

# Commonwealth of Massachusetts **EXECUTIVE OFFICE OF HOUSING & ECONOMIC DEVELOPMENT**ONE ASHBURTON PLACE, ROOM 2101 BOSTON, MA 02108

### **2020 MassWorks Infrastructure Program**

## Request for Responses (RFR) Guidelines and Application Information

Revision - 6/30/2020 - Appendix 3 has been updated.

Open Date: **June 8, 2020** 

Grantee Conference Calls: Application Info Session 1: June 22, 2020, 1:00PM – 2:00PM

New IGX System Training: **June 24, 2020, 9:00AM – 10:00AM** Application Info Session 2: **June 29, 2020, 9:00AM – 10:00AM** 

Application Submission Period: August 17, 2020 – August 28, 2020

Deadline: August 28, 2020 @ 11:59 PM

Email Questions to: <a href="massworks@mass.gov">massworks@mass.gov</a>

Table of Contents	
I. PROGRAM DESCRIPTION AND REQUIREMENTS	3
A. Introduction and Overview	3
B. Program Purpose and Goals	3
C. Eligible Applicants	4
D. Eligible Projects	4
E. Eligible Costs	5
F. Maximum Award Amount	5
G. Investment Goals	5
II. APPLICATION AND EVALUATION INFORMATION	5
A. Application Components	5
B. Evaluation Information	7
C. Award Decisions	7
D. Additional Program Highlights	8
E. Information Session – Conference Calls.	9
APPENDIX 1: MASSACHUSETTS SUSTAINABLE DEVELOPMENT PRINCIPLES	.10
APPENDIX 2: APPLICABILITY OF MEPA REGULATIONS	.11
APPENDIX 3: ACCESSING THE ONLINE APPLICATION	.13

#### WHAT'S NEW IN 2020

In the 2020 MassWorks Round, EOHED is again seeking to increase its investments in projects that help to advance the Commonwealth's housing production goals, particularly in communities with Housing Choice designation and/or that are leveraging other community planning and development tools to build new housing. While the application has been further streamlined to assist reviewers in the evaluation of a project's shovel-readiness, the majority of the questions are the same as last year. Notable updates/changes include:

- 1. This year's application will be available on the IGX Platform, which is the recently upgraded version of IntelliGrants©. The new system promises a more user-friendly and intuitive interface. EOHED will provide additional information and answer questions during the information sessions.
- 2. In alignment with the climate resiliency goals outlined in the Massachusetts State Hazard Mitigation and Climate Adaptation Plan, the application now includes a series of questions related to flood risks and how the proposed project will mitigate climate change impacts and/or provide environmental benefits.
- 3. EOHED will give additional consideration to projects that will directly leverage an Opportunity Fund investment. Applicant will be required to provide details about the Fund, during the review.
- 4. In addition to the evaluation of applications by its various state agency partners, EOHED will also coordinate a collaborative review process with the Department of Housing and Community and MassDevelopment to increase responsiveness to each community's economic development goals and identify other potential funding sources that might be available to support projects.

#### **I. PROGRAM DESCRIPTION AND REQUIREMENTS**

#### A. Introduction and Overview

The MassWorks Infrastructure Program is a competitive grant program for municipalities, and other eligible public entities, investing in public infrastructure projects. MassWorks is the largest and most flexible source of capital funds the Commonwealth makes available to municipalities. The goal of the program is to provide State support to infrastructure projects that also achieve economic development by accelerating housing production, spurring private development, and creating jobs throughout the Commonwealth.

In 2020, MassWorks will continue its commitment to helping communities prepare for success and contribute to the long-term strength and sustainability of our Commonwealth. The program emphasis is in locating infrastructure projects that lead to the production of multi-family housing. The program seeks projects in appropriately located, walkable, mixed-use districts that result in direct and immediate job creation and/or that support new economic development activity in underdeveloped or distressed areas.

