

Wellhead Protection Partner Grants (Pilot)

Request for Proposals

July 2, 2019

Request for Proposals (RFP) General Information

Wellhead Protection Partner Grants will provide funding to local government for establishing perpetual or long-term protection of wellhead protection areas where state-held easements are not viable or desirable.

The Clean Water Fund was established 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 groundwater and drinking water sources from degradation. The appropriation language governing the use of funds for Wellhead Protection Partner Grants is in Laws of Minnesota 2015, 1st Special Session, Ch. 2, Art. 2, Sec 7(g) and Laws of Minnesota 2017, Ch. 91, Art. 2, Sec. 7(g).

Final funding decisions will be dependent on funds available. Up to \$1,000,000 is currently available. Individual grant amounts will be determined by the duration of protection and the protection mechanism provided in the grant proposal.

Priority for funding will be given to projects that meet the following criteria:

- Within a delineated Wellhead Protection Area (WHPA) mapped in a Minnesota Department of Health (MDH) approved Wellhead Protection Plan.
- Vulnerability of the drinking water supply has been designated as very high or high by MDH (minimum of 50% of the proposed protection area is designated as very high and/or high vulnerability) (see <https://mnag.maps.arcgis.com/apps/webappviewer/index.html?id=7105310e562041749a240ebad844538b>).
- Well(s) monitoring has shown a nitrate concentration of >5.4 mg/l.
- A drinking water protection plan has been completed and contains implementation activities that achieve long-term protection.
- Lands offered for long-term protection have expiring Conservation Reserve Program contracts.

Proposal Information and Requirements

1. Proposals will be accepted from June 28 through August 23, 2019. Additional grant proposal acceptance periods will be scheduled if funds are available.
2. A 10% match is required of grant recipients.
3. Proposals must be submitted electronically to Tabor Hoek at tabor.hoek@state.mn.us by 4:30 pm on August 23.
4. For this grant cycle, priority will be given to projects located in one the following counties: Lincoln, Lyon, Nobles, Pipestone or Rock.
5. Proposals must be submitted by an eligible local governments (as defined by MS 103B.3363).
6. Proposals must include the following information:

- a. The local government entity applying for grant, including contact person and contact information. A motion or resolution from the board/council to demonstrate sufficient commitment should be included.
- b. The entity who will be responsible for holding the easement, obtaining fee title or be responsible for contract, if proposed to be different from local government listed in a. above.
- c. A description of the capability and availability of local staff and officials to lead property negotiations.
- d. If there are partners; identify each partners' roles and responsibilities.
- e. A list of all cities, townships, counties, soil and water conservation districts, watershed districts, and watershed management organizations within the project boundary. Include name and contact information for the primary contact(s) for each local government.
- f. A general location map and a map of the WHPA/DWSMA where the proposed project is occurring. The WHPA/DWSMA map should also display the vulnerability of the drinking water supply as designated by MDH.
- g. Description of drinking water concern(s) for the wells in the WHPA/DWSMA.
- h. A summary of technical information that confirms the need for long-term protection (drinking water protection plans, available well(s) water quality information including trends, etc.) or excerpts from plans.
- i. The method of protection proposed (land use contract, easement, or fee title).
- j. The following parcel specific information: County; Township; PID; current ownership; tax value, appraisal value (if known) and/or RIM township rate (if appropriate).
- k. Evidence of landowner interest.
- l. The land use and vegetative cover proposed for the property. Options for land use are not limited to native vegetation and proposals may include any land use that BWSR determines will eliminate or significantly reduce the existing risk of contamination to groundwater. A conservation plan (or other management plan) with inspection and maintenance requirements approved by the SWCD will be required as part of the grant agreement.
- m. A cost estimate. The following values should be used as guidance to determine costs:
 - i. For fee title proposals – Up to 100% of the appraised value of the property (as conducted by a certified appraiser) is grant eligible
 - ii. For easement proposals – A percentage of the RIM Township value for cropland or non-cropland, as applicable, will be used for determining eligible grant costs:
 1. Permanent easements – 100% of the RIM Township value
 2. 30-year easements – 75% of the RIM Township value
 3. 20-year easements – 50% of the RIM Township value
 - iii. For long-term contracts (minimum 20 years) – 50% of the RIM Township value

Eligible Project Costs

Eligible project costs include fee title acquisition costs, easement payments, land use contract payments, and other costs associated with the acquisition of land rights including appraisal, survey, title insurance and recording costs. Vegetation establishment is also an eligible project cost. Other costs, as specifically requested by project proposer, will be reviewed by BWSR staff. Local personnel costs are not reimbursable through this grant but may be used toward the 10% local match, if approved in the final work plan and documented by the grantee. Eligible costs (and local match) can only be incurred and documented after the grant is fully executed. See BWSR Grant Administration Manual for more information: <https://bwsr.state.mn.us/gam>.

