



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
235 Promenade Street
Providence, Rhode Island 02908

2020 Brownfields Remediation and Economic Development Fund

Announcement of Request for Proposals (RFP)

August 3, 2020

All proposals due by close of business September 18, 2020

Via email ONLY to: matthew.destefano@dem.ri.gov & ashley.blauvelt@dem.ri.gov

The Rhode Island Department of Environmental Management (the Department) is pleased to announce the availability of grants to assist in the development and facilitation of brownfield remediation projects. In accordance with the *Rules and Regulations for the Brownfields Remediation and Economic Development Fund (Fund Regulations)*, this Request for Proposals (RFP) is seeking proposals for brownfield site redevelopment projects that will support the cleanup of contaminated property and contribute to the state's economic development, including through the creation of jobs in Rhode Island. Many acres of brownfields occupy desirable commercial/industrial space within the urban corridor. Remediation and redevelopment of these sites not only mitigates the threat to public health and the environment from exposure to uncontrolled contamination, but it also can create and attract jobs, revitalize streets and neighborhoods, and increase the local tax base.

1. Purpose of Available Grants

The purpose of the grant program created for the Brownfields Remediation and Economic Development Fund ("Brownfields Fund") is to stimulate the cleanup and redevelopment of Brownfields sites across Rhode Island. The grant program, specifically the criteria for evaluating and prioritizing applications, provides funding support and technical assistance to facilitate and accelerate the return of brownfields to productive re-use and strengthen Rhode Island's economic base. In general, these funds should be used to clean up sites in Rhode Island, create jobs, assist small businesses, and add to the tax base of the communities where they are utilized.

2. Applicant Eligibility

Applicants eligible to apply for the above listed grants include Government or Public entities, Non-Profit entities, and Private/Non-Governmental entities that are proposing projects on brownfield sites and have real economic development impact, create jobs, leverage private funds, and return under-utilized properties to beneficial re-use.

In general, applicants for Brownfields Funds must be the entity that legally controls the brownfield site. Private consultants are not eligible to receive grant awards directly on behalf of their clients.

Applicants must demonstrate administrative capacity to manage their grant funds and comply with applicable state and federal fiscal requirements including, but not limited to, accounting, recordkeeping, procurement, and reporting procedures. Applicants must also demonstrate ability to manage their project, document matching funds, and report of progress of deliverables specified in a grant agreement.

Please be aware that it is the Department's policy that financial assistance shall neither directly or indirectly benefit parties whose willful action or inaction has resulted in damage to the environment. At the Director's discretion, the Department may restrict, delay, or limit funding due to the occurrence of criminal, civil enforcement actions, or compliance matters. To be eligible for grants, applicants must disclose any existing violations and compliance actions related to their proposal. This includes the issuance of any Notice of Intent to Enforce.

3. Project Eligibility

As outlined in the *Fund Regulations*, the following types of costs are eligible to receive grant monies from the Brownfields Fund:

- Soil, groundwater, soil gas, indoor air, and infrastructure/building materials investigation;
- Site Assessment;
- Remediation;
- Hazardous material abatement and/or waste disposal;
- Long term groundwater, indoor air, soil gas, and other environmental monitoring;
- Institutional controls;
- Costs associated with RIDEM required reporting;
- Other costs required to fully implement the RAWP and complete redevelopment, as deemed appropriate by the review committee.
- Environmental consulting costs; and/or
- Other environmental investigations, compilation of information, marketing materials, design, or site work required to support reuse/development of the Brownfields site.

Examples of types of costs that are ineligible to receive grant monies from the Brownfields Fund include:

- Any costs incurred before a fully executed grant agreement is in place;
- Administrative costs including clerical support, monthly utility expenses, the purchase of office equipment, personnel costs associated with fund raising for the entity, etc.;
- Costs associated with the performance of a Supplemental Environmental Project ("SEP");
- State or Federal lobbying costs, penalties, fines, or regulatory fees including, but not limited to RIDEM and CRMC permit fees, or any municipal fees;
- Land acquisition projects that do not have tangible public health or environmental benefits and physical construction or redevelopment;
- Building materials and/or costs associated with building construction;

- Response costs for emergency response actions caused or exacerbated solely by the applicant or their agents or assigns; and/or
- Proposed projects associated with unresolved litigation (administrative or judicial) with the Department or conditions or activities that have violated or are violating statutes or regulations administered by the Department shall be ineligible to receive Fund monies without the express written consent of the Director and the resolution of said litigation or violation(s).

