

Request for Proposals

New Jersey Wetlands Mitigation Council

In-Lieu Fee Grant Program

June 1, 2019

Section 1: Program Overview

1.1 Introduction

The New Jersey Wetlands Mitigation Council (Council) is seeking proposals for wetland creation, restoration, enhancement, and/or preservation projects. However, proposals composed entirely of preservation will not be considered. The Council has collected \$773,335.00 within the Raritan Region, as shown on the attached map. The purpose of this grant program is to solicit wetland creation, restoration, or enhancement projects that can provide for 2.097 credits (6.291 acres for enhancement or 4.194 acres for creation or restoration) as compensation for 2.097 acres in an amount not to exceed \$773,335.00.

The Council was established by N.J.S.A. 13:9B-14 and may accept monetary contributions as a form of mitigation when the New Jersey Department of Environmental Protection (NJDEP) has determined that an applicant has no reasonable alternative wetland mitigation options (See N.J.S.A. 13:9B-14 and 15). Section 15 of the Freshwater Wetlands Protection Act (FWPA), N.J.S.A. 13:9B-15, states that the Council is responsible for disbursements of funds from the Wetlands Mitigation Bank to finance mitigation projects. Specifically, the Council, in consultation with United States Environmental Protection Agency (USEPA) may transfer any funds or lands restricted by deed, easement or other appropriate means for mitigation and freshwater wetlands conservation purposes, to a state or federal conservation agency that consents to the transfer, to expand or provide for: freshwater wetlands preserves; transition areas around existing freshwater wetlands to preserve freshwater wetland quality; future mitigation sites for freshwater wetlands enhancement, restoration, or other mitigation efforts.

The Council is the Program Administrator for the State's In Lieu Fee (ILF) Program. The ILF Program produces the necessary compensatory mitigation credits to compensate for unavoidable impacts to waters of the United States, including wetlands, that result from activities authorized under the FWPA, N.J.S.A.13:9B-1, Freshwater Wetlands Protection Act Rules (FWPA Rules), N.J.A.C. 7:7A, and the Coastal Zone Management Rules (CZM Rules), N.J.A.C. 7:7. The ILF Program was approved by the USEPA and is documented in the ILF Instrument available at <http://www.nj.gov/dep/opi/wetlands-mitigation-council.html>.

Prospective applicants are strongly encouraged to carefully read this entire RFP prior to the submission of a grant application.

For the purpose of this Request for Proposals (RFP), the Council defines the following terms:

Creation - the establishment of freshwater wetland or State open water characteristics and functions in uplands.

Enhancement - the improvement of the ability of an existing, degraded wetland or State open water to support natural aquatic life, through substantial alterations to the soils, vegetation and/or hydrology.

Restoration - the reestablishment of wetland and/or State open water characteristics and functions in an area that was once a wetlands and/or State open water but is no longer.

All questions should be submitted to Jill Aspinwall, staff to the Council at jill.aspinwall@dep.nj.gov. All responses to questions will be posted on the Council's webpage at: <http://www.nj.gov/dep/opi/wetlands-mitigation-council.html>

1.2 Initial Deadline

Conceptual project proposals must be submitted by 5:00 PM, August 30, 2019 in order to be considered. Any conceptual project proposal received after August 30, 2019 shall not be eligible for funding under this RFP.

1.3 Projects Solicited for RFP

The Council is requesting proposals for projects that will result in the creation, restoration and/or enhancement of wetlands. All proposals shall meet the requirements of the FWPA Rules, N.J.A.C. 7:7A (http://www.nj.gov/dep/rules/rules/njac7_7a.pdf). The proposed projects must be located within the Raritan Region, which includes Watershed Management Areas 7, 8, 9, and 10.

1.4 Award Information

A. Funding Availability

Total anticipated funding for the RFP is \$773,335.00. It is estimated that approximately 1 or 2 proposals, as determined by the project proposals, will be selected.

B. Project/Award Period

The grant award period is 6 years from the execution date of the grant agreement.

C. Grant Agreement

Grantees selected for funding shall be required to enter into a Grant Agreement with the Council and comply with all applicable federal, state, and local laws, rules, regulations, and policies set forth therein. A copy of the Council's Standard Grant Agreement will be provided upon request.