MassWorks holds one competitive round each year, opening in May with applications due in August. Evaluation of applications takes place over six to eight weeks, and awards are announced on a rolling basis starting in October. Projects that receive an award are expected to begin construction the following spring.

EOHED carefully and thoroughly evaluates all complete proposals in consultation with the corresponding regional planning agency, in addition to other key state partners from the Executive Office for Administration and Finance, Executive Office of Energy and Environmental Affairs, Department of Housing & Community Development, and Department of Transportation. This year, EOHED will further assess applications through a collaborative review process in partnership with DHCD and MassDevelopment. Generally, the most competitive applications are those that:

- a) Leverage private development aligned with the sustainable development goals of the Commonwealth
- b) Are advanced in their planning and permitting
- c) Meet all the program's spending targets
- d) Are ready to begin in the upcoming construction season

Since 2015, the Baker-Polito Administration has made 219 awards to 141 communities, investing over \$456M in public infrastructure projects throughout the state. These grants have supported the creation of over 14,000 new housing units, tens of thousands of construction and permanent jobs, while also leveraging over \$9.2B in private investment.

#### **B.** Program Purpose and Goals

Per M.G.L.ch.23A§63, the primary purpose of the MassWorks Program is: to issue grants to municipalities and other public instrumentalities for design, construction, building, land acquisition, rehabilitation, repair and other improvements to publicly-owned infrastructure including, but not limited to, sewers, utility extensions, streets, roads, curb-cuts, parking, water treatment systems, telecommunications systems, transit improvements, public parks and spaces within urban renewal districts, and pedestrian and bicycle ways.

The state's Economic Development Plan *Partnerships for Growth* outlines how essential it is for the state to work with its communities to advance economic development. When we focus on supporting strong community leadership and development preparedness, we find that cities and towns, as well as regions, can be better positioned to attract human and investment capital in an intensely competitive environment. To carry out this mission, Massachusetts has adopted a set of principles to guide its investment decisions.

#### Commonwealth's Sustainable Development Principles

The Commonwealth shall care for the built and natural environment by promoting sustainable development through integrated housing and economic development, energy and environment, transportation and other policies, programs, investments, and regulations.

The Commonwealth will encourage the coordination and cooperation of all agencies, invest public funds wisely in smart growth and equitable development, give priority to investments that will deliver good jobs and good wages, transit access, housing, and open space.

Furthermore, the Commonwealth shall seek to advance these principles in partnership with regional and municipal governments, non-profit organizations, business, and other stakeholders.

(See Appendix 1 for full description of the principles.)

#### C. Eligible Applicants

Any Massachusetts city or town, acting by and through its municipal officers or by and through an agency designated by such municipal officers to act on their behalf, or any public entity, may apply to the program for a grant in a specified amount to fund a specified public infrastructure project. Two or more municipalities may apply jointly, with one municipality or another public entity acting as fiscal agent. An applicant may seek a MassWorks grants in addition to any other forms of local, state, and federal assistance received.

#### **D.** Eligible Projects

A proposed project must be for construction work on land and/or infrastructure that is already publicly owned or will be acquired through public leasehold, right-of-way or easement. Projects that use grants to municipalities, for public infrastructure provided by this section, shall be procured by the municipality in accordance with chapter 7, section 39M of chapter 30, chapter 30B and chapter 149. Program investments will be targeted to projects that require the infrastructure improvements or expansion to support and/or facilitate new growth or address safety issues. Examples of projects that submitted successful proposals include:

#### Framingham, Marble Street Improvement Project



\$1.1M grant to support the city's first TOD project under its new Central Business District zoning: a 270-unit development on former MBTA land.

Holyoke, Lyman Terrace Phase II



\$1.4M grant to support rebuilding of the public housing development, preserving 167 units, and creating walkable, transit supported neighborhood in a TDI District.

#### New Bedford, Union Street Improvement Project



\$2.5M grant to upgrade infrastructure along Union Street. Supports economic activity in TDI District, including \$10M investment in 68-room hotel.