Selection Criteria

All complete proposals submitted will be reviewed by BWSR staff, with assistance from the groundwater protection committee consisting of Minnesota Department of Health, MN Rural Water Association and Minnesota Department of Agriculture; as well as staff from the respective SWCD (if appropriate). Proposals that do not comply with all requirements, including incomplete or missing proposal components, will not be considered for funding.

The successful respondents will be selected based on the following:

1. Providing information in response to the proposal requirements listed in this RFP:
 - a. Applicant information, entity responsible for long-term protection and partners
 - Minimum: all appropriate contact information provided
 - b. Inclusion of local government information
 - Minimum: list of local governments
 - c. Demonstration of capability and availability of local staff and officials to lead property negotiations
 - Minimum: knowledge and ability to complete complex property negotiations
 - Preferred: recent property transaction completed that is similar to proposal
 - d. Inclusion of maps (general and map displaying WHPA/DWSMA and vulnerability)
 - Minimum: maps included
 - Preferred: a minimum of 50% of the proposed protection areas is designated as very high and/or high vulnerability
 - Highly Preferred: Meets Preferred Criteria and is located within Lincoln, Lyon, Nobles, Pipestone or Rock County
 - e. Description of drinking water concerns as well as summary of existing studies, plans, and/or technical information that support the need for long-term protection
 - Minimum: description of concern and any available assessment/monitoring data
 - Preferred: an approved Wellhead Protection Plan (Part I) developed to inform planning
 - Highly Preferred: an approved Wellhead Protection Plan (Part II) that specifically identifies protection of the land included in this proposal as an implementation item

- f. The method of permanent protection proposed
 - Minimum: Long-term protection using a contract
 - Preferred: Permanent easement
 - Highly Preferred: Fee title

- g. Parcel specific information including County; Township; PID; current ownership; tax value, appraisal value (if known) and/or RIM township rate (if appropriate).
 - Minimum: Information included

- h. Evidence of landowner interest
 - Minimum: Summary of contact, conversations and negotiations with landowner
 - Preferred: Letter from landowner indicating willingness to enter into agreement with local government

- i. Proposed land use and vegetative cover for duration of the proposed protection mechanism
 - Minimum: Land use and cover protect wellhead area for drinking water
 - Preferred: Perennial vegetation with structural improvements
 - Highly Preferred: Perennial native vegetation, no structural improvements on property

- j. Cost
 - Minimum: Cost estimate included
 - Preferred: Supporting information provided with estimate (appraisal, cost estimates for survey, etc.)

- 2. Recommendation of BWSR staff and groundwater protection committee (MDH, MRWA, MDA and local SWCD).

GRANT TERMS

Grant Execution

Successful respondents will be required to complete a detailed budget and work plan in eLINK prior to execution of the grant agreement. Note that all successful grantees must be registered as a vendor in the state procurement system prior to grant execution and to use eLINK (<https://mn.gov/mmb/accounting/swift/vendor-resources/>).

Project Period

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. All grants must be completed by December 31, 2021.

Payment Schedule

Grant payments will be distributed as a reimbursement after long-term protection mechanism is in place on property and recorded in the applicable county courthouse. Reimbursement is the preference but alternative payment distribution may be requested by the applicant, in writing, for approval by BWSR staff, prior to the execution of the grant.

BWSR Grant Administration

BWSR reserves the right to partially fund any and all proposals based on the number of proposals submitted, anticipated staff time requirements, and the amount of funding available. Proposals that are deemed complete may be considered for future proposal periods.

Clean Water Fund Project Reporting Requirements

1. All grantees are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. All BWSR funded projects will be required to develop a work plan, including detail relating to the outcome(s) of the proposed project. All activities will be reported via the eLINK reporting system. For more information go to www.bwsr.state.mn.us/outreach/eLINK/index.html.
2. BWSR Clean Water Funds will be administered via a standard grant agreement. BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient.
3. When practicable, grantees shall prominently display on their website the Legacy logo. Grant recipients must display a project summary that includes a description of the grant activities, including expenditure of grant funds and measurable outcomes.
4. The boundaries of the property secured for long term protection must be posted with a Legacy Amendment sign at prescribed posting distances. BWSR will provide the Legacy signs and posting standards.
5. When practicable, grantees must display the Legacy logo on printed and other materials funded with money from the Clean Water Fund. The logo and specifications can be found at <http://www.legacy.leg.mn/legacy-logo>.

Grants and Public Information

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 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.

Conflict of Interest

State Grant Policy 08-01, (see <https://mn.gov/admin/government/grants/policies-statutes-forms/>) Conflict of Interest for State Grant-Making applies to BWSR grantees. Grantees' conflicts of interest are generally considered organizational conflicts of interest. Organizational conflicts of interest occur with any of the following scenarios:

1. A grantee is unable or potentially unable to render impartial assistance or advice due to competing duties or loyalties.
2. A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties.
3. 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.

Questions

For technical questions, contact Tabor Hoek, tabor.hoek@state.mn.us or 507-537-7260.

For administrative questions, contact Sharon Doucette, Sharon.doucette@state.mn.us or 651-539-2567.