



RESILIENT NJ GRANT PROGRAM

POLICY MANUAL

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of Climate Resilience

Bureau of Climate Resilience Planning

Table of Contents

1.0 Background	4
2.0 Program Design	5
2.1 Program Overview	5
2.2 Funding Sources	5
2.3 Program Structure	5
3.0 Program Requirements	6
3.1 Eligible Applicants	6
3.2 Eligible Project Areas	6
3.3 Eligible Activities	7
3.4 National Objective	7
3.5 Duplication of Benefits	7
3.6 Environmental Review	7
3.7 Timely Expenditures of Funds	8
3.8 Accommodating Persons with Limited English Proficiency	8
3.9 State and Federal Procurement Standards	8
3.10 Conflicts of Interest	8
3.11 Government-Wide Debarment and Suspension – (Excluded Parties Verification)	9
3.12 Audit Report Requirements	9
3.13 Resilient NJ Program Website	9
3.14 Citizen Participation Plan	10
3.15 Citizen Complaint Procedures	10
3.16 Detection of Fraud Waste and Abuse	10
3.17 Records Retention and Management	11
3.18 System of Record	12
4.0 Grant Award Information	12
4.1 Notice of Fund Availability (NOFA)	12
4.2 Bid Solicitations - Contractors	13
4.3 Additional Purchase Order - Innovation Award	14
4.4 Participant Selection	14
4.5 Notification of Award and Notice to Proceed	14
4.6 Appeal Process	15
5.0 Program Administration	16
5.1 Program Timeline	16
5.2 Work Orders, Blanket Purchase Orders, and Subrecipient Agreements	16
5.3 Progress Reporting and Deliverables	16
5.4 Processing Invoices and Payments	17
5.5 Training and Technical Support	17
5.6 Consultant and Subrecipient Monitoring	17
5.7 DEP Compliance with the MOU	17
5.8 DEP Progress and Compliance Reporting	18
6.0 Grant Closure Requirements	18
6.1 Regional Team Close-Out	18

6.2 Consultant Team Close-Out..... 18

6.3 Resilient NJ Project Close-Out in SIROMS 19

6.4 Resilient NJ Program Close-Out..... 19

7.0 Abbreviations and Definitions 20

8.0 Appendices..... 22

Appendix A: Construction Management Firm (CMF) Procurement and Management – 22

Appendix B: Consultant Team Prequalification & Procurement-Division of Purchase and Property (DPP) .. 22

Appendix C: Mini-bid Request for Quotes for Consultant Teams 22

Appendix D: Regional Team Selection 22

Appendix E: Non-governmental Organization (NGO) Selection..... 22

Appendix F: Templates for Required Documents 22

Appendix G: DCA-Federal Cross-Cutting Policies..... 22

Appendix H:DEP-Resilient NJ Program Policies..... 23

Appendix I: Memorandum of Understanding (MOU) between DCA and DEP 23

Appendix J: DCA Close-Out Policy :Project, Program and Grant Close-Outs 23

1.0 Background

As part of the federal government's Hurricane Sandy recovery efforts, the U.S. Department of Housing and Urban Development (HUD) established the National Disaster Resilience Competition (NDR) which made \$1 billion available to communities struck by natural disasters in recent years. The competition was designed to promote risk assessment/planning and implementation of innovative resilience projects to better prepare communities for future storms and other extreme events. The competition was funded by Community Development Block Grant disaster recovery (CDBG-DR) funds provided by the Disaster Relief Appropriations Act, 2013 (PL 113-2).

In January 2016, the State of New Jersey was awarded \$15,000,000 as part of the competition. The NJ Department of Environmental Protection (DEP) will administer the grant under a Memorandum of Understanding (MOU) with the NJ Department of Community Affairs as the CDBG Grantee.

Ten million dollars of this money was used to create the Regional Resilience Planning Grant Program, renamed the **Resilient NJ Grant Program** (the Program), which funded four comprehensive planning projects within New Jersey's nine Most Impacted and Distressed counties to develop Regional Resilience and Adaptation Action Plans (Action Plans) and then implement selected actions from these plans. DEP's Bureau of Climate Resilience Planning (formerly the Office of Coastal and Land Use Planning) administers the Program.

The balance of the money (\$5 million) was used to develop a Regional Stormwater Infrastructure Toolkit. DEP's Bureau of Flood Resilience developed the Toolkit and described the process under a separate DCA Policy and procedure manual.

In September 2022, an additional \$4,800,000 was transferred from the State's Blue Acres Buyout Program to the Resilient NJ Program through Action Plan Amendment (APA)46. In APA 46, the State addresses the continued need to assist local governments in Sandy-impacted communities with resilience planning and engagement by leveraging its CDBG-DR program to expand upon its existing Resilient NJ Program, partially funded by its CDBG-NDR allocation.

Resilient NJ brought together multi-disciplinary teams of planners, engineers, designers, and other experts, and paired them with groups of municipalities and other local stakeholders to address flood-related hazards at a regional scale. Since Hurricane Sandy, many communities in the state have undertaken various processes to assess the damage that occurred and identify risks and vulnerabilities. Most towns have taken some steps to address the concerns raised through the assessments. Simultaneously, DEP has been working to develop data, tools, and protocols to aid in these efforts. The Program is building on these existing efforts and capabilities to further regional planning efforts focused on strengthening policies, plans, response and recovery capabilities, and infrastructure, as well as enhancing environmental resources.

This Resilient NJ Policy Manual provides the guidance and direction for utilizing the \$14.8 million for the Resilient NJ Grant Program. The manual will be amended as the program progresses and solicitation for services are created at different stages. The manual can be downloaded from the Resilient NJ website at: <https://www.nj.gov/dep/bcrp/resilientnj/index.html>

2.0 Program Design

2.1 Program Overview

Resilient NJ provided funding to eligible counties and groups of municipalities within those counties to undertake a comprehensive regional resilience planning process. The purpose of the planning process was to identify and address vulnerabilities to increased flood risk and other climate stressors and protection of environmental resources. It included a robust public process to engage a wide range of stakeholders, ensure representation and participation from underserved and socially vulnerable populations, and to inform and guide the development of a resilience action plan for each region.

