



Nonpoint Source Section 319 Grant Program Fiscal Year 2023 Request for Proposals (RFP)

Synopsis

The Delaware Department of Natural Resources and Environmental Control's Nonpoint Source (NPS) Program is soliciting for proposals, through a competitive grant process, to improve water quality by reducing nutrient and sediment loads in impaired waterbodies of Delaware. The Department of Natural Resources and Environmental Control (DNREC) NPS Program will administer the grant application process and provide technical and financial guidance during the grant application and project period.

For the FY 2023 Clean Water Act (CWA) Section 319(h) grant RFP process, approximately \$250,000 is available contingent upon full funding from the Environmental Protection Agency (EPA). Proposal(s) selected through the RFP can tentatively expect funding to be available for project implementation by September 30, 2023. Grant funds may be available prior to this date; however, it is contingent upon EPA's processing timeline.

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Important Timelines

December 5, 2022 – Issuance of RFP

March 1, 2023 – Proposals due to the DNREC's NPS Program office electronically no later than 4:30PM. Applications received after this time will not be reviewed. Submissions must be sent to NPS.Grants@delaware.gov.

April 2023 – Grant awards announced, and recipients notified.

1. INTRODUCTION AND FUNDING

Purpose

The Delaware Nonpoint Source Program administers a competitive grant made possible through Section 319(h) of the Federal Clean Water Act. The grant provides funding opportunities for projects designed to reduce nonpoint source (NPS) pollution in Delaware. NPS pollution can be defined as any pollution that originates from a diffuse source (such as an open field or a road) and is transported to surface or ground waters through leaching or runoff.

Reduction of NPS pollution may often be achieved through incorporation of specific best management practices (BMPs) into project work plans. Projects may target any source of NPS pollution, and can include agriculture, silviculture, construction, marinas, septic systems, and hydro-modification activities. Proposals are reviewed and evaluated, and those which are determined to meet specific requirements are eligible for funding. All projects must include a non-federal match component. Each Section 319 project must have a 67% non-federal match of the federal grant funds being requested (The minimum match requirement can be calculated by multiplying the requested Federal Section 319 grant funding by .667).

Best Management Practices (BMPs)

Best Management Practice (BMP) means a practice, or combination of practices, that is determined to be an effective and practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals. BMPs should be selected based on the goals of a Watershed Implementation Plan or Pollution Control Strategy.

Primary sources for standards and specifications for BMPs appropriate to Delaware are listed below:

- Natural Resources Conservation Service, Field Office Technical Guide <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/technical/fotg/> ;
- Delaware Nutrient Management Commission – State Technical Standards <https://agriculture.delaware.gov/nutrient-management/publications-resources/>
- DNREC, Delaware Erosion and Sediment Control Handbook <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/handbook/>
- The Chesapeake Bay Program’s Quick Reference Guide for Best Management Practices https://www.chesapeakebay.net/documents/BMP-Guide_Full.pdf ; and
- The Delaware Forest Service offers assistance to landowners who wish to learn more about Forestry BMPs. For more information, contact the Forestry Program at (302) 698-4500.

Measurable Environmental Results

Section 319 grant projects are required to include appropriate measures to gauge the effectiveness of the project. These measures can be divided into two categories: Outputs and Outcomes. Outputs are the “deliverables” of a project (i.e., the number of brochures distributed, the dollars spent, the attendance at an outreach event, the number of BMPs installed, etc.). The outcomes are the ultimate impacts of those outputs on water quality. When possible, it is best to estimate the Measurable Environmental Results, or MERs, in terms of both the outputs and the resulting outcomes.

In many cases, this involves water quality, biological, habitat and/or other environmental monitoring. This includes generating new environmental data through water quality and/or biological monitoring activities, using existing environmental data from other sources (secondary data), using computer and/or other models to characterize environmental conditions, and creating new geo-spatial data and/or using existing geo-spatial data from other sources.

Depending upon the type of project and the goals of the project, environmental monitoring may not be appropriate to determine the effectiveness and success of a project. Additional types of activities include tracking land use changes, before and after pictures of restoration work; conducting surveys of stakeholder knowledge; or other types of monitoring specific to the goals of the project.