#### Charlemont, Town Bridge Repair Project



\$949K grant to repair three Town bridges. One at-risk and two already weight-restricted, affecting an evacuation route and commercially accessible roads. Regionally significant to Towns of Heath and Rowe.

#### E. Eligible Costs

MassWorks grant funds are disbursed on a cost-reimbursement basis. Eligible costs may include any expenses related to an element(s) of the awarded public infrastructure construction project as approved by a contract with EOHED, and as otherwise allowed by state regulations. Program funds may be used for:

- Pre-construction design and engineering; capped at 10% of total grant award\*
- Direct construction costs
- Project administration costs

#### F. Maximum Award Amount

There is no set maximum or minimum amount that an applicant may request for a MassWorks grant, except in the case of STRAP awards, or as might otherwise be dictated by statute. Each application should request funding to support a complete project (or project phase) and must provide clear justification for the amount requested. EOHED may make partial awards for an amount less than requested by an applicant, at its discretion.

#### **G.** Investment Goals

In alignment with the Sustainable Development Principles and ensuring that program funds are invested in projects that meet the state priorities, EOHED has developed a set of spending targets to guide its grant making decisions. The 2020 portfolio of grants will seek to allocate funds as follows:

- 50% or more of the total funding in support of developments that contain a mix of residential and commercial uses, with a residential unit density of at least four units to the acre;
- 50% or more of the total funding to support projects that are regionally significant and consistent with regional land use and/or development plans;
- 50% or more of the total funding to support development in Gateway Cities;
- 67% or more of the total funding to support transit-oriented developments (that is, developments located within a half mile of a transit station; defined as a subway or rail station, or a bus stop serving as the convergence of two or more fixed bus routes that serve commuters);
- 80% or more of the total funding to support developments that are re-using previously developed sites;
- and 100% of the funding that is committed to support housing (or mixed use including residential) development be to projects with a residential unit density of at least four units to the acre.

#### **II. APPLICATION AND EVALUATION INFORMATION**

#### **A. Application Components**

The application is organized into eight sections as listed below. A complete proposal package includes answering the questions in all sections and attaching the required supporting documents.

I. <u>Project Summary</u>: Includes all of the identifying information of the applicant as well as highlights of the application, such as project name, amount requested, and project abstract.

<sup>\*</sup> The Small Town Road Assistance Program (STRAP) grants are not subject to the 10% limit.

- II. <u>Infrastructure Project Description</u>: All of the questions about the specific public infrastructure project for which funding is requested. Includes detailed project description, construction schedule and timeline, status of required permits/licenses, and alignment with other state regulations and regional plans.
- III. <u>Budget & Sources</u>: Requests specific information about the public project's total budget, how much is requested from MassWorks, and amount and sources of match funding, if any.
- IV. <u>Preparing for Success</u>: Evaluates the extent to which the community has been actively preparing itself to attract investment and development. Section seeks information about the community's engagement in state initiatives and includes a checklist of various development tools. Applicant is asked to indicate if they are employing the tool in general and whether it is being applied in the proposed project site.
- V. <u>Benefitted Private Development Projects</u>: Brings together the questions related to the private development that is being supported and/or leveraged by the public infrastructure project. May require communication with the developer to answer specific questions related to the private project, such as total lot area (acres), total square footage of the development, total private investment, # of new units, affordability, # of full and part-time jobs created, etc.
- VI. <u>Applicability of MEPA Review</u>: Seeks to outline the expectations and guidelines related to MEPA. The awarding of MassWorks funding is a form of state action as cited in the MEPA regulations. This section requests that the applicant indicate if any of the MEPA thresholds are met or exceeded by the public and/or private project. The intent is to identify, early in the process, if any review is needed and how it might affect the project's timeline. (*See Appendix 2 for details*.)
- VII. <u>Certification of Public Entity Authorization and Attachments</u>: Signature page certifying that the application is authorized to be submitted and is true and accurate. This page should be completed by an authorized signatory. This section also includes an area for uploading attachments.
- VIII. <u>Attachments</u>: This section is for uploading attachments. The following items are <u>required</u> and must be submitted with the application. Additional and/or supplemental narratives <u>will not be accepted</u>. All questions must be answered in their respective sections within the space provided in the application.