D. Limitation of Liability

In no event will the Council be responsible for proposal preparation costs if this program is cancelled, or if proposals are not awarded a grant. Publication of this announcement does not obligate the Council to award a grant to fund any specific project. The Council reserves the right to reject all proposals, at its sole discretion.

1.5 Applicant Eligibility

Pursuant to the USEPA –approved ILF Instrument, the Council may contract with nonprofit organizations, county, state, and federal agencies or other appropriate agencies.

1.6 Eligible Costs

According to the ILF Instrument, the following project cost may be eligible for funding.

- Costs associated with the design/permitting/construction/monitoring of the proposed mitigation project, including
 - Personnel (Salaries/Fringe Benefits)
 - Contractual Services (Consultants and Subcontractors)
 - Other Direct Costs (e.g., equipment & supplies, printing, mailings, public notice publication)
- Only costs incurred during the grant award period are eligible
- Grant funds may not be used for costs associated with development of a grant proposal

Section 2: Grant Schedule & Proposal Requirements

2.1 Proposal Deadline

In order for the grant application to be considered complete, and thus move forward within the funding determination process, the items outlined below must be submitted by the August 30, 2019 deadline. Any project proposal received after August 30, 2019 shall not be eligible for funding under this RFP.

2.2 Anticipated Schedule

The following table provides a timeline of events to occur for the RFP.

Grant Processing Schedule		
Action	Responsibility	Deadline
Submit conceptual ILF grant proposal	Applicant	August 30, 2019
Administrative review (Staff Comments)	Staff to Council	15 calendar days prior to scheduled Council meeting (November 7, 2019)
Council Review of conceptual proposal	Council	Council Meeting (November 21, 2019)
Submission of full proposal	Applicant	Within 90 days of approval of conceptual proposal (January 16, 2020)
Administrative Review	Staff to Council	15 calendar days prior to Council meeting (May 7, 2020)
Presentation to Council	Applicant	Council Meeting (May 21, 2020)
Decision by Council	Council	Council Meeting (May 21, 2020)
EPA Consultation	EPA	Within 15 business days of receipt of project from Council (June 5, 2020)
Contract Agreement	Council	Shall begin immediately upon conclusion of USEPA consultation (June 5, 2020)

2.3 Required Components for Each Stage of the RFP.

The following subsections outline the requirements for each stage of this RFP.

2.3.1 Submit Conceptual ILF Grant Proposal- Due August 30, 2019

In order to be eligible for funding under this program, interested applicants must submit a Conceptual ILF Grant Proposal in response to the request for proposals. A conceptual proposal shall at a minimum stipulate the location of the project (including service area, county and municipality), the amount of wetlands to be enhanced, created or restored, the amount of money requested for the project, a detailed explanation of the proposed budget, the number of proposed credits to be generated, and a summary of the proposal. For example, if the applicant is proposing to provide 10 acres of restoration, that could result in the generation of 5 credits. That is, two acres of restoration is afforded one credit (see N.J.A.C. 7:7A-11.12). Applicants are advised to refer to the Department's checklist for mitigation proposals to help identify the information that will ultimately be looked at for full proposals. This checklist can be found at: http://www.nj.gov/dep/landuse/download/mit_001.pdf.

2.3.2 Administrative Review of Conceptual Proposals

The Council staff will review the Conceptual ILF grant proposal to ensure that it complies with all applicable federal, state and local laws, rules, regulations and policies and to ensure that the project costs and proposed credits are reasonable. Council staff will conduct a site inspection. If the Conceptual ILF grant proposal does not comply with the guidelines set forth in this document, the applicant will be notified of reasons and the project will no longer be eligible for funding for the applicable funding cycle. If the Conceptual ILF grant proposal complies with the guidelines set forth in this document, the Council's staff will prepare staff comments and will include the Conceptual ILF grant proposal on the appropriate Council's meeting agenda. Council agendas are published two weeks prior to any meeting pursuant to New Jersey's Open Public Meeting Act, N.J.S.A. 10:4-6.

