**TEXAS STATE SOIL AND WATER CONSERVATION BOARD**

**REQUEST FOR PROPOSALS**

**FOR THE**

**FISCAL YEAR 2023 CLEAN WATER ACT §319(h)**

**NONPOINT SOURCE GRANT PROGRAM**



**PROPOSALS DUE: September 23, 2022**

**INTRODUCTION**

This request for proposals (RFP) provides instructions and guidance for applicants seeking funding from the Texas State Soil and Water Conservation Board (TSSWCB) under the Clean Water Act (CWA) §319(h) Nonpoint Source (NPS) Grant Program. The U.S. Environmental Protection Agency (EPA) distributes funds appropriated by Congress annually to the TSSWCB under the authorization of CWA §319(h). TSSWCB then administers/awards these federal funds as grants to cooperating entities for activities that address the goals, objectives, and priorities stated in the *Texas NPS Management Program*. The *Texas NPS Management Program* is the State’s comprehensive strategy to protect and restore water quality in waterbodies impacted by NPS water pollution. This document can be accessed online at <https://www.tsswcb.texas.gov/programs/texas-nonpoint-source-management-program>.

The types of agricultural and silvicultural NPS pollution prevention and abatement activities that can be funded with §319(h) grants include the following: (1) implementation of nine-element watershed protection plans (WPPs) and the agricultural and silvicultural NPS portion of Total Maximum Daily Load (TMDL) Implementation Plans (I-Plans); (2) surface water quality monitoring, data analysis and modeling, demonstration of innovative best management practices (BMPs); (3) technical assistance to landowners for conservation planning; (4) public outreach/education, development of nine-element WPPs including the formation and facilitation of stakeholder groups; and (5) monitoring activities to determine the effectiveness of specific pollution prevention methods. Strictly research activities are not eligible for §319(h) grant funding.

Proposals Requested

The TSSWCB is requesting proposals for watershed assessment, planning, implementation, demonstration, and education projects within the boundaries of impaired or threatened watersheds. The [Texas Integrated Report of Surface Water Quality](https://www.tceq.texas.gov/waterquality/assessment) describes the water quality conditions for waterbodies in the state. All proposals must focus on the restoration and protection of water quality consistent with the goals, objectives, and priority watersheds and aquifers identified in Appendix C and D of the *Texas NPS Management Program*. Up to $1 million of the TSSWCB’s FY2023 CWA §319(h) grant will be eligible for award under this RFP. No more than 10% of these funds may be utilized for groundwater projects. A competitive proposal process will be used so that the most appropriate and effective projects are selected for available funding.

Applicants that submit project proposals should, where applicable, focus on interagency coordination, demonstrate new or innovative technologies, use comprehensive strategies that have statewide applicability, and highlight public participation. Examples of project proposals previously funded by TSSWCB are available at:

<https://www.tsswcb.texas.gov/index.php/programs/texas-nonpoint-source-management-program/active-nonpoint-source-grant-projects>.

Additionally, applicants are encouraged to review EPA’s Grant Guidelines for the NPS Program available at <https://www.epa.gov/nps/319-grant-program-states-and-territories>.

Individual Award Amounts

This RFP does not set a maximum or minimum award amount for individual projects; however, project funding generally ranges between $100,000 and $400,000 for a two to three-year project.

Reimbursement and Matching Requirements

The TSSWCB CWA §319(h) NPS Grant Program has a 60/40% match requirement, however proposals that do not meet the minimum matching requirement will still be considered. The cooperating entity will be reimbursed up to 60% from federal funds and must contribute a minimum of 40% of the total costs to conduct the project. The match must be from non-federal sources (may be cash or in-kind services) and must be described in the budget justification. Reimbursable indirect costs are limited to no more than 15% of total federal direct costs.

Required Reporting and QAPP

Quarterly progress and final reports are the minimum project reporting requirements. All projects that include an environmental data collection, generation or compilation component (e.g., water quality monitoring, modeling, bacterial source tracking) must have a Quality Assurance Project Plan (QAPP), to be reviewed and approved by TSSWCB and the EPA. Project budgets and timelines should account for the development and review of QAPPs, final reports, and watershed protection plans. More information on QAPPs and the *TSSWCB Environmental Data Quality Management Plan* is available at <https://www.tsswcb.texas.gov/programs/texas-nonpoint-source-management-program/environmental-data-quality-management>.

**TSSWCB PRIORITIES**

For this FY2023 RFP, the following project priorities have been identified. Proposals that do not focus on these priorities are still welcomed but may score lower than those that focus on the priorities.

Priority Project Activities

* Implement WPPs and TMDL I-Plans (see priority areas listed below).
* WPP development initiatives (see Appendix C in *Texas NPS Management Program*), which include activities such as the formation of watershed groups or water quality data collection and analysis.
* Implement components of the *Texas Coastal NPS Pollution Control Program* in the Coastal Management Zone (<https://www.tsswcb.texas.gov/programs/texas-nonpoint-source-management-program/coastal-nonpoint-source-pollution-control-program>).
* Support use of federal Farm Bill Programs and Initiatives (National Water Quality Initiative (NWQI).
* Demonstration projects and/or development/delivery of education programs.