If the project will be implementing BMPs that directly reduce sediment and nutrient runoff, grant recipients may utilize the online Pollutant Load Estimation Tool (PLET). This tool can be found on EPA’s website at: <https://www.epa.gov/nps/plet>. Grant recipients are encouraged to utilize the Chesapeake Assessment Scenario Tool (CAST) for calculating applicable load reductions at the following website: <https://cast.chesapeakebay.net/>

For reporting purposes, any implemented BMPs must also be georeferenced so that load reductions can be estimated on a watershed scale. The spatial locations can be submitted to the NPS Program utilizing a digital map showing latitude and longitude coordinates. If you have any questions concerning the georeferencing of BMPs associated with your project, please contact the NPS Program via email at NPS.Grants@delaware.gov.

Funding

Projects selected for funding can begin work after the purchase order is executed. Payment of Section 319 funds are reimbursable for costs incurred as work is completed and upon receipt of an approved invoice and any other applicable documentation. All invoices must provide an itemized list of expenditures and a report of in-kind/cash match contributions. Other cost-share documentation may also be required upon request of the NPS Program. Payment can be expected approximately 4-6 weeks after DNREC receives appropriate invoices.

Equipment purchased with Section 319 funding must follow the conditions present in the EPA Section 319 Grant Guidance Document. Equipment disposition guidelines are found in 2 CFR

200.313. Equipment with a fair market value of \$5,000 or more are subject to stringent equipment disposition instructions.

Funding from the grant may also be used to support an established cost-share program. Cost-share funds from Section 319 grants may not be used to reimburse a sponsor for the following:

- Purchase of agricultural equipment, or other large pieces of equipment (equipment modifications and leasing are allowable);
- Purchase of land or land easements (these activities can be counted as matching funds in some cases);
- Any project which is directed at water quantity rather than water quality, such as dredging, drainage, or flood control;
- Any practices, equipment, or supplies used to fulfill the requirements of any federal permit, such as a NPDES permit, or to meet enforcement requirements;
- Wetland mitigation sites;
- Incentive payments or yield losses;
- Practices not sanctioned by DNREC or a partner agency of DNREC; and
- Practices not installed in accordance with standards and specifications developed by the Natural Resources Conservation Service (NRCS), DNREC or other recognized standards.

2. ELIGIBILITY

Applicant Requirements

A project can be sponsored by both public and private entities, including local governments (county, city, or town), conservation districts, tribal authorities, regional development centers, local school systems, colleges and universities, local nonprofit organizations, state agencies, federal agencies, watershed groups, for-profit groups, homeowner's associations, and individuals. Project grants to individuals are limited to demonstration projects.

Environmental justice seeks equity for minority and low-income communities that may be disproportionately exposed – and vulnerable – to adverse environmental impacts. Applicants are encouraged to identify projects in historically under-engaged or under-served communities. For the purpose of this RFP and the evaluation of applications, “underserved communities” means people/communities of color, low income, tribal and indigenous populations, and other vulnerable populations such as the elderly, children, and those who have pre-existing medical conditions.

DNREC requires appropriate licensed professional seal construction plans. This applies to implementation projects that include construction. Grant reimbursement will not occur if sealed plans are not submitted prior to construction. DNREC reserves the right to waive the requirement on a case-by-case basis after review of the grant proposal.

Projects with over 5,000 square feet of disturbance must comply with the Delaware Sediment and Stormwater Regulations. Projects must also comply with any state or federal permits.

Insurance: There are insurance requirements for grant recipients. Applicants should review their existing insurance coverages and determine if their current insurance coverage meets the requirements established below. If the applicant's current insurance does not meet the requirements established below, please explain in the submittal how any deficiencies in the required insurance coverages will be handled. Certificate of insurance and/or copies of the insurance policies will be required before a grant agreement is executed.

Grantee shall maintain the following insurance coverage:

- Worker's Compensation and Employer's Liability Insurance in accordance with applicable law, and
- Comprehensive General Liability - \$1,000,000.00 per occurrence/\$3,000,000 general aggregate, and
- Medical/Professional Liability - \$1,000,000.00 per occurrence/\$3,000,000 general aggregate; or
- Miscellaneous Errors and Omissions - \$1,000,000.00 per occurrence/\$3,000,000 general aggregate, or
- Product Liability - \$1,000,000.00 per occurrence/\$3,000,000 general aggregate, and
- If required to transport state employees, Automotive Liability Insurance covering all automotive units used in the work with limits of not less than \$100,000 each person and \$300,000 each accident as to bodily injury and \$25,000 as to property damage to others.

