



NYS Dairy Modernization Grant

2024 REQUEST FOR PROPOSALS

Released: November 1, 2024

Grant Proposals Due: February 14, 2025, 5:00 p.m. ET

No late submissions will be accepted. Incomplete submissions will not be considered.

The New York State Department of Agriculture and Markets (AGM) and the Farm and Food Growth Fund (FFGF) announce the availability of funds through the Dairy Modernization Grant program, which will provide grants for on-farm milk storage and transfer technologies and infrastructure which will improve dairy supply chain efficiency and avoid raw milk dumping related to emergency events. Funds provided by this grant to farms and agricultural marketing cooperatives are intended be used for the services and expenses to expand on-farm milk storage capacity, improve efficiencies, invest in milk transfer systems, cooling technologies, or other purposes deemed necessary to further opportunities for dairy farmers to transport or store their products.

Grants are available to applicants throughout New York State.

CONTENTS

I.	Program Overview.....	3
II.	Funding Priorities and Eligibility.....	5
III.	Application Outline and Scoring Criteria.....	9
IV.	Grant Management & Reporting	14

PROGRAM QUESTIONS

Nina Merritt
Grants and Program Manager
dairymodernization@ffgrowthfund.org

TECHNICAL ASSISTANCE (In SurveyMonkey Apply)

Duane Stanton
Project Coordinator
dairymodernization@ffgrowthfund.org

Support is generally available during business hours: Monday–Friday, 9:00 a.m. to 5:00 p.m. ET.
Assistance may not be available shortly before deadlines.

RESOURCES FOR APPLYING

Survey Monkey Apply (SMA) Guides and resources for registering and applying may be found on the How To Apply section on the FFGF website.

SUBMISSION POLICY

It is the applicant’s responsibility to adhere to all application instructions including the submission dates and times included in this request for proposals (RFP). FFGF will accept the last validated electronic submission through the grants management system, SMA, prior to the posted deadline as the final and sole acceptable submission of an application. Submission or re-submission of incomplete or delayed applications after the posted deadline, barring exceptional circumstances, will not be accepted. SMA will prevent applications from being submitted after the cut-off time.

SUBMISSION CONFIRMATION

When an application has successfully been submitted, the applicant will receive a confirmation email from FFGF. Please add this email address (noreply@mail.smapply.net) to your “safe senders” list. If you do not receive this confirmation, please check your junk or spam folder.

Farm and Food Growth Fund reserves the right to:

- Reject any or all applications received;
- Waive or modify minor irregularities in applications received after prior notification and agreement of applicant;
- Provide partial funding for specific application components that may be less than the formal amount requested in the grant application;
- Require a good faith effort from the project organization or sponsor to work with AGM subsequent to project completion to develop reporting data or implement the project results where applicable;
- Withhold any payments that do not meet grant conditions;
- Require return or refund of grant monies used for expenditures that are not allowed or unauthorized; and
- Reallocate unawarded / returned funds to other grantees.

I. PROGRAM OVERVIEW

This grant is being administered by the Farm and Food Growth Fund (FFGF). The mission of FFGF is to create employment and safe affordable housing, capital access opportunities for low and moderate income individuals, families and communities with a focus on farm and food-related industries located in the Northeast Foodshed encompassing parts of the greater Hudson Valley, western Connecticut, western Massachusetts, southern Vermont and eastern Pennsylvania by stimulating economic vitality through technical assistance services, community development and increasing the flow of capital.

FUNDING OPPORTUNITY DESCRIPTION

The Dairy Modernization grant aims to support the needs of dairy farmers and processors through the installation of on-farm milk storage technologies and transfer infrastructure to improve dairy supply chain efficiency and avoid raw milk dumping related to emergency events. Funds provided by this grant to farms and agricultural marketing cooperatives are intended be used for the services and expenses to expand on-farm milk storage capacity, improve efficiencies, invest in milk transfer systems, cooling technologies, or other purposes deemed necessary to further opportunities for dairy farmers to transport or store their products.

AVAILABLE FUNDS

At least \$21.6 million will be available to eligible applicants.

- Maximum award is \$250,000. Applicants may not request more than this per project.
- Minimum award is \$50,000. Applicants must request at least this much per project.

