



**FY 2022-2023**

**Clean Water Legacy Partners  
Grant Program (Pilot)**

**Request for Proposal (RFP)**



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## PURPOSE

The Clean Water Legacy Partners Grant Program is intended to expand partnerships to protect and restore Minnesota’s water resources. The Legislature appropriated \$400,000 in fiscal year 2022 and \$600,000 in fiscal year 2023 from the Clean Water Fund “for developing and implementing a water legacy grant program to expand partnerships for clean water.” The Board of Water and Soil Resources (BWSR) is combining the two fiscal year appropriations for this RFP.

The Clean Water Fund was established in Minnesota Statute 114D.50 to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams in addition to protecting ground water and drinking water sources from degradation. Clean Water Funds must supplement traditional sources of funding and may not be used as a substitute to fund activities or programs.

## TIMELINE

There may be multiple proposal rounds as funding is available. Each round will consist of approximately 90 calendar days. A proposal must be submitted by 4:30 PM on the date the proposal period ends. The applicant is responsible for proving timely submittal. No late submissions or incomplete proposals will be considered for funding.

Grant cycle timeline	Round 1
Proposal period opens	November 17, 2022
Proposal period ends	February 15, 2023
BWSR authorizes grant awards	April 26, 2023
BWSR grant agreements sent	July 2023
Work plan submittal deadline	August 2023
Grant execution deadline	September 30, 2023

## GRANT ELIGIBILITY AND REQUIREMENTS

### APPLICANT ELIGIBILITY, FUNDING AVAILABLE AND MATCH

Nongovernmental organizations and tribal governments are eligible for this funding. There is up to \$1,000,000 available for funding in this RFP. This total funding amount available is split in half, with 50% for each organization type (see chart below). Only grant requests ranging between \$25,001-\$250,000 will be considered.

A non-state match equal to at least 10% of the amount of the grant received is required. Match can be provided by landowners, land occupiers, private organizations, local governments, or other non-state sources and can be in the form of cash or in-kind for services or materials contributed to the accomplishment of grant objectives. Funds used for match for this program cannot be used as match for any other state grant program.

Organization Type	Funding Amount Available	Required Match
Nongovernmental organization	\$500,000	10%
Tribal governments	\$500,000	10%

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## ELIGIBLE ACTIVITIES AND EXPENSES

The primary purpose of activities funded through this program is to expand partnerships for clean water through activities that protect or restore water quality in lakes, rivers, or streams, or protect groundwater or drinking water. Eligible activities can consist of structural and non-structural practices; project development (feasibility study, subwatershed assessment, etc.); program and project support (e.g. education, outreach, marketing, staff time); technical and engineering assistance necessary to implement grant activities; and grant management and reporting.

Eligible expenses are those expenses solely incurred through project activities that are directly related to and necessary for producing the project outcomes described in the proposal. Grant recipients are required to account for the staff time charged to BWSR grants in order to track the expenditure of grant funds and match to ensure the use of the funds is consistent with applicable State and BWSR requirements. Costs that are unallowable to be charged to BWSR grants include but are not limited to:

- Bad debts, late payment fees, and investment management fees
- Giving donations and fundraising
- Entertainment, gifts, prizes, and decorations
- Alcohol
- Interest on loans not authorized under state statute
- Loans of BWSR grant funds
- Lobbying, lobbyists, and political contributions

Questions on eligibility can be directed to: [cwfquestions@state.mn.us](mailto:cwfquestions@state.mn.us). More information is also on the [Question & Answer webpage](#).

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## CONSERVATION PROJECT COST SHARE AND INCENTIVES

Eligible expenses include financial assistance in the form of cost share or incentives to help cover the cost of installing or adopt conservation projects that improve or protect water quality are an eligible use of funds. Cost share/incentive payments should be reasonable and justifiable, consistent with prevailing local conditions, and based on established standards. BWSR reserves the right to review and approve cost share/incentive payment rates.

