

**New Jersey Department of Environmental Protection
Division of Watershed Protection and Restoration
Federal American Rescue Plan Act
Stormwater Management Grants for
Water Quality and Quantity Improvements
2022 Request for Proposals**



Bioretention center parking aisle, Princeton, NJ
Photo by DEP Stormwater Engineer Lisa Schaefer

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1. PROGRAM OVERVIEW

The New Jersey Department of Environmental Protection (Department) will issue grant funding available to qualified entities, such as municipal and county governments, utilities, and nonprofit organizations involved in stormwater management (qualified entities). The Bureau of NJPDES Stormwater Permitting will make funding available under this Request for Proposal (RFP) for stormwater management demonstration projects that would directly improve water quality and quantity through the implementation of green infrastructure, retrofits and redesigns of existing stormwater management basins, restoration activities resulting in the removal or reduction of impervious surfaces, and planning and analysis activities associated with the implementation of the aforementioned activities.

New Jersey suffers from significant adverse impacts to public health, safety and welfare, and the environment due to flooding, which continues due to increased frequency and intensity of climate-influenced precipitation. These impacts are only further exacerbated in areas with inadequate or poorly managed stormwater infrastructure. Moreover, poorly managed runoff carries with it debris, bacteria, and chemicals such as pesticides, fertilizers, and gasoline, which pollute water bodies and drinking water sources.

The significance of this issue, and the imminent threat it presents, was most recently reinforced by the remnants of Tropical Storm Ida, which struck New Jersey on September 1, 2021, causing widespread devastation to communities, homes, infrastructure, public buildings and private businesses, with much of this flooding without proximity to waterbodies and directly attributable to poor stormwater management.

With recent studies showing that rainfall has increased by as much as 10% over the Department's current 1999-based rainfall standards with future increases by as much as 50% in certain parts of the state, stormwater infrastructure designed to meet outdated, backward-looking standards will become increasingly unable to adequately manage storm impacts, thereby increasing the risk of flooding to the surrounding community. If not addressed directly, residents will continue to experience impacts to their health, safety, economic well-being, and quality of life.

While the state will see improvements to stormwater management through the implementation of adoption of critical measures to modernize the state's stormwater standards as part of the Department's New Jersey Protecting Against Climate Threats – Resilient Environments and Landscapes (NJPACT-REAL), effective stormwater management requires a proactive and coordinated approach that addresses both new and existing infrastructure with stable funding to ensure long-term maintenance and upgrades necessary to address current and future precipitation rates. And with the United States Environmental Protection Agency estimating a \$15.6 billion water related funding need for stormwater management in NJ, many municipalities lack the financial wherewithal to adequately address these issues.

To improve water quality, the Department is employing Federal American Rescue Plan Act of 2021 ("ARP Act") funds to provide grant opportunities to qualified entities to improve

stormwater management practices and provide direct improvements to water quality and quantity of stormwater runoff through demonstration projects. Projects which provide co-benefits related to Department priorities such as serving overburdened or underserved communities, climate resilience, flood attenuation will be given priority.

2. FUNDING FOR 2022 STORMWATER MANAGEMENT GRANTS

The Department is making \$5 million in funding available from Coronavirus State Fiscal Recovery Funds (CSFRF) and \$2 million in funding available from State Corporate Business Tax Funds (CBT) to implement the Stormwater Management Grants Program. The funding will be made available to qualified entities for stormwater and watershed planning and construction and installation of demonstration projects, that will result in water quality and quantity improvements.

This RFP and any grants awarded hereunder shall be undertaken in compliance with federal, state and local laws and regulations as well as the requirements of a Memorandum of Understanding (MOU) between the Department of Environmental Protection (NJDEP) and Department of Consumer Affairs (DCA), Executive Order No. 166 (Murphy 2020) (“EO 166”), 31 CFR Part 35 U.S. Treasury Coronavirus State and Local Fiscal Recovery Funds – Final Rule, and Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“2 CFR Part 200”).

3. ELIGIBILITY REQUIREMENTS FOR 2022 STORMWATER MANAGEMENT GRANTS

Eligible Activities:

Funding made available under this RFP shall be used for stormwater management activities that would directly enhance, improve, or protect the use of any waters of the state located in overburdened communities. Eligible activities may include:

- a. Implementation of green infrastructure projects that are designed in accordance with the New Jersey Stormwater BMP Manual found at: https://nj.gov/dep/stormwater/bmp_manual2.htm;
- b. Projects which restore or improve water quality attributes of existing stormwater management facilities;
- c. Combined sewer overflow abatement projects;
- d. Projects designed to create, restore and enhance areas currently devoid of vegetation through the removal or reduction of existing impervious surface; and
- e. Stormwater management activities that improve water quality, effectively manage water quantity and control nutrients.

*Note that grant funds may be used to cover associated application fees for state or local applications or permits needed to conduct the activities identified in proposals consistent with the categories identified above.

Ineligible Activities:

The following activities/projects are not eligible for funding under this grant:

- Projects that do not control the input of non-point source pollutants either through the planning, construction of a Best Management Practice or through education to change behavior and promote stewardship;
- The purchase of land;
- Projects that create or increase existing impervious cover;
- Purchase of promotional items, such as key chains, mugs, flying discs, etc.;
- Maintenance activities including but not limited to activities such as street-sweeping and catch-basin cleaning otherwise required by state or federal regulations unless such actions exceed required thresholds for compliance; or
- Projects determined by the Department that have the potential to result in negative impacts to the environment, the waters of the state, biodiversity, or public health.

Project Requirements:

The funding priorities listed in Section 5 below will be considered competitively by category. As provided shown in Table 2.

Eligible projects must be:

- Consistent with the priorities set forth in Section 5 of this RFP;
- Well-designed to achieve the project goal of non-point source pollution reduction and presented in the proper sequence of events (goal/objective/task);
- Consistent with existing local, state, and federal requirements and can obtain permits needed to implement the project;
- Viable and readily implementable;
- For proposals that do not include construction (i.e., planning and maintenance actions), the proposal must include deliverables such as schedules, reports, training/outreach products, and inventories;
- Able to be completed within the grant period;
- Located on public property or on private property with an executed agreement with the property owner;
- Able to satisfy all Federal Fund requirements identified in Appendix G; and

- As applicable, demonstrate an improvement in water quality. (Note: As applicable, awardees may be required to collect and provide data to demonstrate water quality improvements associated with the project).

Please refer to Appendix B for the project evaluation criteria. Projects that benefit overburdened communities will receive weighted consideration during the review and selection process - as defined at N.J.S.A. 13:1D-157 (see <https://www.nj.gov/dep/ej/> for details on mapped locations).

