

**AGRICULTURAL CONSERVATION ASSISTANCE PROGRAM (ACAP) STATEMENTS OF POLICY
FOR THE CLARION CONSERVATION DISTRICT
ADOPTED February 18, 2025
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 District. These policies set forth are in conjunction with or in addition to the ACAP Guidelines. Conservation districts have the ability to adjust this document to fit the needs of their county.

1. Criteria for Equal Access:

Program and project updates shall be sent to all eligible program participants.

Application with a specific deadline shall be sent to all eligible program participants.

Efforts shall be made to enlist the cooperation of participants through a telephone conversation or a site visit.

Information, including any application deadlines, shall be publicized on District website, social media, and various agency publications.

The Clarion Conservation District prohibits discrimination on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status.

2. Pre-Application Site Visit:

The applicant will be responsible for scheduling site visits with the Clarion Conservation District before an application is submitted for funding. The purpose of a pre-application meeting is to work with the program participant to ensure that the application submitted meets the needs of both entities.

3. Application Process:

All applications for program funding must be received on the "Agricultural Conservation Assistance Program Application" The form must be signed by the program participants. Applications received will be ranked by the ACAP Local Advisory Group (LAG) and approved by the Conservation District Board. The District has the right to extend deadline dates at their discretion. Applications must be submitted annually for unfunded projects.

The Conservation District may retain unfunded ACAP applications on file for any allotted timeframe set by the LAG for future allocations (example: two (2) years). 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 right-of-ways, necessary to grant access for the completion and maintenance of the project.

District staff will work with program participants to revise the scope of their applications that do not meet program policies. Minor modifications to the application can be made by initialing and dating the change. In cases where major modifications are needed to the application work plan, the District will work with the program participant to create a new application that includes the changes. Examples of major modifications may include: changes in project scope, recommended design changes, considerations for engineering and permitting costs.

Maximum cost-share for ACAP funding is \$150,000 per project.

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

Applications District staff deem complete and potentially acceptable to the program should be forwarded to the local ACAP LAG for review and prioritization. The LAG will review and prioritize applications based on established written criteria and make funding recommendations to the Conservation District Board. Match to be determined by LAG on a sliding scale dependent on total project cost and environmental impact.

The LAG operates in any capacity set forth by the District Board of Directors (BOD). All applications for funding must be acted on by the Conservation District Board at a public monthly meeting. All Program participants will be notified in writing of the funding decisions of the conservation district board.

4. Project Ranking:

1. Project Meets the goals of ACAP and District policies.
2. Applicant must possess a developed management plan associated with proposed project BMPs. Priority given to bmp's that reduce or control N, P, and/or sediment.
2. Ag operations with ACA's shall implement BMPs necessary to abate storm water runoff, loss of sediment, nutrients, and other pollutants from the ACA.
3. Consideration given to project's proximity to surface waters, public drinking sources or karst geology with underground drainage systems or open sinkholes.
4. Th project must meet the design and construction standards established by the State Conservation Commission.

5. Contracting:

When an application has been accepted and approved by the Conservation District Board, the District will enter into a contract agreement with the program participant. The contract, when signed by both parties, is a legally binding document between the applicant and the Conservation District. No fund-transfers can take place with program participants, and no project work can begin, without a signed contract. All contracts must be made using the "Agriculture Conservation Assistance Program Grantee-District Agreement" form that has been approved by the Commission.

By offering the premises for implementation of this project, project participant agrees to allow access, design preparation and implementation of the project, subject to available funds, for the duration of construction and for the time period identified in the contract.

The project participant agrees not to destroy, alter or modify the BMPs, except to perform needed repairs, for the period covered by the contract, nor to undertake any action on land under the project participants control which tends to defeat the purposes of this contract.

The project participant shall be considered to be in breach of this contract if he/she does not maintain and repair the project in compliance with operation and maintenance plan or willfully neglects any other terms of this contract. The project participant shall be responsible for all normal, routine maintenance and normal, routine repair of the site and project.

Project participant agrees to refund all or part of the program funds paid to them, as determined by the Conservation District, if before the expiration of the term of this contract, the project participant (a) destroys, alters or modifies the BMPs installed, or (b) voluntarily relinquishes control or title to the land on which the BMPs have been established, and the new landowner and/or operator of the land does not agree to maintain the BMPs for the remainder of the term of this contract. If the new landowner agrees to assume Landowner's obligations and to maintain the BMPs for the remainder of the term of this Agreement, then a new contract shall be executed by the new landowner/program participant.

This contract shall be binding on the parties, their heirs, legal representatives, successors, and assigns.

The term of this contract shall be for the duration of project construction and for the term of the longest lifespan of any particular BMP.

Projects will be ranked by the LAG as outlined in Appendix A of this policy.

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 and also prior to construction. One Call assigns a serial number to each call they receive. These serial numbers must be recorded and kept in the project file.

