

Plan Implementation Grant Request for Proposal (RFP)

SOURCE WATER PROTECTION

February 2024

Plan Implementation Grant Request for Proposal (RFP)

Minnesota Department of Health
Drinking Water Protection
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To obtain this information in a different format, call: 651-201-4576.

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Notification of grant availability

Applications for this grant program are accepted between Friday, March 1, 2024, 8:00 a.m. and Friday, March 29, 2024, at 4:30 p.m.

The Minnesota Department of Health (MDH) announces the availability of funding to support the implementation of Source Water Protection (SWP) plans. SWP plans are, 1) wellhead protection plans that have been approved by MDH under requirements of Minnesota Rules Parts 4720.5100 to 4720.5590, or 2) MDH approved wellhead protection action plans, or 3) surface water intake protection plans that have been endorsed by MDH. The funding for SWP plan implementation grants is provided under [Minnesota Session Laws 2023, Regular Session, chapter 40](#).

Based upon availability of funds, SWP plan implementation grants will be offered annually, during the months of March and September.

Introduction

SWP activities are funded by Clean Water Fund appropriations approved by the Legislature. MDH uses these funds, in part, to establish a SWP Implementation Grant program. This program is administered through the Drinking Water Protection Section. This notice applies to SWP plan implementation grants which focus on assisting Public Water Suppliers (PWSs) to implement their SWP plans. Additional grant availability notifications will include the SWP transient and competitive grant categories. These are grants that will help all PWSs implement SWP measures even though they may not have a SWP plan in place.

The fundamental goal of SWP is to provide long term, sustainable management of drinking water sources. SWP applies to all types of PWSs and is based on requirements in the federal Safe Drinking Water Act and authorities granted to MDH by the state legislature. In Minnesota, SWP is divided into wellhead protection that focuses on 1) groundwater that is used for PWS and 2) intake protection that focuses on surface water that is used for PWS.

Grant awards

The total amount of funding that is available under this notice is \$205,000. The minimum amount for any grant is \$1,000 and the maximum amount is \$10,000. Joint applications must identify which applicant will serve as fiscal agent and include a letter of support from the other PWS(s).

Matching funds

No cost share is required for receiving a plan implementation grant.

Funding period

All grant funds awarded under this FY 2024 SWP Plan Implementation Spring RFP, must be expended by August 29, 2025.

Termination for insufficient funding

The State may immediately terminate this grant if it does not obtain funding from the Minnesota Legislature, or other funding source. Termination must be by written notice to the grantee. The State will not be assessed any penalty if the grant is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. The State must provide the grantee notice of the lack of funding within a reasonable time of the State's receiving that notice.

Eligibility

A SWP plan implementation grant is intended to support implementation of the drinking water protection measures that are contained in a SWP plan. Applicants shall look at their wellhead protection plan and refer on the application form to the measure(s) in the plan that will be

supported by the grant. Only PWSs may apply for a SWP plan implementation grant but may use funding to support the work of other parties relating to the SWP plan.

A PWS must meet all of the following conditions in order to qualify for a grant:

- The PWS must have a current SWP plan or extension to the plan
- The PWS is not subject to administrative penalty action from MDH in regard to the Wellhead Protection Rule.
- The PWS must have an approved Drinking Water Supply Management Area (DWSMA) and work must take place only in DWSMAs that are currently active, unless the work involves public education, exploratory work for new wells, or sealing of old municipal wells.
- For PWSs who were awarded a SWP grant in the past: the public water system has met all of the conditions that were specified in a previous SWP implementation grant and the previous grant is closed. If conditions of a previous grant of the same type have not been met the PWS is penalized by not being allowed to participate in the next grant cycle.

Each eligible PWS can submit only one application for each grant program (Plan Implementation, Transient, Competitive) announcement.

Scope of work

Grant funding is to be used solely to support work that is referenced to one or more measures contained in a SWP plan. Indirect or administrative costs related to using a SWP plan implementation grant are not eligible.