Eligibility Requirements for Applicants:

Applicants eligible to apply for funding under this RFP include:

- Colleges and universities;
- A local government unit;
- Public utilities;
- Private entities;
- An entity established as a joint meeting pursuant to law or an entity established pursuant to ordinance by the municipalities; and
- A nonprofit organization recognized by the Internal Revenue Service under Section 501(c)(3) of the Internal Revenue Code authorized to operate in the State of New Jersey.

Eligible applicants shall, in their application, demonstrate that they possess the following:

- Sufficient staffing and other resources with the capability, expertise, and environmental experience to perform the proposed project - directly or through contracted services;
- The ability to ensure project implementation as well as long-term operation and maintenance/management either individually or through a partnership; and
- Authority to implement the proposed project(s) and property or other access rights to construct the project.

Although a monetary or in-kind service match is not required, the percentage of monetary contributions and in-kind services will increase a project score (see Appendix B, Project Evaluation Criteria), and can increase the proposal ranking for award selection. This type of support demonstrates a long-term commitment to overall project success.

4. REQUEST FOR PROPOSALS

The Department’s Stormwater Management Grants opportunities important dates are shown below. As the CSFRF, these grant funds must be obligated by December 31, 2024, and expended by December 31, 2026 (grant period), unless the deadline is extended by U.S. Treasury.

Table 1: Grant Processing Timeline

Action	Responsibility	Deadline
Proposal Submission	Applicant	September 14, 2022
Funding Recommendations and Notifications	NJDEP	December 13, 2022,
Return Completed Grant Agreement	Applicant	Within 30 days of receipt*
Funds must be obligated by	NJDEP	December 31, 2024
Funds must be expended by	Applicant	December 31, 2026

*Return of completed grant agreement forms does not guarantee immediate release of funding.

Because projects must be completed by December 31, 2026, applicants are advised to set the project schedule such that the project is complete at least 6 months prior to this deadline. Expenditures by the grantee outside the grant period may not be eligible for reimbursement.

5. FUNDING PRIORITIES

The Department has identified the following categories of funding priorities. Projects proposed under all categories are available statewide.

a. Stormwater Management Planning and Projects:

- **Planning and Analysis of Stormwater Opportunity Studies:** projects that serve to identify opportunities to incorporate improved stormwater management techniques such as green infrastructure, retrofits to existing stormwater infrastructure and restoration through reduction or removal of impervious surfaces. Individual municipalities or counties may submit a proposal to identify and map areas of possible stormwater management improvement or another qualifying entity may submit a proposal to assist all or a portion of municipalities or counties to identify locations best suited for implementation of improved stormwater management techniques necessary to maximize potential for flood attenuation and/or increased resilience. These inventories of municipal opportunities shall result in the creation of mapping data to be used for the purpose of improving overall stormwater management using one or more of the techniques detailed above.
- **Green infrastructure (GI) projects:** construction of GI (as defined at N.J.A.C. 7:8-1.2) projects. Green infrastructure includes green roofs, bioretention systems – also known as rain gardens, pervious paving systems, and other activities that

manage stormwater close to its source by: 1. Treating stormwater runoff through infiltration into subsoil; 2. Treating stormwater runoff through filtration by vegetation or soil; or 3. Storing stormwater runoff for reuse. Priority will be given within drainage areas that are hydraulically connected to systems with combined sewers (CSOs). Information about GI can be found at <https://www.nj.gov/dep/gi/>.

- b. Improvement of Existing Stormwater Infrastructure:** projects that improve existing stormwater management infrastructure and/or restore or retrofit stormwater basins to address water quality and reduce nutrient loading or reduce stormwater velocities and/or volume.
- c. Management and Restoration:** projects that serve to remove or reduce impervious cover for the purpose of creating natural areas and restoring or improving the water quality and quantity functions. Activities may take place within or adjacent to streams and waterbodies’ riparian zones and/or wetland buffers, or within areas currently devoid of vegetation. Projects should incorporate sufficient funding for implementation, monitoring and success criteria for proposals featuring re-vegetation actions.

Funding will be allocated as shown in Table 2 for acceptable projects until available monies are distributed and exhausted.

Table 2: Funding Priorities and Fund Allocation

Project Type	Total Funding Available (up to)
Planning and Analysis of opportunity to implement Green Infrastructure, Stormwater Management and /or Management and Restoration projects (as described in Section 5 above.)	\$500,000 ARP
Green Infrastructure (as described in Section 5 above.)	\$4,500,000 ARP
Improvements of Existing Stormwater Infrastructure (as described in Section 5 above.)	\$1,000,000 CBT
Management and Restoration (as described in Section 5 above.)	\$1,000,000 CBT
Total Grant Funding Available	\$7,000,000

6. SUBMISSION OF PROPOSALS AND PUBLIC INFORMATION SESSION

PROPOSAL MUST BE SUBMITTED BY: September 14, 2022

Proposals for Stormwater Management Grants 2022 must be submitted electronically using NJDEP’s System for Administering Grants Electronically (NJDEP SAGE). First time

applicants must first register via NJDEP SAGE at <https://njdepsage.intelligrants.com>. Existing users will log on and the listing for this RFP will be under, “My Opportunities”. Information on how to register and use NJDEP SAGE will be provided at the public information session listed in Table 3 below.

NJDEP SAGE registered users can submit grant applications, monitor applications under consideration, as well as request changes and manage grants. All submissions must include completed grant proposal application forms and all supporting documentation. Please see Appendix A for information on how to submit a proposal via NJDEP SAGE.

The Department has scheduled a virtual public information session. Questions on SAGE, the Stormwater Management Grant opportunities and/or the grant application process will be addressed during this session.

Table 3: Public Information Session*

Location	Date and Time
<p>Microsoft Teams meeting Join on your computer or mobile app Click here to join the meeting Meeting ID: 266 007 730 413 Passcode: vQV3cV https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjYxOTMyNmYtYjMzNy00MTBjLTg5Y2UtNTBkNzQ1Mzk3NWNk%40thread.v2/0?context=%7b%22Tid%22%3a%225076c3d1-3802-4b9f-b36a-e0a41bd642a7%22%2c%22Oid%22%3a%22299f9f94-944b-4048-a563-adf682edf2f3%22%7d Or call in (audio only) +1 856-338-7074,840285149# Phone Conference ID: 840 285 149#</p>	<p>August 17, 2022 10am</p>

*If state offices are closed, the public information session will be canceled. Any other change or cancellation will be posted at www.nj.gov/dep/wlm

Questions and Comments:

For questions and comments regarding the SAGE system or other aspects of the request for proposals, emails may be submitted to stormwatergrantsinfo@dep.nj.gov.

