/MAComptroller/documents/1778986>.

The department, at its discretion, may negotiate a change in any element of contract performance or cost identified in the grant application, RFR or the Grantee's response which results in lower costs, or a more cost-effective or better value grant result than was presented in the grantee's original proposal. Changes can be negotiated which result in overall increased costs, provided the overall result is the best value or a "better value" than was originally proposed.

F. ANTICIPATED DURATION OF CONTRACTS: The anticipated duration of contracts awarded through this RFR are one- to two-years in length. The length is determined by which funding source an individual proposed project qualifies for given its project scope and specifications. All work must occur before the contract end date to be eligible for reimbursement. Timelines for each project will be included in the application under the Budget/Timeline Worksheet.

G. DELIVERABLES, OWNERSHIP, AND CREDIT DUE: The Grantee shall submit a Grant Close-Out and Project Summary along with their final Request for Reimbursement. These reports shall document the project's goals, accomplishments, barriers encountered, and lessons learned. A map indicating the location of the project and pictures should also be included. The final reimbursement is contingent upon a satisfactory review of the project as specified in the Grant Close-Out Form, including completing the proposed scope as outlined in the project proposal and Grant Initiation Form, and consistency with the proposed budget. In some cases, a site visit will be conducted before the final reimbursement is approved. Templates for the Grant Close-Out Form and Project Summary are available on the MassTrails website.

MassTrails Acknowledgement: The Grantee shall display formal and permanent recognition/acknowledgment of MassTrails at the project site or affixed on equipment purchased through the program. Signs should be constructed of sturdy material that is permanent, large enough to be clearly visible and located at a prominent access point to the project area. The suggested language identifies the site as a cooperative venture (e.g., “A Cooperative Trail Project between the ‘Name of Municipality/Organization’ and MassTrails”). Any printed materials such as trail brochures, celebration announcements, or website information should also identify the financial partnership that made the project a reality. Stickers or decals shall be printed and displayed on all equipment purchased with MassTrails funding. It is also encouraged that the Grantee develop and distribute a press release upon the award of the grant and/or project completion, acknowledging MassTrails as a source of funds for the project. The MassTrails logo can be provided to grantees upon request.

H. REPORTING: The Grantee shall submit Biannual or Quarterly Project Progress Reports for the term the grant is active, or upon request at any time. At minimum, reports shall be submitted on March 15 and September 15 of each year that the grant is active. The report should briefly outline past work and accomplishments and provide a plan for future work. An Equipment Report on the condition, use, and location of property defined as equipment purchased with grant funds shall be submitted annually (December 31), for a period of five years following the project end date. The Progress Report can be submitted online at the MassTrails website. Alternately, a template for the Progress/Equipment Report is available on the MassTrails website, or a copy can be provided by DCR upon request.

I. INVOICING: MassTrails is a reimbursement grant program, meaning grantees must first pay for expenditures then submit for reimbursement using the required documentation. Applicants selected to receive grant funding will be required to submit a MassTrails Grant Agreement, State Standard Contract, and other required forms which will be sent to applicants with their award notification. See the full application packet for more information. Project costs and match may not be incurred until after the Grantee has an executed contract from DCR. Grantees must pay for 100% of the cost of an item before submitting for reimbursement and only approved expenses (as written in the contract’s scope) incurred during the period of the contract are eligible for reimbursement. The Grantee may submit multiple reimbursement requests, on a monthly basis at most, during the grant period.

3. Instructions for Application Submission

A. EVALUATION CRITERIA: Each Applicant will be scored using the following measure (see the full application in Attachment A for more detailed description of the evaluation criteria).

MassTrails seeks strong projects that:

- Plan, Design, or Construct off-road, shared-use pathways, and recreational trail connections between where Massachusetts residents live, learn, work, shop, and recreate (Connect)
- Serve the diversity of Massachusetts residents (Equitable)
- Effectively address accessibility guidelines (Accessible)
- Allow for efficient use of grant funds (Efficient)
- Are ready for the proposed phase (Ready)

- Effectively incorporate safety (Safe)
- Create diverse, high-quality recreational experiences and connect users to the natural and cultural wealth of Massachusetts (Experiential)

Projects are solicited according to Massachusetts' approved Open Project Selection System. A project Selection Committee composed of members of the Inter-Agency MassTrails Team will review all applications qualifying for "Commonwealth Trails" funds. The Massachusetts Recreational Trails Advisory Board (MARTAB) will review all applications qualifying for "Recreational Trails Program" funds. After completing the review, all comments and recommendations will be submitted to the Secretary and then the Governor for review and final approval. Grants funded using RTP funds will also need to be reviewed and approved by FHWA under the National Environmental Policy Act and Section 106 of the National Historic Preservation Act before they can be awarded.

