

Farmers for the Future
Long Island Agricultural Capital Equipment Grant Program
Request for Proposals (RFP) and Application

Revised 01/23/17

Instructions

The following RFP and Application is for the *Farmers for the Future*: Long Island Agricultural Capital Equipment Grant Program funded by Empire State Development (ESD). Applications may be submitted by mail, email or in person to the following address:

Agricultural Capital Equipment Grant Program
Peconic Land Trust
296 Hampton Road
PO Box 1776
Southampton, NY 11968
AgGrant@PeconicLandTrust.org

Additional questions and information can be obtained by contacting Jessie Marcus, Holly Sanford or Melanie Cirillo at AgGrant@PeconicLandTrust.org or calling (631) 283-3195.

Purpose and Goals

Due to the high cost of farmland and production, Long Island is one of the most expensive places to farm in the country. As a result, beginning and established farmers often lack the financial flexibility to expand their operation, grow their market share, and improve their liquidity. In order to address these issues and ensure that farming remains an economically viable industry on Long Island, the Peconic Land Trust was awarded \$1,000,000 from New York State Empire State Development to assist Long Island farmers making capital investments for their farming operation. The goals of the Long Island Agricultural Capital Equipment Grant Program are to:

- Retain and grow future generations of farmers;
- Keep farmland in production;
- Increase job opportunities in the agricultural sector by giving farmers the financial resources needed to expand their operation and improve their economic viability;
- Give farmers the financial means needed to adopt innovative and sustainable technologies;
- Help ensure the safety of our food supply;

- Eliminate barriers for start-up operations by reducing upfront costs associated with farming; and
- Support local agri-services and agri-equipment industries.

Under the Program, eligible farmers may seek reimbursement for up to 20% of the purchase cost of new or used capital equipment and infrastructure. The maximum award per farmer/farming operation (i.e., applicant) is \$50,000. Grant funds cannot exceed \$50,000 or 20% of equipment and infrastructure costs. In order to be considered, applicants must have a minimum of \$2,500 in total equipment and infrastructure costs. Applicants may seek reimbursement for multiple purchases of equipment and infrastructure as part of a single application. The Advisory Committee reviewing applications and ESD reserves the right to approve and disapprove individual equipment and infrastructure purchases on a single application that contains multiple equipment and infrastructure purchases. At this time, up to two (2) applications per farmer/farming operation will be considered, not to exceed \$50,000 combined. If a farmer/farm operation receives the full \$50,000 on the first application, a second will not be considered. In order to be eligible for reimbursement, equipment and infrastructure purchases must be preapproved by the review committee and ESD prior to purchase.

Eligibility Requirements

Eligible farmers/farm operations must be an agriculture or aquaculture business or not-for-profit organization in either Nassau or Suffolk County. In an effort to support as many Long Island farmers and farm businesses as possible, all agricultural equipment and infrastructure will be considered for reimbursement as long as the equipment and infrastructure is located on the farm and used for at least one of the following purposes:

- 1) A beginning farm operation, including emerging, second-career, next generation or transitioning farmers with an operation less than ten (10) years old;
- 2) An established farm operation transitioning to a new commodity, method of production, or a new business plan; adopting best management practices technology; and/or expanding their current business. This may include, but is not limited to, equipment and infrastructure for a farmer:
 - a. growing a new crop;
 - b. transitioning to organic production;
 - c. expanding into agri-tourism;
 - d. incorporating value added production;
 - e. putting more land into agricultural production; or
 - f. adopting technologies that improve environmental sustainability and economic efficiency.

- 3) An established farm operation upgrading equipment and infrastructure to come into compliance with the Food Safety Modernization Act (FSMA) and other food safety regulations. This may include, but is not limited to, equipment and infrastructure such as:
- a. produce washing stations;
 - b. farm labor bathrooms; and
 - c. wildlife control such as deer fencing.

For more information on FSMA please see: <http://www.fda.gov/Food/GuidanceRegulation/FSMA/>.

Other examples of eligible equipment and infrastructure includes, but is not limited to:

Equipment: Tractors and implements, processing equipment, irrigation equipment (pumps, engines and hoses), refrigeration equipment, wagons and equipment for agricultural tourism, distribution equipment, composting equipment, soil/water/compost sampling equipment, aquaculture equipment, etc.

Infrastructure: Greenhouses, hoop houses, row covers, trellising, shade structures, barns and storage space, cold storage space, utilities, distribution space including farmstands and farmstand accessories, deer fencing, produce washing stations, designated farm labor bathrooms/washrooms/housing, on-farm signage, etc.

Examples of equipment and infrastructure that are ineligible for funding includes, but is not limited to: vehicles, mobile homes, residential housing, off farm advertising and promotional materials including websites, salary and wages, consultant fees, land acquisition costs, fuel, seeds, nursery stock, livestock, etc.