Priority Areas for WPP Implementation Projects

* WPPs
  + Arroyo Colorado
  + Leon River
  + Geronimo and Alligator Creeks
  + Lake Lavon
  + Plum Creek (Segment 1810)
  + Lampasas River
  + Double Bayou
  + San Fernando and Petronila
  + Mid and Lower Cibolo

**ELIGIBLE ORGANIZATIONS**

Grants will be available to public and private entities such as local municipal and county governments and other political subdivisions of the State (e.g., soil and water conservation districts), educational institutions, non-profit organizations, and state and federal agencies. Private organizations (for profit), may participate in projects as partners or contractors but may not apply directly for funding.

**SELECTION PROCESS AND AWARD**

Review Process

TSSWCB will review each proposal that is submitted by the deadline by an eligible organization.

* At any time during the review process, a TSSWCB staff member may contact the applicant for additional information.
* All areas of the budget are subject to review and approval by TSSWCB.

Scoring

Reviewed proposals will be scored and ranked based on the evaluation and ranking criteria included in this RFP on pp. 19-20. A minimum scoring requirement (70%) is necessary for proposals to be eligible for consideration.

All applicants, unsuccessful and successful, will be notified. Those applicants whose proposals are recommended for funding will be contacted, and then TSSWCB will work with the applicant to revise and finalize the proposal prior to submittal to EPA. EPA must review and approve all proposals prior to TSSWCB awarding grant funds. All grant awards will be contingent on the selected applicant’s return of a grant contract provided by TSSWCB which will incorporate all applicable state and federal contracting requirements.

Grant Award Decisions

During the grant review and award process, the TSSWCB may take into consideration other factors including whether the applicant has demonstrated acceptable past performance as a grantee in areas related to programmatic and financial stewardship of grant funds.

TSSWCB may choose to award a grant contract from a different TSSWCB funding source than that for which the applicant applied.

TSSWCB is not obligated to award a grant at the total amount requested and/or within the budget categories requested. TSSWCB reserves the right to make awards at amounts above and/or below the stated funding levels. All grant decisions including, but not limited to, eligibility, evaluation and review, and funding rest completely within the discretionary authority of the TSSWCB. The decisions made by the TSSWCB are final and are not subject to appeal.

Funding Priority

TSSWCB reserves the right to consider all other appropriations or funding an applicant currently receives when making funding decisions.

Grant Award Notification

All applicants, unsuccessful and successful, will be notified. Those applicants whose proposals are recommended for funding will be contacted, and then TSSWCB will work with the applicant to revise and finalize the proposal prior to submittal to EPA. EPA must review and approve all proposals prior to TSSWCB awarding grant funds. TSSWCB may utilize a grant contract document and/or a notice of grant document once a decision is made to award a grant. The applicant will be given a deadline to accept the grant award and to return the appropriate document to the TSSWCB within the time prescribed by the TSSWCB. An applicant’s failure to return the signed document to the TSSWCB within the prescribed time period will be construed as a rejection of the grant award, and the TSSWCB may de-obligate funds.

Special Conditions

The TSSWCB may assign special conditions at the time of the award. Until satisfied, these special conditions may affect the applicant’s ability to receive funds. If special conditions are not resolved, the TSSWCB may de-obligate funds up to the entire amount of the grant award**.**

**ELIGIBLE BUDGET CATEGORIES**

* Personnel
* Fringe Benefits
* Travel
* Equipment
* Supplies
* Contractual
* Construction
* Other
* Indirect

**INELIGIBLE COSTS**

Ineligible costs include, but are not limited to:

* Contracting for grant activities that would otherwise be provided by employees of the grantee’s organization
* Payment for lobbying
* Purchasing food and beverages except as allowed under Texas State Travel Guidelines
* Purchasing or leasing vehicles
* Purchasing promotional items or recreational activities
* Paying for travel that is unrelated to the direct delivery of services that supports the project funded under this RFP
* Paying consultants or vendors who participate directly in writing a grant application
* Paying any portion of the salary or any other compensation for an elected government official
* Payment of bad debt, fines or penalties
* Purchasing any other products or services the TSSWCB identifies as inappropriate or unallowable.
* Any unallowable costs set forth in state or federal cost principles
* Any unallowable costs set forth in the NPS Grant Program.

**STATE AND FEDERAL REQUIREMENTS**

All applicants should review and be familiar with the TSSWCB administrative rules governing Nonpoint Source Grant Program. These rules are published in Texas Administrative Code, Title 31, Part 17, Chapter 523, § 523.1(b)(2):

<https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=31&pt=17&ch=523&rl=1>

In addition to the TSSWCB’s administrative rules, applicants should be familiar with the Uniform Grant Management Standards (UGMS) and relevant Code of Federal Regulations (CFR) that relate to state, and if applicable, federal grant funding. UGMS can be found at: <https://comptroller.texas.gov/purchasing/grant-management/>. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards 2 CFR 200 can be found at: <http://www.ecfr.gov>.

