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*Partnering with our community to
conserve soil and water resources*

TO: Prospective Applicants

FROM: Franklin County Conservation District

SUBJECT: Conservation Excellence Grant Program (CEG) and
Agricultural Conservation Assistance Program (ACAP)

The enclosed Conservation Excellence Grant (CEG) and Agricultural Conservation Assistance Program (ACAP) joint application package includes information on the programs, a frequently-asked questions document, a joint application, a copy of the contract that will be signed if you are approved for a grant and other documents.

If you need help with any part of the application, please free free to call us at the District with any questions you may have (717-264-5499).

CONSERVATION EXCELLENCE GRANT (CEG) PROGRAM

Applicant Guidance and Expectations

Introduction

- Act 39 of 2019 created the Conservation Excellence Grant (CEG) Program. The purpose of the Program is to provide financial and technical assistance for the implementation of best management practices (BMPs) on agricultural operations in high-priority locations within this Commonwealth through grants, loans and tax credits, or a combination of all three.
- The program is administered by the State Conservation Commission (Commission). In FY 2020-21, the Commission will be partnering with the Lancaster and York county conservation districts for local implementation of the CEG program.
- A single grant awarded by the delegated district to an eligible applicant may not exceed \$250,000.

CEG Priority Criteria

In approving applications for eligible projects under the CEG program, the Commission and the conservation district will give priority to complete applications based upon the following criteria:

- I. Priority locations as follows and in this order:
 1. Tier 1 (Lancaster and York)
 2. Tier 2 (Bedford, Centre, Cumberland, Franklin and Lebanon) and Tier 3 (Adams, Bradford, Clearfield, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Northumberland, Perry, Schuylkill, Snyder, Susquehanna and Tioga)
 3. All Other Counties
- II. Priority best management practices as follows (in no particular order):
 1. Livestock exclusion fencing.
 2. Stream-side buffers.
 3. Streambank restoration.
 4. Barnyard and feedlot runoff abatement.
 5. Stream crossings.
 6. Off-stream watering.
 7. Manure storage facilities.
 8. Nutrient management plans and manure management plans.
 9. Conservation plans or agricultural erosion and sedimentation plans.
 10. Cover crops.
 11. Any other priority practices approved by the commission.
 - These practices (BMPs) may include those BMPs currently identified in the *CEG/REAP Best Management Practice* list provided by the Commission.
- III. The level and extent of planning and technical assistance, such as inventory and evaluation, design work, permits and similar types of assistance, already completed in preparation for implementation of the project. Technical assistance should allow for accurate estimates of project costs and for completion of the project in a timely fashion.
- IV. The extent to which an applicant is willing to accept a reasonable mix of grants (e.g. CEG or other), loans (e.g. AgriLink or other commercial loan) and tax credits (e.g. REAP) or to supply nongovernmental matching funds for the project.

Application Requirements

An applicant may apply to the Franklin County Conservation District for a grant for an eligible project under the CEG program.

The application must include the following project information:

1. The location of the project.
2. The type of the project.
3. The status of the project (e.g. planning and/or design).
4. The type and/or combination of funding requested for the project.
5. The total cost of the project.
6. Verification that one or more of the following plans has been developed and are available:
 - a. Agricultural Erosion and Sedimentation Plan, or a Conservation Plan;
 - b. A Manure Management Plan, or
 - c. A Nutrient Management Plan.
7. Any other information required by the Commission, including the source and amount of other funding sources utilized for the project.

Application Review, Approval, Project Cost Eligibility

The Commission or conservation district will review complete applications based upon the CEG Priority Criteria, stated above, on an ongoing basis and in the order received.

The Commission or conservation district shall notify the applicant, in 60 days, of all the following:

1. Whether the project is approved for grant funding under the CEG program.
2. The total amount of grant funds approved for the project.
3. The next steps to process the Grantee-District Agreement

The following are considered eligible costs of a project to which a grant may be applied:

1. Project design engineering and associated planning
2. Project construction or installation – including labor provided by the applicant
3. Equipment, materials and other components of eligible projects
4. Post construction inspections

Any of the above costs for services that may be provided by a Conservation District or private sector technical service provider through a fee or charge are eligible costs and may be included in the CEG application.

Note: Franklin County, in consultation with the Commission has determined to award cost share up to 90% of the estimated construction cost of the project. Engineering and associated planning cost for the project may also be included as an eligible cost of up to an additional 10% of the estimated construction cost.

Any costs that are not covered with CEG grant funds or other public funds may be eligible for REAP tax credits. These costs are eligible for tax credits up to 50% or 75% of eligible costs depending on the type of BMP.

The Commission or conservation district reserves the right to deny an application for any BMP if the cost is not within reasonable and fair market value as determined by the Commission.

The Commission or conservation district reserves the right to deny an application for any BMP that does not meet the intent of the standards and guideline of the CEG Program established by the Commission.

When an application is approved, the applicant will be required to enter into an agreement with the Commission or conservation district for implementation of the approved projects.

1. Approved project(s) must be completed by the applicant within the timeframe of the agreement but, no longer than 2 years from signature of the agreement.
2. The applicant shall provide and pay for all material, labor, equipment, tools, water, power, and other items necessary to complete the work.
3. The applicant may be reimbursed for the cost of the project up to the allowable grant amount permitted under the CEG program.