Please be aware that the Department and the State of Rhode Island take no responsibility for project work done outside the term or scope of a valid grant agreement or prior to full approval of an agreement. Agreements are not valid until the Rhode Island Department of Administration issues the appropriate encumbrance (i.e. purchase order (PO) or PO release). All agreements must be signed and dated by an authorized agent of the applicant and the Department.

Eligibility of expenses may vary with the type of grant application. Eligible expenses may include the costs of personnel salary and fringe, travel, supplies, constructions, and contractual services. With respect to personnel, the Department generally will not subsidize salaries of existing governmental staff, but rather encourages such expenses to be allocated as match.

4. Available Grant Categories

4.1 – Site Preparation Grants

Site Preparation Grants are for sites already identified as a Brownfield based on previous Phase I and/or site investigation work but do not yet have an approved RAWP. The purpose of this type of grant is to fill in the gaps that may exist in the previously obtained site investigation data, develop and analyze potential remedial strategies, and ultimately end with an approved Remedial Action Work Plan that satisfies the regulatory requirements in the Remediation Regulations and can be simultaneously implemented during redevelopment of the Brownfield.

RIDEM reserves the right to limit the annual Individual Grant Amount in this category to \$200,000 at its sole discretion.

4.2 – Redevelopment Grants

These grants are for the Brownfield sites that already have completed and approved site investigations and an approved Remedial Action Work Plans (RAWPs) via a Remedial Approval Letter (RAL) or an Order of Approval (OA) issued by the Department's Office of Waste Management. Redevelopment Grants are meant to fund the actual remediation and redevelopment of a Brownfields site to bring the site into productive reuse.

RIDEM reserves the right to limit the annual Individual Grant Amount in this category to \$500,000 at its sole discretion.

5. Brownfields Cleanup Revolving Loan Fund

In accordance with Section 2.7 of the *Fund Regulations*, applications for financing through the Rhode Island Brownfields Revolving Loan Fund (BCRLF) administered by the RI Infrastructure Bank must first apply to the Department for inclusion on the Project Priority List. At this time, preference will be given to those applications received during this application period, particularly those requesting project financing through a combination of a redevelopment grant from the Brownfields Fund and a BCRLF, however, applications for funding BCRLF will be accepted on a rolling basis. There is no deadline for a Brownfield Cleanup Revolving Loan Fund application. Those applications should be submitted to the Department, utilizing the Brownfields Funding Application, in accordance with the *Fund Regulations*.

The BCRLF may be used for the assessment and/or the redevelopment and remediation of known brownfield sites. Qualifying expenses through the BCRLF shall cover costs associated with site preparation and/or remediation and redevelopment such as those costs eligible costs listed in Section 3.

6. Project Time Periods

The grant awards will be authorized via grant agreements for a limited period of time. Due to greater emphasis being placed on the timeliness of expenditures by the State, projects that will be completed in one or two-year time period will be favored. With adequate supporting justification, the Department will consider longer project time periods for larger, more complex projects. Projects not promptly initiated or that fall substantially behind schedule once underway may have their grant awards rescinded or reduced. The Department encourages applicants to take into consideration and to plan adequate time for procurement and obtaining permits or other approvals in their project schedule.

7. Match Requirements

“Match” refers to the funds of services used to conduct a project that are not borne by grant funds. All projects match must: (1) relate directly to the project for which the match is being applied; (2) be reasonably valued; and (3) be supported by documentation. Match is an indicator of local commitment to a project and is considered in proposal eligibility and rank. The Brownfields Funds will be available to eligible applicants in the form of grants of up to eighty percent (80%) of eligible costs. Applicants must be able to match at least twenty percent (20%) of eligible costs. At the Director’s sole discretion, a grant for less than eighty percent (80%) of eligible costs may be awarded based on site remediation and redevelopment characteristics.

Match may include: (1) cash; (2) the value of non-cash, in-kind contributions (e.g. value of equipment donated for use of the project); or (3) the value of goods and services directly contributed to the project. In-kind services may be considered as credit towards the 20% match at the sole discretion of the Review Committee.

Examples of actions that might be used as eligible match include the following:

- Cost of value-per-hour rate multiplied by the number of hours performing work associated with the project proposal tasks such as labor, bid or subcontract development, development of designs, permit reviews including attending meetings pertaining to such, conducting public meetings, or similar work relating to the project but not directly funded by the grant;
- Cost of materials, supplies, or equipment rentals used for the project; and/or
- Cost of construction (including labor, equipment, and materials).