**SUBMISSION PROCESS**

To obtain a complete copy of TSSWCB’s RFP and proposal submission packet, please visit <https://www.tsswcb.texas.gov/programs/texas-nonpoint-source-management-program> or contact Jana Lloyd at (254) 773-2250 ext. 224. All proposals must be submitted electronically (MS® Word) using the workplan template provided in this RFP; otherwise, proposals will be considered administratively incomplete and not considered for funding. All letters of support for the proposal, including letters from Project Partners confirming their role, must be received by the proposal due date to be considered. Submit proposals to [jlloyd@tsswcb.texas.gov](mailto:jlloyd@tsswcb.texas.gov). Proposals must be received electronically by 5:00 p.m. CDT, September 23, 2022 to be considered.

FY2023 GRANT TIMELINE

Issuance of RFP August 12, 2022

Deadline for Submission of Proposals September 23, 2022

Proposal Evaluation by TSSWCB October-November 2022

Notification of Selected Proposals/Unsuccessful applicants December 2022

Work with applicants to Finalize Selected Proposals November- December 2022

Review of Selected Proposals by EPA January 2023

Submit Grant Application to EPA May 2023

Contract Award August 2023

Anticipated Project Start Date September 1, 2023

**ATTACHMENTS**

* Workplan Template is on pp. 8-18 of this RFP
* Evaluation and Ranking Criteria are on pp. 19-20 of this RFP
* TSSWCB Certifications are on pp. 21-27 of this RFP.

**Texas State Soil and Water Conservation Board**

**Clean Water Act §319(h) Nonpoint Source Grant Program**

**FY 2023 Proposal**

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| SUMMARY PAGE | | | | | | | | |
| Title of Project |  | | | | | | | |
| Project Goals |  | | | | | | | |
| Project Tasks | (1) Project Administration; (2) Quality Assurance; (3) | | | | | | | |
| Measures of Success |  | | | | | | | |
| Project Type | Implementation ( ); Education ( ); Planning ( ); Assessment ( ); Groundwater ( ) | | | | | | | |
| Status of Waterbody on *2022 Texas Integrated Report* | Segment ID | | Parameter of Impairment or Concern | | | | Category | |
| Project Location (Statewide or Watershed and County) |  | | | | | | | |
| Key Project Activities | Hire Staff ( ); Surface Water Quality Monitoring ( ); Technical Assistance ( );  Education ( ); Implementation ( ); BMP Effectiveness Monitoring ( );  Demonstration ( ); Planning ( ); Modeling ( ); Bacterial Source Tracking ( ); Other ( ) | | | | | | | |
| *2022 Texas NPS Management Program* Reference |  | | | | | | | |
| Project Costs | Federal | $ | | Non-Federal | $ | Total | | $ |
| Project Management | * Cooperating Entity | | | | | | | |
| Project Period | September 1, 2023 – August 31, 2026 | | | | | | | |

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| Part I – Applicant Information |

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| Applicant | | | | | | | | | | |
| Project Lead | | |  | | | | | | | |
| Title | | |  | | | | | | | |
| Organization | | |  | | | | | | | |
| E-mail Address | | |  | | | | | | | |
| Street Address | | |  | | | | | | | |
| City |  | | | County |  | | State |  | Zip Code |  |
| Telephone Number | |  | | | | Fax Number | |  | | |

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| Project Partners | |
| Names | Roles & Responsibilities |
| Texas State Soil and Water Conservation Board (TSSWCB) | Provide state oversight and management of all project activities and ensure coordination of activities with related projects and TCEQ. |
| Cooperating Entity |  |
| Partner 1 | Other Project Partners are those that will actively participate in executing the project tasks. |
| Partner 2 |  |
| Partner 3 |  |

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| Part II – Project Information |

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| Project Type | | | | | | | | | | | |
| Surface Water |  | Groundwater | |  |  | | | | | | |
| Does the project implement recommendations made in: (a) a completed WPP; (b) an accepted WPP; (c) an adopted TMDL; (d) an approved I-Plan; (e) a Comprehensive Conservation and Management Plan developed under CWA §320; (f) the *Texas Coastal NPS Pollution Control Program*; or (g) the *Texas Groundwater Protection Strategy*? | | | | | | | Yes |  | | No |  |
| If yes, identify the document. | | |  | | | | | | | | |
| If yes, identify the agency/group that developed and/or approved the document. | | | |  | | Year Developed | | |  | | |