7. SELECTION OF PROJECTS

To be considered for funding, a proposal must be responsive to and satisfy all criteria of this RFP. Qualifying proposals will be rated using the scoring system outlined in Appendix B. Applicants are encouraged to review the scoring criteria for reference when assembling a proposal for submittal.

The Department may award grant funds to eligible applicants for eligible projects that it deems, in its sole discretion, to be most beneficial to the state. The Department reserves the right not to award a grant if, at its sole discretion, no acceptable proposal is received, funding is no longer available, or for any other reason. All applicants will be notified in writing with the Department’s grant award decisions in approximately ninety (90) days through NJDEP SAGE.

The funding amounts for each grant opportunity above are approximations. The Department may transfer funds from one grant opportunity to another if the Department does not receive sufficient applications, needs additional funding for certain projects, or has not used the funding allocated to each grant opportunity. The Department will try to maximize the number of grant awards with respect to the number of applicants, number of eligible proposals, funding amounts requested, and final rankings.

The Department will conduct a preliminary review of all applications and will reject any ineligible or incomplete proposals. Applications compliant with specifications within this RFP will be reviewed, grouped by project or proposal type, and ranked by an evaluation team in accordance with the Project Evaluation Criteria contained in Appendix B. In some cases, the Department may ask applicants to make minor adjustments to a project proposal to improve its understanding of the project proposal or to correct an error in the submittal.

Once applicants have been notified of the Department’s intent to fund a specific project, they will be required to complete all grant agreement forms in NJDEP SAGE.

The following table contains information on the schedule for the proposal submission, funding, and completion of grant agreements.

Table 4: Grant Processing Schedule

Action	Responsibility	Deadline
Full Proposal Submission	Applicant	September 14, 2022

Funding Recommendations and Notifications	NJDEP	December 13, 2022
Return of Completed Grant Agreement Forms	Applicant	Within 30 days of receipt*

*Return of completed grant agreement forms does not guarantee immediate release of funding.

PROJECT AWARD – FORM OF AGREEMENT

By accepting funds awarded under this RFP, all Grantees agree to be bound by and execute the grant agreement without modification. Completion of the project and expenditure of grant funds shall be in accordance with the terms set forth therein, and the same are, as applicable, incorporated by reference into this RFP. The grant award date shall be the start date on the executed contract. Any work performed in accordance with the submitted scope of work and budget shall be eligible for reimbursement upon the final execution of the contract. Any work performed outside of the tasks enumerated in the submitted scope of work and budget shall not be reimbursable.

8. REQUIRED ELEMENTS FOR A COMPLETE PROPOSAL

The project proposal must include all information required by this RFP and shall include a detailed description of the project implementation strategy, milestones, outputs and schedule, the environmental benefit that will be achieved by the project, and, if applicable, how effectiveness will be measured including a description of the expected measurable environmental results (e.g., miles of stream restored, pounds of sediment reduced). Water quality monitoring will be funded only to fill information/data gaps or for specific assessment of project success and will follow Department approved sampling protocols. Any documents such as reports, reference photos, maps, and data should be added as supplemental information. For more information and details, see Appendix A.

Project Background Summary Information

The project background must include a brief abstract of the project that includes a summary of the major elements of the project, the objectives to be achieved, and the spatial extent of the work demonstrating how it qualifies as an eligible project. In addition, the project background should describe why the applicant believes the proposed project is needed, the scope of the problem, and current condition of the proposed stormwater management improvement. Additionally, the summary should include the stressors/sources of the problem and define the desired result that this project will seek to achieve.

Project Description

The project description shall detail the goals, objectives, and tasks of the project. Goals should be clearly presented for each type of implementation project. The goal statement(s) must identify the desired outcome(s) related to the identified problem or need and be stated in terms of results to be accomplished. Objectives describe the outcomes in a measurable way, specify the results to be achieved or criteria by which results will be measured (e.g., 25% reduction in phosphorous loading to the Muddy River), and the timeframe for achieving the objective. Tasks are concise statements of activities that need to take place to achieve the stated objectives.

Applicant Description

A description of the applicant and the applicant's ability to complete the project must be included, demonstrating how it qualifies as an eligible applicant. Indicate whether this applicant or any partners have received previous funding, such as Clean Water Act section 319(h), corporate business tax (CBT) funded grants, matching funds, and/or additional grants or Water Bank funds or other related state or federal grant funds. If so, include all grant contract date(s), project title(s), expiration date(s), and grant identification number(s) as an appendix.

Monitoring and Evaluation Information

All proposals must include a description of how attainment of project objectives will be measured and/or demonstrated. The means to demonstrate attainment must be appropriate to the project type and environmental outcome expected. Describe the evaluation techniques and targets and why those approaches are an appropriate measure of success. Examples include improving trends in a related biological indicator/index, improving trends in water quality based on the collection of baseline water quality data pre and post project, or a calculated evidence of pollutant load reductions using predictive models such as the USEPA Spreadsheet Tool for Estimating Pollutant Load (STEPL) or the Unit Area Load method (UAL) established in Chapters 3 and 4 of the Department's Best Management Practices (BMP) Manual http://www.njstormwater.org/bmp_manual2.htm.

If performing biological, chemical, habitat, and/or physical monitoring the applicant should include information on sampling procedure, monitoring parameters, locations of sampling sites, frequency of collection, data usage, data format, and costs. The Department maintains a comprehensive ambient monitoring program that is used to make determinations regarding water quality impairments. Improving trends in water quality and/or indicators

are most appropriately determined using the Department's network, and not through a separate ambient monitoring design. Water quality monitoring will be funded only to fill information/data gaps or for specific assessment of project success and follow Department approved sampling protocols.

If a project involving the removal or reduction of impervious surface monitoring will be required as the means to demonstrate effectiveness of the implementation project, the Department must receive an annual monitoring report for the approved project. A monitoring protocol must be developed by the grantee, submitted to the Department for review and approval prior to project initiation. Refer to Appendix C for monitoring report requirements.

Implementation Schedule and Budget

Proposals shall contain a task schedule that lists outputs or deliverables associated with each task, the party responsible for the tasks, the time duration associated with completing each task for the total length of the project, and the budget for each task. **Because projects must be completed by December 31, 2026, applicants are advised to set the project schedule such that the project is complete at least 6 months prior to this deadline. Expenditures by the grantee outside the grant period may not be eligible for reimbursement.**

The schedule should include sufficient time for:

- Administrative start-up
- Monitoring [including development and approval of monitoring protocol if monitoring is appropriate (see Section 10 and Appendix C for details) considering seasonal or flow conditions that may be important to the sampling design] if applicable
- Compiling and submitting all required paperwork and legal review
- Permit acquisition, if needed
- Project completion and evaluation of the outcome
- Preparation and submission of the final report

Budget Details

- Personnel Costs (Salaries and Benefits):
The salary details should include the name, number of hours dedicated to the project, and hourly rate for each employee. * Note: if students will be performing work, tuition is not eligible for funding.