The process in each region was coordinated by a team of qualified contractors selected and funded through the grant program through a competitive procurement process. These contractors led the planning process, providing technical support, and facilitating the public and stakeholder engagement process in each region.

The Program was implemented in two phases. The Planning Phase (Phase I) included the completion of a comprehensive planning process that identified vulnerabilities to hazards, evaluated multiple planning scenarios through a public and stakeholder engagement process, and the development of a Regional Resilience and Adaptation Action Plan (Action Plan).

The Implementation Phase (Phase II) will focus on executing specific, regionally significant actions identified in the Action Plan. These actions may include developing planning documents, emergency operations planning, capital improvement planning, ordinance adoption, and project design.

One of the objectives of the Resilient NJ program was to push for innovation in the field of resilience planning. To that end, DEP provided an award of up to \$250,000 to the consultant Team that developed the most innovative response scenarios for their region. The award will be utilized to implement selected actions in Phase II of the program.

2.2 Funding Sources

CDBG-NDR

The CDBG- National Resilient Disaster Recovery (CDBG-NDR) grant funds were made available through the Disaster Relief Appropriations Act, 2013 (Public Law 113-2, approved January 29, 2013). HUD awarded the State of New Jersey \$15,000,000 pursuant to FR-5936-01 (June 7, 2016).

Superstorm Sandy CDBG-DR

In September 2022, HUD approved the State of New Jersey's Action Plan Amendment (APA) 46 for CDBG- Disaster Recovery funds appropriated under Public Law (P.L.) 113-2. This amendment provides additional funding to the Resilient New Jersey program through a reallocation of \$4,800,000 from the State's Blue Acres Buyout Program.

2.3 Program Structure

DEP Bureau of Climate Resilience Planning (BCRP)

BCRP administers the Program under a Memorandum of Understanding (MOU) with the NJ Department of Community Affairs (DCA) which is the CDBG Grantee. DCA is overseeing the overall program to ensure grant requirements and program objectives are being met.

There are four regional projects in the Program. The project areas were determined by the boundaries of the municipal governments comprising each regional team. Each project team is composed of a regional team and a consultant team working collaboratively to identify regional assets, engage the local communities, set resilience priorities, select a community-supported comprehensive resilience and adaptation strategy.

A Regional Team must include at least three contiguous municipalities, and at least one community-based organization. Each Regional Team must have a lead community or Prime, who will serve as the fiscal agent for the team. The Prime is responsible for requesting and distributing reimbursements from the state for costs incurred by its team partners for their participation in the project.

A Consultant Team, comprised of planners, engineers, designers, scientists, and other experts, leads the planning process in the selected region and works closely with the Regional Team to develop the Action Plan and implement selected actions identified in the Action Plan. Consultant Teams were retained directly by DEP through a bid process.

A Construction Management Firm (CMF) was engaged to provide the program with over-all project management support as well as plan development which included developing methodologies for risk assessment and scenario building.

DEP engaged three non-government organizations to provide programmatic assistance to BCRP and the project teams. Assistance by the NGOs included developing guidance on communications and outreach to socially vulnerable populations, updating guidelines for creating living shorelines to include urban locations, and ecological solutions to flood-prone landscapes. The Notice of Fund availability was posted on the DEP Grants and Loan page at <https://dep.nj.gov/grantandloanprograms/>

3.0 Program Requirements

3.1 Eligible Applicants

- The nine Hurricane Sandy Most Impacted and Distressed counties in New Jersey, namely: Bergen, Hudson, Essex, Union, Middlesex, Monmouth, Ocean, Atlantic, and Cape May; groups of at least three municipalities with a shared boundary located within these counties; regional planning commissions; utility authorities, or other similar entities.
- Public or private nonprofit agencies or organizations and institutes of higher education.
- For-profit entities that respond to Requests for Proposals.

3.2 Eligible Project Areas

The Program sought to fund up to five planning projects in multi-municipal regions within the nine counties listed under Eligible Applicants. Each region was required to include a minimum of three municipalities with a shared boundary. The unique characteristics of each region were used to determine the issues for consideration, types, and severity of hazards, and selection of appropriate responses to identified vulnerabilities.

3.3 Eligible Activities

The funds available under this Notice can be used for “Planning Only Activities” which include data gathering, studies, analysis, and preparation of plans. The funds cannot be used to create engineering or architectural drawings in support of construction. Examples of eligible activities include, but are not limited to, master plan elements, land-use plans, historic preservation plans, community recovery plans, code updates, zoning ordinances, neighborhood plans, public and stakeholder engagement campaigns, conceptual designs of infrastructure projects, restoration projects, or shoreline/bank stabilization projects.

3.4 National Objective

DEP or its subrecipients’ use of grant funds for planning activities and administrative costs under 24 CFR 570.205 and 24 CFR 570.206 are considered to meet a National Objective under the requirements of 24 CFR 570.208(d)(4).

3.5 Duplication of Benefits

Section 312 of the Stafford Act prohibits any person, business, or other entity from receiving duplicative financial assistance for the same disaster recovery purpose from multiple sources of Federal and other support (see DCA Policy 42 U.S.C. 5155(a) and (c)). Duplication occurs when a beneficiary receives assistance from multiple sources for a cumulative amount that exceeds the total need for a particular disaster recovery purpose. The amount of the duplication is the amount of assistance provided in excess of need.

Per CDBG-DR regulations, the program’s subrecipients were required to disclose all other benefits (cash, in-kind, grants, loans, etc.) received, or which will be received for the proposed project to ensure that federal funds do not duplicate funds received from other sources.