Conservation projects can include structural and/or non-structural practices completed on agricultural land, forest/woodlots, shoreline and/or in rural and urban areas. Examples of eligible structural and non-structural practices include but are not limited to:

- Agricultural: grassed waterways, cover crops
- Forestry: stand improvements, plantings
- In-lake: feasibility study, alum treatment, carp management (see requirements below #7)
- Streambank or shoreland protection: bank stabilization
- Groundwater: well sealing
- Rural: septic system upgrades (see requirements below #6)
- Urban stormwater: stormwater swales, iron enhanced sand filters, street sweeping

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## REQUIREMENTS FOR CONSERVATION PROJECT COST SHARE AND INCENTIVES

1. **Effective Life.** The effective lifespan of structural practices must be defined by current and acceptable design standards or criteria. The beginning date for a practice's effective life is the same date final payment is approved and the project is considered complete.

2. **Project Assurances.** The applicant must provide assurances that installed conservation practices and projects meet the purposes of the grant program, will remain in place for the lifespan expected based on the standard or professionally accepted practice, and will provide the water quality benefits for which they were designed. Such assurances may include easements, deed recordings, enforceable contracts, performance bonds, letters of credit, and termination or performance penalties. BWSR may allow replacement of a practice or project that does not comply with expected lifespan requirements with a practice or project that provides equivalent water quality benefits.
3. **Operation, Maintenance, and Inspections.** All practice designs must include identification of operation and maintenance activities specific to the installed practices. An [operation and maintenance](#) plan is critical to ongoing performance of installed practices as well as to planning and scheduling those activities and must be prepared by designated technical staff for the life of the practice. An inspection schedule, procedure, and assured access to the practice site shall be included in the project file as a component of maintaining the effectiveness of the practice.
4. **Practice Standards.** All practices (structural and non-structural) must be consistent with the Natural Resource Conservation Service (NRCS) [Field Office Technical Guide](#) (FOTG), [Minnesota Stormwater Manual](#), or be a professionally accepted engineering or ecological practice.
5. **Permitting.** The applicant is responsible for obtaining and complying with all permits necessary to execute the project. If applicable, successful applicants will be required to provide sufficient documentation prior to work plan approval that the project expects to receive or has received all necessary federal, state, and local permits and meets all water quality rules, including those that apply to the utilization of an existing water body as a water quality treatment device. Applicants are strongly encouraged to contact the appropriate regulatory agencies early in the grant proposal development process to ensure potential projects can meet all applicable regulatory requirements.
6. **Septic systems, known as Subsurface Sewage Treatment Systems (SSTS).** SSTS project landowners must meet low-income thresholds. Applicants are strongly encouraged to use existing income guidelines from U.S. Rural Development as the basis for their definition of low income.
7. **In-lake management.** Proposals that contain in-lake management activities must have a feasibility study sent via email to [BWSR.grants@state.mn.us](mailto:BWSR.grants@state.mn.us) before the RFP closes. The study must include:
  - a. Lake and watershed information (at minimum, include lake morphology and depth, summary of water quality information, and the assessment of aquatic invasive species);
  - b. Description of internal load vs. external load nutrient reductions;
  - c. History of projects completed in the watershed, as well as other in-lake activities if applicable;
  - d. Cost benefit analysis of options considered;
  - e. Projected effective life of the proposed activities;
  - f. Expected water quality outcome; and
  - g. Plan for monitoring surface water quality to assure the project's total phosphorus goal will be achieved during the project's effective life, and for activities related to rough fish (example carp), the feasibility study must also include:
    - i. Methods used to estimate adult and juvenile carp populations;
    - ii. Description of the known interconnectedness of waterbodies (lakes, ponds, streams, wetlands, etc.);
    - iii. Identified nursery areas;
    - iv. Methods used to track carp movement;
    - v. Proposed actions to limit recruitment and movement; and
    - vi. Proposed actions to reduce adult carp populations.

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## PROGRAM AND PROJECT SUPPORT

Eligible activities include public education and engagement, equipment, and other activities necessary for the implementation of water quality practices and programs consistent with the purposes of these funds. Project support expenditures must be appropriately documented.

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## TECHNICAL AND ENGINEERING ASSISTANCE

Eligible activities include but are not limited to development of project plans and specifications necessary to implement activities. Eligible activities include actual technical and engineering expenses to advance plan implementation, site investigations and assessments, design and cost estimates, construction or installation supervision, and inspections.

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## GRANT MANAGEMENT AND REPORTING

Eligible activities include local grant administration, management, and reporting that are directly related to and necessary for implementing the project or activity associated with the grant. All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants.