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| Watershed Information | | | | |
| Watershed or Aquifer Name(s) | Hydrologic Unit Code (12 Digit) | Segment ID | Category on 2022 IR | Size (Acres) |
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| Water Quality Impairment |
| Describe all known causes (i.e., pollutants of concern) and sources (e.g., agricultural, silvicultural) of water quality impairments or concerns from any of the following sources: *2022 Texas Integrated Report,* Clean Rivers Program Basin Summary/Highlights Reports, or other documented sources. |
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| Project Narrative |
| Problem/Need Statement |
| Provide a brief statement of the water quality problem or challenge to be addressed. Explain the need for, and importance of, this project. Explain why the proposed project is the appropriate solution for the water quality issue. Include brief descriptions of other projects and coordination efforts that have addressed the water quality issues in the watershed. Describe how this project builds on, and will be coordinated with, those efforts. Reference web pages or published reports as supplemental information. |

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| Project Narrative |
| General Project Description (Include Project Location Map) |
| Provide a brief narrative description of the project activities, how the activities will address the water quality problem, and how the activities will accomplish the project’s goals. The project description section should clearly indicate how the proposed tasks will be coordinated with each other and with associated projects when they exist. Indicate how the improvement to water quality, the pollutant load reductions, and other measures of success will be accomplished. If the project includes water quality monitoring, generally describe the sampling strategy including minimum number of sites, minimum number of sampling events, and key analyses to be performed. |

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| Tasks, Objectives and Schedules | | | | | | | | |
| Task 1 | Project Administration | | | | | | | |
| Costs | Federal | $ | | Non-Federal | $ | Total | | $ |
| Objective | To effectively administer, coordinate, and monitor all work performed under this project including technical and financial supervision, and preparation of status reports. | | | | | | | |
| Subtask 1.1 | Cooperating Entity will prepare electronic quarterly progress reports (QPRs) for submission to the TSSWCB. QPRs shall document all activities performed within a quarter and shall be submitted by the 1st of January, April, July and October. QPRs shall be distributed to all Project Partners. | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Subtask 1.2 | Cooperating Entity will perform accounting functions for project funds and will submit appropriate Reimbursement Forms to TSSWCB at least quarterly. | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Subtask 1.3 | Cooperating Entity will host coordination meetings or conference calls, at least quarterly, with Project Partners to discuss project activities, project schedule, communication needs, deliverables, and other requirements. Cooperating Entity will develop lists of action items needed following each project coordination meeting and distribute to project personnel. | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Subtask 1.4 | Cooperating Entity will develop a Final Report that summarizes activities completed and conclusions reached during the project and discusses the extent to which project goals and measures of success have been achieved. | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Deliverables | * QPRs in electronic format * Reimbursement Forms and necessary documentation in hard copy format * Final Report in electronic and hard copy formats | | | | | | | |

\* If project includes an environmental data collection component, use Quality Assurance Task, if not, delete Task.

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| Tasks, Objectives and Schedules | | | | | | | | |
| Task 2 | Quality Assurance | | | | | | | |
| Costs | Federal | $ | | Non-Federal | $ | Total | | $ |
| Objective | To develop data quality objectives (DQOs) and quality assurance/control (QA/QC) activities to ensure data of known and acceptable quality are generated through this project. | | | | | | | |
| Subtask 2.1 | Cooperating Entity will develop a QAPP for activities in Task # consistent with the most recent versions of *EPA Requirements for Quality Assurance Project Plans (QA/R-5)* and the *TSSWCB Environmental Data Quality Management Plan*. All monitoring procedures and methods prescribed in the QAPP shall be consistent with the guidelines detailed in the *TCEQ Surface Water Quality Monitoring Procedures, Volume 1: Physical and Chemical Monitoring Methods for Water, Sediment, and Tissue (RG-415)* and *Volume 2: Methods for Collecting and Analyzing Biological Assemblage and Habitat Data (RG-416)*. [Consistency with Title 30, Chapter 25 of the Texas Administrative Code, *Environmental Testing Laboratory Accreditation and Certification*, which describes Texas’ approach to implementing the National Environmental Laboratory Accreditation Conference (NELAC) standards, shall be required where applicable.] | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Subtask 2.2 | Cooperating Entity will implement the approved QAPP. Cooperating Entity will submit revisions and necessary amendments to the QAPP as needed. | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Deliverables | * QAPP approved by TSSWCB and EPA in both electronic and hard copy formats * Approved revisions and amendments to QAPP, as needed * Data of known and acceptable quality as reported through Task # | | | | | | | |

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| Tasks, Objectives and Schedules (Replicate or modify table as needed) | | | | | | | | |
| Task 3 |  | | | | | | | |
| Costs | Federal | $ | | Non-Federal | $ | Total | | $ |
| Objective |  | | | | | | | |
| Subtask 3.1 |  | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Subtask 3.2 |  | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Subtask 3.3 |  | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Subtask 3.4 |  | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Subtask 3.5 |  | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Deliverables | * Tangible work products which will be submitted in fulfillment and/or documentation of the task | | | | | | | |

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| Tasks, Objectives and Schedules (Replicate or modify table as needed) | | | | | | | | |
| Task 4 |  | | | | | | | |
| Costs | Federal | $ | | Non-Federal | $ | Total | | $ |
| Objective |  | | | | | | | |
| Subtask 4.1 |  | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Subtask 4.2 |  | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Subtask 4.3 |  | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Subtask 4.4 |  | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Subtask 4.5 |  | | | | | | | |
| Start Date | | Month XX | | Completion Date | | Month XX | |
| Deliverables |  | | | | | | | |