PWS are not required to submit two bids or quotes with their grant application, but it is in their best interest to obtain a cost estimate whenever it is possible and practical.

The following **documentation** is required to be submitted along with the grant application:

- Pages from the approved Wellhead Protection Plan or Wellhead Protection Action Plan Management Strategies, or surface water intake plan.

A grant application must identify:

- A description of the work that is to be performed.
- The entity responsible for completing the work.
- The cost of performing the work.
- Reference the Management Strategy/Measure number in the MDH SWP approved plan (not the draft copy) or intake protection plan, that will be supported by this work item. **Attach the page(s) that contain(s) the SWP strategy /measure.**
 - The outcome or deliverable that will be achieved by conducting the work.
 - A detailed budget to include:
 - An estimated start date for the work to be performed; and
 - If the work is for infrastructure, the application narrative description must demonstrate value in protecting the source of drinking water.

Examples of grant eligible activities:

Grant funds will only pay for one Potential Contaminant Source Inventory (PCSI) per Wellhead Protection Plan duration (10 years) retroactive back to January 2015. Only one PCSI grant application may be approved for each 10-year plan.

Construction of wells, which include water lines: service water lines are funded from the source to the pressure tank or to the building, or connection to the distribution system, whichever comes first.

Activities not fundable include:

- Activities that are not protecting the source of drinking water
- Activities that are already completed
- Routine maintenance/operation of infrastructure or public water supply system
- Illegal activities (do not meet state/local construction requirements)
- Construction permits or fees; well sealing fees payable to MDH

No equipment is to be purchased and no construction is to take place until 1) the construction plans have been reviewed and approved by MDH (if appropriate) and 2) a grant agreement is signed by MDH. A complete grant application must include the following:

Application review process

MDH will evaluate all eligible and complete applications received by the deadline. Applicants may submit a grant application either by mail, email, or fax using the form provided by MDH. Applications must be received by our office by 4:30 p.m. **Friday, March 29, 2024.**

Applications must be sent to:

Source Water Protection Grant Coordinator

Mail

Minnesota Department of Health
SWP Grant Coordinator
P.O. Box 64975
St. Paul, Minnesota 55164-0975

Fax

651-201- 4701
Attention: Source Water Protection Grant Coordinator

Email

Health.SWPgrants@state.mn.us

Subject line to read: "Attention: Source Water Protection Grant Coordinator, [Your Public Water System name]"

MDH is not responsible for grant applications that are lost in the mail, delayed, or undelivered via electronic transmission. For emailed or faxed applications, it is the responsibility of the applicant to ensure delivery.

Applications received after the deadline will be disqualified from consideration.

Upon receipt, a grant application will be assigned a time and date which will be used to place the grant on the priority for funding list once MDH has determined the minimum score to qualify has been achieved.

Application form

You may obtain a copy of the SWP plan implementation application form by:

- Contacting the Source Water Protection Grant Coordinator
- Downloading the form that is included with this announcement
 - [Source Water Protection Plan Implementation Grant Application \(PDF\)](#)
- Downloading the form from the [Plan Implementation Grant](#) webpage
- Contact the [MDH Planner and Hydrologist Districts \(PDF\)](#) or [Community Public Water Supply Unit \(PDF\)](#), or [Minnesota Rural Water Association: MRWA Staff \(PDF\)](#) Source Water Specialists;
- See Drinking Water Protection Contacts website for district maps and contact information.

Scoring grant applications

MDH uses the following methodology to score a SWP implementation grant application:

A SWP plan implementation grant application must have a minimum score of 5 points in order to be awarded. An application may need to contain more than one work item to score the minimum 5 points. MDH determines the priority of each SWP measure that is included in a grant application using an internal grant application review criteria.