Determination of non-duplication of benefits were completed by the Program following the steps outlined in [Appendix G-9: DCA Policy No. 2.10.73, Duplication of Benefits \(DOB\)](#), and the Duplication of Benefits Guidance provided by HUD in the Federal Register Volume 76, No. 221, dated November 16, 2011.

Upon receiving a conditional award, applicants were required to sign an affidavit that indicated (1) acknowledgement of DOB requirements and obligation to report all funding received, and (2) DEP may inquire about other assistance in the future, if deemed necessary. The subrecipient agreement contained a subrogation clause which required the subrecipient to reimburse the DEP if, in the future, it receives other recovery-related assistance for the same purposes as under the award. ([Appendix F-1: Duplication of Benefits Affidavit](#))

3.6 Environmental Review

The Program is exempt from performing environmental reviews according to 24 CFR Part 58 – Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities per below:

§58.34 Exempt activities.

- a) *Except for the applicable requirements of §58.6, the responsible entity does not have to comply with the requirements of this part or undertake any environmental review,*

consultation, or other action under NEPA and the other provisions of law or authorities cited in §58.5 for the activities exempt by this section or projects consisting solely of the following exempt activities.

- b) *Environmental and other studies, resource identification and the development of plans and strategies*

3.7 Timely Expenditure of Funds

The Appropriations Act requires that HUD obligate all funds not later than September 30, 2017 (FR 5636-N-01). CDBG-NDR funds must be expended within two years of the date HUD obligates funds to the Grantee (DCA) unless the Grantee requests and HUD approves an extension to the deadline. HUD has granted the Program an extension to the expenditure deadline to September 30, 2029.

3.8 Accommodating Persons with Limited English Proficiency

All recipients of CDBG-NDR funds must comply with all federal and state requirements for accommodating participation and information access among persons with limited English proficiency (LEP). To comply with this requirement, all outreach materials requesting input and participation from the public for the Program were translated into Spanish. It included a notice in the 10 other identified languages stating that “Language assistance services are available in these languages upon request” (Appendix G-7: DCA Policy No. 2.10.32 - Language Access Policy).

3.9 State and Federal Procurement Standards

All recipients of or entities managing CDBG-NDR funds must follow state and federal procurement standards including but not limited to Executive Order 125 (Christie 2013) and comply with the more stringent of the two. States and local governments will follow procurement standards set forth at 2 CFR §§200.317 - 200.326 such that they operate in a manner providing fair and open competition. All procurements using CDBG-NDR funds were processed pursuant to State procedures through the Division of Purchase and Property (DPP) (Appendix G-1: DCA Policy No. 2.10.93 – Procurement Policy CDBG-NDR, effective July 2016; Appendix B-3: Executive Order 125 – Christie, February 8, 2013).

3.10 Conflicts of Interest

An organizational conflict of interest is defined as, because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advise the Government, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.

Conflicts of interest in the award and/or administration of contracts must be avoided. “No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.” (2 CFR 200.318 (c) (1)). Other federal regulations with which the grantee must comply are conflict-of-interest requirements in 24 CFR 570.611. Full details of the DCA-DRM Conflict of Interest Policy, including applicability, requirements, and exceptions, can be found in Appendix G-5: DCA-DRM Policy No. 2.10.9-Conflict of Interest.

3.11 Government-Wide Debarment and Suspension – (Excluded Parties Verification)

Prior to entering into any HUD-funded agreement, the DEP checked all contractors, and subcontractors (including sub-tier contractors) utilized by subrecipients, against the System for Award Management (SAM), found at <https://www.sam.gov> and the New Jersey Consolidated Debarment Search site at: <http://www.state.nj.us/treasury/revenue/debarment/debarsearch.shtml>

The Program documented that their contractors and subcontractors (including sub-tier contractors) have not been suspended or debarred. In addition, DEP obtained a certification that the contracting entity and its principals are not debarred, suspended, or otherwise excluded or ineligible from bidding on, receiving, or participating in Federally funded contracts or grants (Appendix G-4: DCA Policy No. 2.10.10 – Government-wide Debarment and Suspension (Excluded Parties Verification) and Debarment and Suspension Certification; Appendix F-4: Debarment and Suspension Certification).

3.12 Audit Report Requirements

Effective December 26, 2014, the federal Office of Management and Budget (OMB) published new requirements for federal programs entitled Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (also known as the Super Circular) codified at 2 CFR 200. The Super Circular guidance supersedes and consolidates the requirements from OMB Circulars A-21, A-87, A-110, A-122, A-89, A-102, A-133 and A-50.

In response to the issuance of the Super Circular on the Federal level, the State issued Treasury Circular Letter 15-08-OMB, “Single Audit DCA Policy for Recipients of Federal Grants, State Grants and State Aid” to bring the State’s DCA Policy regarding audits of financial assistance recipients in line with the revised federal requirements. State Circular Letter 15—08-OMB raises the single audit expenditure threshold to \$750,000 for recipients. Financial Statement audit requirement threshold remains at \$100,000 or greater of combined federal and State expenditures for recipients not meeting Single Audit threshold.

The Grantee’s audit requirement is determined by the amount of federal and state financial assistance expended during their 12-month fiscal year. Pursuant to State and Federal Requirements, the Grantee is required to submit an annual single audit or program-specific audit for expenditures \$750,000 or more in a fiscal year; or a financial statement audit or program-specific audit for expenditures between \$100,000-\$749,999 per fiscal year. The Grantee is not required to have an annual single audit, a financial statement audit or a program-specific audit for expenditures of \$100,000 or less per fiscal year (Appendix G-10: DCA Policy No.1.10.13-Grant Recipients Audit Report; Appendix H-1: DEP Resilient NJ Policy on Audit Findings).