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## INELIGIBLE ACTIVITIES

1. Activities that do not have a primary benefit of water quality.
2. Water quality monitoring such as, but not limited to, routine, baseline, or effectiveness monitoring. This includes both surface and groundwater monitoring activities.
3. Household water conservation appliances and water fixtures.
4. Wastewater treatment, with the exception of Subsurface Sewage Treatment Systems defined as:
  - a. Small community wastewater treatment systems serving over 10,000 gallons per day with a soil treatment system, and
  - b. A small community wastewater treatment system that discharges treated sewage effluent directly to surface waters without land treatment.
5. Municipal drinking water supply facilities or individual drinking water treatment systems.
6. Stormwater conveyances that collect and move runoff, but do not provide water quality treatment benefit.
7. Activities that outlet land locked basins.
8. Development and delivery of educational activities and curriculum that are not designed to support water quality.
9. Replacement, realignment or creation of bridges, trails, or roads.
10. Harvesting or chemical treatment of aquatic plants.
11. Routine maintenance or repair of best management practices, capital equipment and infrastructure within the effective life of existing practices or projects.
12. Components of projects needed to meet the statutory requirements of 103E Drainage Law.
13. Feedlot related activities, including animal waste management systems, closing, expansion or relocating of facilities.

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## PREVAILING WAGE

It is the responsibility of the grant recipient or contractor to pay prevailing wages on construction projects to which state prevailing wage laws apply (Minn. Stat. 177.42 – 177.44). All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with state funds included in this RFP shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality. Additional information on prevailing wage requirements is available on the Department of Labor and Industry (DOLI) website <https://www.dli.mn.gov/business/employment-practices/prevailing-wage-information>. Questions about the proposal of prevailing wage rates should be directed to DOLI at 651-284-5091.

## APPLYING FOR THE GRANT

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### HOW TO SUBMIT A QUESTION

Submit your questions in writing by 4:30 pm Central Standard Time by Friday, February 10<sup>th</sup>, 2023.

For questions regarding the grant program, email [cwfquestions@state.mn.us](mailto:cwfquestions@state.mn.us) with “Clean Water Legacy Partners” in the subject line. Responses will be posted BWSR’s [Question and Answer webpage](#) and updated weekly throughout the RFP. The final update will be posted on 2/13/23.

For questions regarding the eLINK grants management system, email [elinksupport@state.mn.us](mailto:elinksupport@state.mn.us). Please review the eLINK-related topics on [BWSR’s eLINK webpage](#) before contacting eLINK support.

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### HOW TO APPLY

#### 1. Set up your eLINK user account

Proposals need to be submitted via [eLINK](#). Eligible applicants without a current eLINK user account must submit a request to establish an eLINK account no later than seven days prior to the proposal deadline. For account setup information details, see the “Account Setup and Contact Management Guidance” tab on the eLINK webpage. All eLINK related questions can be directed to [elinksupport@state.mn.us](mailto:elinksupport@state.mn.us).

#### 2. Complete your funding request (proposal)

See the “Completing a Funding Request in eLINK” under the “eLINK Training Videos” tab on the eLINK webpage to view a 12-minute online module describing how to complete a Funding Request (or Application) within eLINK.

Applicants must provide answers to the following questions as part of their proposal submitted in eLINK. The questions are related to the ranking criteria categories, which determine how proposals are scored by reviewers. The ranking criteria can be found in the “Application Review” section of this RFP.

1. Succinctly describe your anticipated achievements and outcomes, as well as the geographic area of your project.
2. What is the water resource(s) that the activities will focus on and why was it/were they chosen?
3. What activities are planned to protect or restore the water resource(s)? OR What activities are planned to support future protection or restoration efforts? Are the planned activities identified in a natural resource and/or watershed plan? If so, provide the name of the plan and website location, if possible. Describe the proposed activities and how they will provide long-term benefits to the water resource(s).

4. Describe how activities are ready to be started soon after grant award. Why are these funds needed at this time to complete a project or activities? Describe how the proposed activities are part of a larger effort or partnership working toward clean water or will build a new partnership through this project.
5. How will the public benefit from this project or set of activities? Describe local, regional and/or state level benefits. Describe opportunities to incorporate diversity, equity and inclusion as part of projects including work in [environmental justice areas](#) as identified by the Minnesota Pollution Control Agency , or other priority areas/groups identified locally.
6. Describe previous funding you have received from external sources (e.g. dues, donations, fees, etc.)? Describe what activities were completed using those funds.