2.3.3 Council Review of Conceptual Mitigation Proposal

The Council will review the Conceptual ILF grant proposal and accompanying staff comments and will provide the applicant with any initial comments or recommendations and will make a determination if the project is eligible to submit a full proposal. If the Council determines that the proposed conceptual project should not be funded, the applicant may not submit a full proposal. At this point, any approved conceptual projects shall be forwarded to the USEPA for consultation. The Council will consider the whether the proposed project is within the allocated funding, whether or not the proposed project would meet the applicable regulations, and whether or not the proposed project would provide acceptable mitigation for the impacts stated earlier in this RFP.

2.3.4 Submittal of Full Proposal

If the Council approves the conceptual proposal, full proposals submitted should follow the New Jersey Department of Environmental Protection (NJDEP) checklist entitled "Creation, Restoration, or Enhancement for a Freshwater Wetlands Mitigation Proposal" or "Creation, Restoration, or Enhancement for a Coastal Wetlands Mitigation Proposal" depending on the type of project approved. These checklists can be found online at: <http://www.nj.gov/dep/landuse/forms.html>. Any proposals not following these guidelines will be returned to the applicant. All full proposals shall be submitted within 90 days after conceptual approval. In addition to the NJDEP checklists, all full proposals shall include detailed budget narratives justifying all proposed expenses. The full proposal shall include:

Cover Page: The cover page must identify all of the following information:

- Project Title
- Identification of Block(s) and Lot(s)
- Identification of Municipality
- Identification of County
- Identification of Watershed Management Area
- Applicant's name, address, phone number, and email
- Funding Amount Requested from Council
- Total Project Cost

Scope of Work

Background Information

This section shall describe why the project is needed, current condition of the wetlands, and the benefit that will be achieved by the completion of this project (environmental improvements). This section must include a detailed description of the grant request, including how much creation, restoration, or enhancement is proposed on the site both in acreage and as a percentage of the site.

Goals, Objectives, and Approach

The main goals, objectives, and tasks of the project should be identified within this section. This section is extremely important as it outlines both the major projects and deliverables within the proposal.

The goals of the project section should identify the desired outcomes of the project and serve as the general statement of the project's intended results. The objectives should specify how the results to be achieved by the project will be measured and the time frame for achieving the objectives. Tasks are the statements of activities that will occur to achieve the goals of the project. For each task, determine who the responsible party is that will complete the task and identify the roles of each responsible party in achieving the objectives.

Example:

Goal I: No net loss of wetlands

Objective A: Increase the amount of wetlands on project site by 25%, which is equal to X acres.

Task 1: Create the hydrology needed for a functioning wetland

Task 2: Plant wetland species on site

Partners

This section should state the partners involved in the project as well as their contribution towards achieving the desired goals and objectives of the projects. For example, Partner X supports this project and will be contributing 10 hours of technical review, Partner Y supports this project and will be conducting the grading on site.

Project Implementation Schedule

This section shall include a detailed schedule identifying the main goals and tasks associated with the project as well as the responsible party for each task. An example implementation schedule is shown in Table 2.

Table X: Project Implementation Schedule				
	Anticipated Start Date	Anticipated End Date	Responsible Party	Deliverable
Objective 1	January 2020	August 2025	Grantee, Partner X	Completed Site Design
Task 1	January 2020	May 2020	Grantee, Partner X	Grading design Complete
Task 2	June 2020	August 2020	Grantee, Partner Y	Planting Design

Budget

The proposed project budget should be detailed and identify the costs associated with:

- The design/permitting/construction/monitoring
- Personnel (Salaries/Fringe Benefits)
- Contractual Services (Consultants and Subcontractors)
- Other Direct Costs (e.g., equipment & supplies, printing, mailings, public notice publication).

A detailed budget justification for select items will enhance the review process and is required.

The budget section should also clearly indicate the payment schedule that is requested by the applicant. The Council will accept a payment schedule based on milestones or a payment schedule based on quarterly reports. If no particular payment schedule is specified, the Council will automatically use a payment schedule based on the review of quarterly reports.