- **Consultants and Subcontractors:**
Please provide a description of the work that will be performed and the budget amount for each consultant/subcontractor
- **Supplies:**
Must detail each type of supplies, quantity, and costs associated with it
- **Monitoring**
- **Training**
- **Travel:**
Federal rate is 56 cents per mile; State rate is 47 cents per mile
- **Audit**
- **Indirect Costs:**
This covers costs that are associated with employees that are being paid salary expenses as part of the agreement, that cannot be directly attributed to the work of the agreement. Some possible indirect expenses are general overhead costs such as electricity and other building costs associated with that employee's work location, among others.
- **Match and additional funding provided by other sources:**
In-kind match is defined as volunteer time only. Please list out number of volunteers and estimated volunteer hourly rate. All other match contributions are considered in the cash match category. If the cash match includes salary/fringe, please detail number of employees, hours, and hourly rate. Consultants and subcontractor details should include the total amount of match for each task and the type of work that will be performed. If the match falls in another category, please indicate the category and the amount.

Supplemental Information

The following supporting documentation is required to be submitted as attachments to the project proposal:

- **Letter(s) of Resource Commitment:**
Any party committing resources to the project must submit a letter of resource commitment and is then considered a project partner. The letter, submitted with the project proposal, must describe the partner's commitment to the project (e.g. time,

money, and/or effort) or it will not be considered as a letter of resource commitment. In-kind services may be used as match and demonstrates the applicants and/or partner's commitment to carrying out the project in a timely manner. Letters of resource commitment must be included with the original proposal to ensure consideration of the proposal. Letters of resource commitment from county and local governmental agencies must be signed by person(s) with the financial authority to commit time, money, and/or effort to the project. A letter of resource commitment must be provided from the landowner of the site of an implementation project if the landowner is a party other than the applicant. A formal resolution or written consent from the landowner agreeing to execution of the project on their property will be required before any contract is executed with the State.

- Dated USGS topographic map with project area delineated
- Dated Lot and Block tax map with project area delineated (including property ownership)
- Sketch/site plan or dated large-scale map showing project area in detail, as well as any regulated features such as flood hazard areas, riparian buffers, wetlands, etc., that would be impacted by any proposed construction. *Site plans and necessary calculations will be required prior to commencement of construction activities.
- Photos of the site
- List of required local and state permits expected to be needed for project implementation and any previously approved local and state permits
- Proof of authority to implement the proposed project(s) and property or other access rights to construct the project

9. REPORTING REQUIREMENTS FOR PROJECTS SELECTED FOR FUNDING

Monthly Financial and Quarterly Progress Reports

Compliance with CSFRF requirements includes mandatory reporting of performance indicators and programmatic data in the quarterly Project, monthly Expenditure Reports, and the annual Recovery Plan, in addition to discretionary performance indicators that the Program and DCA determine are appropriate. Discretionary performance indicators will include quantitative and qualitative targets. DCA will determine the appropriate program outcomes in collaboration with

the respective agencies. Agencies will be asked to report on their progress towards those outcomes.

Following is a list of required data for Treasury's performance reporting for each of the delineated Expenditure Categories. Agencies will be asked to report on their progress towards these deliverables. Please note that these datapoints are for informational use only and remain subject to change as U.S. Treasury finalizes its reporting requirements.

All Expenditure Categories must report on the following points:

- Current period obligation
- Cumulative obligation
- Current period expenditure
- Cumulative expenditure
- Project Status: (1) Not Started; (2) Completed less than 50%; (3) Completed 50% or more; (4) Completed
- Subawards: Detailed obligation and expenditure information for any contracts and grants awarded, loans issued, transfers made to other government entities and direct payments made by the recipient that are greater than or equal to \$50,000. Please see the U.S. Treasury Compliance and Reporting Guidance, page 17 and 18 for more information.

Progress reports are required to be submitted to the Department quarterly to provide an update and explanation of the project status. These reports are vital to the success of the project and must be complete and submitted on time for payments to be made under the grant agreement. Failure to submit timely and complete reports may result in non-payment. The reports will be submitted via NJDEP SAGE and must follow the format found in Appendix D. All interim work products, deliverables, as well as the Quarterly Financial Reports with documentation (e.g. receipts, vouchers, etc.) are required to be submitted with the appropriate Quarterly Progress Report. Failure to submit monthly and quarterly reports and/or other documents as required by the agreement in a timely manner may result in a suspension of the grant and the reimbursement of all grant monies provided through this program.

Completion of a Project

Projects must be completed within the grant period, including the Final Report (see below and Appendix E). Expenditures by the grantee outside the grant period may not be eligible for reimbursement. If the project cannot be implemented or the project was completed for less than the grant award, resulting unexpended funds will remain with the Department.

Ownership/Proprietary Rights; Data and Geographical Information System (GIS) Requirements

All information generated during each Stormwater Management Grants project, or materials purchased with grant funds, must be provided to the Department in an electronically predetermined standardized format at the conclusion of the project. (Please refer to Appendix E). This includes all data collection related to sites and results, maps generated, photos, and all equipment (such as computers and GPS units) purchased with these grant funds. Where applicable, the Department may require entry of the data into a web-based system or spreadsheet. All projects involving activities using a GIS data or mapping component must follow the Department's 2013 Mapping and Digital Data Standards http://www.nj.gov/dep/gis/assets/NJDEP_GIS_Spatial_Data_Standards_2013.pdf.

Coordination of Project Permitting

For implementation projects funded through this RFP, all grantees must coordinate all permit preapplication meetings, applications, and application meetings with the Department's Division of Watershed Protection and Restoration. The Division of Watershed Protection and Restoration should be listed as a co-applicant for any Department permit sought.

Maintenance Agreement

In order to ensure the success of any implementation project funded by a Stormwater Management Grants, a Maintenance Agreement must be submitted to the Department prior to in-the-ground installation of any Best Management Practices. The agreement must identify the applicant or applicants responsible for maintenance, describe timetables by which these functions will be carried out, and detail tasks performed to ensure the continuing functionality of the implementation project. See Appendix F for more information.