Attachment Name	Referenced	Brief Description
	Question #	
Municipal CEO Letter	1.20	Letter from the municipal CEO confirming support for the project
Project Site Plan	2.8	Site plan, conceptual drawing, and/or construction concept design
Budget Detail	3.2	Engineer's cost estimate or other itemization of the <b>construction</b> costs
Regional Partner(s) Letter	4.23	If applicable, letter(s) from any joint community applicants.
Developer(s) Letter	5.19	Letter from private developer explaining the response to the question
Certified Municipal Vote	7.2	If applicable, certified copy of the municipal vote taken

Applicants may also submit <u>optional</u> attachments to support the application. While these might be reviewed and filed, they will not be scored or assessed as part of the formal evaluation of the proposal.

Attachment Name	Brief Description	
Other Site Images	Site photographs, illustrations, and/or maps	
Other Support Letters	Support letters from other stakeholders, such as local leaders, legislators, residents, etc.	

Optional attachments can also be submitted by email to <a href="massworks@mass.gov">massworks@mass.gov</a> or sent via US Mail to EOHED, Attn: MassWorks Program, 1 Ashburton Place, Room 2101, Boston, MA 02108.

#### **B.** Evaluation Information

As outlined throughout these guidelines, the MassWorks Infrastructure Program seeks to provide capital funding to eligible communities for improvements to and/or construction of public infrastructure that helps spur economic and housing development and/or address roadway safety concerns. The program is highly competitive. Each year the programs receives applications for viable projects that EOHED is unable to fund.

Due to the volume of competitive projects, applicants are advised to apply only for projects that are <u>shovel</u> <u>ready</u>. Shovel ready means the project is prepared to start in the upcoming construction season.

Each application will be carefully reviewed and assessed on its own merits. EOHED will consult with the corresponding regional planning agency for each application, as well as a team of reviewers representing housing, economic development, transportation, community development, and other applicable interests to review applications and help to identify the strongest proposals that will be recommended for funding. Generally, the criteria used by EOHED to assess proposals includes:

- a) Completeness of the application
- b) Alignment with the Commonwealth's Sustainable Development Principles
- c) Rationale and feasibility of the proposed infrastructure work and the funding amount requested
- d) The extent to which the project immediately unlocks major development and the amount of private investment leveraged, and
- e) Most important is the shovel readiness of the project. In measuring the shovel-readiness criteria, EOHED assesses the extent to which the applicant meets most if not all of the following conditions:
  - Public ownership or all rights of way have been secured or there is evidence that public ownership or rights of way can be secured within 120 days of receipt of an award notice;
  - The project has been vetted locally and has the support of key stakeholders in the community;
  - All required permits have been obtained or there is a reasonable expectation that all required permits can be obtained within 120 days of receipt of award notice;
  - Project design is at least at 25 percent, or the timeline and funding source(s) for completing the design allow bid documents to be completed in time for the upcoming construction season.
  - Demonstration that other sources needed to fully fund the project have been committed or evidence that they will be committed in time for project to commence in the upcoming construction season.

#### C. Award Decisions

Once all applications have been fully vetted and assessed, the MassWorks Team prepares a list of the strongest project proposals for the EOHED Secretary's further review, adjustment, and/or approval. The Secretary presents a final list of funding recommendations to the Governor and Lieutenant Governor for ratification.

Applicants that are approved for funding will receive a commitment letter from EOHED outlining the grant amount and any conditions of the award. Grantees will need to verify the project's readiness and address any related conditions at the time of award. Grantees will also be expected to demonstrate that they possess the administrative management capacity to oversee the proposed infrastructure construction project and to comply with applicable regulations and reporting requirements. All awards are subject to annual budget appropriation and are contingent upon full execution of a contract between the Commonwealth and the public entity.