If project requires an environmental permit, program participants are encouraged to work with the Conservation District to determine what environmental permits, may be required. Any required permits must be obtained by the grant recipient before fund advances can be given or work can begin. Under no circumstance can any project work begin until all required permits are in hand.

A. Pre-Project Meeting:

A pre-project meeting is required prior to the beginning of a project to discuss each contract item or element of the approved plan that 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 or 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. 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, an additional or new contract will be required. If amended cost exceeds \$25,000 prevailing wage will apply.

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, 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 utilization of funds are consistent 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 and any contractors or subcontractors associated with the implementation of the project.

PROCEDURES FOR ACAP QAB FORMATION & CONDUCT

1. ACAP Local Advisory Group (LAG) Formation:

A committee may be appointed by the conservation district board to advise the program and identify local priorities and opportunities to complement other programs. The LAG in Clarion County will be comprised of at least four members as follows: One non-voting chairman and three voting members as appointed by the Board. The non-voting chairman only gets a vote in instances where there is a tie. The three other local representatives are encouraged to be knowledgeable of agricultural operations and conservation.

2. Meeting Schedule and Procedures:

The LAG will meet on an as needed basis. Specific dates and time will be determined by the members. Additional meetings may be held or meetings may be cancelled at the discretion of the LAG. All recommendations of the LAG must be presented to the District Board for final approval.

3. Conflict of Interest:

If an ACAP Project application involves an applicant who is a District director, LAG member or 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 abstain from voting.**

APPENDIX A: ACAP Scoring Sheet

Does ag activity on this site negatively impact an adjacent waterbody?
 YES NO

Will the proposed project reduce environmental impacts to a water body?
 YES NO

Are the proposed BMPs SCC approved?
 YES NO

Does the proposed application meet all policies adopted by the Clarion County Local Advisory Group (LAG)?
 YES NO

The Clarion Conservation District was contacted to schedule a pre-application site visit
 YES NO

Has the applicant agreed to obtain or update all necessary plans/permits?
 YES NO

Do the designed BMPs address the *current* # of animals /cropland area?
 YES NO

If any of the questions above are answered "NO", the application is currently not eligible for funding

Water Resource Impact (150 possible points)

1. Proximity of area of concern to a waterbody?
 Over 500 ft ___ (0) 100-500 ft. ___ (25) Less than 100 ft. ___ (50) _____pts
2. Chapter 93 classification of waterbody impacted:
 Warm water Fishery ___ (0) Coldwater Fishery ___ (30) HQ/EV/drinking water ___ (50) _____pts
3. Is the area of concern located on a TMDL Impaired watershed?
 Yes ___ (50) No ___ (0) _____pts
 If yes, which watershed? _____

Water Resource Subtotal _____pts

BMP Worksite Assessment (LIVESTOCK ONLY) (50 possible points)

a. Does the area of concern *currently* contain livestock?

Yes ___ No ___

****If no, do NOT complete the remaining questions in this section.**

b. BMPS to be designed for this project?

Stream Corridor Practices ___ Diversion ___ Watering Systems ___

Rotational Grazing Systems ___ Animal Concentration Area Practices ___

Manure/Nutrient Management Practices _____

c. Current Ag Activity **Impact to Waterbody** (*circle source(s)* - sacrifice area/heavy use, inadequate manure storage, animal trails, erosion near animal watering system, animals directly in waterbody, silage leachate)

Slight ___ (5) Moderate ___ (10) Severe ___ (15) _____pts

d. Area of concern wet site conditions:

Dry___ (0) Saturated Pasture/Field___ (3) Flow in Ditches/Gullies/Rills___ (5) _____pts

e. Area of concern soil surface stability

Stable and vegetated___ (0) Stable when dry/non-vegetated ___ (3) Unstable dry and wet___ (5) _____pts

f. Area of concern slope to waterbody

<10% ___ (0) >10% ___ (5) _____pts

g. To what extent do the designed BMPs reduce impacts to waterbody/water source? _____pts

Slightly___ (0) Moderately___ (10) Almost completely___ (15)

h. Is a riparian buffer *currently* present on stream corridor? _____pts

Yes___ (0) No ___ (5)

BMP Livestock Worksite Subtotal _____pts

BMP Worksite Assessment (CROPLAND ONLY) (50 possible points)

a. Level of Tillage:

No-Till___ Conservation/Reduced/Minimal Tillage___ Conventional Tillage ___

b. Amount of Pesticide / Fertilizer Application?

None ___ Moderate ___ High ___

c. Are cover crops *currently* used?

Yes, often ___ Sometimes ___ No___

If yes, do livestock graze the cover crops?

Yes, often___ Sometimes ___ No___

d. BMPs to be designed for this project?