The scoring of measures is shown below:

5 points are assigned to a SWP Grant measure that does any of the following:

- expands the PWSs capability to effectively manage a high risk potential contamination source that is identified in any of the following:
 - an MDH-approved wellhead protection plan or approved extension;
 - an MDH-approved wellhead protection action plan;
 - an MDH-endorsed intake protection plan; or
 - contained in a sanitary survey report that is prepared by the MDH or local delegated authorities.
- helps meet state WHP rule requirements relating to assessing data elements (geology, well records, land use, parcel boundary, PCSI) that are required as part of WHP plan implementation;
- increases the PWSs capability to manage land-uses within the DWSMA;
- builds cooperation with other PWSs and/or governmental units resulting in increased management of a specific type of potential contamination source;

PLAN IMPLEMENTATION GRANT

- increases the PWSs capability to respond to an interruption of its drinking water supply; or
- helps the PWS identify groundwater or surface water contamination that may impact its drinking water supply.

3 points are assigned to a SWP Grant measure that does any of the following:

- expands awareness by property owners within the DWSMA or Inner Wellhead Management Zone (IWMZ) to better manage high risk types of potential contamination sources;
- increases the PWSs capabilities to share drinking water protection concerns with regulatory agencies; or
- expands the PWSs capability to effectively manage a low risk potential contamination source.

2 points are assigned to a SWP Grant measure that does any of the following:

- increases public awareness for managing potential contamination sources within the DWSMA or IWMZ;
- helps meet MDH rule requirements relating to evaluating SWP plan implementation;
- increases communication with local and state agencies regarding WHP concerns within the DWSMA or IWMZ;
- recognizes fulfilling the regulations of other governmental units; or
- addresses conceptual issues such as a new type of potential contamination source that may be constructed within the DWSMA or IWMZ.

Note: MDH reserves the right to consider the application incomplete and to assign zero points if the applicant has not provided enough documentation. Points are assigned on a scale basis and depend on how much detail is provided on the application form.

Grant requests that achieve the minimum score to qualify will be placed on a priority list and funding will be awarded based upon:

- Health Equity criteria (see below)
- Date placed on the list
- Availability of grant funds

All awarded grant applicants that meet the health equity criteria shall be given priority for a grant.

Health equity

The vision of MDH for health equity in Minnesota is where all communities are thriving and all people have what they need to be healthy. One determinant of community health is available financial resources. The SWP Grant program will use Median Household Income (MHI), aggregated by city or township, to assess financial need. PWS operating at or below the MHI threshold shall be considered to meet the health equity criteria.

The SWP grant program will use the [United States Census Bureau](#), American Community Survey 2020-2022 MHI economic characteristics for cities and townships.

Two MHI thresholds will be used; Metropolitan and Non-metropolitan, to receive funding priority independent of sequencing based on the application received date.

1. Cities or townships located in the 14 County Metropolitan Area with MHI at or below \$94,788. For the purposes of this MDH SWP Notification of Grant Availability, the 14 county Twin Cities Metropolitan counties are: Chisago, Isanti, Sherburne, Wright, Ramsey, Hennepin, Carver, Anoka, Washington, Dakota, Le Sueur, Mille Lacs, Sibley, and Scott.
2. Cities or townships located in Nonmetropolitan counties with MHI incomes at or below \$70,642. Nonmetropolitan counties are the other 73 Minnesota counties not listed above.

Examples:

1. City or township MHI would be used for PWS located within that city or township. If the city MHI is less than or equal to the metropolitan or non-metropolitan MHI (dependent upon location as noted above), they would be eligible for a health equity priority.
2. For rural water systems, a weighted average of the population and MHI of each city served by the water system will be used.
3. State or federally owned PWS are not eligible for health equity priority.

Public Data and Trade Secret Materials

All applications submitted in response to this RFP will become property of the State. In accordance with [Minn. Stat. § 13.599](#), all applications and their contents are private or nonpublic until the applications are opened.

Once the applications are opened, the name and address of each applicant and the amount requested is public. All other data in an application is private or nonpublic data until completion of the evaluation process, which is defined by statute as when MDH has completed negotiating the grant agreement with the selected applicant.