Final Reports

The Final Report must be submitted via NJDEP SAGE upon the completion of the project. The Department must deem the report acceptable prior to the release of final payment of grant funds to the applicant. The format for the Final Report can be found in Appendix E.

10. OTHER REQUIREMENTS FOR PROJECTS SELECTED FOR FUNDING

Reimbursement for Services

Stormwater Management funds are provided in reimbursement for services rendered. Exceptions to this policy will be made only in extenuating circumstances and only with prior Department approval.

Native Species

All implementation projects that involve the selection and planting of vegetation are required to use only species of plants native to that particular region of New Jersey, whenever possible. A reference to native New Jersey species can be found at <https://universalfqa.org/>. Plant species used for mitigation plantings should not be species identified on the State Endangered Plant list or otherwise considered to be rare by the New Jersey Natural Heritage Program (<https://www.state.nj.us/dep/parksandforests/natural/heritage/database.html>). In some circumstances, non-invasive, non-native plant species could be considered if the need is demonstrated. Successful applicants are advised that the Department must approve the final species list indicating quantities and a planting plan with location and procedures prior to purchase and installation of any plant material.

Appendix A

Division of Watershed Protection and Restoration Bureau of NJPDES Stormwater Permitting and Water Quality Management

2022 Stormwater Management Grants NJDEP SAGE Application Guidance for Project Proposals

The NJDEP's System for Administering Grants Electronically (SAGE) is a web-based application used by the Bureau of NJPDES Stormwater Permitting and Water Quality Management to accept and approve Water Quality Restoration Grant applications and manage executed grants. Eligible grant applicants will need to submit their grant application and manage it using the SAGE system located at <https://njdepsage.intelligrants.com>

My Organization(s)

Organization Name - is the eligible entity applying for the Water Quality Restoration grant funding.

Short Name – is an abbreviated name for your organization.

Vendor ID Number – a Vendor ID number is obtained through the Department of the Treasury's NJSTART eProcurement System (<https://www.njstart.gov/bs0>).

DUNS Number – is required only for Federally-funded awards. If you need to find or register for a DUNS Number it is through Dun & Bradstreet (<https://www.dnb.com/duns-number/lookup.html>).

Organization Members - There are two roles for an organization, Authorized Official(s) and Viewer(s). The Authorized Official(s) can edit, save and submit a document in the system. The viewer(s) can only view the documents. The Contact Person, Fiscal Officer, and Project Manager must be added as Organization Members.

Profile Information

*The list is derived from the members you input in My Organization(s).

Contact Person - this is the person that will be responsible for the grant throughout the duration of the grant. Responsibilities include being the primary contact for execution of the grant agreement and payment transactions; ensures that the resolution to accept the grant award is passed by the governing body; ensures that the grant agreement is signed by the proper officials;

ensures the signed grant agreement is submitted to the Stormwater Management Grants Program; supplies copies of invoices for the grant project work and proof of payment documents; and, timely submission of any other related material required for submission to the Bureau of NJPDES Stormwater Permitting and Water Quality Management. The contact person may not be an independent contractor.

Fiscal Officer - this is the person in the organization that can be contacted for financial information and will be responsible for submitting the financial reports.

Project Manager - this is the person that will be the primary contact for the Bureau of NJPDES Stormwater Permitting and Water Quality Management regarding project work, responsible for managing the grant and providing timely progress reports on implementation and performance.

Partner Information – this is an organization(s) that will partner with the grantee to complete the project.

Project Details

Project (RFP) Category – each year’s RFP priorities are different so please select the category that is applicable. You may select a single priority. If your proposal falls within multiple priorities, you must determine the most applicable priority for your project.

Planning and Analysis of Stormwater Opportunity Study - projects that serve to identify opportunities to incorporate improved stormwater management techniques such as green infrastructure, retrofits to existing stormwater infrastructure, and restoration through reduction or removal of impervious surfaces.

Green infrastructure (GI) projects - priority will be given within drainage areas that are hydraulically connected to systems with combined sewers (CSOs). Information about GI can be found at <https://www.nj.gov/dep/gi/>.

Stormwater Basin Improvements - projects that restore or retrofit existing stormwater basins to improve discharge water quality or reduce stormwater velocities or volume within the watershed. Proposed activities may not serve to fulfill regulatory maintenance requirements.

Restoration to reduce impervious cover and improve flood resilience - projects that focus on removal or reduction of impervious cover for the purpose of creating natural areas, restoring or improving the water quality and quantity functions. Activities may take place within or adjacent to streams and waterbodies, riparian zones and/or wetland buffers, or within areas currently devoid of vegetation.

Project Title – is the title of the proposed project.

Estimated Project Duration in Months - is an estimate of the time needed to complete the project, in months. Estimations should factor in administrative start up time and anticipated delays. There is no penalty for completion of a project ahead of schedule, while “no cost time extensions” will only be granted in extenuating circumstances.

Grant Amount Requested - is the amount of funding sought from the Stormwater Management Grants.

Match - is the amount of local funding dedicated to the project. In-Kind Match is defined as volunteer time only. All other match is defined as Cash Match.

Other Funding – is the amount of funding that is not a match which is dedicated to the project.

Project Location

Address where the project will be conducted including city and zip code (+ 4 digits).

Select the County and Municipality where the proposed implementation project or planning watershed will be located. If the project is Statewide, click the Statewide box. Include the Block/Lot number, when appropriate.

Based on the County/Municipality selected, a list of Watershed Management Areas (WMAs) will populate. Select the WMA that will contain the proposed implementation project or planning watershed.

Legislative/Congressional Districts

This will automatically populate based on the county/municipality selected for the project location.

Waterbody Information

Primary Waterbody - is the primary waterbody/lake that is the target of the implementation project. Water quality improvement will be achieved in this waterbody through the implementation of the proposed project, if applicable.

Other Waterbody(s) – is any other waterbody that will benefit from the implementation project.

Best Management Practices Information

Work Categories – is a means of expressing in broad terms the type of activity of the project.

Type of Implementation Project - is a general category by which the proposed implementation project(s) can be described (*e.g.* stormwater BMP, streambank restoration etc.).

Primary Pollutant(s) Targeted - is the reason the NPS implementation project is being proposed. List the primary pollutant(s) targeted. The abatement of this pollutant(s) is the main focus of the project.

Additional Pollutant(s) Addressed - list any pollutants that will be addressed by the NPS implementation project that are secondary to the primary targeted pollutant(s).

Project Proposal

Project Background Summary Information – A description of the problem as it relates to the priorities in the RFP.

Project Description – Explain the project and how it will address the problem and priorities in the RFP. Must contain your goals, objectives, and tasks to complete the project.