Please note that the match is only required for those funds received as grants. Revolving Loan Funds do not require any match to be made.

8. Updated RFP Information

During the application period, as the need arises, the Department may post additional information concerning this RFP and funding opportunity on its website. This may include clarification of commonly asked questions. Potential applicants are advised to periodically check the Department's website.

9. Proposal Evaluation Criteria

Project proposals will receive an initial screening by representatives of the Department's Office of Waste Management for basic eligibility criteria. To be awarded a grant, applicants must possess adequate fiscal and project management capabilities. Past performance on prior Department grants will be taken into account when assessing organizational capacity to effectively manage a project. Eligible proposals will be referred to interagency review committee(s). The interagency review committee will evaluate the eligible proposals consistent with the scoring criteria developed in conjunction with the *Brownfields Regulations* and applicable state requirements in order to make recommendation subject to final decision by the Director.

Scoring criteria:

- Redevelopment/Reuse plan results in a positive impact on the community, public benefits, amenities available for public use, targeted community engagement opportunities for designated Environmental Justice areas, and/or community enrichment for historically low-income areas throughout Rhode Island (**20%**);
- Economic impact, temporary and permanent jobs the redevelopment will produce, expansion of existing businesses that create more permanent jobs and tax benefits (or tax benefit only for new businesses and construction) (**20%**);
- Beneficial impact to the environment through remediation (**20%**);
- Timeframe for the proposed project and readiness to proceed/provide environmental and economic impact (**10%**);
- Implement green energy (solar, wind, geothermal) at the site as part of the redevelopment, promotes green energy in final remedy (**15%**);
- Capacity of applicant to develop and manage this project moving forward, project team, past experience, likelihood of success/full implementation, private funds leveraged (**10%**); and
- Estimated costs and cost effectiveness of assessing and remediating the Brownfield site to get it ready for development (**5%**).

10. How to Apply – Final Submission Deadline – September 18, 2020

Final proposals must be received by the Department no later than 4:00 p.m. on Friday, September 18, 2020. The proposal must include mandatory application forms, and other supporting materials as appropriate; e.g. site plan, letters of support, photographs, etc. The Department requires that proposals be sent electronically (PDF format). Hard copies will not be accepted.

All submitted applications must contain a completed and signed W-9 Form to be considered for funding. A blank W-9 Form can be found at the end of the Brownfields Site Preparation and Remediation Funding Application.

11. Preparing the Proposal for Final Approval

For projects that are selected, the Department may request the applicant to modify project proposals based on comments received during project evaluations and the selection process. The applicant must submit the revised project proposal/scope of work to the Department prior to final approval. The Department will conduct a final review of the proposal in coordination with appropriate agencies and, if satisfied that all review comments have been adequately addressed, the final proposal or scope of work will become the basis for the grant agreement that will be executed to formalize the grant award.

12. Project Administration - Grants

12.1 – Grant Agreements

Grants will be awarded on a competitive basis until funds for that grant period are exhausted. Successful applicants will receive a Grant Agreement template that will specify the amount, duration and conditions of the award. The Grant Agreement will be in the form of a binding contract. Grantees must fill out the applicable information where prompted in the Grant Agreement template electronically and submit the completed Grant Agreement via email for final Department approval **within sixty (60) days** of receiving their Grant Agreement template. Other requirements to secure funding shall be the following:

- Recipients will be required to sign, accept, and return the original signed Grant Agreement to the Department within thirty (30) days of the date of approval. Failure to execute the agreement within the thirty (30) days may result in the cancellation of the grant award and may result in these funds being awarded to the next highest rated project;
- Recipients will have ninety (90) days from the date of the acceptance of the Grant Agreement to provide proof of the necessary grant match by letters of credit, loan agreements, dedicated escrow accounts or any other pre-approved proof of matching funds by the Department; and
- The recipient is responsible for obtaining all necessary permits or approvals from any federal, state, or local agency with authority over the project or project area. Copies of

these permits/approvals must be submitted to the Department for inclusion in the project file before the first payment request.