Project completion, Certification , Inspection and Other Program Conditions

Upon completion of a project funded under the CEG Program, the applicant/grantee shall notify the Commission or conservation district of the completion of the project.

- This notification can be completed by filling out the *CEG Program Certification Form*.

The completed project must be certified by a qualified individual in order for payment of the grant funds allocated for the project. A qualified individual may be:

- a registered professional engineer under the applicable laws of the Commonwealth;
- a technical service provider or a conservation district staff person having the appropriate job approval authority assigned by USDA-NRCS, or
- a person having appropriate training and expertise as approved by the Commission.

Best Management Practices (BMPs) must be maintained and managed for the life span of the practice.

- Life spans established by the Commission for specific practices are found in the *CEG/REAP BMP List*.
- If the BMP is not maintained for the required period, the applicant/grantee may be required to return a portion or full amount of what was originally granted.
- If the applicant provides prior written notification to the Commission or conservation district that the applicant/grantee will be unable to maintain a BMP due to the sale of the property, cessation of an agricultural operation or other factors, the Commission or the conservation district may prorate the amount of the granted funds that shall be returned based on the remaining lifespan of the BMP in question.

Projects funded under this program may be subject to inspection by the Commission or the conservation district.

- An applicant shall permit the Commission, the Conservation District, its authorized agents, and public authorities who have interest in the successful completion of the work to enter the Project Location or premises to inspect and observe CEG Project activities,

Frequently Asked Questions about the Conservation Excellence Grant (CEG) Program.

What is the CEG program?

The Conservation Excellence Grant Program, created by Act 39 of 2019 provides financial and technical assistance for the implementation of best management practices (BMPs) on agricultural operations in high-priority locations within the Commonwealth of Pennsylvania through grants, loans and tax credits, or a combination of all three. The CEG Program was created as part of the 2019 Pa Farm Bill initiative to support agriculture. The State Conservation Commission (SCC) administers the program with assistance from county conservation districts delegated certain responsibilities and duties. These responsibilities include reviewing, ranking and approving applications for eligible projects and monitoring project completion.

What types of projects can be funded under the CEG Program?

The CEG Program will fund projects that implement Best Management Practices (BMPs) from a Conservation plan, Ag E&S Plan, Nutrient Management plan or a Manure Management plan that has been developed for an agricultural operation.

What funding options are available through the CEG program?

The CEG program funding options include grants, loans and tax credits, or a combination of all three. While the primary funding option under the CEG Program is a grant, applicants can use a low-interest loan such as Agri-Link loans or a commercial loan, the REAP tax credit program, federally funded programs (e.g. USDA-NRCS, FSA programs), and any other funding programs that might be available with a grant award to finance their project. A single CEG grant awarded to an eligible applicant may not exceed \$250,000. Small project grants awarded to an eligible applicant shall be less than \$25,000.

What is REAP?

The Resource Enhancement and Protection Program (REAP). REAP allows agricultural operations and businesses to earn Pennsylvania state tax credits in exchange for implementing BMPs on agricultural operations that will enhance agricultural production and protect natural resources. Eligible applicants may receive between 50% and 75% of the out-of-pocket project costs as state tax credits for up to \$250,000 per agricultural operation. The amount of tax credit available to a recipient is dependent on the type of BMP implemented.

Agricultural operations may choose to utilize the REAP program to apply for tax credits for project expenses not funded by the CEG program. Applications are available on the SCC's REAP webpage

https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/REAP.

What is an Agri-Link Loan?

The Agriculture Linked Investment (Agri-Link) Program is a low interest loan program for agricultural operations implementing BMPs. The SCC uses program funds to buy down the interest rates at qualified lending institution or the Farm Credit Service to provide a low-interest loan to the producer. Individual loans cannot exceed \$250,000 and shall be amortized over a term not to exceed twelve years. Operators may choose to utilize the Agri-Link Program with a CEG grant to finance their BMP project. To apply for an Agri-Link Program loan, operators should contact your local lending institution and Farm Credit Service office.

Where can a producer obtain a CEG Program application?

Applications will be available on the SCC webpage https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission or contact the Lancaster or York County Conservation Districts.

Are Applications Scored or Ranked?

Yes, each application will be scored based on the criteria stated in the CEG Program guidelines. This may include the location of the project (priority county or watershed); type of projects you plan to implement or install; the status of the design of the project and what funding you may be considering. Each district also will have a criterion based on the individual county's priorities that may be used to rank your application.

How can I make my application score higher?

Your application will score higher based upon how well it meets the criteria stated in the CEG Program guidelines and the participating conservation district priorities.

Is Engineering a part of the eligible cost?

Yes. Engineering is an eligible cost. Engineering may be provided by the district at no cost to the applicant depending on whether the district has the resources to design your project at the time of application. For private engineering activities, the CEG Program will only cover up to a certain percentage of the construction cost for engineering. However, the remainder of the out-of-pocket expenses incurred by engineering is eligible under the REAP program.

Does prevailing wage apply to CEG?

For projects that total under \$25,000, prevailing wage does not apply. For projects over \$25,000, prevailing wages must be considered as a cost to the project. The grantee is responsible to register their project and to assure prevailing wages were applied.