Occasionally, there are strong applications that do not receive an award because the program does not have sufficient funds available at the time. In those cases, the applicant may receive a letter informing them that the proposal may be reconsidered later in the fiscal year if/when funds become available, before the next round.

Applicants that are not selected to receive funding during this round will also be notified in writing. Those wishing to get feedback on their proposal are invited to request a debriefing call with MassWorks staff. These will be scheduled after the round is closed, in the order that they are received.

#### **D.** Additional Program Highlights

- ➤ Eligible applicants may submit funding requests for more than one project in the same round. However, a separate application is required for each project. Each proposal will be evaluated independently against the criteria and will be competing directly with all other proposals.
- ➤ Match funds are not required, however, applications that include funding support from other government or private sources (particularly local funds) will be more competitive. To be counted, match funds must be directly contributing to the public infrastructure work.
- ➤ The 2020 round opens on **June 8, 2020**. The application form template is available on the EOHED webpage. Communities have at least 12 weeks to review the application questions and prepare their project proposal, which must be for implementation of a public infrastructure project.
- All applications must be submitted electronically. Access to the online portal, *Intelligrants*, is available at <a href="https://eohed.intelligrants.com">https://eohed.intelligrants.com</a>. This year, the application has been updated to the new IGX version of the web portal. EOHED has scheduled a training session on the use of the new system, as noted below. Specific conference call information will be posted on the website closer to the training date. (See Appendix 3 for additional guidance on accessing online application.)
- Applications can be officially submitted only during the two-week open solicitation period: August 17, 2020 August 28, 2020. Access to the online portal will close at 11:59 PM on August 28, 2020.
- It is the responsibility of the applicant to ensure that their application is received on time by EOHED. All applications will be logged as to date and time received and kept on file as public record. Late submissions will not be considered. EOHED reserves the right to request additional information from the applicant or external sources as may be necessary in order to complete the application review.
- Additional information for small town road projects (STRAP) requests:
  - NOTE: The MassWorks statute no longer restricts small towns to applying and/or receiving a STRAP grant only once every three years. Eligible small towns may apply for STRAP in any round regardless of when they last received a STRAP grant.
  - o STRAP is only open to small towns, defined as having a population of 7,000 or less\* that are seeking funds for road or bridge construction/repair. EOHED will prioritize projects that address roadway safety concerns. (\*Based on most recent decennial US Census or similar data from the US Census Bureau.)
  - The maximum amount a single town may request for a STRAP grant is \$1 million. Two or more qualified communities may submit a joint application, and request over \$1m for a single project serving multiple towns, however, if awarded, each town cannot receive more than \$1m.
  - o Entities submitting a STRAP request are reminded that small towns are always eligible to submit proposal(s) to any regular round of MassWorks round for projects that qualify under the economic development and/or housing criteria, in addition to STRAP.

#### E. Information Session – Conference Calls

EOHED will host two informational conference calls to review this RFR and answer general questions about the program and grant round. There will also be a training session on the use of the new IGX application portal. Conference telephone number and access codes will be posted on the MassWorks webpage as the dates get closer. The sessions have been scheduled as follows:

Application Info Session 1: **June 22, 2020, 1:00PM – 2:00PM** 

New IGX System Training: **June 24, 2020, 9:00AM – 10:00AM** 

Application Info Session 2: **June 29, 2020, 9:00AM – 10:00AM** 

Both application info sessions will have the same agenda and presentation. Interested applicants are encouraged to choose the most convenient date/time slot. All presentation materials and answers given in response to questions during each call will be posted on the program webpage.

➤ Please email all questions to <u>massworks@mass.gov</u>.