Stream Corridor Practices ___ Diversion ___ Cover Crops ___

e. Current Ag Activity Impact to Waterbody (*circle source(s)*) – open soil/lack of cover crops, intense tillage, manure/pesticide/herbicide/fertilizer runoff)

Slight___ (5) Moderate___ (10) Severe___ (15) _____pts

f. Area of concern wet site conditions:

Dry___ (0) Saturated Field___ (3) Flow in Ditches/Gullies/Rills___ (5) _____pts

g. Area of concern soil surface stability

Stable and vegetated___ (0) Stable when dry/non-vegetated (3) Unstable dry and wet___ (5) _____pts

h. Area of concern slope to waterbody

<10% ___ (0) >10% ___ (5) _____pts

i. To what extent do the designed BMPs reduce soil erosion/impact to waterbody? _____pts

Slightly___ (0) Moderately___ (10) Almost completely___ (15)

j. Is a riparian buffer *currently* present on stream corridor?

Yes___ (0) No___ (5) _____pts

BMP Cropland Worksite Subtotal _____pts

OTHER FACTORS (20 possible points)

a. Have ACAP funds been used previously on this ag operation in the past? Y ___ N ___
AMT \$ _____

If yes, is applicant maintaining recently funded ACAP projects properly?
Yes ___ No ___

b. Does the applicant *currently* have any of the following? Check all that apply. _____pts

Conservation Plan ___ (5) Ag E&S Plan ___ (5) Manure Management Plan ___ (5)
Nutrient Management Plan ___ (5)

TIE-BREAKER POINTS (4 possible points)

**** In-kind contributions from Applicant**

None ___ (0) 1-5% ___ (1) 6-10 % ___ (2) 11-30 % ___ (3) >30% ___ (4)
_____pts

If yes, list source (EQIP, other cost-share program, etc.):

Point Summary:

Water Resource Impacts:

_____ (150 possible points)

BMP Worksite (Livestock or Cropland) Assessment:

_____ (50 possible points)

Other Factors:

(20 possible points) _____

TOTAL SCORE:

_____ (220 possible points)

Tie-Breaker Points (if applicable) _____ (4 possible points)

New total score: _____ (224 possible points)

APPENDIX B: BIDDING PROCEDURES

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

EXAMPLE BIDDING PROCEDURES

- Micro-purchase – Projects less than \$10,000, districts must consider price to be reasonable and distribute equitably among suppliers to the extent practical.

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

- Small Purchase - Projects between \$10,000-\$249,000 shall obtain at least three written quotes and kept on record.
- Sealed Bids - Projects with an estimated expenditure of \$250,000 or more shall be competitively bid and publicized.

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

- Lowest Bidder/Quote – A bidder/quote who, in a competitive bidding/quoting situation, submits a bid/quote which, as finally determined by CCD, is the best bid/quote available in terms of price, product, and/or service quality, adherence to specifications, timeliness of delivery, serviceability and maintenance and other factors that CCD may establish.
- Responsible Bidder/Quote – A bidder/quote is considered responsible either through previous experience in business dealings with the CCD or through an investigation of the credit, reliability, and performance of the bidder/quote.

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

B. Invitation to bid/quote. 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. Quote invitations will be emailed to a list of interested contactors. The invitation shall include:

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

C. Publication requirements. The District shall publish the invitation to bid in the local news paper a minimum one time not later than 10 days prior to the scheduled bid opening. Copies of bid/quote package will only be distributed by hard copy, to those interested in submitting a bid/quote and have attended the required bid/quote site showing.

D. Bid/Quote procedure. All bids and quote shall be firmly sealed in an envelope and labeled so as to indicate the specific project for which the bid/quote is submitted and the scheduled date and time of the opening. Bids will only be accepted by mail or in person. Quotes will be accepted by mail, fax, email or in person. Bids/Quote shall be opened at the appointed time by the LAG. All bid/quote openings shall be open to the public. Any bids /quotes received after the opening has commenced shall be returned to the contractor unopened. Upon completion of the bid/quote opening, the District Manager/LAG member, consultant and landowner (if applicable) will analyze the bid for conformance with the specifications and recommend to the District Board the lowest responsible and responsive bid/quote.

E. Bid/Quote award. The District Board shall review the recommendation of the LAG, District Manager/Program Manager, consultant and landowner (if applicable) and may award a contract to the lowest responsible and responsive bid/quote. All such awards shall be made in a public meeting by the affirmative vote of the majority of the District Board. The District Board shall at all times reserve the right to reject any and all bids/quotes received.

F. Bonds:

Bid/quotes submitted under these procedures shall be accompanied by a bid bond (see exhibit A) 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 100% 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/quote 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 Clarion Conservation District as an additional insured. Coverage limits minimum \$1,000,000.

The form of the Insurance and the Surety thereon shall be satisfactory to the District. The amount of the Insurance shall not be less than that specified in the contract documents.

A copy of the Certificate of Insurance shall be furnished to the District by the contractor.

H. Change orders: Requests for a change order of the project shall be done in writing and approved by the District Board before the change is undertaken. 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.