Construction projects (construction, reconstruction, demolition, alteration and or repair work *other than maintenance work*) financed by a public body where the estimated cost is at least \$25,000 require Pennsylvania prevailing wages under the Pennsylvania Prevailing Wage Act (43

P.S. §§ 165-1 through 165-17). More information on Prevailing Wage can be found at this website: www.dli.state.pa.us

Prevailing Wage Determination Request: <https://www.dli.pa.gov/Individuals/Labor-Management-Relations/llc/prevailing-wage/Pages/Prevailing-Wage-App.aspx>

FCCD AG PRACTICES & GUIDELINES

ANIMAL HOUSING

1. FCCD will not cost share on free stall barns.
2. FCCD will cost share on bedded packs and compost bedded packs.
3. Both will be treated as part of the manure storage system.
4. Both will be designed with 4-foot walls above the finished floor elevation. Operator can choose to have the walls higher above the finished floor, but there will be no cost share money for walls above 4 feet. The operator will have to cover 100% of the cost to increase the wall height.
5. The sizing of the bedded area for both will be based on Exhibit 5 latest revision "Size Requirements for Heavy Use Areas by Animal Type and Weight". The size will be based on a maximum of 100 square feet per animal unit on site at the time of the initial site visit. Animal numbers (units) will be updated if more than 12 months pass between time of initial visit and application approval. This will be the minimum required size for the bedded area and what the FCCD will cost share. The operator can choose to have a larger bedded area. There will be no cost share money for larger bedded areas. The operator will pay 100% of the cost for the increase in size.
6. A 12-foot scrape alley will be added to the width of the bedded area for the length of the building. The operator can choose to have a wider scrape alley, but the FCCD will not cost share on the additional width. The operator will pay 100% of the cost for the additional width.
7. Bedded packs will be designed to have a minimum 4 months of storage in the bedded area. The stack pad attached to a bedded pack will be designed for the alley scrapings and up to 2 months of bedding storage.
8. Bedded packs and stack pads will be designed for a minimum of 4 months of storage and a maximum of 6 months of storage.
9. Compost bedded packs will be designed to have a minimum of 4 months and a maximum of 6 months of storage on the bedded area.
10. The stack pad for a compost bedded pack will be designed for the alley scrapings and one month's worth of bedding.
11. Storages for both can be made larger. The FCCD will not cost share on storage greater than the maximum of 6 months. The operator will pay 100% of the cost on the increase in storage size and capacity.
12. FCCD will cost share on up to 14 feet of clearance from the finished floor to the bottom of the truss.
13. FCCD will cost share on up to a 6-foot overhang on the feed side of a bed pack and compost bed pack.

ANIMAL HEAVY USE AREAS (HUA) AND EXERCISE YARDS

1. The main purpose of a HUA and exercise yard is to provide a stabilized surface for the animals when they cannot be out on pasture. When a HUA or exercise yard is designed, it is assumed that the animals have adequate existing housing.
2. If the HUA or exercise yard is not roofed, then the runoff must be treated or directed to a manure storage tank.
3. They will be designed to be scraped at least every 2 weeks.
4. 100% of the waste will be assumed to be stacked in the stack pad.
5. Scrape alleys will not be included with their design, because they are intended to be used to keep animals off of pasture when the pasture is not suitable and to provide an area to exercise.
6. The sizing for both will be based on Exhibit 5 latest revision "Size Requirements for Heavy Use Areas by Animal Type and Weight". The size will be based on a maximum of 100 square feet per animal unit on site

at the time of the initial site visit. Animal numbers (units) will be updated if more than 12 months pass between time of initial visit and application approval. This will be the minimum required size for the HUA and what the FCCD will cost share. The operator can choose to increase the size. There will be no cost share money for the increase in area. The operator will pay 100% of the cost for the increase in size.

7. They will have 2-foot curbs. Walls can be used depending on the site conditions, but no more than 2 feet of the wall will extend above the finished floor elevation. The minimum wall height will be 4 feet, so that 2 feet of the wall is buried below grade.
8. The associated stack pad will be designed for a minimum of 4 months of storage and a maximum of 6 months of storage. The FCCD will not cost share on increased storage size beyond 6 months. The operator will pay 100% of the increase in storage size and capacity if they wish for it to exceed 6 months.
9. FCCD will cost share on up to 14 feet of clearance from the finished floor to the bottom of the truss.

STACK PAD

1. Stack pads can be stand alone to store manure from existing structures, to increase manure storage as needed per the operator's manure management plan, or attached to a bedded pack, compost bedded pack, HUA, or Exercise Yard.
2. They will be sized based on a maximum of 100 square feet per animal unit on site at the time of the initial site visit. Animal numbers (units) will be updated if more than 12 months pass between time of initial visit and application approval. They will be sized for a minimum of 4 months of storage and a maximum of 6 months of storage. It may be sized larger per the operator, but the FCCD will not cost share on the increase in size. The operator will pay 100% of the cost for the increase in size.
3. They will have 4 to 6-foot concrete walls as measured from the finished floor elevation. Walls can be made taller if site conditions warrant.
4. FCCD will cost share on up to 14 feet of clearance from the finished floor to the bottom of the truss.
5. Stack pads shall be covered. If they are not covered, runoff must be directed to a tank or another treatment system must be designed and installed.