Award Information

The award made under this RFP will support lasting water quality improvements necessary in impaired watersheds to meet water quality limits as identified by EPA approved a-i, nine element watershed implementation plans.

Awarded funding must be utilized for implementation of the project. Construction costs, project materials, and labor costs related directly to the construction/implementation would be applicable for funding. Administrative costs shall not exceed 10% of the grant award. Examples of administrative costs include, but are not limited to:

- Preparation and submission of grant applications
- Fiscal tracking of grant funds
- Maintaining project files
- Collection and submission of deliverables

DNREC reserves the right to reject all proposals and make no awards under this announcement. DNREC also reserves the right to make additional awards under this announcement, consistent

with Department policy and guidance, if additional funding becomes available after the original selections are made. Funding levels are subject to change without notice.

Eligible Watersheds

Priority will be given to those projects whose goal is to improve the water quality of water bodies identified as having nonpoint source pollution impairments, as documented in EPA approved watershed implementation plans including: the Appoquinimink River, Broadkill River, Chester River and Choptank River, Christina Basin (Brandywine Creek, Christina River, Red Clay Creek and White Clay Creek subwatersheds), Inland Bays, Nanticoke River, Pocomoke River and Wicomico River, St. Jones River and the Upper Chesapeake (Elk River, C&D Canal, Bohemia River and Sassafras River subwatersheds) Watersheds.

The 305(b) reports and monitoring data are used to compile a list of impaired waters, commonly referred to as the 303(d) list. Delaware's most recent Integrated Reports (303(d) and 305(b)) can be found on DNREC's Watershed Assessment and Management Section website:

[Integrated Report: 305\(b\) Report and 303\(d\) List - DNREC Alpha \(delaware.gov\)](#)

The NPS Program may also prioritize funding according to additional environmental factors, such as land use and existing BMPs if these factors can help determine where projects will be most effective at reducing nonpoint source pollution. Grant recipients that failed to meet program requirements in the past may be ineligible to receive additional project funding.

Project Execution

The sponsor's application package is used to develop a grant agreement between DNREC and the sponsor that outlines the tasks, schedule, and budget that the sponsor commits to in their proposal. The project may begin when both a copy of the executed grant agreement and purchase order are received by the recipient. Grant recipients must adhere to all guidelines for spending federal funds and state grant agreement requirements. Recipients must report on project progress at least on a semi-annual basis. A final project report is due within 30 days of project completion.

Approved projects are assigned to a Project Manager who works closely with the sponsoring group by meeting with them at least semi-annually, providing technical assistance or referrals to others as needed, and reviewing all financial and reporting work submitted by the project. This oversight is concluded when the project's Final Report and Final Invoice have been submitted and the grant agreement has been closed.

Subcontracting

Any project subcontracts need to be approved by the DNREC Project Manager prior to being signed (executed). This review is to ensure that the scope of services, budget, and schedule coincide with the overall contractual agreement between DNREC and the project sponsor, the subcontractor is registered with the Secretary of State, and that the subcontractor is not

suspended from doing business with the state. DNREC does not perform a legal review of project subcontracts.

Matching Requirements

Each Section 319 project must have a 67% non-federal match of the federal grant funds being requested (The minimum match requirement can be calculated by multiplying the requested Federal Section 319 grant funding by .667). Match may be a combination of cash and in-kind services. Preference will be given to applicants with cash match. Match documented must be directly associated with the project and for work done to fulfill the agreement/contract tasks. Federal dollars may not be used to match Section 319 grant funds. A letter of commitment from any organization pledging matching funds or in-kind services must be attached to the application. Activities not eligible for grant funds are also not eligible for match. Match for volunteer time should be calculated using the national volunteer rate established by the independent sector¹. Applicants who are unsure of the value of volunteer time should contact the NPS Program for guidance.

Ineligible Costs and Projects

Projects required by enforcement action taken by DNREC, punitive or penalty related requirements, and those associated with Municipal Separate Storm Sewer System (MS4) permit requirements are ineligible for Section 319 funds.