Application Checklist

Applications will be accepted on a rolling basis from May 29, 2015 to May 28, 2018 or until all funds are exhausted. Per New York State Empire State Development, applicants must include the following in their application*:

- Completed Application including:
 - Applicant Information (Section 1)
 - Reimbursement Request (Section 2)
 - Business Plan/Description of Current Business (Section 3)

- Completed Budget Form including:

- Demonstration of matching funds for the remaining 80% of equipment and infrastructure costs including commitment letters (if applicable). Matching funds may include cash, loans, and federal or local grants, but may not include other New York State grant funds. All applicants are required to contribute a minimum of 10% cash equity towards the purchase cost of the equipment and infrastructure.
 - Documentation (e.g., purchase orders, advertisements, catalog/internet description, etc.) of equipment and infrastructure costs.
- Completed and executed Attestation and Certification sections at the end of this RFP.
 - Tax Attestation Form signed after copies of the applicant's federal and state tax returns or audited financials (*if available, tax returns and audited financials should be for the farm business/operation*) for the three most recent years have been reviewed by Peconic Land Trust staff. These are given back to applicant and no copies are retained.
 - Copy of applicant's NYS Driver's License or other form of NYS issued photo identification.
 - An original voided check from the applicant's bank account imprinted with the individual's/operation's name and address.
 - Certificate/Letter of Incorporation (If applicable).

After the application is preapproved and before the reimbursement check is issued, the applicant must provide proof of payment for the equipment and infrastructure purchased and an application fee.** Proof of payment must include copies of invoices as well as supporting documentation such as cancelled checks of both sides, bank statements, loan payment statements, paid credit card statements, or other proof of payment.

***The Advisory Committee and ESD reserves the right to request additional information from individual applicants on a case by case basis.**

****Application Fee: All applicants must submit an application fee amounting to .1% of the grant award. For example, an award of \$50,000 would require a \$500 application fee. Fees, in the form of a check made payable to Peconic Land Trust, will not be cashed until the award is made and the applicant is reimbursed. In order to secure the \$1,000,000, the Trust had to pay a nonrefundable \$10,000 "Commitment Fee" to New York State. The application fee will help the Trust cover that expense.**

Award Announcements and Reimbursement Timeframe

Awards will be made on a first come, first serve basis. All applications will be reviewed by an Advisory Committee consisting of staff and board members from the Peconic Land Trust, Long Island Farm Bureau, Cornell Cooperative Extension, Edible East End, Suffolk County and the Suffolk County Planning Commission. All applications and awards are subject to review and approval by Empire State Development and the receipt by Empire State Development of a sufficient amount of funds from the State of New York acting by and through the New York State Division of the Budget. The review and award process will follow the disbursement of funds from Empire State Development to the Peconic Land Trust.

The review and award process will be as follows:

- 1) Completed application and supplemental documents, minus proof of payment, reviewed by Advisory Committee and recommended for preapproval to Empire State Development;
- 2) Application reviewed and preapproved by Empire State Development;
- 3) Applicant informed of preapproval;
- 4) Applicant purchases equipment and/or infrastructure *within one year of being preapproved** and submits proof of payment and application fee to Peconic Land Trust**;
- 5) Reimbursement check processed and issued to applicant.

***Preapproval is good for one year. If the applicant does not purchase the equipment and infrastructure listed on their application within one year of it being preapproved, preapproval will be rescinded and the applicant will need to resubmit a new application.**

****Since Peconic Land Trust is receiving the grant funding from Empire State Development through a predetermined disbursement schedule, reimbursement checks may take 2-6 months to be issued. We appreciate your patience and understanding.**

Grant Recapture

Empire State Development may require repayment of any assistance received under this Program in the following events:

- (i) If an application, including any information provided therewith or thereafter, contains any material misrepresentations or is incomplete;

- (ii) If the purchased equipment and infrastructure is sold within five (5) years of the grant award and disbursement of funds;
- (iii) If the applicant fails to provide documentation to support any advances or payments of any grants awards received from ESD;
- (iv) If the assistance was awarded or disbursed in error and the applicant is not entitled to assistance under these guidelines;
- (v) If the applicant received a payment and did not complete the purchase of equipment and infrastructure as approved;
- (vi) If supporting documentation is not true and complete; and
- (vii) If the applicant leaves New York State or otherwise ceases farming within five years of final disbursement of funds. The recapture amount is based on the time that has lapsed between when the grant funds were disbursed and when the transfer occurred. The recapture amount shall be calculated by aggregating the recapture amount for each disbursement of the grant, which in each instance shall be equal to:
 - 100% of the disbursed amount if the transfer occurred in the calendar year that the disbursement was made, or in the first full calendar year after the disbursement was made;
 - 80% of the disbursed amount if the transfer occurred in the second full calendar year after the disbursement was made;
 - 60% of the disbursed amount if the transfer occurred in the third full calendar year after the disbursement was made;
 - 40% of the disbursed amount if the transfer occurred in the fourth full calendar year after the disbursement was made;
 - 20% of the disbursed amount if the transfer occurred in the fifth full calendar year after the disbursement was made.

In the event of any fraudulent misrepresentations by the applicant, in addition to the recapture of assistance, Empire State Development may pursue other legal remedies and refer the matter to the appropriate governmental authorities for investigation and prosecution.

