

VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION
LAND AND WATER CONSERVATION FUND STATE ASSISTANCE PROGRAM
OPEN PROJECT SELECTION PROCESS

August 2020

I. Purpose:

The purpose of this document is to make available the terms and conditions of Virginia's open project selection process (OPSP) of the Land & Water Conservation Fund (LWCF) State Assistance Program administered by the Virginia Department of Conservation and Recreation in partnership with the National Park Service.

The LWCF will be managed in accordance with the Land & Water Conservation Act as codified at 16 U.S.C. 4601-4. The LWCF act requires that project selections be made through an open project selection process. DCR has created a LWCF grant application manual for potential applicants which outlines the process, procedures and criteria for project selections. The grant application manual, application and scoring criteria developed for the OPSP are posted on the Department of Conservation and Recreation's website. The documents are updated for each new request for proposals.

II. Scope:

Applies to all eligible applicants for the LWCF program.

III. Definitions:

Competitive Grant:

A competitive grant is a grant that is awarded through an open project selection process in which multiple grant applications are reviewed and grants are awarded to those applicants best meeting the selection criteria established for the grant cycle. Procedurally, in a competitive grants process, a notice of grant opportunity or request for proposal is issued and eligible entities submit a grant application. Grants are awarded to the applicants that are rated the highest against the review criteria and on the availability of grant funds and appropriate programmatic regulations.

Conflict of Interest:

A conflict of interest, actual or perceived, occurs when a person has actual or apparent duty or loyalty to more than one organization and the competing duties or loyalties may result in actions which are adverse to one or both parties. A conflict of interest exists even if no unethical, improper or illegal act results from it.

Grant:

A grant is the transfer of cash or something of value to a recipient to support a public purpose authorized by law. LWCF grants are paid on a reimbursement basis. Most LWCF grants in Virginia involve a sub-grant to a governmental body outside and separate from DCR, the LWCF administering agency in Virginia.

Grantee: A grantee is a recipient of a grant.

Grant Agreement:

A grant agreement is a document defining a relationship between a granting agency and a grantee when the principal purpose of the relationship is to transfer cash or something of value to the recipient to support a public purpose authorized by law.

Grant Amendment:

A grant agreement amendment is an addition, deletion or change to a grant agreement that is fully executed.

Grant Agreement Attachments and Exhibits:

Grant agreement attachments and exhibits are documents that are attached to, and become part of, the grant agreement. Attachments and exhibits must be referenced in the grant agreement language to be considered a part of the grant agreement.

High Risk Grantee

High Risk Grantees are those grantees to which any of the following apply: a history of poor performance on previous recreational grants; financial instability, unresolved LWCF conversion of use issues without demonstrated efforts to return to compliance, failure to adhere to the terms and conditions of previous awards, etc.

Notice of Grant Opportunity/Request for Proposals/Funding Opportunity:

A notice of grant opportunity/request for proposals is an announcement that notifies interested and eligible entities of a competitive funding opportunity.

Pre-Approval Site Inspection:

A pre-approval site inspection involves both DCR grant staff and the grantee. It occurs as part of the open project selection process and prior to DCR selecting projects to be advanced for formal funding from the National Park Service. The purpose of the pre-approval inspection is to review the suitability of the site for the planned facilities, reiterate statutory compliance requirements, confirm financial capability of grantee to complete project within required time frames, address potential challenges and build a working relationship between the state and the grantee prior to moving forward.

Priority Rating System/Scoring Criteria:

The scoring criteria/priority rating system for a competitive grant process are the standards by which the grant applications will be evaluated. Typically, scoring criteria are based on LWCF programmatic requirements, the applicant's capability to financially carry out the grant, recreational needs identified within the current, approved Statewide Comprehensive Outdoor Recreation Plan, the project's need within the given locality or region, long term operation, maintenance and management capability, an applicant's prior grant management, and the public participation involved in a project's development. The scoring criteria to be used for future LWCF State Assistance program request for proposals in Virginia are included in Appendix 1.

IV. General Provisions

A. Conflict of Interest:

DCR must work to deliberately avoid both actual and perceived conflicts of interest related to grant-making at both the individual and organizational levels. When a conflict of interest concerning grant-making exists, transparency shall be the guiding principle in addressing it. Every DCR employee shall be responsible for identifying where an actual or perceived conflict of interest exists and for informing appropriate parties. DCR must take affirmative actions to avoid, minimize or otherwise mitigate the impacts of actual or perceived conflicts of interest.

B. Notices of Grant Opportunities

LWCF Grant opportunities shall be publicized as broadly as possible. At a minimum, the opening of a competitive funding opportunity is posted on the DCR website along with the materials that have been developed for each open funding opportunity which outline eligibility, scoring criteria, application processes, deadlines, etc. Additional notification methods will continue to be utilized to reach potential eligible applicants, including electronic mail, social media, and press releases.