Indirect Cost: The overhead rate should be identified in the budget and it should be clearly stated what the rate is applied to. The Council will not pay Indirect Costs totaling more than 10% of the budgeted project cost. Indirect costs include those costs that are not directly accountable to a cost objective. Indirect costs may include but are not limited to: indirect management and administrative salary and non-salary costs, applicable fringe benefits, building rent and lease construction.

Appendix

The appendix should include the following information:

- Copies of any prior permits or Letters of Interpretations (LOIs) issued for the property.
- A road map showing the location of the property.
- A copy of a tax map for the property with the property outlined on the map.
- An aerial photograph showing the location of the project site.
- At least four photographs of the property including proposed restoration or enhancement areas.
- A plan or drawing identifying the potential restoration or enhancement areas on the site.
- A map of known contaminated sites in the HUC 11 area. This information can be found at <http://www.nj.gov/dep/srp/kcs-nj/>.
- A copy of the landscape map for the project area.

2.3.5 Administrative Review

Council staff will review the full proposal submitted to ensure that the proposed project complies with the guidelines set forth in this document, the Department's checklists referenced in Section 2.3.4, and any applicable state and/or federal regulations. Council staff will also review and provide staff comments that will be made available at the Council's meeting. If the staff has questions or concerns about the project, staff will schedule a meeting with the applicant prior to the Council's meeting, in order to work out the questions or concerns of staff.

2.3.6 Presentation to Council

The applicant will have the opportunity to present his or her grant proposal to the Council at the appropriate Council meeting. During this meeting the applicant will have the opportunity to address any concerns or issues raised by the Council.

2.3.7 Council Decision

The Council will render a decision during their meeting. Final Council decision will be determined based on a review of the proposed project and how it meets the requirements of the rule and allocated budget. If there are more than one project under consideration, the Council will review each project to determine which project will generate the maximum number of credit for the budgeted cost, the number of partners supporting the project and the overall benefits to the project areas.

2.3.8 USEPA Consultation

Pursuant to N.J.S.A. 13:9-15(b) and N.J.A.C. 7:7A-15.20(e), once the Council, as Program Administrator approves a full proposal for funding, the Council shall send all approved proposals to USEPA for review and consultation. The consultation shall take place prior to the Council and the grantee, entering into a contract. The grantee must address any comments or concerns raised by the USEPA. The USEPA shall have 15 business days to review the proposed project. The USEPA may or may not issue comments on the project. If no response is received by the Council from the USEPA within 15 business days, the Council will assume that USEPA has no objections to the project and will proceed with the contracting process.

2.3.9 Contract Agreement

If the applicant's grant proposal is approved by both the Council and the USEPA, the Council will enter a standard contract agreement, which binds the grantee and the Council to the terms and the conditions of the contract. The purpose of this contract is to ensure that the funded project proceeds as envisioned and approved by the Council.

At any point during the contract, if the grantee fails to perform in accordance with the proposal, the contract, or the permit, the Council can take the steps necessary to terminate the contract and return any unused money back to the Wetland Mitigation Fund to be reallocated to another wetland mitigation project.

2.4 Proposal Submission and Format

Three (3) hard copies and one (1) electronic copy (in Microsoft Word format) of the conceptual proposal for grant projects must be submitted to the following address no later than 5:00 PM on August 30, 2019 (postmarked, or stamped "received" if hand delivered) to be considered under this RFP. The electronic copy shall be provided on a CD and submitted along with the hard copies

of the proposal. The Council requires that the electronic copy also be submitted to the Council via email care of (jill.aspinwall@dep.nj.gov).

The application shall be no more than 10 pages, single-spaced, using 12-point Times New Roman font. The only appendices or supplemental information above the 10- page limit that will be considered are letters of support from project partners, detailed descriptions of the qualifications of any known sub-awardee or contractor, and maps.

Please note: if the Conceptual ILF grant proposal package is not prepared by the applicant, the package shall include a letter from the applicant stating approval of the package and intent to become the grantee.

Any application received after 5:00 PM on August 30, 2019 shall not be eligible for consideration. At the Council and its staff's sole discretion, any application that does not conform to the requirements of this RFP, including but not limited to the substantive contents contained in Section 2.3, may be determined to be ineligible for further consideration. Failure to meet the formatting requirements in Section 2.4 may be waived at the Council and its Staff's sole discretion.