Please note that both individual dairy farming operations and agricultural marketing cooperatives may apply, but are subject to slightly different requirements. **Please see the ELIGIBILITY section for details.*

There will be no Match Requirement.

PROJECT LENGTH

Projects must be completed within 24 months of execution of the grant agreement.

FUNDING SOURCE AND DETAILS

Funds are available through the New York State Department of Agriculture and Markets and administered by the Farm and Food Growth Fund.

Grant Funds will be distributed as reimbursements on a quarterly basis and shall only be distributed once the equipment is received and paid for in full, or after an approved service is finalized. Grantees shall report to FFGF not less than quarterly on the progress of the Work and provide backup documentation for any incurred reimbursable expenses. Appropriate documentation must describe the use of funding through an invoice **and** proof of payment (such as a canceled check, credit card statement, wire confirmation, etc.) **that reconcile**.

HOW TO APPLY

All applications must be submitted via the SMA system at <http://ffgf.smapply.us/>. No paper applications will be accepted. Applications will be accepted from November 1, 2024 through February 14, 2025.

Applicants who have not previously registered in the FFGF SMA Grant Portal will need to register for an account using a verifiable email address.

Be advised that technical assistance with SMA may not be available shortly before deadlines (meaning, it may take longer to reply to emails and calls given the volume of work at these times); please plan accordingly.

APPLICATION REVIEW

Applications will be reviewed by an advisory committee comprised of representatives from agriculture extension agencies, dairy industry stakeholders, and other industry experts. See Section III: Scoring Criteria.

AWARD INFORMATION

All applicants will be notified by the FFGF of the decision of whether to award funds to their project. Projects must be completed within 24 months of execution of the grant agreement.

KEY DATES

November 1, 2024	Request for Proposals (RFP) released, and application opens
February 14, 2025	Application closes

Announcements are anticipated for late spring / early summer 2025.
Dates may be subject to change.

II. FUNDING PRIORITIES AND ELIGIBILITY

Funding is available for capital projects related to the following activities:

- Expansion of on-farm milk storage capacity
- Efficiency improvements
- Milk transfer systems
- Cooling technologies
- Other purposes deemed necessary to further opportunities for dairy farmers to transport or store their products.

Project approaches must address at least two (2) of the following funding priority areas. Projects that address additional priority areas will be awarded additional points.

- Project will expand, improve or install on farm storage capacity, milk transfer systems, and/or cooling technologies
- Project will increase energy efficiencies on farm(s)
- Project will improve food safety / quality measures
- Project will provide cost-savings to the farm(s)
- Project will decrease raw milk dumping
- Project increases farm's resilience to changing market conditions, uncertain environmental conditions, and/or supply chain interruptions

ELIGIBILITY

Applicants eligible for these funds are existing dairy farmers (producers) and cooperatives that:

- 1) are headquartered or based in New York State; and
- 2) produce milk within New York State; and
- 3) are licensed dairy operations in compliance with all required state and/federal standards.

Eligible applicants include:

- Agricultural Marketing Cooperatives
 - For the purposes of this grant program, a cooperative means an association or federation or cooperative of milk producers organized under the laws of New York State, having agreements with their producer members to market, bargain for or sell the milk of such producers, and is actually performing one or more of these services in the marketing of milk produced by their members, through the cooperative or through a federation of milk cooperatives in which the cooperative has membership.
- Dairy Producers, including dairy farmers and dairy farmer-processors
 - For the purposes of this grant program, a producer means any person in the State of New York who is engaged in the production of milk in a quantity which exceeds family and on-farm use or who causes milk to be produced for any market in this or any other state.

Dairy producers applying for funding must complete projects on their own dairy farm and/or on equipment utilized by a dairy producer to expand or improve their own movement of milk.

Agricultural marketing cooperatives applying for funding must complete projects directly on member dairy farms and/or on equipment that is utilized on farms to directly assist with the storage or transfer of milk (ex: upgrade to more efficient milk transfer technologies on hauling truck). Agricultural marketing cooperatives may not utilize this funding for projects or equipment that solely support activities at a processing plant or equipment that does not have a direct interaction or utilization at the dairy farm.