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## APPLICATION GUIDELINES

- As part of the proposal, eLINK will require applicants to map the location of the proposed project area.
- Answers to each question is limited to 2,000 characters. The character limit in eLINK is not the same as Microsoft Word.
- Proposals may include only one image to be submitted within their eLINK application. Only .jpg, .tiff, or .png file types are allowed. All other file types of images are not accessible to reviewers.
- Proposals submitted must request state funds between \$25,001-\$250,000. Proposals submitted that do not fall within this dollar range will not be accepted. Proposals may receive partial funding based on eligibility or availability of funds. Prior to final selection, the Board may engage applicants to resolve questions or to discuss modifications to the project or funding request. Actual awards may be less than this minimum if proposals receive partial funding.
- Proposals that do not comply with all proposal requirements will not be considered for funding, as provided below:
  - Components of the proposal are incomplete or missing;
  - The match amount does not meet grant requirements; or
  - The minimum grant dollar amount is not met, or the maximum amount is exceeded.

## APPLICATION REVIEW

BWSR staff will initially review all proposals for eligibility. Eligible proposals will be reviewed by a review team made up of BWSR staff in conjunction with external parties (e.g. other state agencies, tribal liaisons, etc.). Nongovernmental organizations and tribal government proposals will be reviewed and scored independently, using the ranking criteria below. The review teams make funding recommendations to the BWSR Board. These recommendations may be for complete or partial funding of a proposal. The BWSR Board considers the review teams' recommendations and makes the award decisions.



Ranking Criteria	Maximum Points Possible
<u>Abstract</u> : A brief description of anticipated achievements and outcomes as well as the project area.	5
<u>Water Resource(s) Identified</u> : Lake, stream/river, or groundwater resource is described, and reasons are given for why the resource(s) were chosen.	10
<u>Water Resource Outcome(s) and Longevity</u> : Activities will protect or restore an identified water resource or support future protection or restoration efforts. Activities identified in a natural resource and/or watershed plan are preferred. Activities should provide long-term benefits to the water resource.	30
<u>Readiness and Partnerships</u> : The proposal has a set of specific activities that can be implemented soon after grant award. Proposed activities being part of a larger effort or partnership working toward clean water, or attempting to build a new partnership, are preferred.	20
<u>Public Benefit</u> : Proposed activities will benefit the public from a local, regional and/or state perspective. Diversity, equity, and inclusion is also incorporated.	20
<u>Applicants' Demonstrated Performance</u> : Applicant's history with receiving external funding sources and successfully completing planned activities.	15
<b>Total Points Available</b>	<b>100</b>

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## CONFLICTS OF INTEREST

State grant policy requires that steps and procedures are in place to prevent individual and organizational conflicts of interest, both in reference to applicants and reviewers ([MINN. STAT. 16B.98](#), <https://mn.gov/admin/government/grants/policies-statutes-forms/> and [Conflict of Interest Policy for State Grant-Making, 2022](#) (Word)).

Grantees' conflicts of interest are generally considered organizational conflicts of interest. Organizational conflicts of interest occur when:

- A grantee is unable or potentially unable to render impartial assistance or advice due to competing duties or loyalties,
- A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties, or
- A grantee or potential grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

In cases where a conflict of interest is suspected, disclosed, or discovered, the applicants or grantees will be notified and actions may be pursued, including but not limited to disqualification from eligibility for the grant award or termination of the grant agreement.

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## PRIVACY NOTICE

Under Minnesota Statute 13.599, responses to an RFP are nonpublic until the proposal deadline is reached. At that time, the name and address of the grantee, and the amount requested becomes public. All other data is nonpublic until the negotiation of the grant agreement with the selected grantee is completed. After the proposal evaluation process is completed, all data (except trade secret data) becomes public. Data created during the evaluation process is nonpublic until the negotiation of the grant agreement with the selected grantee(s) is completed.