The Program obtains the annual audit reports from the DCA’s Division of Local Government Services (LGS) which is responsible for enforcing NJS 40A:5-4 which requires municipalities and counties to conduct and submit annual audits to DCA.

3.13 Resilient NJ Program Website

DEP maintains a website dedicated to the Resilient NJ Grant Program at: <https://www.nj.gov/dep/bcrp/resilientnj/index.html>. The website contains links to the four regional projects and the Regional Resilience and Adaptation Action Plans developed by the project consultants for their specific regions.

3.14 Citizen Participation Plan

Local governments must provide citizens with reasonable notice of, and opportunity to comment on proposed activities in an application to the State. The primary goal is to provide citizens--especially low and moderate-income citizens of the community where CDBG-funded activities will take place-- an opportunity to participate in an advisory role in the planning, implementation, and assessment of the programs and projects.

The New Jersey Department of Community Affairs (DCA) developed a Citizen Participation Plan specifically to meet the requirements of the CDBG Disaster Recovery (CDBG-DR) funding for Superstorm Sandy. The Plan reflects the alternative requirements as specified by the U.S. Department of Housing and Urban Development (HUD) in the Federal Register (FR-5696-N-01) and notice of specific waivers. The State will ensure that any local governments or subrecipients who receive funds will have a citizen participation plan that meets the CDBG-DR regulations and takes into consideration the waivers and alternatives made available under CDBG-DR funding.

Local governments in New Jersey may adopt and follow the New Jersey Citizen Participation Plan to comply with the notification requirements for CDBG-DR. The local government members of the regional project teams opted to adopt DCA's Citizen Participation Plan.

The document is available at:

https://www.nj.gov/dca/ddrm/plansreports/pdf/CITIZEN_PARTICIPATION_PLAN_3-13-13.pdf (also located in Appendix D-5: New Jersey Citizen Participation Plan).

3.15 Citizen Complaint Procedures

The State will accept written citizen complaints from citizens related to the disaster recovery programs, the Action Plan, substantial amendments, or quarterly performance reports. Written complaints should be submitted via email to ResilientNJ@DEP.NJ.GOV or be mailed to:

New Jersey Department of Environmental Protection
Office of Climate Resilience - Bureau of Climate Resilience Planning
401 E. State Street, P.O. Box 402
Trenton, New Jersey 08625-0402
Attention: Nick Angarone, Chief Resilience Officer

The DEP will make every effort to provide a timely written response to every citizen complaint within fifteen (15) working days of the receipt of the complaint, where practicable.

The State requires that its subrecipients and applicants follow a Citizen Complaint procedure reflective of the goals of the Citizen Participation Plan. A copy and/or summary of the citizen complaints received by applicants will be forwarded to the DCA. The complainant must be made aware by the applicant that, if she or he is not satisfied with the response, a written complaint may be filed with the DCA (Appendix G-3: DCA Policy No. 2.10.8 - Citizen Complaint Response and Appeal Process).

3.16 Detection of Fraud Waste and Abuse

As grantee of the CDBG-NDR funds, DCA oversees all activities and expenditures of the funds awarded to

DEP for the Resilient NJ Grant Program. All projects will be monitored at least once during the life of the activity. The results of monitoring and audit activities will be reported to the Commissioner of DCA (Appendix G-2: DCA Policy No. 2.10.3, Detection of Fraud, Waste, and Abuse).

3.17 Records Retention and Management

DEP and its funded entities must retain records for a period of no less than seven years following the fiscal year their program or activity is closed out by the State. The standard recordkeeping requirements are necessary to document compliance with all applicable laws, regulations, and requirements, including but not limited to:

- Confirming funds are being used for eligible activities,
- Demonstrating adequate financial management capacity, and
- Documenting oversight of program participants.

The State is required to keep records for the CDBG-DR programs and/or document compliance by their funded entities, including subrecipients, contractors, or local governments.

Entities administering funds at the subrecipient level (Regional Teams) are responsible for the retention of records that pertain to their programs. The following records will be maintained for the CDBG-DR programs:

- General Administrative Recordkeeping
- Financial Recordkeeping; and
- Project/Activity Recordkeeping.

Fully detailed guidelines for files and records can be found in Appendix G-6: DCA Policy No. 2.10.19, File Management and Record Keeping. Any future changes in policy number 2.10.19 supersede the content of this manual.

Below is a list of supporting documentation that the State and any subgrantees will maintain that relates to the overall administration, finances, and projects under the Resilient NJ program as applicable. These records may include, but are not limited to the following, as applicable:

- General administrative recordkeeping
- Description, location, and budget of each funded activity
- Documentation of compliance with other federal requirements
- Financial recordkeeping
- Source documentation (invoices, purchase orders)
- Draw down requests
- Project/Activity Records
- Regional team applications
- Eligibility reviews
- Grant agreements
- Consultant team bid solicitation submissions
- Procurement documents, such as bids or contracts
- Progress reports
- Compliance with program requirements
- Budget and expenditure information
- Project status
- Project deliverables

Subject to 24 CFR 570.493 (HUD's reviews and audits), HUD will make reviews and audits at least annually to determine whether the State has distributed CDBG-DR funds in a timely manner in the method described in its Sandy Recovery action plan. DEP and its funded entities must allow HUD, the US Comptroller General and other agencies access to records to make audits, examinations, excerpts, and transcripts (Appendix G-6: DCA Policy No. 2.10.19 - File Management and Record Keeping).

3.18 System of Record

SIROMS is the electronic system of record for managing all CDBG-DR funds awarded to New Jersey. SIROMS will be used to record, file, register, index, process and provide access to CDBG-DR activity or program records. The system must achieve the following objectives related to all records maintained within:

- Records are retrievable;
- Records are unalterable; and
- Records are accessible.