After MDH has completed the evaluation process, all remaining data in the applications is public with the exception of trade secret data as defined and classified in [Minn. Stat. § 13.37](#), subd. 1(b). A statement by an applicant that the application is copyrighted or otherwise protected does not prevent public access to the application or its contents. ([Minn. Stat. § 13.599](#), subd. 3(a)).

If an applicant submits any information in an application that it believes to be trade secret information, as defined by [Minn. Stat. § 13.37](#), the applicant must:

- Clearly mark all trade secret materials in its application at the time it is submitted,
- Include a statement attached to its application justifying the trade secret designation for each item, and
- Defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless MDH and the State of Minnesota, its agents and employees,

from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense.

- This indemnification survives MDH's award of a grant agreement. In submitting an application in response to this RFP, the applicant agrees that this indemnification survives as long as the trade secret materials are in possession of MDH. The State will not consider the prices submitted by the responder to be proprietary or trade secret materials.

MDH reserves the right to reject a claim that any particular information in an application is trade secret information if it determines the applicant has not met the burden of establishing that the information constitutes a trade secret. MDH will not consider the budgets submitted by applicants to be proprietary or trade secret materials. Use of generic trade secret language encompassing substantial portions of the application or simple assertions of trade secret without substantial explanation of the basis for that designation will be insufficient to warrant a trade secret designation.

If a grant is awarded to an applicant, MDH may use or disclose the trade secret data to the extent provided by law. Any decision by the State to disclose information determined to be trade secret information will be made consistent with the Minnesota Government Data Practices Act ([Ch. 13 MN Statutes](#)) and other relevant laws and regulations.

If certain information is found to constitute trade secret information, the remainder of the application will become public; in the event a data request is received for application information, only the trade secret data will be removed and remain nonpublic.

Conflicts of Interest

MDH will take steps to prevent individual and organizational conflicts of interest, both in reference to applicants and reviewers per Minn. Stat. § 16B.98 and the Office of Grants Management's Policy 08-01, "Conflict of Interest Policy for State Grant-Making."

Applicants must complete the [Applicant/Recipient Conflict of Interest Disclosure \(PDF\)](#) and submit it as part of the completed application. Failure to complete and submit this form will result in disqualification from the review process.

Organizational conflicts of interest occur when:

- a grantee or applicant is unable or potentially unable to render impartial assistance or advice.
- a grantee's or applicant's objectivity in performing the grant work is or might be otherwise impaired.
- a grantee or applicant has an unfair competitive advantage.

Individual conflicts of interest occur when:

- an applicant, or any of its employees, uses their position to obtain special advantage, benefit, or access to MDH's time, services, facilities, equipment, supplies, prestige, or influence.

- an applicant, or any of its employees, receives or accepts money, or anything else of value, from another state grantee or grant applicant with respect to the specific project covered by this RFP/project.
- an applicant, or any of its employees, has equity or a financial interest in, or partial or whole ownership of, a competing grant applicant organization.
- an applicant, or any of its employees, is an employee of MDH or is a relative of an employee of MDH.

In cases where a conflict of interest is perceived, disclosed, or discovered, the applicants or grantees will be notified and actions may be pursued, including but not limited to disqualification from eligibility for the grant award or termination of the grant agreement.

Audits

Per Minn. Stat. § 16B.98, subd. 8, the grantee's books, records, documents, and accounting procedures and practices of the grantee or other party that are relevant to the grant or transaction are subject to examination by the granting agency and either the legislative auditor or the state auditor, as appropriate. This requirement will last for a minimum of six years from the grant agreement end date, receipt, and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later.

Affirmative Action and Non-Discrimination Requirements for all grantees

The grantee agrees not to discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, sex, marital status, status in regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age in regard to any position for which the employee or applicant for employment is qualified. Minn. Stat. § 363A.02. The grantee agrees to take affirmative steps to employ, advance in employment, upgrade, train, and recruit minority persons, women, and persons with disabilities.

The grantee must not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The grantee agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled persons without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. [Minn. Rules, part 5000.3550](#).