Applicant Description – must demonstrate experience and expertise with completing and/or project management oversight for the type of project(s) proposed, including a description, estimated amount and type of match contributions proposed by applicant. This section must also include a list of project partners, including estimated amount and type of match contributions proposed by the project partners. Match contributions are not required, however projects with match contributions and partner support could receive a higher priority.

Monitoring and Evaluation Information - a description of how attainment of project objectives will be measured or demonstrated.

Implementation Schedule and Budget

The implementation schedule and budget by objective and task that includes project deliverables and the responsible party. Implementation schedule should include projected start and completion dates.

Budget Details

- Personnel Costs (salaries and benefits):
Note: if students will be performing work, tuition is not eligible for funding; the salary details should include for each employee, name, number of hours dedicated to the project, and hourly rate
- Consultants and Subcontractors:
Please provide a description of the work that will be performed and the budget amount for each consultant/subcontractor
- Supplies:
Must detail each type of supplies, number needed, and costs associated with it
- Monitoring
- Training
- Travel:
Federal allotted amount is 0.56 cents per mile

- Audit
- Indirect Costs:
This covers costs that are associated with employees that are being paid salary expenses as part of the agreement, that cannot be directly attributed to the work of the agreement. Some possible indirect expenses are general overhead costs such as electricity and other building costs associated with that employee's work location, among others.
- Match and additional funding provided by other sources:
In Kind Match is defined as volunteer time only. All others fall in the Cash Match category. If the cash match includes salary/fringe please detail number of employees, hours and hourly rate; consultants/subcontractors' details should include the total amount of match for each and the type of work that will be performed; if the match falls in another category(s), please list out what it is and the amount.

Supplemental Information

Upload any letters of resource commitment with the amount of match funds listed, site plans, maps, blueprints, etc.

Appendix B

Division of Watershed Protection and Restoration Bureau of NJPDES Stormwater Permitting and Water Quality Management

2022 Stormwater Management Grants Project Evaluation Criteria

The primary criteria for evaluation of proposals which are deemed eligible and complete are:

1. Project Applicability (up to 25 points)

- The degree to which the proposal addresses one or more of the project types identified in the Request for Proposal;
- The degree to which the proposal would potentially address stormwater and/or non-point source management on the affected waterbody that would directly maintain, enhance, improve or protect recreational and conservation uses;
- The degree to which proposal would result in a positive environmental outcome;
- The degree to which the project would leverage other positive environmental outcomes such as open space, recreational benefits, access to water, and habitat enhancement;
- The degree to which the project will show co-benefits of addressing the following Department priorities including; CSO reductions, quality of life improvements in Overburdened Communities (OBC), situate in inland counties that were declared FEMA disaster zones, water quality and quantity improvements, floodplain protection, reduction of impervious cover and decrease in vehicular surface as well as beneficial impacts to climate change and resilience;
- Integration of project with federal, state, and local programs, plans and policies including Executive Order No. 23 (<https://nj.gov/infobank/eo/056murphy/pdf/EO-23.pdf>); and
- Magnitude of water quality, public health, and environmental benefits associated with the proposal.

2. Project Readiness (up to 25 points)

- Project feasibility;
- Proposed design completion date;
- The degree to which the project is readily implementable (shovel ready);
- Consistency with existing local, state and federal requirements and ability to attain permits needed to implement the project; and
- The degree of public engagement and/or support for the proposed concept.

3. Likelihood of Success (up to 30 points)

- Technical merit (water quality improvement, reduction of pollutants);
- Past performance of the applicant and/or applicant's partners (as identified in the project proposal), if applicable;
- Ability of the applicant to complete the project or contract, or work with another entity to complete the project;
- Qualifications of the proposed personnel (in-house and contracted) to ensure grant agreement compliance as well as completing project design and construction;
- Letter of resource commitment;
- Ability of the grantee to garner approval of property owners and secure long-term maintenance agreements; and
- Ability to deliver measurable outcomes and long-term sustainable benefits.

4. Cost Share/Matching Funds/Leveraging of other Funding Sources (up to 10 points)

- Level of matching funds (in-kind or other funding);
- Leverage funding by combining with other funding sources (e.g. Farm Bill, Penn Foundation, Hazardous Discharge Remediation Fund, State Revolving Funds);
- Budget detail (funding source allocation per project component); and
- Cost effectiveness.

5. Monitoring and Evaluation Information (up to 10 points)

- How attainment of project objectives will be measured or demonstrated.

Appendix C

Division of Watershed Protection and Restoration Bureau of NJPDES Stormwater Permitting and Water Quality Management

2022 Stormwater Management Grants Monitoring Requirements for Restoration Projects

- I. The following Vegetation Planting and Monitoring Requirements apply to restoration projects:

Planted vegetation must be in the ground and have survived one calendar year prior to the initiation of the first year of monitoring (Year 1).

a. Planted species shall be monitored for at least 2 years from the initiation of the first year of monitoring.

b. Vegetation monitoring shall be located across the site to provide a random sampling of all the vegetation community types reestablished on the site.

c. Vegetation data collected shall include:

Species, height, date of planting, number of volunteer woody stems and location of planted material;

d. The density of planted species shall be reported as the number of living, planted stems. “Stems” are defined as individual plants, where plants with multiple shoots are treated as a single stem.

e. Volunteer plant data shall be presented separately from planted vegetation in the monitoring reports. “Volunteers” are defined as individual plants that are naturally occurring and were not an intended part of your restoration project.

- II. Visual Monitoring:

The following requirements apply to all mitigation projects. The goal of visual monitoring is to identify any concerns on a restoration project that may not be picked up by other routine monitoring activities, such as: encroachments, areas with poor vegetation growth, beaver activity, excessively or inadequately drained areas, stream bank instability, etc. Visual monitoring is intended to cover the entire mitigation site, including preservation areas, in an efficient manner. The following standards apply to visual monitoring:

a. Visual monitoring of all sections of the restoration project shall be conducted twice per monitoring year throughout the required monitoring period to identify areas of concern. One visual monitoring event should be done in conjunction with vegetation plot monitoring activities. At least 5 months shall separate each visual monitoring event.

b. Visual monitoring shall be conducted by traversing the entire restoration site to identify and document areas of low stem density or poor plant vigor, prolonged inundation, native and exotic invasive species, beaver activity, herbivory, encroachments, or other areas of concern.

c. A brief narrative of the results of the visual assessments shall be included in the Annual Monitoring Report. The narrative in the Annual Monitoring Report should include the results from both of the visual assessments conducted in that monitoring year. Any areas of concern shall be annotated on a site plan with photographs, and with the written narrative describing the features and issues of concern. Once a feature of concern has been identified that same feature shall be reassessed on all subsequent visual assessments. Photographs should be taken from the same location year-to-year to document the current condition of the concern. The Monitoring Report shall identify all recommended courses of action, which may include continued monitoring, repair or other remedial action to alleviate the concerns.

d. A minimum of ten (10) photographs shall be provided as a supplement to the visual monitoring.