4.0 Grant Award Information

The Resilient NJ Grant Program is a competitive grant program. The processes through which grant funds were awarded are the Notice of Fund Availability (NOFA), bid solicitation, and Work Orders through the New Jersey Department of Treasury (Treasury).

4.1 Notice of Fund Availability (NOFA)

The NOFA was issued to:

- Solicit applications from eligible counties (as defined in the NOFA for Regional Teams Section D -Eligible Applicants), groups of at least three municipalities with a shared boundary within those counties, and community-based organizations. These comprised the Regional Teams (Appendix D-1: Notice of Fund Availability - New Jersey Register, May 21, 2018; Appendix D-2: Application for Regional Team Participation; Appendix D-3: Application Completeness Checklist & Evaluation Criteria).
- Solicit applications from not-for-profit, non-governmental organizations (NGO) for projects that enhance existing resources, tools, or methodologies, or create new resources that expand the knowledge or capabilities for regional resilience planning in New Jersey. Eligible project types included, but were not limited to, providing research, guidance documents, tool development, trainings, communication materials or campaigns or other efforts that directly support regional resiliency planning in New Jersey (Appendix E-1: Notice of Fund Availability for NGOs; Appendix E-2: Application for NGO Participation; Appendix E-3: Application Completeness Checklist; Appendix E-4: Subrecipient Agreement Templates for NGOs).

DEP published the NOFA in the New Jersey State Register (N.J. revised Statutes Section 52:14-34.4 (2013) – *Notice of Fund Availability*) or the DEP grants website. In addition, the NOFA and application document were posted on the Resilient NJ website at <https://www.nj.gov/dep/bcrp/resilientnj/index.html> and publicized through various means including:

- Emails and mailed notices to municipality mayors and business administrators, and county executives and planners within the nine Hurricane Sandy Most Impacted and Distressed counties in New Jersey

- Emails to NGOs
- Announcements at appropriate meetings, conferences, and events
- People who requested to be notified by signing up on the program’s listserv
- Question and Answer sessions at three locations in different parts of the state and by webinar

4.2 Bid Solicitations - Contractors

Although State agencies may possess their own statutory procurement authority, all procurements using CDBG-NDR funds were processed through Treasury to ensure compliance with 2 C.F.R. §200 procurement standards including fair and open competition. Treasury is the State’s central procurement agency and is the entity responsible for Circular 13-15-DPP, as well as other procurement-related circulars and guidance at N.J.A.C. 17:12.

The Treasury’s Division of Property Management and Construction (DPMC) initially procured these services of five Construction Management Firms through a competitive bidding process under Term Contract CMF 003 dated September 10, 2015. These firms were qualified to respond to request for proposals for the role of CMF to provide professional, technical, administrative, and clerical personnel, as needed, for the various DEP grant programs. An Independent Cost Estimate was performed to confirm the reasonableness of the proposed quotes (Appendix A-1: Bid Package: CMF Master Term Agreement Contract).

- *Bid Solicitation for CMF for RNJ grant program:*
 - With guidance from DPMC, the program issued a request for proposal for the CMF. An Independent Cost Estimate was performed by DEP’s Comptroller to confirm the reasonableness of the proposed quotes (Appendix A-2: Bid Package: RFP for CMF for RNJ Program).
- *Bid Solicitation for qualified consultants for RNJ regional projects:*
 - Treasury’s Division of Purchase and Property (DPP) solicited bids on behalf of the program from vendors with the expertise, experience, and creativity to lead a planning process and provide technical assistance to the regional teams will respond. The bid solicitation was posted on NJSTART.gov, the State of New Jersey’s eProcurement site (Appendix B-1: Joint Circular, State of New Jersey Department of the Treasury No. 14-07-DPP/OMB/OIT).
 - DPP awarded six Blanket Purchase Orders (Blanket P.O.) to vendors whose quotes were most advantageous to the State, price and other factors considered (Appendix B-2: Bid Solicitation Package for Consultant Teams). An Independent Cost Estimate was performed by DEP’s Comptroller to confirm the reasonableness of the proposed quotes.
- *Bid solicitation for regional project consultants – the Mini-bid:*
 - BCRP conducted a “mini-bid” process to select the consultant teams that will be working on the regional projects. A scope of work and request for competitive pricing for each planning project were issued by BCRP to all prequalified vendors selected through the DPP process described in Section 4.2.2, above. Four (4) planning project opportunities were issued contemporaneously (Appendix C-1: Request for Quotes for Regional Projects). An Independent Cost Estimate was performed by DEP’s Comptroller to confirm the reasonableness of the proposed budget costs.

4.3 Additional Purchase Order - Innovation Award

The planning phase (Phase I) of the regional projects required the four project consultant teams to develop a range of scenarios using information gained from evaluation of current and future risk, identification of assets, and feedback received from the stakeholder engagement process. DEP offered an additional award of up to \$250,000 to the consultant team that developed the most innovative response scenario for their region. The four teams submitted proposals. Using the innovation award evaluation criteria, a panel of experts from DEP considered the whole suite of actions comprising the response scenario as well as the effectiveness and creativity of the process to develop the Regional Resilience and Adaptation Plan.

The winning consultant team received the \$250,000 as an addition to the original purchase order amount to implement additional actions identified in the Action Plan in Phase II of the program (Appendix C-2: Innovation Award Evaluation Criteria).

4.4 Participant Selection

Selection criteria for eligible applicants are included in the application documents and the bid solicitations. Refer to Sub-sections 4.2.2, 4.2.3 and 4.3, above, for a list of appendices containing these criteria.