#### APPENDIX 1: MASSACHUSETTS SUSTAINABLE DEVELOPMENT PRINCIPLES

Concentrate Development and Mix Uses – Support the revitalization of city and town centers and neighborhoods by promoting development that is compact, conserves land, protects historic resources, and integrates uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas. Create pedestrian friendly districts and neighborhoods that mix commercial, civic, cultural, educational, and recreational activities with open spaces and homes.





**Advance Equity** – Promote equitable sharing of the benefits and burdens of development. Provide technical and strategic support for inclusive community planning and decision making to ensure social, economic, and environmental justice. Ensure that the interests of future generations are not compromised by today's decisions.

**Make Efficient Decisions** – Make regulatory and permitting processes for development clear, predictable, coordinated, and timely in accordance with smart growth and environmental stewardship.





**Protect Land and Ecosystems** – Protect and restore environmentally sensitive lands, natural resources, agricultural lands, critical habitats, wetlands and water resources, and cultural and historic landscapes. Increase the quantity, quality, and accessibility of open spaces and recreational opportunities.

**Use Natural Resources Wisely** – Construct and promote developments, buildings, and infrastructure that conserve natural resources by reducing waste and pollution through efficient use of land, energy, water, and materials.





**Expand Housing Opportunities** – Support the construction and rehabilitation of homes to meet the needs of people of all abilities, income levels, and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and smaller single-family homes, in a way that is compatible with a community's character and vision and with providing new housing choices for people of all means.

**Provide Transportation Choice** – Maintain and expand transportation options that maximize mobility, reduce congestion, conserve fuel, and improve air quality. Prioritize rail, bus, boat, rapid and surface transit, shared-vehicle and shared-ride services, bicycling, and walking. Invest strategically in existing and new passenger and freight transportation infrastructure that supports sound economic development consistent with smart growth objectives.





**Increase Job and Business Opportunities** – Attract businesses and jobs to locations near housing, infrastructure, and transportation options. Promote economic development in industry clusters. Expand access to education, training, and entrepreneurial opportunities. Support the growth of local businesses, including sustainable natural resource-based businesses, such as agriculture, forestry, clean energy technology, and fisheries.

**Promote Clean Energy** – Maximize energy efficiency and renewable energy opportunities. Support energy conservation strategies, local clean power generation, distributed generation technologies, and innovative industries. Reduce greenhouse gas emissions and consumption of fossil fuels.





**Plan Regionally** – Support the development and implementation of local, regional, and statewide plans that have broad public support and are consistent with these principles. Foster development projects, land and water conservation, transportation, and housing that have a regional or multicommunity benefit. Consider the long-term costs and benefits to the Commonwealth.

#### **APPENDIX 2: APPLICABILITY OF MEPA REGULATIONS**

These guidelines are intended to ensure that the Executive Office of Housing and Economic Development (EOHED) administers the MassWorks Infrastructure Program in compliance with the Massachusetts Environmental Policy Act, M.G.L. c. 30, §§ 61 through 62I (MEPA), and its implementing regulations at 301 CMR 11.00 (the MEPA regulations).

#### **Overview of Agency Obligations Under MEPA**

The purpose of MEPA is to provide for review of the potential environmental impacts of projects for which state agency action is required. MEPA review is potentially required for any project directly undertaken by a state agency; those aspects of a project within the subject matter of any required state permit; a project involving financial assistance; and those aspects of a project within the area of any land transferred by a state agency. For purposes of MEPA, financial assistance means "[a]ny direct or indirect financial aid to any person provided by any agency including, but not limited to, mortgage assistance, special taxing arrangements, grants, issuance of bonds, loans, loan guarantees, debt or equity assistance, and the allocation of Commonwealth or federal funds." 301 CMR 11.02. A MassWorks grant is financial assistance that confers MEPA jurisdiction over any project funded by MassWorks.