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| Project Goals (Expand from Summary Page) |
| Summarize the outcomes or accomplishments intended to result from this project. Information in this section should closely tie to the Problem/Need Statement, focusing on the restoration and protection of water quality. Include a balance of programmatic, environmental, and social goals, as appropriate to the project. Environmental goals should be as detailed and quantifiable as possible. Goals should be measurable so that success can be measured at the end of the project. |

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| Measures of Success (Expand from Summary Page) |
| Provide an explanation of the indicators that will be measured and tracked to document and determine the accomplishment of project goals. Include a balance of programmatic, environmental, and social measures of success, as appropriate to the project. Measures of success should be related to project goals and objectives. The indicator should be appropriate in terms of the geographic and temporal scales of the project. The measures should be simple and direct with consistent methodologies and adequate data to evaluate. |

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| *2022 Texas NPS Management Program* Reference (Expand from Summary Page) |
| Components, Goals, and Objectives |
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| Estimated Load Reductions Expected (Only applicable to Implementation Project Type) |
| Give an estimate of NPS pollutant load reductions to be achieved from implementation of BMPs through this project. Cite the method and a summary of the relevant data used in developing the estimate (including types and number of BMPs to be used, acres treated, etc.). At a minimum, estimated load reductions should be provided for nitrogen (lbs/yr), phosphorus (lbs/yr), and sediment (tons/yr), but should also include estimates for other pollutants of concern identified in the project (e.g., indicator bacteria). |

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| EPA State Categorical Program Grants – Workplan Essential Elements  FY 2022-2026 EPA Strategic Plan Reference |
| Strategic Plan Goal – 5.0 Ensure Clean and Safe Water for All Communities |
| Strategic Plan Objective – 5.2 - Protect and Restore Waterbodies and Watersheds |
| This workplan supports Goal 5 (Ensure Clean and Safe Water for All Communities) and Objective 5.2 (Protect and Restore Waterbodies and Watersheds) by funding the Texas State and Soil Water Conservation Board's NPS Program for state and local planning, education, assessments, watershed restoration and protection, best management practices, and related water quality activities. |

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| Part III – Financial Information |

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| Budget Summary | | | | | | |
| Federal | $ 0 | | % of total project | | ##% | |
| Non-Federal | $ 0 | | % of total project | | ##% | |
| Total | $ 0 | | Total | | 100% | |
|  | | | | | | |
| Category | | Federal | | Non-Federal | | Total |
| Personnel | | $ 0 | | $ 0 | | $ 0 |
| Fringe Benefits | | $ 0 | | $ 0 | | $ 0 |
| Travel | | $ 0 | | $ 0 | | $ 0 |
| Equipment | | $ 0 | | $ 0 | | $ 0 |
| Supplies | | $ 0 | | $ 0 | | $ 0 |
| Contractual | | $ 0 | | $ 0 | | $ 0 |
| Construction | | $ 0 | | $ 0 | | $ 0 |
| Other | | $ 0 | | $ 0 | | $ 0 |
|  | |  | |  | |  |
| Total Direct Costs | | $ 0 | | $ 0 | | $ 0 |
| Indirect Costs (≤ 15%) | | $ 0 | | $ 0 | | $ 0 |
|  | |  | |  | |  |
| Total Project Costs | | $ 0 | | $ 0 | | $ 0 |

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| Budget Justification (Federal) | | |
| Category | Total Amount | Justification |
| Personnel | $ 0 | Identify all staff by title, annual salary, and the percentage of time each position will be assigned to the project. |
| Fringe Benefits | $ 0 |  |
| Travel | $ 0 | Identify the number of trips and the estimated cost per trip. Differentiate mileage, per diem, and hotel costs. |
| Equipment | $ 0 | Identify individual items with a unit acquisition cost of $5,000 or greater, along with the estimated cost of each item. |
| Supplies | $ 0 | Examples include: office supplies, computer, printer, etc. |
| Contractual\* | $ 0 |  |
| Construction | $ 0 |  |
| Other | $ 0 | Examples include: fuel for vehicle, conference registration, training fees, etc. |
| Indirect | $ 0 | Reimbursable indirect costs are limited to no more than 15% of total federal direct costs. State the rate and the base costs associated with the rate. Generally, indirect costs are based on personnel, fringe benefits, travel, supplies, other, and up to $25,000 of each subcontract. |

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| Budget Justification (Non-Federal) | | |
| Category | Total Amount | Justification |
| Personnel | $ 0 |  |
| Fringe Benefits | $ 0 |  |
| Travel | $ 0 |  |
| Equipment | $ 0 |  |
| Supplies | $ 0 |  |
| Contractual\* | $ 0 |  |
| Construction | $ 0 |  |
| Other | $ 0 |  |
| Indirect | $ 0 | The entity may claim additional match through unrecovered indirect costs waived for the federal reimbursement. Generally, this is done by calculating the difference between the standard indirect rate of the entity and the reduced rate of 15% for federal costs. Itemize the indirect costs for the non-federal match and the unrecovered indirect costs for the federal portion separately. |

\* If the project budget includes funds in the Contractual category, then a Contractual Budget Justification by Category for each sub-contractor is also required.