TO NOTE

1. At FCCD discretion, based on site conditions, some or all of the above design parameters may be altered in order to provide an adequately designed facility for the operator.
2. The FCCD reserves the right to inspect the designed facility for the life of the design.
3. NRCS specifications shall be followed for all practices.

Adopted November 9, 2022
Revised August 14, 2024
Revised February 13, 2025

**CONSERVATION EXCELLENCE GRANT PROGRAM
GRANTEE-CONSERVATION DISTRICT AGREEMENT**

Landowner: _____ Operator: _____
Address: _____ Address: _____
Telephone: _____ Telephone: _____
EIN or Social Security Number: _____
Project Location: _____
Project Type or Title: _____
Agreement No: _____

This agreement is made this _____ day of _____ (month/year) by and between _____ (Grantee) and _____ County Conservation District to _____ at the Project Location described above.

The requirements of this Project will be performed or executed between _____ (month/day/year) and _____ (month/day/year) and maintained as its intended use until _____ (month/day/year). If the Project is not completed by _____ (month/day/year) the funding set aside for this Project will be relinquished, unless a request for extension has been submitted in writing to, and approved in written form by, the district.

The Grantee shall perform all the work in accordance with the Conservation Excellence Grant (CEG) Program Project Guidelines and the approved application.

PROJECT DESCRIPTION: _____

TOTAL PROJECT AMOUNT: \$ _____

TOTAL GRANT AMOUNT: \$ _____

A. GENERAL PROVISIONS

1. By signing this agreement, the Grantee warrants that he/she is either the sole owner of the real property on which the work is to be performed or has secured any necessary permission, easements or rights-of-way that may be necessary for the completion of the work. If the Grantee is not the sole owner of the real property, the landowner or other landowners must acknowledge and sign this agreement.
2. The Conservation District agrees to fund the eligible costs for this project in an amount up to, but not exceeding, \$ _____ (agreement sum).
3. The Grantee shall ensure that this agreement and all other arrangements entered into pursuant to the implementation of this agreement are in conformance with all applicable local, state, and federal laws, rules, and regulations. This includes Prevailing Wage Act requirements that must be followed for any contractual agreements where the total project value is in excess of \$25,000.
4. The Grantee agrees to provide documentation to the Conservation District that all required federal, state, or local permits have been obtained prior to project commencement on the portion of the project requiring a permit, and further agrees to comply with all such permits as a condition of performing this agreement.
5. The Grantee shall obtain and satisfy all requirements of this agreement as determined by the Conservation District.
6. Payment of the Agreement Sum shall be made to the Grantee within forty-five (45) days of Grantee verification of project completion.

7. The Grantee will receive a MISC-1099 tax form to report the income in the form of the grant from the Conservation District. It is the landowner’s responsibility to report it correctly.
8. By acknowledging this agreement, the grantee(s) and/or landowner(s) specifically consents to the activities described in this agreement as related to the property owned by the landowner.
9. The Conservation District shall not be held responsible for any loss of life, personal injury, or property damages of any kind incurred in performing or completing the work or duties under this agreement.
10. This document and the attachments hereto constitute the entire agreement between parties.

B. PROJECT CONDITONS:

1. The Grantee shall provide the Conservation District notice prior to project commencement.
2. This project must be conducted in accordance with standards and specifications of the PA Technical Guide or according to a licensed Professional Engineer and standards that prohibit the use of materials or practices that are environmentally harmful and in accordance with CEG Guidelines and the application attached hereto and incorporated herein.
3. Any changes or modifications to the project must be memorialized in an “Agreement Amendment” and approved by the Conservation District.
4. Amendments may include up to an additional 20% of the original agreement sum amount identified herein at paragraph (3), at the discretion of the Conservation District. Any Agreement Amendment cost that exceeds 20% of the original agreement sum amount, must be carried over into other funding sources (i.e. REAP, loan or farmer financed).
5. Except as otherwise noted, the Grantee shall provide and pay for all material, labor, equipment, tools, water, power, and other items necessary to complete the work.
6. Unless otherwise specified, all materials shall be new, and both workmanship and materials shall be of good quality and all work completed in a workmanlike manner.
7. The Grantee(s) or landowner(s) will permit the Conservation District or their authorized representatives, upon the presentation of credentials, to enter the Project Location or premises to inspect and observe CEG Project activities, associated records, or other conditions of this Agreement.
8. Upon completion of the project, the Grantee shall submit the “Program Certification Form” for verification of project completion and documentation of final cost.
9. Best Management Practices (BMPs) must be maintained and managed for the life span of the practice according to the CEG/REAP BMP List or PA Technical Guide.
10. If BMP’s are not managed or maintained for the required period, the applicant/grantee may be required to return a portion or full amount of what was originally granted.

C. BEST MANAGEMENT PRACTICES:

		Practice Name (Practice Code)	Amount (Units)	Lifespan (Years)

In witness whereof, the parties have executed this Agreement, the date first written above. (Landowner signature(s) also required on all agreements where the Operator is the Grantee)

LANDOWNER(S) SIGNATURE(S): _____ DATE: _____

OPERATOR(S) SIGNATURE(S): _____ DATE: _____

DISTRICT SIGNATURE: _____ DATE: _____

TITLE: _____

**AGRICULTURAL CONSERVATION ASSISTANCE PROGRAM (ACAP) LOCAL POLICY
FOR THE FRANKLIN COUNTY CONSERVATION DISTRICT
ADOPTED MAY 10, 2023
PROGRAM IMPLEMENTATION POLICIES & STANDARDS**

The program implementation of the Agricultural Conservation Assistance Program (ACAP) will follow the policies and guidance outlined in the delegation agreement between the Commonwealth of Pennsylvania through the State Conservation Commission (Commission) and the Franklin County Conservation District (FCCD).