Selection Committees:

- For consultants responding to the bid solicitation to qualify as a Consultant Team: BCRP and Treasury established a committee comprised of in-house technical staff to review and evaluate proposals and statements of qualifications using a documented standard review process and criteria developed by Treasury. The information was provided to applicants and published on the Resilient NJ and Treasury websites.
- For applicants responding to the NOFAs, and the mini-bid solicitation: BCRP established a committee comprised of in-house technical staff to review and evaluate applications using a documented review process and criteria developed by the program. The information was provided to applicants and posted on the Resilient NJ website.
- For the Most Innovative Response Scenario award: BCRP established a committee comprised of DEP technical staff and the director of the Office of Environmental Equity to review and evaluate the various response scenarios produced by the regional project teams using a documented review process and criteria created by the program. These were provided to applicants and posted on the Resilient NJ website.

4.5 Notification of Award and Notice to Proceed

Treasury notified the vendors who responded to the bid solicitation for project consultants. DEP notified the selected subrecipients who responded to the NOFA as well as the vendors selected through the mini-bid process. Awards are considered final upon receipt of a Purchase Order by the vendors, or a signed agreement between DEP and subrecipients. DEP issued a Notice to Proceed within 30 days of agreement on the final scope of services, budget, and timeline.

4.6 Appeal Process

Appeals Regarding Selection Processes:

DEP will reconsider applications only when there is an indication of a substantive technical or procedural error by DEP. Applicants must send written requests to appeal a determination based on technical or procedural error to DEP within 30 calendar days after receiving a denial of award from DEP.

The appeal for CMF and Consultant Team selections through the T3103 Bid Solicitation will be addressed by Treasury's DPMC and the DPP, respectively.

The appeal for Regional Team and NGO selections, and Consultant Teams selected through the mini-bid process will be addressed by the DEP's Chief Resilience Officer. Written complaints should be submitted via email to ResilientNJ@DEP.NJ.GOV or be mailed to:

New Jersey Department of Environmental Protection
Climate and Flood Resilience Program - Bureau of Climate Resilience Planning
401 E. State Street, P.O. Box 402
Trenton, New Jersey 08625-0402
Attention: Nick Angarone

Should an applicant request reconsideration of the chief's determination, the appeal will be referred to the DEP Commissioner for reconsideration of the decision. A decision by the DEP Commissioner to uphold or overturn a decision regarding an application is final.

The individuals reviewing the appeal will not be the same ones involved with the application eligibility and scoring process. A determination will be sent to the applicant within 30 days of receipt.

Appeals Regarding Resilient NJ Program Administration:

All appeal requests related to program activities are processed and reviewed by DCA. Initial review of the appeal will be conducted by a three (3) person panel, made up of Legal and Regulatory Affairs staff. This staff is independent from the group that originally made the decision being appealed. Each appeal will be reviewed against Program policies and requirements. The panel will make a recommendation to the Deputy Commissioner of DRM who will make the final determination.

Appeal requests to DRM must be postmarked within sixty (60) calendar days of the date of service on the original correspondence communicating the decision to be appealed. Appeals must be submitted in writing to:

Department of Community Affairs
Division of Disaster Recovery and Mitigation, Legal
101 South Broad Street, P.O. Box 800
Trenton, NJ 08625
Attention: DRM Deputy Commissioner

The applicant's written request should contain the following information:

- Name of Regional Team,
- Regional team participants,
- Applicant's mailing address,

- Applicant's telephone number,
- Email address (if available),
- The reason(s) the decision or action is being appealed,
- Documentation that supports the request to overturn the decision, and
- Application number.

If appropriate, Legal and Regulatory Affairs may contact the applicant to allow the applicant to provide additional documents to address any deficiency or incomplete information, or to be interviewed to determine the merits of the applicant's appeal. If the action or decision is overturned, notification will specify the corrective action to be taken. The applicant shall be notified of the final determination in writing via certified mail.

5.0 Program Administration

5.1 Program Timeline

The Resilient NJ program began approximately in the first quarter of 2017. The program will end when all funds have been expended and all eligible participants have completed closeout, on or about September 30, 2029. The program or grant deadline may be extended if DCA requests an extension from HUD.

5.2 Work Orders, Blanket Purchase Orders, and Subrecipient Agreements

- CMF Work Order #4
 - The CMF selected to perform professional, technical, and administrative functions as defined in the CMF Scope of Work was authorized to perform these services through Work Order #4 for Multiple Award Term Contract (CMF-003).
 - The work order is for a period of two years with the potential for three 12- month extensions.
- Blanket Purchase Orders (Blanket P.O.) for Project Consultant Teams
 - The consultants selected to work on planning projects through the mini-bid process were engaged through a Blanket P.O.
- Subrecipient Agreements with Regional Team Primes and NGOs
 - The Regional Team Primes and non-governmental organizations signed Subrecipient Agreements with DEP.
 - The agreements were allowed extensions in six-month increments for the duration of the projects (Appendix D-4: Subrecipient Agreement Template DEP069G for Regional Team Primes; Appendix E-4: Subrecipient Agreement Templates for NGOs; Appendix F-3: Expenditure Report - Grantees).

5.3 Progress Reporting and Deliverables

Progress reports and deliverables are uploaded by contractors and subrecipients to SIROMS for processing. The report may be submitted on a form pre-approved by DEP or on the Progress Report Template (Appendix F-2: Progress Report Template).

Progress reports will be submitted periodically and on a mutually agreeable timeframe by the CMF, project consultants, regional teams, and NGOs to track work progress and compliance with the master schedule

and budget. The BCRP planners review and approve all progress reports and deliverables. In addition to reports check-in meetings are also conducted to continually monitor work progress.

5.4 Processing Invoices and Payments

Refer to Appendix G-8: DCA Policy No. 2.10.33 - SIROMS Program Requirements and Procedure for Invoice Approval and Processing.