**TSSWCB CWA §319(h) NPS Grant Program**

**FY2023 RFP Evaluation and Ranking Criteria**

Proposals may receive up to 110 points. Minimum requirement to be eligible for funding is 70%.

1**. Priority Waterbody**: (15 points)

There are four different scoring systems (A, B, C, D) based on whether the proposed project targets Surface Water Assessment, Surface Water Implementation, Surface Water Planning, or Groundwater. The categories within each scoring system below correlate to the waterbody’s designation on the *2022 Texas Integrated Report*1,2.



1 For proposals seeking funding for Implementation, if the *2022 Texas Integrated Report* does not reflect the current status of a waterbody because a WPP has been completed or a TMDL has been adopted or an I-Plan has been approved since the *2022 IR* was published, TSSWCB may appropriately adjust points in scoring system B for a proposal if it implements recommendations from the plan.

2 For proposals seeking funding for Planning, if the *2022 Texas Integrated Report* does not reflect the current status of a waterbody because a TMDL or UAA is not going to be conducted, TSSWCB may appropriately adjust points in scoring system C for a proposal that will develop a WPP.

2. **Measurement of Environmental Benefit**: (15 points)

Points awarded based upon the project’s ability to produce quantifiable results that demonstrate prevention and/or reduction in agricultural and/or silvicultural NPS pollution for the waterbody. Provide measurable results such as:

* Pollutant(s) Load Reduction
* Erosion Prevention or Soil Savings (RUSLE)
* Cost Savings for Implementation of Pollution Prevention Methods
* Effectiveness of Pollution Prevention Methods through Data Collection
* Watershed Planning
* Education and Outreach efforts

3. **Consistency of the Project with the 2022 *Texas NPS******Management Program***: (10 points)

Points awarded based upon the degree to which the project assists the State in achieving the Components, Goals, and Objectives set forth in the *2022 Texas NPS Management Program* for Priority Watersheds and Aquifers.

4. **Project Addresses Pollutant(s) of Concern**: (15 points)

Points awarded based upon the degree to which the project addresses the most significant sources of agricultural and/or silvicultural NPS pollution within the project area.

5. **Project Description, Justification, and Strategy**: (15 points)

Proposal presents a clear description and explanation of the proposed project and how the project will help improve water quality.

6. **Project Budget is Cost Effective and Accurate**: (10 points)

Points awarded based on the budget being categorized and calculated correctly, appropriate costs are budgeted, and detailed 40% match is included.

7. **Project Coordination**: (10 points)

Points awarded based on the expected involvement/participation of other entities and affected stakeholders. If letters of commitment/support are to be submitted, they must be included with original proposal submission to be considered.

8. **Capacity of Performing Entity/Entities**: (10 points)

Points awarded based on the ability of the cooperating entity/entities involved to fulfill all commitments specified in the project proposal. Past performance by cooperating entity on projects previously funded by TSSWCB is taken into account.

9. **Priority Project Activities and Areas**: (5 points)

Is the proposed project within the context of the Priority Project Activities and the geographic scope of the Priority Areas identified in the RFP? If *yes*, then points awarded.

10. **EPA Accepted 9-Element WPP**: (5 points)

Does the project implement components of an EPA accepted 9-Element WPP? If *yes*, then points awarded.

**TSSWCB CERTIFICATIONS AND ASSURANCES**

THE TSSWCB HAS ADOPTED THE FOLLOWING CERTIFICATIONS AND ASSURANCES AS APPLICABLE TO ALL RECIPIENTS OF STATE AND FEDERAL GRANT FUNDING UNDER THIS RFP.

The applicant agrees to certify that these standard assurances become terms or conditions for receipt of grant funds and that the applicant shall maintain an appropriate contract administration system to ensure that all terms, conditions, and specifications are met.