Cooperatives may apply for more than one project, **but may not submit more than four total**. If submitting more than one, each application **must be distinct in the described individual farm beneficiaries and geographic location**. Cooperatives must demonstrate benefits to individual farmers in the network and benefits in the supply chain that reflect the priority categories outlined by this grant.

No farm or farm business may apply for the same funding more than once. For example, if a farm member of a cooperative is included in the cooperative's proposal and intends to submit its own proposal as well, the two proposals **must not** request funding for the same item.

While the following are not required to apply, if applicant is awarded, they will need to provide:

- Certificate of Insurance listing the FFGF as an additional insured
- Current IRS Form W-9
- Certificate of Status / Standing from NYS Department of State
- Approval of Project Plans by NYS Dairy Inspector

ELIGIBLE EXPENSES

Funding is available for capital projects related to the following activities:

- Expansion of on-farm milk storage capacity
- Efficiency improvements
- Milk transfer systems
- Cooling technologies
- Other purposes deemed necessary to further opportunities for dairy farmers to transport or store their products

Examples of eligible equipment and expenses may include:

- Equipment, including but not limited to:
 - Milk storage tanks, including bulk tanks and milk silos
 - Milk tankers for transport
 - Milk pipelines
 - Upgraded glycol chillers
 - Farm milk loading systems, including:
 - Direct load systems, flow stream systems (e.g., Piper System) for improved the rate at which milk is loaded at the farm by installing systems that are equipped

with high-speed pumps, in-line sampling systems for direct loading and in-line weight measuring systems

- Reclaim systems for water and watering systems (e.g., on-demand tanks)
 - Cleaning upgrades / automated cleaning
 - Purchase or upgrade of cooling equipment
 - Plate coolers and heat exchangers
 - Equipment installation services (e.g., plumbing needed for equipment or hooking up electrical for the equipment purchased)
 - Supplies (any purchases that cost less than \$5,000 per unit) serving as critical components to the overall project / system
 - E.g., hot water heater (tank style or on-demand), water filtration, milk pipeline, milk pump, clean-in-place system, sinks
 - Other: shipping costs, rental of general use equipment (not for construction)
- Any construction, renovation, preparation, and/or rehabilitation required for the installation or replacement of equipment
 - Other related costs, such as:
 - Planning
 - Design
 - Engineering
 - Legal

Eligible project costs relating to building construction, building renovation, and/or equipment that costs over \$5,000 must be supported by a current quote or estimate.

INELIGIBLE EXPENSES

Ineligible expenses include, but are not limited to:

- Projects not primarily located within New York State
- Personnel and fringe expenses
- Vehicles
- Construction that is unrelated to the installation of new equipment
- Supplies that are not critical components to the overall project / system
- Travel expenses, including that pertaining to equipment acquisition
- Training expenses, including for the use of new equipment or otherwise
- Installations for overall farm production processes that are not specific to milk storage and handling
- Expenses paid by the applicant before the start of the grant period
- Any expenses for projects that solely support the production and/or sales of raw fluid milk meant for human consumption without pasteurization

An effective application will show the following:

1. The reason that the farm's existing storage and handling equipment and systems do not meet their current needs, and how this grant project is both timely and necessary for the business to succeed.

2. The project is part of a proactive plan for future operation and continued business viability, with measurable results.
3. If the farm has issues with milk quality or food safety, the project will improve conditions and address those issues.
4. The project will make milk handling more efficient (for example, decreases time/labor needed to move milk from tank to truck; allows farm to move from daily to every other day pickup).
5. The project will have significant positive impacts on applicant's business including, but not limited to, cost savings, energy savings, and more efficient movement of milk from farm to processor.
6. If the applicant ships milk, their application shows how this grant project will enable the farm to meet their processor's needs and includes a Letter of Support from the processor with all required information (see Letters of Support section below).
7. Applicant demonstrates an awareness and readiness to implement the activities described, through quotes, plans, letters of support etc.

III. APPLICATION OUTLINE AND SCORING CRITERIA

The application content is listed below but may be subject to change. Please reference the SMA Application Guide for any questions you may have on completing your application in the SMA system.