1. Criteria for Equal Access:

ACAP information, including application period with a specific deadline, shall be advertised on the district social media accounts, website, and at workshops and meetings hosted by the district as well as by word of mouth by technicians during site visits.

The district will work with program applicants to determine their eligibility for the program.

2. Pre-Application Site Visit:

The Conservation District will make every effort possible to meet with potential program participants on site to discuss the potential project before an application is submitted for funding. The purpose of a pre-application meeting is to work jointly with the program participant to ensure that the application they submit is in the best interest of both entities. The pre-application meeting allows the district to provide input on the potential project at an early stage before the program participant has invested a large amount of time and resources in developing an application. The district will not turn away an application just because a pre-application site visit has not been performed.

3. Application Process:

All applications for program funding must be received on the “Joint Application Form: Conservation Excellence Grant Program and Agricultural Conservation Assistance Program”. The form must be signed by the program participant. Applications will be taken on an ongoing basis but will be ranked, at least quarterly throughout the year. The applications received will be ranked by the district and approved by the Conservation District Board. The district has the right to extend deadline dates at their discretion.

The conservation district will retain unfunded ACAP applications on file for one (1) year. The applying entity may update or cancel the application at any time. Project participants may also choose to revise existing submitted applications.

The conservation district reserves the right to deny an application due to active compliance and/or enforcement actions, or a court order issued by or on behalf of the Commission or cooperating agency for violations of Act 38 of 2005, the Clean Streams Law or other program administered by the Commission or any other criteria established by the Commission.

Conservation district staff will review applications for administrative completeness and to ensure they comply with established Program policies and guidance. The location of the

project, description of the project, including BMPs, total cost of the project, the amount and other sources of funding available for the project, relevance of the project to the development, improvement or implementation of the applicant's manure or nutrient management plan, conservation plan or ag. erosion and sediment control plan are required as part of the grant application.

Project participant represents and agrees that he/she is the sole owner of the real property on which the project is to be performed, or has secured a sufficient property interest, including any easements or rights-of-way, necessary to grant access for the completion and maintenance of the project.

Before ranking takes place, district staff will work with program participants to revise the scope of their applications that do not meet program policies. In cases where significant changes are needed to the application work plan, the district will work with the program participant to revise the application. Examples of "significant changes" may include: changes in project scope, recommended design changes; i.e., different BMPs, considerations for engineering and permitting costs, etc.

Projects funded by ACAP funds in which the estimated cost of the total project (materials, equipment and labor), exceeds prevailing wage limits (currently \$25,000) are subject to provisions of Pennsylvania's Prevailing Wage Act.

All applications for funding must be acted on by the conservation district board at a regular board meeting that follows the Pennsylvania Sunshine Act regulations. All Program participants will be notified in writing of their application status as per the ACAP regulations as funding decisions are made by the conservation district board.

4. Project Ranking:

Ranking questions will give priority to the following criteria:

1. Project meets the goals of WIP and County Action Plan
2. If applicable to the ag operation, the applicant has a plan (Cons Plan, Ag E&S, MMP, or NMP). Development of such plans shall be included in the application if not yet developed prior to the application.
3. The project implements BMPs included in the plan. Priority given to BMPs that reduce or control N, P, and/or sediment.
4. Ag operations with ACA's shall implement BMPs necessary to abate storm water runoff, loss of sediment, nutrients, and other pollutants from the ACA.
5. Proximity to surface waters, public drinking sources or karst geology with underground drainage systems or open sinkholes.
6. The project must meet the design and construction standards established by the Commission.
7. Any other criteria considered by the conservation district, as applicable, and approved by the Commission.

5. Contracting:

When an application has been accepted and approved by the conservation district board, the conservation district will enter into a contract agreement with the successful program participant. The contract, when signed by both parties, is a legally binding document between the applicant and the conservation district that describes in detail the responsibilities of both parties. No funding transfers can take place with program participants, and no project work can begin, without a signed contract. The contract states the terms and conditions for the project. All contracts must be made using the "Agriculture Conservation Assistance Program Grantee-District Agreement" form that has been approved by the Commission.

ACAP program projects are subject to the Pennsylvania Prevailing Wage Law and as such, the FCCD will follow this law and all of the guidelines specified in the "Agriculture Conservation Assistance Program Grantee-District Agreement".

The FCCD ACAP cost share policy is set at 90% and capped at \$500,000 max. At the discretion of the district and SCC, the \$500,000 max can be increased. The district will strive to meet the 90% cost share rate on all projects, but this rate may differ due to factors such as change orders, increases in material costs, or change in scope of the project after the contract is signed and the funding level is set.

Engineering costs are eligible expenses for the ACAP program, but they are capped at 10% of the total project cost.