1. **OPERATIONAL AND TRANSPARENCY ASSURANCES.** The applicant agrees to:
   1. Comply with all applicable requirements of all laws (federal and state) and requirements governing this program;
   2. Comply with all applicable tax laws (federal and state) and be solely responsible for filing all required state and federal tax forms;
   3. Comply, as applicable, with Texas Government Code, Chapter 552, (“Texas Public Information Act”) which requires the public information that is collected, assembled or maintained by the applicant to be available to the public during normal business hours, unless otherwise provided by law under Texas Government Code, Chapter 2252 or court order;
   4. Comply, as applicable, with Texas Government Code, Chapter 551, (“Texas Open Meetings Act”) which requires all regular, special or called meeting of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution;
   5. Comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. §§ 201 et seq.) and the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4701 et seq.), as applicable;
   6. Comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501–08, 7324 et seq.), which limit the political activity of employees whose principal employment activities are funded in whole or in part with federal funds; and
   7. Comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 3141–48), the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 3701–08), regarding labor standards for federally assisted construction sub-agreements.
2. **HEALTH AND SAFETY STANDARD ASSURANCES.** The applicant agrees to:
   1. Comply with Texas Family Code, Section 231.006, which prohibits payments to a person who is in arrears on child support payments;
   2. Ensure, as applicable, that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protections Agency’s (EPA) list of Violating Facilities and that it will notify the federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA, (Executive Order (EO) 11738);
   3. Comply, as applicable, with the flood insurance purchase requirements of 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234, 42 U.S.C. §§ 4001 et seq.). Section 102 (a) requires the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition proposed for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards;
   4. Comply, as applicable, with environmental standards which may be prescribed pursuant to the following:
      1. Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and EO 11514;
      2. Notification of violating facilities pursuant to EO 11738;
      3. Protection of wetlands pursuant to EO 11990;
      4. Evaluation of flood hazards in floodplains in accordance with EO 11988;
      5. Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. § 1451 et seq.);
      6. Conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
      7. Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
      8. Protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205);
   5. Comply, as applicable, with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system;
   6. Comply, as applicable, in assisting the TSSWCB in assuring compliance with Section 106 of the National Historic Preservation Act of 1966 (P.L. 89-665), as amended, EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (P.L. 86-523), as amended;
   7. Comply, as applicable, with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by this award of assistance;
   8. Comply, as applicable, with the Lead-Based Paint Poisoning Prevention Act (P.L. 91-695), as amended, which prohibits the use of lead-based paint in construction or rehabilitation of residential structures;
   9. Comply, as applicable, with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7104), as amended, which prohibits grant award recipients or a sub-recipient from (1) engaging in severe forms of trafficking in persons during the period of time that the award is in effect, (2) procuring a commercial sex act during the period of time that the award is in effect or (3) using forced labor in the performance of the award or sub-awards under the award; and
   10. Comply, as applicable, with the requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
3. **NONDISCRIMINATION CERTIFICATION.** The applicant certifies it will comply with all applicable state and federal statutes relating to nondiscrimination. These include, but are not limited to, the following:
   1. Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin;
   2. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–83, 1685–86), which prohibits discrimination on the basis of sex;
   3. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, and the Americans With Disabilities Act of 1990 (42 U.S.C. §§ 12131–34;
   4. The Age Discrimination Act of 1974, as amended (42 U.S.C. §§ 6101–07), which prohibits discrimination on the basis of age;
   5. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
   6. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
   7. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290dd-3290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
   8. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; and
   9. Any other nondiscrimination provisions in the statute(s) which may apply to this application.
4. **EQUAL EMPLOYMENT OPPORTUNITY PLAN CERTIFICATION**. The applicant certifies that if it is required to file an Equal Employment Opportunity Plan (EEOP), the applicant will do so in compliance with 28 C.F.R. §§ 42.101-.799.
5. **DISCLOSURE AND CERTIFICATION REGARDING LOBBYING**. The applicant certifies:
   1. No federal/state appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress or the Texas Legislature, or an employee of a member of Congress or the Texas Legislature in connection with the awarding of any federal/state contract, the making of any federal/state grant, the making of any federal/state loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal/state contract, grant, loan, or cooperative agreement in accordance with 31 U.S.C. §1352 and Government Code, Chapters 305 and 556; and
   2. If any non-federal/state funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress or the Texas Legislature, an officer or employee of Congress or the Texas Legislature, or an employee of a member of Congress or the Texas Legislature in connection with this federal/state contract, grant, loan, or cooperative agreement, the undersigned shall contact the TSSWCB for the “Disclosure Form to Report Lobbying.”
6. **NON-PROCUREMENT DEBARMENT CERTIFICATION** The applicant certifies that it and its principals in accordance with Tex. Gov’t Code § 2155.077:
   1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal or State benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency, including federal assistance programs;
   2. Have not, within a three-year period preceding this Application, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
   3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
   4. Have not, within a three-year period preceding this Application, had one or more public transactions (Federal, State, or local) terminated for cause or default. If applicant is unable to certify to any of the statements in this Non-procurement Debarment certification, the applicant shall attach an explanation. Funding is contingent upon TSSWCB review of this explanation.
7. **DRUG-FREE WORKPLACE CERTIFICATION.** As applicable, the applicant certifies that it will provide a drug-free workplace in accordance with 41 U.S.C. §§ 8101-8106 by:
   1. Publishing a statement notifying employees/assignees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the applicant ’s workplace and specifying the actions that will be taken against employees for violation of such prohibition.
   2. Establishing a drug-free awareness program to inform employees/assignees about:
      1. The dangers of drug abuse in the workplace;
      2. The applicant ’s policy of maintaining a drug-free workplace;
      3. Any available drug counseling, rehabilitation, and employee assistance programs; and
      4. The penalties that may be imposed upon employees/assignees for drug abuse violations.
   3. Making it a requirement that each employee/assignee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (A).
   4. Notifying the employee/assignee in the statement required by paragraph (A) that, as a condition employment/assignment under the grant, the employees/assignee will:
      1. Abide by the terms of the statement; and
      2. Notify the applicant and TSSWCB, of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.
   5. Notifying the agency within ten days after receiving notice under subparagraph (D) (2) from an employee/assignee or otherwise receiving actual notice of such conviction.
   6. Taking one of the following actions with respect to any employee/assignee so convicted:
      1. Taking appropriate personnel action with respect to any employee/assignee so convicted;
      2. Requiring such employee/assignee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
   7. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of paragraphs (A), (B), (C), (D), (E), and (F).
8. **COMPLIANCE WITH UNIFORM GRANT MANAGEMENT STANDARDS AND APPLICABLE 2 CFR 200.** The applicant assures that it will follow the guidelines in the Uniform Grant Management Standards (UGMS) in accordance with Government Code, Chapter 783. Both governmental entities as well as non-profit entities are required to follow UGMS guidelines. The applicant assures compliance with all applicable federal and state laws and requirements, including, but not limited to, UGMS as well as 2 CFR 200 titled Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).
9. **ANNUAL SINGLE AUDIT CERTIFICATION.** As applicable, the applicant certifies to the best of its knowledge and belief that one of the following applicable requirements will be met:
   1. The applicant currently expends $750,000 or more, in combined federal funds during the fiscal year; and, therefore, is required to submit an annual single audit by an independent auditor made in accordance with the Single Audit Act Amendments of 1996 and Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards 2 CFR 200;
   2. The applicant currently expends $750,000 or more in combined state funds during the fiscal year; and, therefore, is required to submit an annual Single Audit by an independent auditor made in accordance with UGMS, Chapter 783 of the Texas Government Code; or
   3. The applicant currently expends less than $750,000 in either federal or state funds during the fiscal year; and therefore, is exempt from the Single Audit Act and cannot charge audit costs to an TSSWCB grant. Applicant agrees that the TSSWCB may require a limited scope audit as defined in Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards 2 CFR 200 and UGMS.
   4. If the applicant is unable to certify any of the above statements, the applicant has attached an explanation to this Application.
10. **COMPLIANCE WITH ANNUAL INDEPENDENT FINANCIAL AUDIT FILING REQUIREMENT.** The applicant assures that it will file an Annual Independent Financial Audit of the complete program and/or organization and management letter of the audit findings within nine months of the end of the fiscal year of the agency. An annual independent financial audit is a requirement for this TSSWCB grant. The audit will meet Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards 2 CFR 200 and UGMS requirements. Additionally, the annual independent financial audit will meet Generally Accepted Government Auditing Standards in the event a Single Audit is not required.
11. **RETURN OF GRANT FUNDS IN THE EVENT OF LOSS OR MISUSE.** The applicant agrees that in the event of loss or misuse of the TSSWCB funds, the applicant assures that the funds will be returned to the TSSWCB in full.
12. **CONFLICT OF INTEREST.** The applicant assures that there is no conflict of interest that would preclude it from filing the application or providing the services under this grant. The applicant shall comply with Texas Government Code, Chapter 573, by ensuring that no officer, employee, or member of the applicant’s governing body or of the applicant ’s contractor shall vote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person unless otherwise provided by law, as applicable, under Texas Government Code, Chapter 2252 or Chapter 783. This prohibition shall not prohibit the employment of a person who shall have been continuously employed for a period of two (2) years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.