## GRANT RECIPIENT INFORMATION

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### GRANT AGREEMENT AND PROJECT PERIOD

Notification of grant award will be in the form of an automated notification from the BWSR eLINK system or an email from BWSR Grants staff to the grantee. Notifications are sent to the Day-to-Day Contact(s) identified by the organization within the eLINK system. This notification includes instructions for further processing of the grant agreement and may also contain grant-specific information such as requirements for completing work plans, disbursement terms, or additional required documentation for processing the grant. Read these instructions carefully as requirements can vary by grant and fiscal year.

BWSR will use grant agreements, and an associated work plan, as contracts for assurance of deliverables and compliance with appropriate statutes, rules, and established policies. BWSR reserves the right to require a work plan revision or grant agreement amendment for changes in scope. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient. Upon receiving the notification of grant award, which indicates approval of an application, and prior to beginning work on the grant project(s) and receiving grant funds, the applicant is required to do the following:

1. Complete an IRS W-9 form or register as a vendor in SWIFT, the state's accounting system, and submit other required documentation within 30 days of award notification.
2. All non-governmental applicants must provide proof of nonprofit status. Any non-government applicants must also complete a Pre-Award Financial Capacity Review Form and the appropriate documentation as outlined below. This information needs to be sent via email to [BWSR.grants@state.mn.us](mailto:BWSR.grants@state.mn.us) before the RFP closes.
  - Applicants that are new or have an annual income under \$50,000 should submit their most recent board-reviewed financial statements.
  - Applicants that have an annual income under \$750,000 should submit their most recent IRS Form 990. Applicants that have an annual income over \$750,000 should submit their most recent certified financial audit.
3. Sign a grant contract agreement indicating their intention to complete the project(s) contained in the application. The agreement also authorizes BWSR to monitor progress of the grant. The grant contract agreement must be signed within 30 days of being sent to the grantee.

The project period starts when the grant agreement is executed, meaning all required signatures have been obtained. Work that occurs before this date is not eligible for reimbursement with grant funds and cannot be used as match.

Grant contract agreement templates can be reviewed on the [Office of Grants Management Forms and FAQs website](#).

All grants must be completed by December 31, 2025. If a project receives federal funds, the period of the grant agreement may be extended to equal the length of time that the federal funds are available, subject to limitation. Applicants using

federal funds are encouraged to contact BWSR soon after the award of funds to ensure the grant agreement can be developed appropriately.

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## PAYMENT SCHEDULE

Grant payments will be distributed in three installments to the grantee. The first payment of 50% of the grant amount will be paid after work plan approval and execution of the grant agreement. If the grant applicant was previously awarded BWSR grants, they must be in compliance with eLINK reporting requirements to receive the first payment. The second payment of 40% of the grant amount will be paid once the grantee has provided BWSR with notification and BWSR has reviewed and approved the eLINK reporting, financial report, and possibly completes a grant reconciliation of the initial payment. The last 10% will be paid after all final reporting requirements are met, the grantee has provided BWSR with a final financial report, and BWSR has reconciled these expenditures.

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## REPORTING AND ADMINISTRATION REQUIREMENTS

- All grantees receiving funds must follow the [FY22/23 Clean Water Legacy Partners Program Policy](#)
- All grant recipients are subject to BWSR's Grants Monitoring and Reconciliation Policy (<https://bwsr.state.mn.us/grant-monitoring-and-financial-reconciliation-policy>)
- All grant recipients are subject to BWSR's Grant Noncompliance Policy (<https://bwsr.state.mn.us/grant-noncompliance-policy>)
- All BWSR funded grants are managed through eLINK. Successful applicants will be required to complete a work plan in eLINK. All required reporting will be completed through eLINK. For more information go to <https://bwsr.state.mn.us/elink>.
- All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. Outputs will serve as surrogates for outcomes.
- When practicable, grant recipients shall prominently display on their website the legacy logo. Grant recipients must display on their website either a link to their project from the Legislative Coordinating Commission Legacy Site (<http://legacy.leg.mn>) or a clean water project summary that includes a description of the grant activities, including expenditure of grant funds and measurable outcomes.
- When practicable, grant recipients must display a sign with the Legacy Logo at the project site or other public location identifying the project was built with assistance from Clean Water, Land and Legacy Amendment. When practicable, grant recipients must display the Legacy Logo on printed and other media funded with money from the Clean Water Fund. The logo and specifications can be found at <https://www.legacy.mn.gov/legacy-logo>.