All grant payments will be paid in the form of **reimbursement** payments for eligible expenses incurred in accordance with an approved project. Please refer to Section 3 above for examples of eligible and ineligible costs. Requests for reimbursement must include an invoice, documentation of the incurred, eligible costs. Such type of documentation required to receive reimbursement will be detailed in the grant offer and/or grant agreement. Grant recipients must enter into an agreement with DEM to establish mutually agreeable terms for completing the project. Items in the agreement include, *but are not limited to*:

- Scope of work including tasks, schedules and deliverables (The approved project proposal is usually incorporated as the scope of work);
- RIDEM and sponsor responsibilities, including interim and final reporting requirements;
- Statement of the project's total budget, matching budget, and grant;
- Statutory and regulatory requirements for contracting such as competitive bidding, fair-share allotments, i.e., minority-owned and women-owned business enterprises (MBE/WBE);
- Requirements for subcontracting;
- Project payment schedule and payment terms; and/or
- Record-keeping and reporting.

Payments will be made on a reimbursement basis in accordance with the payment schedule and terms contained in the Grant Agreement. Reimbursement is tied to performance targets and payments are not scheduled more frequently than once a month.

For grant awards less than \$100,000, there will only be one (1) reimbursement payment which will occur at the completion of all performance targets outlined in the Grant Agreement.

For grant awards greater than \$100,000, no more than three (3) reimbursement payments will be permitted. Each payment shall be at the completion of the approved performance targets as outlined in the Grant Agreement.

Grant recipients will be required to provide regular progress reports to RIDEM. Projects are expected to be completed in the timeframe of the grant agreement. Timeframes will be negotiated in the range of 6-36 months. Time extensions will not be granted without specific and appropriate justification, and if granted, only a single one (1) year extension will be permitted, after which the remaining funds shall be forfeited by the grantee and the grant agreement will be terminated.

11.2. Pre-project and Pre-contract Costs

RIDEM and the State of Rhode Island take no responsibility for project work done outside the term or scope of the grant agreement or prior to full approval of a grant agreement. Applicants should NOT anticipate any funding for work that is done before approval of a grant agreement. Agreements are not valid until the Rhode Island Department of Administration issues the appropriate encumbrance (i.e., purchase order). All agreements must be signed and dated by an authorized agent of the sponsor and RIDEM.

11.3 Brownfield Cleanup Revolving Loan Fund

Payments required by the Revolving Loan Fund are **not** eligible costs and, therefore, are not reimbursable by Brownfields Grant money.

11.4 Procurement

The expenditure of funds pursuant to these grants is subject to state law governing procurement, including requirements for competitive bidding and goals for participation by minority or woman business enterprises (MBE/WBE). In general, where consultant, engineering or construction services are to be obtained, a competitive process is required. Where a municipality has retained engineering or consultants under a prior competitive solicitation, DEM may allow that arrangement to be utilized for a project, provided adequate documentation is provided that the services sought were within the anticipated scope of services under the original solicitation, and that the manner of pricing is consistent with applicable requirements. RIDEM reserves the right to review and approve the award of any contract or subcontract.

11.5 Permitting

Many grant projects will require a permit from RIDEM or CRMC or review by another governmental agency to proceed. Applicants should consider the time needed to acquire permits and other agency reviews and plan projects accordingly. Failure to obtain and comply with permits is generally considered a material breach of a grant agreement and may jeopardize project funding.

11.6 – Suspension, modification or revocation

The Director may suspend, modify or revoke any awards granted pursuant to these regulations in the event that subsequent examination reveals any data included in an application form, submittal, reimbursement request, plan or sketch to be incorrect or not in compliance with these regulations.

11.7 – Stop Payment

The Director may take appropriate action to stop payment of and/or seek the return of grant funds expended for any project where: (1) the applicant has obtained said grant based upon incomplete, false, misleading or erroneous information; (2) the applicant has not completed the work approved under the grant in accordance with any and all conditions of approval issued by the Director in the grant award; or (3) the applicant receives a Letter of Non-Compliance, Notice of Intent to Enforce, Notice of Violation, or is subject to any other enforcement action by the Department while the Grant Agreement is valid.

HOW TO SUBMIT AN APPLICATION

Submit the completed and signed Brownfields Site Preparation and Remediation Funding Application by E-mail to both:

Mr. Matthew DeStefano and Ms. Ashley Blauvelt
matthew.destefano@dem.ri.gov and ashley.blauvelt@dem.ri.gov, respectively.

If you have any questions on this application, RIDEM Office of Land Revitalization & Sustainable Materials Management (LRSMM) staff are available to assist you, please contact one of the following: Ashley Blauvelt, ashley.blauvelt@dem.ri.gov / Gary Jablonski, 401.222.2797 ext. 7148 / Matthew DeStefano, ext. 7141.