By submitting this Application, applicant affirms that it has neither given, nor intends to give, at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant or any employee or representative of same, at any time during the procurement process or in connection with this grant Application, except as allowed under relevant state and federal law. The applicant further agrees that it will establish safeguards to prohibit its employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain. The applicant shall operate with complete independence and objectivity without actual, potential, or apparent conflict of interest with respect to the activities conducted under this grant.

Without diminishing the provisions of the prior paragraph, the applicant assures that as a grantee, grantee personnel, members of a grantee board or governing body, or other persons affiliated with the grant project shall not participate in any proceeding or action where grant funds personally benefit, directly or indirectly, the individuals or their relatives unless otherwise provided by law as applicable under Texas Government Code, Chapter 2252. For the purposes of this provision, "relatives" means persons related to the individual within the third degree by consanguinity or within the second degree by affinity, as determined by Chapter 573 of the Government Code. Grant personnel and officials must avoid any action that results in or creates the appearance of using their official positions for private gain; giving preferential treatment to any person; losing independent judgment or impartiality; making an official decision outside of official channels; or adversely affecting the confidence of the public in the integrity of the program or the TSSWCB.

1. **AUTHORITY TO FILE APPLICATION.** The applicant has the authority or will receive the appropriate authority by the applicant ’s governing body to file the Application, including the authority to agree to the assurances and certifications contained herein.