The MEPA regulations set out review thresholds intended to identify categories of projects that are likely to cause damage to the environment. MEPA review is required when one or more review thresholds are met or exceeded <u>and</u> the subject matter of at least one review threshold is within MEPA jurisdiction. The provision of financial assistance confers full scope jurisdiction such that MEPA review is required if any threshold is met or exceeded. The MEPA regulations state that "[i]n determining whether a project is subject to MEPA jurisdiction or meets or exceeds any review thresholds ... the proponent, any participating agency, and the secretary shall consider the entirety of the project, including any likely future expansion, and not separate phases or segments thereof. The proponent may not phase or segment a project to evade, defer or curtail MEPA review." 301 CMR 11.01(2)(c).

State agencies, including EOHED, are required to periodically review and evaluate its own programs, regulations, and policies and determine the potential environmental impacts of implementation of its programs, regulations, and policies, and ensure that it and each applicant for a permit, financial assistance, or a land transfer complies with MEPA.

#### **MEPA Compliance in the MassWorks Program**

The typical MassWorks grant is from EOHED to a municipality or other public entity for purposes of constructing infrastructure or other public improvements. To comply with MEPA, EOHED may require the project proponent to demonstrate that a project does not meet or exceed any review thresholds or that there has been due compliance with MEPA prior to awarding a MassWorks grant. Accordingly, EOHED will require every applicant for MassWorks funding to represent whether the public infrastructure project meets or exceeds any review threshold set forth at 301 CMR 11.03. Where a review threshold is exceeded, the grant recipient will be required to demonstrate that MEPA review has been completed prior to the disbursement of MassWorks funds. Such a condition may be stated in a grant award letter and shall be a material term of the grant agreement between EOHED and the grant recipient.

11

<sup>&</sup>lt;sup>1</sup> "Full scope" jurisdiction extends MEPA review to all aspects of a project that are likely to cause damage to the environment. In contrast, "limited" or "subject matter" MEPA jurisdiction means that review is limited to those aspects of the project within the subject matter of a required permit or within the area of a land transfer.

In many cases, the public infrastructure or improvement will benefit or be located in close proximity to a private development proposed by a separate, private entity. In these cases, EOHED is required to consider whether the public infrastructure and the private development should be reviewed as a single "project" consistent with the segmentation provisions set forth at 301 CMR 11.01(2)(c). In making this determination, the MEPA regulations require EOHED to "consider all circumstances as to whether various work or activities constitute one Project". According to the MEPA regulations, relevant factors include:

- Whether the work or activities, taken together, comprise a common plan or independent undertakings, regardless of whether there is more than one proponent;
- Any time interval between the work or activities; and
- Whether the environmental impacts caused by the work or activities are separable or cumulative.

In addition to these factors, EOHED will consider:

- Whether the public improvements directly serve or physically connect to a private project.
- Whether the public improvements will be located on parcels of land that are part of or immediately adjacent to a private project site.
- The distance separating the public improvements and the private project.
- Whether the public improvements are required to be constructed as a condition in a permit or approval for a private project.
- Whether the public improvements will be constructed by, or in coordination with, the developer of the private project.
- Whether the public improvements are critical to the feasibility or viability of the private project.
- The timing of the private project in relation to the public improvements.

If EOHED determines, based on these factors, that a public infrastructure project and private development are separate projects, EOHED will require MEPA compliance for the public infrastructure project that is receiving financial assistance, if applicable. However, if EOHED determines that a public infrastructure project is so integral to a private project such that the two projects must be considered a "common plan or undertaking" under 301 CMR 11.01(2)(c), then EOHED will require compliance with MEPA for the public infrastructure and private project. Such a requirement may be stated in a grant award letter and shall be a material term of the grant agreement between EOHED and the grant recipient. If applicable, the contract awarding the MassWorks grant also will incorporate the required section 61 findings under 301 CMR 11.12(5).

In any case where EOHED is uncertain of its MEPA obligations, it may consult with the MEPA Office and/or may recommend that the project proponent seek a formal Advisory Opinion under 301 CMR 11.01(6). The MEPA Office is available to offer assistance regarding the applicability of MEPA review and questions about the content, form, and/or timing of MEPA review documents.