B. APPLICATION SUBMISSION INSTRUCTIONS: Applications must be received by 11:59 pm, Thursday, February 1, 2024. Any application received after the deadline will be rejected. Applications must be entered and submitted online through the MassTrails application portal at www.mass.gov/how-to/apply-for-a-masstrails-grant. All form instructions and required documents are available through the online application.

Failure to enter information in any of the required fields or to submit required attachments may result in the disqualification of the application.

A sample Application Form is provided in Attachment A of this document.

C. ADDITIONAL REQUIRED DOCUMENTATION: If selected, the Respondent will be required to submit the following forms to complete a contract:

- Commonwealth Standard Contract Form, filled out and signed by the Respondent
- Commonwealth Terms and Conditions, filled out and signed by the Respondent
- Commonwealth W-9 tax information form, filled out and signed by the Respondent
- Completed Contractor Authorized Signature Verification Form
- Commonwealth Electronic Funds Transfer Form, filled out and signed by the Respondent
- Sub-Recipient Monitoring Form, filled out and initialed by the Respondent*

*Required only if receiving funds through the federal Recreational Trails Program.

Respondents are encouraged to review these forms prior to submission of a Response. They are available as Attachments to this document. These forms do not need to be filled out unless the Respondent is awarded a grant.

4. Deadlines and Procurement Calendar

A. RELEASE OF RFR: November 1, 2023

B. INFORMATION SESSION: An information session is scheduled for November 15, 2023 from

12:00 – 1:00pm. It will be held virtually via Microsoft Teams. To register please contact the MassTrails Grant Program Manager by emailing elizabeth.knott@mass.gov. An email blast will also be sent to inform the public about the information session.

C. APPLICATION DUE DATE: Thursday, February 1, 2024 at 11:59pm.

D. ESTIMATED AWARD DATE: The Commonwealth of Massachusetts' decisions are estimated to be announced on or about 150 days after the grant application deadline. Please note that the federal review and approval takes place after the state's and may take a significantly longer amount of time.

E. ESTIMATED CONTRACT START DATE: Notwithstanding any verbal representations by the parties, or an earlier start date listed in the Standard Contract Form, and only after an award is issued and a final scope of services has been negotiated, the effective start date of a contract shall be the latest of the following dates: the date the Standard Contract Form has been 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 Standard Contract Form. The earliest start date for contracts resulting from this RFR is July 1, 2024.

5. Miscellaneous

A. TYPE OF PROCUREMENT: Grant

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

C. REQUEST FOR SINGLE OR MULTIPLE RECIPIENTS: This RFR will result in multiple contracts.

D. RFR DISTRIBUTION METHOD: This RFR has been distributed electronically via CommBuys as well as the MassTrails website at www.mass.gov/how-to/apply-for-a-masstrails-grant. It is the responsibility of every Applicant to check CommBuys for any addenda or modifications to an RFR 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 RFRs and submit inadequate or incorrect responses. Potential Respondents are advised to check the “last change” field on the summary page of RFRs for which they intend to submit a response to ensure they have the most recent RFR files.

Respondents 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 a Respondent 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.

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. A

contractor will not be entitled to compensation for any performance provided during the period of contract suspension. DCR may lift the suspension if available funding is received. In the absence of foreseeable available funding, DCR may terminate the contract.

E. LIST OF ATTACHMENTS:

- A. Application Form Template (all applicants must apply online)
- B. Budget and Timeline Spreadsheet
- C. Sample Standard Contract Form and Instructions
- D. Sample Authorized Signatory Listing
- E. Commonwealth Standard Terms and Conditions
- F. Sample W-9 Form
- G. Sample Authorization of Electronic Funds Payment form
- H. Sample Sub-Recipient Monitoring Form