APPLICATION OUTLINE

Applicant Information

- Business/organization name
- Legal entity type (e.g., LLC, sole proprietorship, etc.)
- Employer Identification Number (EIN)
- Most recent passing farm inspection documentation, and / or AGM Part 2 Processing Permits, and or BTU or plant number(s)
- Project Contact and Business information
 - Project Point Person
 - Project Point Person Title / Role
 - Project Point Person phone
 - Project Point Person email
 - Business Owner (if different from above)
 - Business Phone
 - Business Address
 - Project Address (if different from above)
 - Project County
- Any individual applicants will need to indicate the size of their farm (# of milking animals on farm, acreage rented/owned)

Any cooperatives applying will also need to indicate, for each benefitting producer:

- Farm / Business name
- Business address
- Business county
- Size of farm (# of milking animals on farm, acreage rented/owned)

Entity History

- Has your business/organization received any federal or state grant in the past five years?
- Have you or your project partners received any (federal, state, or other) grants for this specific project in the past five years? If yes:
 - List the grants received.
 - Describe the work done under these grants.
 - How will the work in this grant differ from and/or build upon that work?
- Have you applied for, or do you plan to apply for, other grant(s) in conjunction with this grant? If yes:
 - Please list the other grants you will apply for/have applied for in conjunction with this grant.
- The Farm Service Agency (FSA) offers low-interest loans for on-farm commodity storage. Have you been in contact with your FSA representative?

- Will you be using loans to supplement this application?
- Has your business ever been unable to complete or adhere to granting requirements for a grant you were awarded? If yes:
 - Describe the circumstances that prevented you from completing/adhering to the requirements of your grant(s).
- Describe why you and your staff are qualified to complete this project, as proposed.
- Rate your business's experience in implementing similar past work/projects related to milk storage or handling improvements. (Select from dropdown: significant experience, some experience, no experience)
- Do you currently work with a farm business planner to support the financial health and future planning for your business? If so, enter their name and organization, address, and provide contact information.
- Have you received technical assistance related to food safety in preparation of the project, or do you plan to receive related technical assistance during this grant project? If so, list the providers name and organization, address, and provide contact information.

Project Details

- What is your project titled?
- Summarize your project in a couple of sentences.
- What are the challenges that your farm is facing that this grant project will address?
- Which of the following program funding priorities does your project address?
 - Project will expand, improve or install on farm storage capacity, milk transfer systems, and/or cooling technologies
 - Project will increase energy efficiencies on farm(s)
 - Project will improve food safety / quality measures
 - Project will provide cost-savings to the farm(s)
 - Project will decrease raw milk dumping
 - Project increases farm's resilience to changing market conditions, uncertain environmental conditions, and/or supply chain interruptions
- Describe your proposed project including what you will pay for with these grant funds.
- Please provide details of how the project will have impacts on the priorities you selected above. Be sure to include metrics you will use to track your progress (for example: reduced bacterial counts in milk, increased milk quality, reduced fuel use, reduced energy consumption, increased volume of milk production, or any other metric you feel would demonstrate success).
- What are the major impacts for your farm/co-op if you receive this funding?
- What would be the consequences of not receiving this funding?
- Provide a projected workplan/timeline of your project activities. Provide at least 3 key accomplishments that will happen during the grant that will show that the grant project is progressing.

Letters of Support / Commitment

Letters of Commitment **are required** in the event that a partner will be involved in carrying out any component of the project, and/or from the applicant's cooperative, processor and/or buyer. Letters should articulate project partners' or beneficiaries' involvement in the project, and identify the contributions they will make to ensure the project's success, or how they will directly benefit from the activities proposed. This may include description of the resources that are available for the installation to be successfully carried out, or how the processor's relationship will change with these improvements.

Additional letters of support are encouraged. *Letters of Support* should demonstrate support from businesses, retailers, other farmers, organizations, or processors that are connected to or beneficiaries of the project, but not directly involved in carrying out the project. This may include demonstrating project feasibility or validating the benefits of any new equipment.

Supporting Documentation

Upload the following:

1. (Required) A current quote for each piece of specialized equipment (and any associated installation costs) requested in this grant. Specialized equipment should be identified (costs over \$5,000).
2. Any additional information that shows the impacts of this grant such as evidence of cost or energy savings, impact on business viability, reduction of waste, or other relevant information about the business or the project. etc.
3. Any site plans or installation plans / quotes for the project.