6. Project Work:

The following is a list of general pre-project work requirements:

PA One Call must be notified at various stages of the project, including the design phase.

Many projects will require some type of environmental permit. Program participants are encouraged to work with the district to determine what environmental permits, if any, may be required. Any required permits must be obtained by the grant recipient before advances can be given or work can begin. Under no circumstance can any project work begin until all required permits are in hand.

Some projects may require an Erosion and Sediment Control (E&S) plan. The district will help determine if an E&S plan is necessary.

A. Pre-Construction Meeting:

A pre-construction meeting is highly recommended prior to the beginning of a project. This will allow the district to meet in person with the program participants and any contractors or sub-contractors to discuss each contract item or element of the approved plan to avoid any misunderstanding about how the plan is to be implemented and how payment will be made.

B. Notification of Project Work:

Program participants must notify the district before beginning work on a project. The district must also be notified before beginning a new phase of the projects. The

district may withhold payments and cancel the contract if a program participant fails to comply with notification requirements.

C. Performing Project Work:

Program participants must follow the bidding procedures for contractors and materials as outlined in Appendix B of this policy.

Work must be performed in accordance with the accepted application, work plan and/or design unless both parties agree to project changes in writing. The district is responsible for oversight of any contractors or subcontractors working on the project for designs the district has completed. Designs completed by a private party will require that party to be responsible for construction inspections and certification of BMPs, unless prior arrangements have been made with the district to cover the inspections and certifications. Work must be performed within the contracted scope, budget and timeframe.

If an increase in costs or extension of time is required, the district must be contacted as soon as possible. At the district's discretion based on existing policies and funding availability, contracts may be amended for cost overruns up to 20 percent of the original contract amount, or to extend the timeframe for completion. When cost overruns exceed 20 percent of the original contracted amount, conservation district board approval is required for an increase in the contract amount over the 20 percent. It is solely at the boards' discretion to approve any increase in funding over the 20% threshold. Keep in mind that if a contract is close to the \$25,000 prevailing wage threshold, an amendment may increase the total value of the project so that prevailing wage would apply to contractor costs.

Any contractors or subcontractors may be asked to sign a statement certifying that the installed components meet or exceed the Natural Resource Conservation Service (NRCS) standards and specifications. All contractors or subcontractors are responsible to protect work from environmental conditions such as temperature extremes, weather events, wind, surface water and ground water.

7. Certification and Final Payment:

Payment shall be made upon satisfactory completion of project for actual services performed consistent with the project application, the work plan and satisfaction of the district.

If a project's BMP(s) require review and certification by a registered professional engineer under the applicable laws or regulations of this Commonwealth, the BMP shall be certified by a registered professional engineer.

Those BMPs required to meet the Natural Resource Conservation Service (NRCS) standards and specifications shall be certified by a technical service provider, staff from conservation district having the appropriate job approval authority, the USDA-NRCS, or any other qualified person who has appropriate training and expertise and is approved by the Commission.

Payment may be withheld on account of defective work not remedied, liens filed, or damage by the Contractors to others.

All claims submitted by the program participant pursuant to this agreement shall be submitted to the district in accordance with the Schedule of Payments and the terms and conditions contained in the approved project agreement. The claims shall be itemized and show that the utilization of funds is in accordance with the approved project application and work plan. Claims shall include receipts and/or other appropriate supporting information to document actual expenditures on the project. Payments will be addressed to the program participant.

8. Conflict of Interest:

If an ACAP Project application involves an applicant that is a district director, district staff member or an immediate family member or a business with which he/she is associated, that individual may not participate in the evaluation, ranking or any deliberation for approval or disapproval of the application or approval of a reimbursement payment of grant funds. This individual will exclude themselves from voting.

APPENDIX A: ACAP Scoring Sheet

***See accompanying FCCD Score Sheet**

APPENDIX B: BIDDING PROCEDURES

ACAP is currently funded with federal ARPA funds. Federal ARPA funds require bidding procedures. Below are the approved bidding requirements as approved by the Department of General Services waiver process.

EXAMPLE BIDDING PROCEDURES

Procurement Method	Expense Amount	Requirements
Micro-purchase (No quotes required)	Less than \$10,000	<ul style="list-style-type: none"> Consider price to be reasonable Distribute equitably among suppliers to the extent practical
Small Purchase Procedures (Relatively simple and informal)	\$10,000 - \$249,999	<ul style="list-style-type: none"> obtain/document price or rate quotations from a reasonable number of qualified sources written or documented quotes required to be kept in the contract file
Sealed Bids	\$250,000 or more	<ul style="list-style-type: none"> Bids must be publicly advertised using standard bidding requirements Bid must allow for a minimum of 15 days for response time Bids must be solicited from an adequate number of qualified sources Sealed bids must be opened publicly Contract award must be made to the lowest responsible bidder Contract must be for a firm, fixed price

- Micro-purchase – Projects less than \$10,000, districts must consider price to be reasonable.
- Small Purchase – Landowners on projects between \$10,000-\$249,999 shall obtain at least three written quotes and submit copies of the quotes to the FCCD. Landowner shall also keep the quotes in their files.
- Sealed Bids – Projects with an estimated expenditure of \$250,000 or more shall be competitively bid and publicized by the FCCD or the landowner’s consultant or a combination thereof.