PROPOSAL DELIVERY LOCATION:

New Jersey Department of Environmental Protection
Office of Policy Implementation
401 East State Street, 7th Floor
PO Box 420, Mail Code 401-07B
Trenton, New Jersey 08625-0420
Attn: Time Sensitive Council RFP Proposal

2.5 Proposal Review

Proposals will be reviewed based on completeness, timeliness, and compliance with N.J.A.C. 7:7A-11. Applicants will be informed, in writing, of decisions including but not limited to conceptual proposal, full proposals, and funding approval decisions, consistent with the schedule presented in Section 2.2 of this RFP. The Council reserves the right to reject all proposals at its sole discretion.

3.0 Interim and Progress Reports

In accordance with the Contract agreement, all grantees whose proposals are approved for funding will be required to submit quarterly performance and financial reports. These reports would be in addition to mitigation requirements found at N.J.A.C. 7:7A-11, which include but are not limited to: permit application requirements, documentation of receipt of permit, construction complete reports and monitoring reports.

Title Page or Cover

Project Title

Project Identification Number

Contact person or project manager, address/telephone number of grantee

Reporting Period

Summary of Progress to Date

The summary must include major project activities implemented, progress in attainment of project objectives, timelines, percentage of task complete, etc.

Slippage Report

Upon recognition of a potential project slippage, a slippage report must be submitted by the Grantee to Council staff. The slippage report must describe any anticipated or projected deviation from the project timeline or budget, prior to further advancement of the project. The slippage report must also include an explanation and revised timetable, budget, and completion schedule. This slippage report must describe any problems encountered in project implementation, such as unanticipated events and their consequences, along with a description of the corrective actions and solutions proposed to be applied (which should cross-reference the slippage report, as applicable). The Grantee may not proceed with any actions that result in slippage of project timeline or budget without approval from the Council staff. Any slippage of the approved timeframe anticipated to be greater than 6 months in duration or a budget modification greater than 10% of the total approved project amount requires approval from the Council.

Expenditure Report

An expenditure report, also known as Attachment C in the Executed Grant Agreement, must be submitted with the Interim Progress Report. If there are no expenditures for the work period, the expenditure report must be submitted indicating \$0 in the total. Fiscal information should include time sheets, phone logs, mileage logs, bills, and receipts for expenditures related to the project. This information must be certified by the grantee's Financial Officer.

The expenditure reports shall match the payment schedule requested. For example, if using the quarterly payment schedule, the grantee will submit all expenditures and supporting documents for each quarter. If the grantee is using a performance payment schedule and the performance standard is the development of the permit documents and receipt of all permits. If this activity takes 18 months to complete, then the grantee shall submit an expenditure report covering the 18 months and all documentation and supporting materials. All expenditure reports shall follow the approved schedule of mitigation activities in the approved grant agreement.

Additional Information

Additional information to be submitted with the Interim Progress Report includes, but is not limited to:

- Summary of activities planned in next project period
- Attendance sheets, if applicable

4.0 Grant Summary Final Report Requirements

The final progress and financial quarterly report should include the following information:

Title Page or Cover

Grant Identification Number

Project Title

Reporting Period Covered

Principal Contact Person: name, address, and phone number

Date of project completion

Date of final report

Grant source: Wetland Mitigation Council

Executive Summary

A brief summary of the final monitoring report, including major findings, must be provided.

Expenditure Report

An Expenditure Report, also known as Attachment C in the executed grant agreement, must be submitted with the Final Report. Fiscal information should include time sheets, phone logs, mileage logs, bills, and receipts for expenditures related to the project. This information must be certified by the municipality's Chief Financial Officer.

Grantee's Signature

The signature of the grantee must be provided, attesting to completion and accuracy of the Final Report and authorizing its publication and submission/release to the Council for their use.

Appendices

The report is to include any and all products (e.g. reports, documents, maps) developed as a result of the grant.

Additional Information

Address any problems/issues discussed in the Interim Progress Report and how they were dealt with and/or resolved.