The grantee agrees to comply with the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

Notification process

MDH expects to inform grant applicants of the scoring results by the end of April 2024. Successful applicants will be informed that either 1) they will receive a grant using the amount that has been budgeted for this application period or 2) they are being given priority for funding in the next application period using the time and date that was assigned to their application when it was received by MDH. The award decisions of MDH are final and not subject to appeal. Applicants may be required to provide additional information for the work to be performed, including a detailed estimate invoice showing specific materials, labor, time, etc.

Grant management responsibilities

If awarded a grant, no work can begin until all required signatures have been obtained on the grant agreement, and the grantee receives an executed and signed copy of the grant agreement. Any costs associated with work conducted prior to a fully executed grant agreement will not be reimbursed.

Each grantee must formally enter into a grant agreement. The grant agreement will address the conditions of the award, including implementation for the project. Once the grant agreement is fully signed, the grantee is expected to read and comply with all conditions of the grant agreement.

The funded applicant will be legally responsible for assuring implementation of the work plan and compliance with all applicable state requirements including worker's compensation insurance, nondiscrimination, data privacy, budget compliance, and reporting.

Allocation of the grant award

The PWS will be reimbursed once the project activities and the grant reporting requirements have been successfully met and MDH is satisfied that the project has been completed according to the terms of the grant agreement.

The PWS has the obligation to pay any third party (contractor) at prevailing wages hired for the purpose of completing the work before receiving payment from MDH.

Grantee reporting requirements

A PWS who receives a noncommunity transient grant must report the results of each work item that is funded by providing all of the following information:

- The results of performing the work that is described in the grant application.
- The total amount of grant funds that were expended to perform each work item.
- A summary of the costs that are attributed to performing each work item.
- Invoice and narrative report.

Additional requirements will be listed in the grant agreement, based upon the nature of the project.

Application questions

Questions regarding the Plan Implementation Grant Application should be directed to:
Source Water Protection Grant Coordinator
651-201-4576
health.swpgrants@state.mn.us

Resources

- [Minnesota Session Laws 2023, Regular Session, chapter 40](https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/40/)
(<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/40/>)
- [Source Water Protection Plan Implementation Grant Application \(PDF\)](https://www.health.state.mn.us/communities/environment/water/docs/swp/implementationap.pdf)
(<https://www.health.state.mn.us/communities/environment/water/docs/swp/implementationap.pdf>)
- [Plan Implementation Grant](https://www.health.state.mn.us/communities/environment/water/swp/implementation.html)
(<https://www.health.state.mn.us/communities/environment/water/swp/implementation.html>)
- [MDH Planner and Hydrologist Districts \(PDF\)](https://www.health.state.mn.us/communities/environment/water/docs/swpstaffmap.pdf)
(<https://www.health.state.mn.us/communities/environment/water/docs/swpstaffmap.pdf>)
- [Community Public Water Supply Unit \(PDF\)](https://www.health.state.mn.us/communities/environment/water/docs/comstaffmap.pdf)
(<https://www.health.state.mn.us/communities/environment/water/docs/comstaffmap.pdf>)
- [Minnesota Rural Water Association: MRWA Staff \(PDF\)](https://www.mrwa.com/PDF/MRWA%20SWP%20Staff%20Work%20Areas%202019.pdf)
(<https://www.mrwa.com/PDF/MRWA%20SWP%20Staff%20Work%20Areas%202019.pdf>)
- [Drinking Water Protection Contacts](https://www.health.state.mn.us/communities/environment/water/org/index.htm)
(<https://www.health.state.mn.us/communities/environment/water/org/index.htm>)
- [United States Census Bureau](https://www.census.gov/en.html) (<https://www.census.gov/en.html>)

Attachments

- [Plan Implementation Grant Application \(PDF\)](#)
- [Applicant/Recipient Conflict of Interest Disclosure Form \(PDF\)](#)
- [Due Diligence Review Form \(Form\)](#)
- [Plan Implementation Grant Invoice \(PDF\)](#)
- [Grant Narrative Report \(PDF\)](#)