A. Definitions: The following words and terms, when used in this document, have the following meanings, unless the context clearly indicates otherwise:

- Responsible Lowest Bidder – A bidder who, in a competitive bidding situation, submits a bid which, as finally determined by FCCD, is the best bid available in terms of price, product, and/or service quality, adherence to specifications, timeliness of delivery, serviceability and

maintenance and other factors that FCCD may establish. A bidder is considered responsible either through previous experience in business dealings with the FCCD or through an investigation of the credit, reliability, and performance of the bidder.

- Responsive Bidder– A bidder who correctly and fully responds to the bidding requirements.

B. Invitation to bid: When it is determined that a project is to be solicited through competitive bidding, an invitation to bid shall be publicly advertised in the local newspaper. Bid invitations will be emailed to the FCCD contractors list. The invitation shall include:

- (1) A basic description of the work.
- (2) The quantity of work.
- (3) The method by which specifications and bid documents may be obtained.
- (4) The date, time and place of the bid opening.
- (5) Any other specific requirements e.g., bid bonds, start or completion time requirements etc.

C. Publication requirements: The district shall publish the invitation to bid in the local newspaper at minimum one time not later than 30 days prior to the scheduled bid opening. Copies of the bid package will be distributed by hard copy via USPS mail or email to those interested in submitting a bid.

D. Bid procedure: All bids shall be firmly sealed in an envelope and labeled so as to indicate the specific project for which the bid is submitted and the scheduled date and time of the opening. Bids will only be accepted by mail or in person. Bids shall be opened at the appointed time by the FCCD. All bid openings shall be open to the public. Any bids received after the opening has commenced shall be returned to the contractor unopened. Upon completion of the bid, the FCCD, consultant (if applicable) and landowner (if applicable) will analyze the bid for conformance with the specifications.

E. Bid award: The district shall review the final bids and will award a contract to the lowest responsible bid. The district shall at all times reserve the right to reject any and all bids received.

F. Bonds: No bid bonds will be required to be submitted with the bid unless specifically stated in the Invitation to Bid. **All contractors are expected to honor their bid regardless of whether a bid bond is required or not.** If a bid bond is required, the following procedure shall be followed: Bid submitted under these procedures shall be accompanied by a bid bond in an amount equal to 10% of the contract price, guaranteeing the work to be completed in accordance with the contract. A performance bond in an amount equal to 110% of the contract price, guaranteeing the work to be completed in accordance with the contract. The performance bond will be due 15 days after the award.

G. Certificates of Insurance: The bid to whom the contract is awarded shall take out and maintain during the life of the contract, adequate Workman's Compensation Insurance for all employees employed on the project and, in case any work is sublet, the contractor shall require the subcontractor to provide Workmen's Compensation Insurance for the latter's employees unless such employees are covered by the protection afforded by the contractor.

The successful bidder shall also take out and maintain for the life of the contract any Public Liability and Property Damage Insurance as shall protect the owner, the contractor and any subcontractor performing the work covered by the contract from claims for damages for personal injuries, including wrongful death, as well as claims for property damages which may arise from operations under the contract, whether such operation be by himself or by any subcontractor or anyone directly or indirectly employed by either of them and name Franklin County Conservation District as an additional insured. Coverage limits minimum is \$1,000,000.

H. Change orders: Requests for a change order of the project shall be done in writing and submitted to the district. The district may alter, add, or subtract portions of the work without invalidating the original contract as long as the contract sum is adjusted accordingly. Extra compensation can be earned if the extra work was unforeseen as a possibility in the original contract and the extra work was performed in compliance with the contract. Change orders shall be limited to no more than 20% of the original contract amount, at the discretion of the district and negotiation with the contractor.

*Barring any unforeseen circumstances that arise during construction, all contractors are expected to honor their original bid for the project.

ACAP Scoring Sheet

Scoring Date:	Technician:
Applicant Name:	Application Score: /150

Does this project meet the goals of the County WIP or County Action Plan? **/30**

Yes FALSE 0

No FALSE 0

If applicable, which of the following plans does this operation have? **/20**

Conservation Plan FALSE 0

Agricultural Erosion and Sediment Control Plan FALSE 0

Manure Management Plan FALSE 0

Nutrient Management Plan FALSE 0

None FALSE 0

N/A FALSE 0

Does the application contain BMP's associated with one of the above checked plans and reduce N,P or sediment? **/25**

Yes, the BMP's are associated with a plan checked above FALSE 0

No, the BMP's are not associated with a plan checked above FALSE 0

BMP's listed reduce N, P or sediment FALSE 0

BMP's do not reduce N, P or sediment FALSE 0

Do the ACA's on this operation have BMPs implemented or will be implemented that abate storm water runoff, loss of sediment, nutrients and other pollutants? **/10**

Yes (10 pts) FALSE 0

No (0 pts) FALSE 0

N/A FALSE 0

Proximity to surface waters, public drinking water sources, Karst geology with underground drainage or sinkholes **/5**

Within 100 feet (5 pts) FALSE 0

Within 200 feet (4 pts) FALSE 0

Within 300 feet (3 pts) FALSE 0

Within 400 feet (2 pts) FALSE 0

Within 500 feet (1 point) FALSE 0

Does the applicant indicate that the BMPs will be installed to design and construction standards approved by the commission **/15**