Appendix D

Division of Watershed Protection and Restoration Bureau of NJPDES Stormwater Permitting and Water Quality Management 2022 Stormwater Management Grants

Quarterly Progress Reporting Requirements

Grantee must submit a progress and financial report through the SAGE system quarterly.

Summary of Progress for this Quarter: Must include a Status, Next Steps, and Timeframe (start date and end date) for each Objective and Task as outlined in your Scope of Work. Must include major project activities implemented, number of sites addressed, progress in attainment of the project objective, timelines, percentage of tasks complete, etc. If a work product has been developed, this should be included in the Quarterly Report, for example an educational brochure.

Itemization of Salary Expenditures for this Quarter: Must detail the work performed for each employee per objective as reported in the financial report for the quarter.

Slippage Report: Must describe any slippage in project timeline or budget along with an explanation and revised timetable, budget, and new completion schedule. Please note that project no-cost time extensions must be applied for through the project manager and will only be granted when the grantee has demonstrated unforeseeable project setbacks. No project will be granted more than one no-cost time extension unless an exception is given from the Director of the Division.

Problems/Issues: Must describe any problems encountered in project implementation, such as unanticipated events and their consequences, along with a description of the solutions applied (should cross-reference the slippage report if applicable).

Additional Information:

- 1) Deliverables/work product;
- 2) Photos: All pictures should be saved with names that are indicative of the picture and purpose (i.e. file # post-imp stormwater);
- 3) Surveys;
- 4) Attendance sheets (meetings, outreach events, etc...); and
- 5) Approved QAPP as required.

BMP Information: If a Best Management Practice (BMP) has been implemented, the BMP Information Page must be completed. The grantee must supply information about the project

such as completed date, location, waterbody improving, contributing drainage area, BMP size, BMP type, load reductions, and cost.

All Progress Reports Must Include a Financial Report

A financial report is required to be submitted with every quarterly report. If there are no expenditures for the work period, the expenditure report must still be submitted indicating \$0 in the total. Fiscal Information should include: time sheets, phone logs, mileage logs, bills/invoices, receipts for expenditures related to the project and documentation that bills/invoices/receipts have been paid.

Appendix E

Division of Watershed Protection and Restoration Bureau of NJPDES Stormwater Permitting & Water Quality Management

2022 Stormwater Management Grants Final Report Requirements

The final report must include the following information:

1) Executive Summary

A brief abstract of the project that can also serve as a stand-alone document and includes the following information:

- Description of project area
- Summary of the existing conditions addressed
- A brief summary of the overall project (e.g., its goals, methodology, affected locations, and time frame)
- Highlight major results or outcomes of the project
- Project implications and recommendations

2) Evaluation Approach and Methodology

Presents a brief background on the method for evaluating project success, possible applications of results, and includes the following:

- List of major questions answered by the evaluation
- Description of the overall evaluation design and schedule of data collection
- Description of the evaluation techniques and targets and why those approaches are an appropriate measure of success

3) Results of Project and Evaluation

The project evaluation shall include, at a minimum, the following information:

- A summary of results
- A detailed evaluation of findings, including relevant tables, graphs, charts
- A breakdown of findings by relevant variables
- An integration of results from multiple qualitative and quantitative data sources
- A statement of implications of the project
- Specific recommendations for future action
- Suggested means for disseminating project results, including technology transfer
- A description of strategies for assuring utilization of project results
- Submission of as-built plans for implementation projects

4) Appendices

The following items, at a minimum, shall be included in the final report

- A list of all equipment purchased (with associated specification) under the grant and the date in which they were returned to the Department
- Additional Photos: all digital pictures related to the grant with some key to decipher each picture both spatially and temporally. You should include the photographer's name and WM# so that credit may be given. This electronic copy, or similar as appropriate, is required even though pictures have been submitted in Quarterly Reports, as it provides one digital library of the project. All pictures should be saved with names that are indicative of the picture and purpose (i.e. WM15-XXX post-imp stormwater)
- Educational Materials: if an educational brochure was created or a sampling manual or maintenance manual was developed these should be submitted with all other like materials on a separate electronic copy, or similar as appropriate, titled Deliverables
- Monitoring Data: An electronic copy with all raw data in usage format. Any comments or considerations should also be included on this electronic copy, or similar as appropriate, (data point for site b on 8/2/2015 was considered an outlier because ...) and a brief summary of data (this will probably be contained in your final report, and it should be copied/pasted here as well)

Appendix F

Division of Watershed Protection and Restoration Bureau of NJPDES Stormwater Permitting and Water Quality Management 2022 Stormwater Management Grants

Maintenance Plan Guidance

MAINTENANCE PLAN CONTENTS

All maintenance plans for Stormwater Management projects must include the following:

1. The name, address, and telephone number of the person or persons responsible for the preventative and corrective maintenance of each BMP. If the plan identifies a party other than the owner as having responsibility for maintenance, that is, a public entity or homeowners' association, then the plan must include a copy of the other party's written agreement to assume this responsibility.
2. Specific preventative and corrective maintenance tasks such as removal of sediment, trash, and debris; mowing, pruning, and restoration of vegetation; restoration of eroded areas; elimination of mosquito breeding habitats; control of aquatic vegetation; and repair or replacement of damaged or deteriorated components.
3. A schedule of recommended regular inspections and tasks.
4. Cost estimates of maintenance tasks, including sediment, trash, and debris removal.
5. A written record of all preventative and corrective maintenance performed.

In addition, it would be useful if the following items were also included in the maintenance plan:

1. Maintenance equipment, tools, and supplies necessary to perform the various preventative and corrective maintenance tasks specified in the plan.
2. Maintenance, repair, and replacement instructions for specialized, proprietary, and nonstandard measure components, if any, including manufacturers' product instructions and user manuals.
3. Procedures and equipment required to protect the safety of inspection and maintenance personnel.
4. Approved disposal and recycling sites and procedures for sediment, trash, debris, and other material removed from the BMPs during maintenance operations.

MAINTENANCE PLAN CONSIDERATIONS

In addition to the plan contents described above, a maintenance plan should address the following aspects of BMP maintenance:

Access

All BMP components must be readily and safely accessible for inspection and maintenance.