Audit and Control

Empire State Development may conduct site visits and audit applications on a random or specified basis for a period extending to six years after the final disbursement of the assistance to the applicant. Empire

State Development reserves the right to contact companies and other federal, state and local governmental agencies to confirm information included, or that should have been included, in the applications.

Attestations

If your answer is "YES" for any of the below questions, except #5, please provide an explanation on an attached sheet.

1) Is the applicant or any owner presently the subject of any litigation, or is any litigation threatened, which would have a material adverse effect on the applicant's financial condition?

YES NO

2) Has the applicant or any owner ever been involved in bankruptcy, a creditor's rights or receivership proceeding, or sought protection from creditors?

YES NO

3) Has the applicant or any owner ever settled a debt with a lending institution for less than the full amount outstanding?

YES NO

4) Has the applicant or any owner ever been convicted of any felony or misdemeanor, other than a minor traffic violation, or are any such charges pending?

YES NO

5) Is the applicant and are all owners in compliance with federal, state or local laws or regulations with respect to labor practices, hazardous wastes, environmental pollution or operating practices?

YES NO

6) Are there any outstanding judgments or liens pending against the applicant or owner other than liens in the normal course of business?

YES NO

7) Is the applicant or any owner delinquent on any New York State, federal or local tax obligations?

YES NO

8) Has the applicant or any owner ever defaulted on an obligation to the New York State Urban Development Corporation, doing business as Empire State Development (ESD) or any other agency or public benefit corporation of the State of New York?

YES NO

9) Has the applicant or any owner ever defaulted on an obligation to the Peconic Land Trust?

YES NO

10) Is the applicant currently seeking any other assistance from New York State?

YES NO

11) Has the applicant ever applied for or received prior funding from New York State?

YES NO

12) Does the applicant currently work for Cornell Cooperative Extension, Long Island Farm Bureau, Peconic Land Trust, Farm Credit East, Long Island Wine Council, Edible East End or Suffolk County?

YES NO

Certifications

The undersigned does solemnly affirm, acknowledge and agree that:

- (a) He/she is authorized to execute this application on behalf of the farm operation and that to the best of his/her knowledge, information and belief, all statements in the application, including all attachments hereto and any affidavits, certifications or supplemental information provided herewith, are true and accurate;
- (b) All statements in this application, including all schedules, appendices and additional information submitted in connection herewith, are true and accurate;
- (c) Applicant will be obligated to repay any grant funds received under this Program in the event (a) its application, including any information provided therewith or thereafter, contains any material misrepresentations; or (b) the grant was made in error and the applicant is not entitled to assistance under the guidelines; or (c) it fails to provide documentation to support any grant payments;

- (d) In the event the applicant fraudulently represents any information in the application or supporting documentation, ESD may exercise any and all remedies available to it under the law and shall refer the matter to the appropriate authorities for prosecution;
- (e) This application is a request for assistance and does not obligate ESD to award any funds;
- (f) All calculations in the application are subject to review and adjustment. Under no circumstances do the calculations imply award of funds. If approved, award may be adjusted or rescinded if warranted upon comparison of all documentation;
- (g) The receipt of any grants made under this Program is subject to the approval of the Program by the NYS Division of the Budget and the receipt of funds by ESD;
- (h) All documents submitted will become property of ESD and will not be returned;
- (i) ESD reserves the right to modify the requirements of this application and to require additional information from the applicant;
- (j) ESD, acting in its sole discretion, may reject any application that it deems incomplete, ineligible for assistance or inappropriate for funding;
- (k) Complete applications must be post-marked by May 28, 2018 to be considered for funding;
- (l) ESD's non-discrimination and affirmative action policies and programs, which are grounded in both public policy and applicable law, mandate that ESD take affirmative action when implementing projects, to ensure that Minority- and Women-owned Business Enterprises (MWBES), minority group members and women participate in the economic benefits generated by ESD's participation in projects or initiatives. ESD's non-discrimination and affirmative action policies and programs will apply to this initiative wherever applicable;
- (m) In accordance with IRS regulations all program assistance disbursed to applicant will be reported by ESD to the IRS and ESD shall mail a Form 1099 to you at the address provided;
- (n) Applicant agrees to indemnify and hold harmless New York State, ESD and the Peconic Land Trust, as well as their respective agents, directors and employees, for any claims arising from the administration of this Program;
- (o) Applicant agrees to comply with the *Farmers for the Future: Long Island Agricultural Capital Equipment Grant Program* and requirements;

- (p) If funded, the application is subject to audit prior to and for up to six (6) years from the date of disbursement of funds;
- (q) Applicants name and any grant award may be used by ESD, New York State or Peconic Land Trust in its promotional materials;
- (r) Applicant will reimburse ESD for any direct expenses incurred in connection with any grant award it may receive, including costs related to holding a public hearing; and,
- (s) Applicant authorizes ESD to order credit reports or other financial background information on the applicant, and any individual or entity proposed as a guarantor, as may be necessary to provide the assistance requested.

Signature of Applicant:

Signature: _____ Date: _____

Print Name: _____ Title: _____