3. GRANT PROPOSAL FORMAT

Grant Proposal Format

Applicants are required to follow the Proposal Evaluation Criteria listed below. Each proposal must describe how the project meets the program goals and priorities, the geographic scope of the project, cost effectiveness of the project, technical merit and feasibility, and organizational capacity to complete the project. Applicants may be contacted if the selection committee has any questions regarding their proposal(s).

Proposal Evaluation Criteria

Cover Page: The cover page should include the proposal/project title, partners/sponsor(s), point of contact information (including Project Manager name, address, phone number, E-mail address, County, Watershed, etc.), period of time the proposal will cover (e.g. 6 months, 1 year, etc.), total project cost, requested amount of grant funding, amount and source (e.g. cash, in-kind) of required non-federal match funding, identification of key project partners, and the organization's Unique Entity Identifier (UEI).

¹ Based on 2022 National Value of Volunteer Time.
<https://independentsector.org/value-of-volunteer-time-2022/>

Grant Application: The Nonpoint Source (NPS) Program has developed a fillable PDF that can be utilized for submission of the grant application. This document is located on the NPS Program website in association with the corresponding grant's RFP. Below are the minimum submission requirements for the proposal.

Project Description: Describe the issue or problem to be addressed by the grant proposal, why the work is necessary, and how it fits with the grant program criteria. For implementation projects, describe where the project is located including its watershed, municipality, site location, etc. Describe how the proposal will address water quality impairment issues and implement nutrient and sediment load reductions to help achieve applicable watershed Total Maximum Daily Loads (TMDLs).

Objectives/Tasks/Timeline: Provide a description of any goals or objectives to be completed through this project, location of the project, key partners involved in the implementation of the project, and a detailed work plan that describes how each goal will be accomplished. Provide target dates for the completion of each task/objective, list target milestones and associated timelines, and briefly describe how each milestone addresses specific project tasks/objectives. This section should also include any environmental benefits that may result from this project.

Measurable Environmental Results: Include estimates of the load reductions or other measurable environmental results that will result from the implementation of the project (please utilize and identify one of the nutrient load reduction models detailed in the RFP). Detail how the implementation of the proposed BMP(s) will provide a positive water quality benefit. Applicants should include how these results will be monitored, georeferenced, and reported.

Operation and Maintenance: Include any management practices that address the proper operation and maintenance requirements of the project after implementation has been completed and the grant has ended. Include the number of years the operation and maintenance plan will be in effect, the lifespan of the proposed BMP, the estimated cost to maintain, funding sources available for continued future maintenance, and the party responsible for maintenance.

Budget: Budget should include the amount of funds requested for the project, an itemized list of all expenditures (i.e., contractual costs, supplies, personnel/salaries, etc.), and non-federal match sources and amounts. Applicants should also include a brief narrative justification of the proposed budget to ensure clarity. Note: Minimum required non-federal match is calculated by multiplying the federal grant fund request amount by 0.667 for the NPS Section 319 grant. (319 Grant Example: \$10,000 grant fund request x 0.667 = \$6,670 match requirement. Total project cost = \$16,670).

Qualifications: Include a list of the applicant's qualifications to complete this project.

Insurance: If the applicant's current insurance does not meet the minimum requirements addressed in the eligibility section, please explain what level of coverage is currently

obtained and how any deficiencies in the required insurance coverages may be handled. Provide a Certificate of Liability Insurance form with the application. The certificate holder is as follows: DNREC, Division of Watershed Stewardship, Nonpoint Source Program.

Signature Page: The final page of the application must contain signatures from the grant applicant, landowner(s) on which the project will occur, and the responsible party for any matching funds. Letters of support from the landowners, match contributors, and future maintenance can be included in this section.

4. SELECTION PROCESS

A committee consisting of a diverse group of individuals will evaluate and rank all project proposals. Proposals will be reviewed for threshold eligibility purposes as described in this RFP. Applicant proposals will be reviewed and ranked according to a 100-point scale with the metrics outlined below.