5.5 Training and Technical Support

Program staff worked with contractors and subrecipients to determine if, and what type of training, was needed to manage their CDBG-NDR grant funds. Training and technical support included the following:

- How to submit progress reports and requests for payment through SIROMS
- Training on CDBG-DR regulations and administrative processes
- Technical assistance on the development of reports and payment requests
- On-call technical assistance on issues including procurement, CDBG regulations, reporting, and others

5.6 Consultant and Subrecipient Monitoring

The Resilient NJ program performs ongoing monitoring to ensure that the grant award is being used for its intended purpose and that all terms and conditions outlined in the grant agreement are being met and complied with. A BCRP planner (Project Coordinator) has been assigned to each project team to provide oversight and guidance. The consultants are conducting regular project meetings with project coordinators and local team partners to ensure tasks and activities are moving toward the intended outcome. Their responsibilities include informing the Resilient NJ Project Manager of:

- Problems, delays, or adverse conditions which will materially affect the ability to attain project objectives, prevent the meeting of time schedules and goals, or preclude the completion of project work units or tasks within established time periods, and
- Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or completing more units or tasks than originally projected.

If the Subrecipient or Contractor is not performing satisfactorily in the sole judgment of the Resilient NJ Project Manager, remedial measures may be deemed necessary to fulfill the project requirements. Remedial measures are identified in the contracts and subrecipient agreements (Appendix A-1: Bid Package: CMF Master Term Agreement Contract; Appendix B-2: Bid Solicitation Package for Regional Project Consultants; Appendix D-4: Subrecipient Agreement Template DEP069G for Regional Team Primes; Appendix E-4: Subrecipient Agreements Templates for NGOs.)

5.7 DEP Compliance with the MOU

DEP follows the requirements as established in the MOU between DCA and DEP (Refer to Appendix I-1: Memorandum of Understanding - Original; Appendix I-2: First Amendment – Budget Reallocation; Appendix I-3: Second Amendment - \$4.8 Million Added to Budget.)

Compliance reports show:

- the number of people with limited English proficiency assisted
- the number of technical assistance training provided
- subrecipient awards and contracts worth \$25,000 and greater that are covered under the Federal Funding Accountability and Transparency Act (FFATA) reporting requirements

In addition, the Program provides budget forecasts to DRM upon request.

5.8 DEP Progress and Compliance Reporting

DCA is the state's lead authority over all CDBG-DR funding and is responsible for synchronizing the reports with HUD DRGR. The Program submits various quarterly progress (QPRs) and compliance reports to DCA through SIROMS. Reports are due approximately thirty days after the end of the fiscal year quarter. The QPRs must show:

- progress on the number of plans or planning products completed
- the number of non-business organizations benefitting Compliance reports show:
- the number of people with limited English proficiency assisted
- the number of technical assistance training provided

Subrecipient awards and contracts worth \$25,000 and greater that are covered under the Federal Funding Accountability and Transparency Act (FFATA) reporting requirements. In addition, the Program provides budget forecasts to DCA Division of Disaster Recovery and Mitigation upon request.

6.0 Grant Closure Requirements

There are three levels of close-out, as applicable: Project Close-out, Program Close-out, and Grant Close-out. The Grant Close-out requirement is applicable only to DCA as grantee for the CDBG-NDR grant. The Project Close-out and Program Close-out requirements are applicable to the Resilient NJ Grant Program as follows:

6.1 Regional Team Close-Out

Subrecipients are required to provide the following information for project close out:

- Project Certification including HUD National Objective met
- Final reports
- Final payment requests
- Documentation that funds were expended in full, or any remaining funds are returned to DEP
- Documentation that any outstanding audit and monitoring issues affecting the grant have been resolved

6.2 Consultant Team Close-Out

Contractors are required to provide the following information for project close-out:

- Final reports and deliverables
- Final invoice submitted

- Documentation that funds were expended in full, or any remaining funds are returned to DCA-DRM

6.3 Resilient NJ Project Close-Out in SIROMS

Each project will be closed out in SIROMS after review of the required documentation in 6.1 and 6.2.

6.4 Resilient NJ Program Close-Out

To close out the Resilient NJ program, DEP and DCA staff will verify the following:

- Projects:
 - Confirm that all program activities are complete.
 - Confirm final beneficiary numbers.
 - Confirm compliance with all contracts funded through the program.
- Financials:
 - Confirm the total reimbursement through the program and verify that the accounting is accurate.
 - Confirm final reimbursement request has been made.
 - Confirm that the program is not overspent against the Action Plan budget.
- Administrative:
 - Confirm documentation is retained for any critical decisions made or policies developed (for future audits).
 - Close out applicant files and make sure files are consistently organized.
 - Closeout individual activities and the Resilient NJ program in DRGR.

The program will be ready for closeout when these conditions are met:

- All eligible activities are completed.
- All funds are expended in full or remaining funds are planned to be returned to HUD.
- All reporting requirements were completed.
- Any special conditions of the program were met.
- All audit and monitoring issues were resolved.

Refer to [Appendix J-1: DCA Close-Out Policy](#).

7.0 Abbreviations and Definitions

Action Plan - The Regional Resilience and Adaptation Action Plan produced by a regional project team funded by the Resilient NJ Program. Each project team is composed of a team of consultants and local government partners.

Appeal - A written request from an applicant submitted for review to change an unfavorable determination made by the Program.

Applicant- Any entity or individual who submits an application to the program.

Blanket P. O. - Award of the Master Blanket Purchase Order by the NJ Treasury Division of Purchase and Property (DPP) provides the New Jersey Department of Environmental Protection (DEP), Bureau of Climate Resilience Planning (BCRP) with a pool of prequalified contractors possessing the experience, expertise and creativity to lead and provide technical assistance for New Jersey resiliency planning projects.