Training of Maintenance Personnel

Include a basic description of the purpose and function of the BMP and its major components. Outline what tasks need to be done by what personnel, how and when (*i.e.* what time of year, etc.). Training should also be provided in the need for and use of all required safety equipment and procedures.

Aesthetics

The impacts of the aesthetics on the surrounding community should be included in maintenance considerations.

MAINTENANCE PLAN PRODECURES

Once the maintenance plan is approved by the Project Manager, the following procedures should be followed:

1. Copies of the maintenance plan must be provided to the owner of the BMP, who must commit to keeping the BMP in place, and keeping the land devoted to the BMP function. Copies must also be provided to the NJDEP Project Manager for the project file and any other entity deemed necessary by the NJDEP Project Manager and/or the Grantee (*e.g.* township, mosquito control commission, etc.).
2. Any change in the name, address, and telephone number of the person or persons responsible for maintenance must be updated in the maintenance plan and requisite copies distributed per Procedure #1 above.

Appendix G

Division of Watershed Protection and Restoration Bureau of NJPDES Stormwater Permitting and Water Quality Management

2022 Stormwater Management Grants

Federal Award Requirements

The New Jersey Department of Environmental Protection (“NJDEP”) will comply with the provisions of the following federal statutes, rules, and regulations in connection with the American Rescue Plan Act – Coronavirus State Fiscal Recovery Fund:

A. Federal regulations applicable include, without limitation, the following:

1. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as U.S. Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by U.S. Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award. See <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds/recipient-compliance-and-reporting-responsibilities>
2. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
3. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
4. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and U.S. Treasury’s implementing regulation at 31 C.F.R. Part 19.
5. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
6. Government-wide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.

7. New Restrictions on Lobbying, 31 C.F.R. Part 21.
8. Executive Order 13985 On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (January 20, 2021).
9. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
10. Generally applicable federal environmental laws and regulations.

B. Statutes and regulations prohibiting discrimination applicable include, without limitation, the following:

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and U.S. Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance. The following language must be included in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees and assignees:

The sub-grantee, contractor, subcontractor, successor, transferee, and assignees shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the U.S. Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the U.S. Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

2. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability.
3. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance.
4. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and U.S. Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance.
5. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs,

activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

C. Federal Labor Standards

1. The Davis-Bacon Act, as amended (40 U.S.C. §3141 et seq.). The Davis-Bacon Act does not apply to construction contracts at or below \$2,000 (arbitrarily separating a project into contracts below \$2,000 is not permitted), and the prevailing wage rate provisions of the Act do not apply to rehabilitation or construction of residential property containing less than eight units;
2. The Contract Work Hours and Safety Standards Act (40 U.S.C. §3701 et seq.), requiring that mechanics and laborers (including watchmen and guards) employed on federally assisted contracts of \$100,000 or greater be paid wages of not less than one and one-half times their basic wage rates for all hours worked in excess of forty in a work-week;
3. The Federal Fair Labor Standards Act (29 U.S.C. 201 et seq.), requiring that covered nonexempt employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed work-week;
4. The Copeland “Anti-Kickback” Act (18 U.S.C. 874), as supplemented in Department of Labor regulations (29 CFR 3), which requires payment of wages once a week and allows only permissible payroll deductions.

D. Other State and federal laws applicable include, but are not limited to, the following:

1. The Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limits certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
2. State of New Jersey Executive Order No. 215 (Kean 1989), requiring environmental assessments or environmental impact statements to the extent applicable for major construction projects.
3. (a) In accordance with 41 U.S.C. § 4712, NJDEP may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

(b) The list of persons and entities referenced in the paragraph above includes the following:

- a. A member of Congress or a representative of a committee of Congress;

- b. An Inspector General;
 - c. The Government Accountability Office;
 - d. A Treasury employee responsible for contract or grant oversight or management;
 - e. An authorized official of the U.S. Department of Justice or other law enforcement agency;
 - f. A court or grand jury; or
 - g. A management official or other employee of DCA, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- (c) NJDEP shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.
4. Contracting with Small, Minority-owned, Women-owned and Veteran-owned Businesses, and Labor Surplus Area Firms.

(a) NJDEP shall take all necessary affirmative steps to ensure contracting opportunities are provided to small, minority-owned, woman-owned, and veteran-owned businesses, and labor surplus area firms. As used in this contract, the terms “minority-owned business,” “women-owned business,” and “veteran-owned business” means a business that is at least fifty-one percent (51%) owned and controlled by minority group members, women or veterans. For purposes of this definition, “minority group members” are African-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian-Americans, and Native Americans. NJDEP may rely on written representations by businesses regarding their status as minority, women and veteran businesses in lieu of an independent investigation.

(b) Affirmative steps shall include:

- a. Placing qualified small and minority-, veteran- and women-owned businesses on solicitation lists;
- b. Ensuring that small and minority-, veteran- and women-owned businesses are solicited whenever they are potential sources for goods and/or services required in furtherance of the Agreement;
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority-, veteran- and women-owned businesses;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority-, veteran- and women-owned businesses;
- e. Using the service and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce; and
- f. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in subparagraphs (a) through (e) of this section.

E. Increasing Seat Belt Use in the United States.

- 1. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), NJDEP should encourage its contractors to adopt and enforce on-the-job seat belt policies and

programs for their employees when operating company-owned, rented or personally owned vehicles.

F. Reducing Text Messaging When Driving

1. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), NJDEP should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and NJDEP should establish workplace safety policies to decrease accidents caused by distracted drivers.

G. Personally Identifiable Information

1. To the extent NJDEP receives personally identifiable information, it will comply with the Privacy Act of 1974 and U.S. Treasury rules and regulations related to the protection of personally identifiable information. The term “personally identifiable information” refers to information which can be used to distinguish or trace an individual’s identity, such as their name, social security number, biometric records, etc., either alone or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother’s maiden name, etc. See 2 CFR 200.79. Subrecipients shall require all persons that have access to personally identifiable information (including subcontractors/subconsultants and their employees) to sign a Non-Disclosure Agreement.

H. Conflicts of Interest

1. NJDEP must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded with CSFRF Funds.
2. NJDEP and any grantees or subrecipients must disclose in writing to U.S. Treasury or DCA, as appropriate, any potential conflict of interest affecting the CSFRF Funds in accordance with 2 C.F.R. § 200.112.

I. American Rescue Plan Act

1. Sections 602 and 603 of the Social Security Act, as added in Section 9901 of the American Rescue Plan Act (Pub. L. 117-2).
2. Implementing regulations adopted by U.S. Treasury pursuant to Section 602(f) of the Social Security Act, as added in Section 9901 of the American Rescue Plan Act (Pub. L. 117-2).