A. Geographic Location (10 Points):

Background and Justification: Describe the issue or problem to be addressed by the grant proposal and why the work is necessary. Include the following:

- Identify the County and/or Municipality in which the project is located.
- Give site specific information (i.e., street location, parcel identification, waterbody draining to, etc.).
- Identify the watershed and sub-watershed (i.e., Deep Creek sub watershed within the Chesapeake Bay watershed).
- Provide a map that shows the project location.
- Include any site reconnaissance information, including but not limited to: recharge feasibility mapping, soils mapping and/or soils testing, contours via Lidar data or survey, drainage area/acres treated, % impervious cover.
- Include an aerial of the project area with the limits and important features clearly noted. Additional exhibits are encouraged.
- List the impairments of the watershed and/or site area, including management plans that have been developed.
- Give the TMDL reduction requirements established, watershed restoration plan, or pollution control strategy recommendations.
- Give local factors and concerns (i.e., in a CSO area, in a highly impervious area with no stormwater controls, in a highly eroding stream channel, etc.).

B. Meets Program Goals and Priorities (40 points):

Describe the project proposal in as much detail as possible. Include the following items:

- What type of practices are being proposed? What is the acreage, square footage of practice area, and/or cubic footage of the BMP being proposed?

- What is the nutrient/sediment reduction and runoff reduction efficiencies for the practice(s)?
 - Using the US EPA online Pollutant Load Estimation Tool (PLET) <https://www.epa.gov/nps/plet>, the Chesapeake Assessment and Scenario Tool (CAST) <https://cast.chesapeakebay.net/>, the Delaware Urban Runoff Management Model version 2 (DURMM v.2), or other regional approved method, estimate the total pounds of nutrient/sediment reduction and/or volume of runoff reduction based on the site parameters. Include documentation of how the reduction figures were calculated. Applicants are encouraged to use the Chesapeake Bay tools.
- What is the expected lifespan of the improvement as proposed?
- Will nutrient/sediment reduction and/or runoff reduction remain a constant over the lifespan of the improvement, or will there be a diminishing return?
- Who will design the project?
- Who will construct the project?
- Is there any monitoring associated with the project? If so, what kind? *Note: if water quality monitoring is proposed as part of the project, an EPA approved Quality Assurance Project Plan (QAPP) will be required.*
<https://www.epa.gov/quality/quality-assurance-project-plan-development-tool>

C. Technical Merit and Project Feasibility (30 Points):

The proposal will be evaluated on the technical feasibility given the proposed budget and timeline. The proposal should identify the applicant's (and partners) ability to undertake and successfully complete this project. The Review Team will evaluate the applicant's technical ability to successfully complete and manage the proposed project taking into account the applicant's organizational capacity, experience, facilities, and technical expertise to accomplish the proposed plan of work and its likely success.

Time Schedule and Benchmarks (10 points):

- Break down the Scope of Work into tasks/objectives with target dates for completion of each task/objective. It should list target milestones, timelines, and describe how each milestone addresses project tasks/objectives.
- Give a timetable for the implementation of the project. Include any monitoring time as applicable.
- Give a detailed budget for project implementation and monitoring (as applicable).

Cost Effectiveness (10 points):

- Describe the cost effectiveness of the proposal through implementation. Consider the cost of the planning phase as well as the design, construction, monitoring, and long-term maintenance and sustainability of the project.

- Include a description of other alternatives considered and why the selected proposal/approach was chosen.
- Give the amount of dollars spent for the pounds of nutrients/sediment removed and/or volume of runoff reduced.
- Describe how the longevity of the practice relates to the initial cost.

Maintenance (10 points):

- Who will be accountable for the maintenance of the practice after the grant has ended?
- What is the yearly cost to maintain the project?
- What funding is available for maintenance?
- A letter of agreement for future maintenance concerning the lifespan of the BMP should be included.

D. Leveraging/Co-funding (10 points):

The proposal should identify cooperative partnerships with stakeholders, creation of sustainable and effective commitments, and should demonstrate strong support from partners and other relevant agencies and organizations. The applicant may attach letters of support from cooperating agencies identifying how they intend to support the project. Applicants will be evaluated based on the extent they demonstrate how the applicant will coordinate/leverage the funding with other sources of funds (i.e., funding entities, project partners, surrounding communities, and businesses).