C. LWCF Workshops

When time and workload allows, LWCF staff may hold workshops for potential grantees. The workshops will be held at a central location in the western part of Virginia and a central location in the eastern part of Virginia.

D. Application Submissions

Eligible entities must submit the appropriate LWCF application specific to the active funding opportunity by the deadline established and published within the LWCF grant application manual. Applicants are responsible for effecting delivery of the application to DCR on or before the announced deadline. Late submissions are rejected without consideration.

E. Sub-grant Award Allocations and Eligible Entities

Eligible entities for the Land and Water Conservation Fund are state, municipal, county, township and other governmental entities such as park authorities. The Land and Water Conservation Fund allows the administering state agency the following choices in allocating funds through the open project selection process:

1. An open project selection process where all eligible entities submit applications and compete against each other for available funding.
2. An open project selection process where a portion, usually half, of the available funding is used for state agencies and the other half is used for localities. If this method of allocating funding is utilized in Virginia then when there are insufficient *eligible* requests from eligible state entities to use all of the funding set aside for state projects, then the remaining available funding will be used to assist locality projects.

F. Application Review

1. Scoring criteria are required for each funding opportunity notice. The criteria are used in the screening of applications and are based upon the recreational priorities and needs outlined in the existing, approved State Comprehensive Outdoor Recreation Plan. The Scoring criteria are posted on the DCR-PRR website along with the grant manual and application created for each request for proposals. Appendix 1 contains the scoring criteria currently being utilized.
2. Applications will be screened as follows:
Applications submitted for the Land & Water Conservation Fund are typically reviewed by DCR staff and, when available, representatives from the Virginia Natural Resource Agencies and the Virginia Parks and Recreation Society.

G. Application Selection

The highest ranking applications which best meet local and state recreation needs compatible with the LWCF, are in harmony with the DCR mission and have successfully undergone a pre-approval site inspection will be recommended to the National Park Service (NPS) for approval.

H. Site Inspections

Pre-approval site inspections are required on all applications prior to being selected for funding. A pre-approval site inspection involves both DCR grant staff and the grantee. It occurs as part of the open project selection process and prior to DCR selecting projects to be advanced for formal funding from the National Park Service. The purpose of the pre-approval inspection is to review the suitability of the site for the planned facilities, reiterate statutory compliance requirements, confirm financial capability of grantee to complete project within required time frames, address potential challenges and build a working relationship between the state and the grantee prior to moving forward.

I. Environmental Assessment

The LWCF is a federal grant program. As such, an Environmental Assessment in accordance with the National Environmental Policy Act (NEPA) is required on each proposal. In addition to NEPA, applicants must demonstrate compliance with the Endangered Species Act, Section 7; the Historic Preservation Act, Section 106, as amended; Floodplain Management and Wetland Protection, Executive Orders 11988 and 11990; and Environmental Justice in Minority and Low-Income Populations, Executive Order 12898. Depending on the location and nature of the project, adherence and compliance with additional state and federal laws may be needed.

J. Public Comment

In accordance with NEPA, the environmental assessment for all LWCF State Assistance program projects are required to be made available to the interested and affected public for review and comment. This public comment period shall be no less than 30 days. The legal notice the EA is available for review shall be published in the newspaper with the widest distribution in the area. Local newspapers and community notices, postings on the locality's web site, and social media are additional avenues grantees are encouraged to use to ensure the interested and affected public has ample notice of the public comment period.

K. Sub-grant Agreement

DCR issues a sub-grant agreement for all grants issued for the Land & Water Conservation Fund. The agreement cites the federal grant program name; the CFDA number, the approved scope of work, the deadline for completion, the standard assurances including but not limited to those regarding civil rights, debarment and suspension, standard contract language, relocation assistance, flood insurance purchase, trafficking violations, texting, etc. The sub-grant agreement is for all intent and purposes a match of the grant agreement that exists between the National Park Service and the Virginia Department of Conservation and Recreation.

Sub-grant agreements are not considered to be in effect until they are signed by the authorized representatives of DCR and the grantee. Any changes made to the terms of the agreement must be made via a fully-executed amendment or other approved method.

L. Sub-grant Amendment

Sub-grant agreement agreements may be amended only when the purpose of the amendment is similar to the purpose of the grant agreement and the original notice of funding opportunity. Grants agreements must be amended whenever there are changes to the total obligation, scope of work or the expiration date. Grant agreement attachments and exhibits may also be revised as part of a grant amendment.

Sub-grant Amendments may be allowed to increase grant award amounts on existing projects unexpectedly incurring costs overruns. Such amendments will be submitted to NPS for approval in accordance with 2 CFR Part 200 and recommended by DCR LWCF grant staff and/or SLO or ASLO.

V. Term

This OPSP will remain in effect until rescinded and a new OPSP is approved by the National Park Service.