Yes FALSE 0

No FALSE 0

ACAP Total:

FCCD Local Total:

0
0
0 /150

Comments:

ACAP Scoring Sheet (Local Questions)

Scoring Date:	Technician:
Applicant Name:	Local Score: /50

Qualifying Question

1. Does the applicant's project site have a resource concern that needs to be addressed? Yes
If No, then this is not a fundable project. No

1. What tier does the project fall into from the Franklin County Sparrow Model Data set? 0 /20

20 points max (Choose ONLY 1 ; see attached map)

- | | | | | |
|--------------------------|--------|-------------|--------------------|---|
| <input type="checkbox"/> | Tier 1 | Red | <i>(20 points)</i> | 0 |
| <input type="checkbox"/> | Tier 2 | Orange | <i>(15 points)</i> | 0 |
| <input type="checkbox"/> | Tier 3 | Yellow | <i>(10 points)</i> | 0 |
| <input type="checkbox"/> | Tier 4 | Light Green | <i>(5 points)</i> | 0 |
| <input type="checkbox"/> | Tier 5 | Green | <i>(0 points)</i> | 0 |

2. Will the BMP's be completed within 1 year? Choose ONLY 1 0 /5

- | | | | |
|--------------------------|-----|-------------------|---|
| <input type="checkbox"/> | YES | <i>(5 points)</i> | 0 |
| <input type="checkbox"/> | NO | <i>(0 points)</i> | 0 |

3. What local priority BMP's will be installed as part of this project? 0 15

Choose up to 3

- | | | | |
|--------------------------|---------------------------------|-------------------|---|
| <input type="checkbox"/> | Ag Waste Storage | <i>(5 points)</i> | 0 |
| <input type="checkbox"/> | BYRC | <i>(5 points)</i> | 0 |
| <input type="checkbox"/> | Silage Leachate Management | <i>(5 points)</i> | 0 |
| <input type="checkbox"/> | Stream Fencing/cattle exclusion | <i>(5 points)</i> | 0 |
| <input type="checkbox"/> | Rotational Grazing System | <i>(5 points)</i> | 0 |

4. Has the applicant received any funding in the last 3 years ? Choose ONLY 1 0 10

- | | | | |
|--------------------------|-----|--------------------|---|
| <input type="checkbox"/> | YES | <i>(0 points)</i> | 0 |
| <input type="checkbox"/> | NO | <i>(10 points)</i> | 0 |
| <input type="checkbox"/> | | | |
| <input type="checkbox"/> | | | |
| <input type="checkbox"/> | | | |

Scoring Total: 0 /50

Comments:



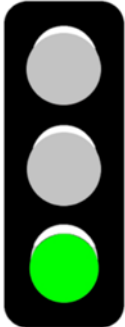
185 Franklin Farm Lane . Chambersburg, PA 17202

Phone (717) 264-5499 . www.franklinccd.org

Conserving Natural Resources

Are you proposing earthmoving activities on your property?

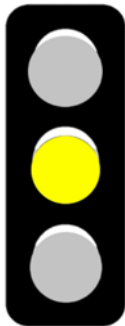
NOTE: Prior to any earth moving activities, contact your local conservation district and municipality to ensure compliance.



Earth disturbance = 5,000 square feet or less (Gardens, Sheds, Pools, etc.)

Good to Go

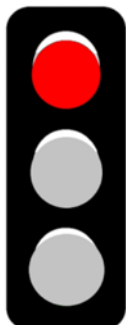
- Remove the grass cover and any topsoil as necessary. Any stockpiled topsoil should be seeded and straw mulched if it will remain on the property for greater than four days.
- Complete the proposed project.
- After the project is complete, re-spread topsoil, and seed and straw mulch all disturbed areas.
- Maintain as much of a vegetated buffer as possible on the down gradient side of the project.
- If the proposed project is close to a property line, stream or wetland, the Conservation District recommends installing a compost filter sock or silt fencing below the disturbed area.



Earth disturbance = 5,000 square feet – 1 acre (Houses, Barns, Large garages, Fill Sites, etc.)

Proceed with Caution

- If the proposed earth disturbance is greater than 5,000 sq ft, it is recommended to contact your local Conservation District.
- A written Erosion and Sediment Pollution Control plan is required. This plan will show the location of the proposed earth disturbance and its Limit of Disturbance (LOD), the existing contours (direction of existing stormwater flow), proposed contours (the direction of the stormwater after construction), E&S Best Management Practices (BMPs) such as Rock Construction Entrance, silt fence, compost filter sock, and contained concrete washout.
- A written E&S plan may be completed by any individual, but if the designer has no prior experience with E&S design, it is highly recommended to consult the Conservation District.
- A project **may not** be broken into less than one-acre phases to circumvent obtaining an NPDES permit.



Earth disturbance = 1 acre or greater

STOP

- Consult a licensed design professional. You will need to apply for a National Pollutant Discharge Elimination System (NPDES) permit.
- The NPDES permit *must* be prepared by a licensed professional with prior experience in Erosion and Sedimentation pollution control and Post Construction Stormwater Management practices.
- The NPDES permit application will be submitted to the Conservation District and will be reviewed ensuring consistency with 25 Pa. Code § 102.
- After the permit has been issued, construction may begin.