Demonstration of leveraging/co-funding from the applicant can be provided through the following examples:

- Match funding
- Cost share
- Co-funding
- Letter(s) of support
- Volunteer Hours

***Note:** Applicants may choose to demonstrate leveraging by pledging their own funds above the minimum match requirement or other resources for a voluntary match or cost share. Applicants who choose to cost share voluntarily must meet their cost share obligations if their proposals are selected for award. Please note that only eligible and allowable costs may be used for matches or cost.*

E. Programmatic Capability (10 points):

This section should include a list of the applicant's qualifications to complete the project.

- Organizational experience of applicant, partners, and consultants/contractors (if known). If any necessary consultants or contractors are not known at the time of

grant preparation, then the means of selecting a qualified candidate should be described. An appropriate licensed professional is required to seal construction plans for implementation projects.

- Plan for timely and successful achievement of the project objectives.
- Other similar grant awards including other grants awarded through the DNREC.

F. Opportunities for Extra Points (10 points):

- Is the project located in a Diversity, Equity, Inclusion, and Justice (DEIJ) area that engages under-served communities? Applicants are encouraged, as appropriate, to utilize data from the [EPA Environmental Justice Screening Tool \(EJ Screen\)](#) to identify, characterize, or describe potential affected communities, populations, and/or areas. See [Learn About Environmental Justice | US EPA](#) for more information about environmental justice.
- Does the applicant offer more than the minimum match requirement of the grant?

5. GRANTEE RESPONSIBILITIES

General Info

Grant award recipients will be required to sign a memorandum of agreement/grant agreement with the Department. All award recipients are required to comply with all state and federal laws and guidelines pertaining to the use of grant funds.

The Department of Natural Resources (DNREC) Nonpoint Source (NPS) Program will administer the grant application process and provide technical and financial guidance.

Grant award recipients may be subject to site visits from the DNREC and EPA Nonpoint Source Programs for routine monitoring and/or auditing of the project selected for grant funding.

Reporting Requirements

Projects funded under the Section 319 Program are required to submit semi-annual reports describing progress according to the project's work plan. EPA guidelines specify that performance reports be two to three pages in length and include a performance/milestone summary, slippage reports (providing reasons for delays in meeting scheduled milestones and actions taken to correct any current or anticipated problems), and any additional pertinent information.

The reports should be descriptive of the activities performed rather than a simple accounting of the funding spent to support the project. One effective way to do this is to structure the report according to the tasks that were laid out in the work plan and describe the progress made in each task. Also, any specific details regarding BMP implementation should be included as well, and should describe the type, extent, and location of the practice. Also, upon completion of the project, the grantee is required to submit a final report for the project to the NPS Program.

The NPS Program reserves the right to provide the grantee a semi-annual progress reporting and final report form to collect applicable information.

Expense Reimbursements

The NPS Section 319 Grant is a reimbursable grant. Project work and submission of expense reimbursements are not allowable until a grant agreement is executed, and a purchase order has been established. Recipients are responsible for submitting detailed invoices for allowable expenditures at a period of no more than once per month for disbursement of funds. Disbursement procedures will be provided at the time of grant award notification.

6. HOW TO APPLY

Submission of Proposals

An electronic copy of the proposal and supporting materials (e.g., project support letters from partners) must be submitted to the NPS Program. All proposals must be completed following the Grant Proposal Format detailed in this RFP. Proposals will not be accepted by facsimile machine submission. Please submit all applications to NPS.Grants@Delaware.gov by March 1, 2023.

The full RFP document and Grant Application Form can be found on the NPS Program website at: <https://de.gov/319grants>.

Email the proposal to:

Ben Coverdale & Ashley Barnett

NPS.Grants@delaware.gov

Subject: FY23 Nonpoint Source Section 319 Grant Proposal

7. CONTACT INFORMATION

For further details or questions regarding the Section 319 Grant Program, applicants are encouraged to contact M. Benjamin Coverdale (Ben) via email at Michael.Coverdale@delaware.gov and Ashley Barnett via email at Ashley.Barnett@delaware.gov.

The Department of Natural Resources and Environmental Control solicits and encourages Minority Business Enterprises (MBE), Women's Business Enterprises (WBE), and Small Business Enterprises (SBE) in all service contracts and is committed to affirmative action, equal opportunity, and diversity of its workforce.