BCRP - Bureau of Climate Resilience Planning (formerly the Office of Coastal and Land Use Planning (OCLUP))

CDBG-DR - Community Development Block Grant - Disaster Recovery

CDBG-NDR - Community Development Block Grant – National Disaster Resilience

CMF - Construction Management Firm

Contractor- A company under contract to provide professional services to DEP

DCA - New Jersey Department of Community Affairs

DEP - New Jersey Department of Environmental Protection

DPMC - Division of Property Management and Construction, NJ Department of Treasury

DPP - Division of Purchase and Property, NJ Department of Treasury

DRGR - The Disaster Recovery Grant Reporting System (DRGR) was developed by the Housing & Urban Development's (HUD) Office of Community Planning and Development (CPD) for the Disaster Recovery Community Development Block Grant (CDBG) program and other special appropriations. It is primarily used by grantees to access grant funds and report performance accomplishments for grant-funded activities.

Duplication of Benefits- The Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act) prohibits any person, business concern, or other entity from receiving financial assistance from CDBG Disaster Recovery funding with respect to any part of a loss resulting from a major disaster and financial assistance where other sources have been provided (insurance, any other program, etc.)

Federal Register (FR)- A daily publication of the U.S. federal government, that issues proposed and final administrative regulations of federal agencies.

HUD - United States Department of Housing and Urban Development

IDIQ - Indefinite Delivery Indefinite Quantity

Limited English Proficiency (LEP)- A designation for person that are unable to communicate effectively in English because their primary language is not English, and they have not developed fluency in the English language. A person with Limited English Proficiency may have difficulty speaking or reading English. An LEP person benefits from an interpreter who translates to and from the person's primary language. An LEP person may also need documents written in English translated into his or her primary language so that person can understand important documents related to health and human services.

MOU - Memorandum of Understanding between the New Jersey Department of Community Affairs and the New Jersey Department of Environmental Protection

NDRC - National Disaster Resilience Competition

NGO - Non-governmental Organization

NOFA - Notice of Fund Availability

OCLUP- Office of Coastal and Land Use Planning (replaced by the Bureau of Climate Resilience Planning (BCRP))

Resilient NJ – Resilient NJ Program. Resilient NJ provides funding to eligible counties and groups of municipalities within those counties to undertake a comprehensive regional resilience planning process. The purpose of the planning process is to identify and address vulnerabilities to increased flood risk, climate stressors, and the protection of environmental resources.

SIROMS - State Integrated Recovery and Operations Management System. SIROMS is the electronic system of record for managing all CDBG-DR funds awarded to New Jersey.

Scope of Work (SOW) – Description of activities to be performed by the contractor while conducting the comprehensive planning process for the Resilient NJ program.

Subrecipient- A non-federal entity, unit of general local government, or a non-profit organization in New Jersey that receives all or a portion of a CDBG-DR funds from the Resilient NJ program.

Treasury - New Jersey Department of Treasury

8.0 Appendices

Appendix A: Construction Management Firm (CMF) Procurement and Management – Division of Property Management and Construction (DPMC)

- A-1 Bid Package: CMF Master Term Agreement Contract
- A-2 Bid Package: RFP for CMF for Resilient NJ Program

Appendix B: Consultant Team Prequalification and Procurement – Division of Purchase and Property (DPP)

- B-1 Joint Circular, State of New Jersey Department of the Treasury No. 14-07-DPP/OMB/OIT
- B-2 Bid Solicitation Package for Consultant Teams
- B-3 Executive Order 125 – Christie, February 8, 2013

Appendix C: Mini-bid Request for Quotes for Consultant Teams

- C-1 Request for Quotes for Regional Projects
- C-2 Innovation Award Evaluation Criteria

Appendix D: Regional Team Selection

- D-1 Notice of Fund Availability for Regional Teams, New Jersey Register, May 21, 2018
- D-2 Application for Regional Team Participation
- D-3 Application Completeness Checklist & Evaluation Criteria
- D-4 Subrecipient Agreement Template DEP069G for Regional Team Primes
- D-5 New Jersey Citizen Participation Plan

Appendix E: Non-governmental Organization (NGO) Selection

- E-1 Notice of Fund Availability for NGOs
- E-2 Application for NGO Participation
- E-3 Application Completeness Checklist
- E-4 Subrecipient Agreement Templates for NGOs

Appendix F: Templates for Required Documents

- F-1 Duplication of Benefits Affidavit
- F-2 Progress Report Template
- F-3 Expenditure Report – Grantees
- F-4 Debarment and Suspension Certification

Appendix G: DCA-Federal Cross-Cutting Policies

- G-1 DCA Policy No. 2.10.93- Procurement Policy CDBG-NDR, effective July 2016
- G-2 DCA Policy No. 2.10.3 - Detection of Fraud, Waste, and Abuse
- G-3 DCA Policy No. 2.10.8 - Citizen Complaint Response and Appeal Process
- G-4 DCA Policy No. 2.10.10 - Government-wide Debarment and Suspension (Excluded Parties Verification) and Debarment and Suspension Certification
- G-5 DCA-DRM Policy No. 2.10.9 – Conflict of Interest
- G-6 DCA Policy No. 2.10.19 - File Management and Record Keeping
- G-7 DCA Policy No. 2.10.32 - Language Access Policy
- G-8 DCA Policy No. 2.10.33 – SIROMS Program Requirements and Procedures for Invoice Approval and Processing

- G-9 DCA Policy No. 2.10.73 - Duplication of Benefits (DOB)
- G-10 DCA Policy No. 1.10.13 – Grant Recipients Audit Report
DCA Federal Cross Cutting Policies 7.18.16

Appendix H: DEP-Resilient NJ Program Policies

- H-1 DEP Resilient NJ Policy on Audit Findings

Appendix I: Memorandum of Understanding (MOU) between DCA and DEP

- I-1 Memorandum of Understanding – Original
- I-2 First Amendment – Budget Reallocation
- I-3 Second Amendment - \$4.8 million Added to Budget

Appendix J: DCA Close-Out Policy: Project, Program and Grant Close-Outs

- J-1 DCA Close-Out Policy