Applicants for MassWorks funding may consult with the MEPA Office early in the process to ensure any filing requirements and associated timing are understood. In some cases, timing of MEPA review may be an important consideration in whether a project is "shovel ready." MEPA staff are available to address questions and provide information over the phone, via email and through pre-filing meetings.

Basic questions regarding jurisdiction and whether a project would exceed an environmental review threshold are typically addressed through email or phone calls. Discussions regarding the substance and timing of MEPA review or specific and unique aspects of a project may be more effectively addressed through pre-filing meetings with the Director or Assistant Director. The MEPA Office encourages applicants to participate in pre-filing meetings and schedules these meetings regularly. Additional information regarding MEPA review is provided on the MEPA website.

#### **APPENDIX 3: ACCESSING THE ONLINE APPLICATION**

All applications to the MassWorks Program must be submitted electronically. This year's application will be available on the IGX Platform, which is the upgraded version of IntelliGrants. The new system can be accessed at <a href="https://eohed.intelligrants.com">https://eohed.intelligrants.com</a>. A user account is required. Below are the steps for getting into the system. **NOTE:** Access to the 2020 MassWorks application in IGX will close at 11:59 PM on August 28, 2020.

A community, or public entity, should activate a primary account with the municipal CEO and/or designee(s) as a "Grant Administrator". This person(s) can then add other users, as necessary. Please refer to the IGX Grantee User Manual for technical instructions.

**Current Admin Users** – Municipal CEOs and/or designee who have used the IntelliGrants system in any of the past three rounds (2017-2019) may be able to use their existing usernames to access the 2020 application as a Grant Administrator in the new IGX system. However, you must use the "Forgot Username/Password" function to reset your password when you first login and/or if you do not remember your username.

**New Admin Users** – If your community, or public entity, has not accessed the Intelligrants system in the past three years, or is new to MassWorks, then a new registration is required. Similarly, this should be done by the municipal CEO and/or a designee. Click the "New User? Register Here" link to complete and submit a registration request. When that account is approved by EOHED, an email notification will be sent from the system confirming designation as a Grant Administrator.

**NOTE:** All new requests for Grant Administrator must be approved by EOHED. These will be reviewed as they are received. Applicants will get an email notification from the system confirming the approval. If confirmation not received after 48 hours, please contact <a href="massworks@mass.gov">mass.gov</a> to request assistance.

Other Users – Once a Grant Administrator is established for your organization, that user(s) may then create and/or approve additional accounts for municipal staff and/or consultants, such as grant writers, engineers, etc. Requests for access to IGX should be made directly to your community's Grant Administrator.

**Starting an application** – Once accounts are registered and/or approved, a Grant Administrator will be able to start an application(s), from the "My Opportunities" panel, and following the prompts in the portal. Any designated user may access, edit, and/or save an application on behalf of their organization, and are encouraged to save their work often, particularly after completing each section. However, only a Grant Administrator will be able to formally submit the application(s).

**NOTE:** A community may submit more than one application. However, each separate project funding request must be submitted as a separate application, and will be evaluated independently.

**Submitting an application** – Applications may be edited in IGX at any time up until the deadline. Official submissions will only be accepted between **Monday**, **August 17**, **2020 and Friday**, **August 28**, **2020**. During that timeframe, the "Application Submitted" option will become available (**to Grant Administrators only**), to officially submit an application. Applicants will receive an email confirming receipt within 24 hours. If an email is not received after 24 hours, please contact <a href="massworks@mass.gov">massworks@mass.gov</a> for assistance.

**NOTE:** If an application is erroneously submitted prior to being finished, the applicant may contact EOHED to reopen the application for further editing and completion, as long as it is before the deadline. Staff will try to accommodate these requests as they are received, but may not be able to respond to all requests immediately. EOHED is not responsible for delays or missed deadlines due to applicant errors.