Budget Details

The budget must show the total cost for the project and describe how category costs listed in the budget are derived. The budget justification must provide enough detail for reviewers to easily understand how costs were determined and how they relate to NYS Project Priorities and to the objectives described in your proposal. The budget must show a relationship between work planned and performed to the costs incurred.

Budget Categories Include:

- Equipment: List each piece of equipment (with description if needed) and for each, indicate: 1) grant funds requested per piece, and 2) justification for how this equipment is necessary for the success of this project. The Equipment category is for costs over \$5,000, otherwise the purchase should be categorized as "Supplies".
- Supplies include materials, supplies, and fabricated parts costing less than \$5,000 per unit: List each supply (with a description if needed). For each, provide: 1) per unit cost, 2) # units purchased, 3) grant funds requested, and 4) justification for how this supply is necessary for the success of this project

- **Construction:** Describe necessary / relevant construction costs including site work, construction, renovation, removal and miscellaneous expenses required for the installation or replacement of equipment. For each, provide 1) the cost / amount requested for the construction, and 2) justification for how this construction supports the equipment installation and is necessary for the success of this project.
- **Contractual/Consultant:** List each anticipated contractor/consultant. For each, provide: 1) hourly/flat rate, 2) grant funds requested, 3) detailed description of services, and 4) justification for why the services are necessary for the success of this project.
- **Other:** Include any expenses not covered in any of the previous budget categories. Be sure to break down costs into cost/unit and provide justification for how the expense is necessary for the success of this project. Examples may include shipping costs, etc.

SCORING PROCESS AND CRITERIA

Administered by: Farm and Food Growth Fund (FFGF)

Applications will be reviewed by a panel of evaluators with expertise in agricultural business development and the NYS dairy industry.

Grant Review Process

- 1) Applications are received by FFGF by the grant due date (no late submissions will be considered);
- 2) FFGF will review the applications for completeness and ensure that they meet the minimum criteria for funding (listed below);
- 3) Grant applications will be distributed via SurveyMonkey Apply (SMA) to the grant review team;
- 4) Grant review team will evaluate each grant and give them a score between 1-100. Applications will be ranked from highest score to lowest;
- 5) FFGF will select the grants for funding based on the grant review team scoring and inform the grant review team of their selections. After notification, FFGF will refer selected projects to the AGM for review; and
- 6) Upon AGM approval, FFGF will send out letters to all grant applications informing them of their status as either approved or denied.

The following scoring rubric is designed to help identify those projects which best align with New York State priorities under the On-Farm Dairy Infrastructure Grant. Scores will be used to rank applications for funding. All scores are based on a 100-point system with 100 points being the highest and 0 points the lowest. Funding will be awarded beginning with the highest ranking score until funds are depleted. Applications must score at least 65 points to be considered for funding.

The final recommendations for funding will be made by FFGF based on ranking. Recommendations will be forwarded to AGM for review and Final approval.

Reviewer Scoring Criteria

1st Indicator: Project Readiness and Need (0 to 25 Points)

- Project overview and workplan illustrates an impactful and realistic project that will improve the farm's long-term ability to address inefficiencies around labor, energy, and product waste as it relates to the movement of milk to processing.
- Applicant provides clear and relevant reasoning for timely need for funding.

2nd Indicator: Alignment with Additional NYS Priorities (0 to 30 Points)

- Project will expand, improve or install on farm storage capacity, milk transfer systems, and/or cooling technologies
- Project will increase energy efficiencies on farm(s)
- Project will improve food safety / quality measures
- Project will provide cost-savings to the farm(s)
- Project will decrease raw milk dumping
- Project increases farm's resilience to changing market conditions, uncertain environmental conditions, and/or supply chain interruptions

3rd Indicator – All required letters of support from processors, letters of commitment, and supporting documentation meet the requirements outlined in the RFP and clearly illustrate that the grant funds will be a sound investment. (0-15 Points)

- The Project Clearly Illustrates that the grant funds will be a sound investment

4th Indicator – Applicant has leveraged other resources to support this grant project such as technical assistance, business assistance, partnerships, loans, and/or other grants. (0-10 Points)

- Demonstrates significant leverage of other resources

5th Indicator- Budget and budget narrative are realistic and sufficient to accomplish the work proposed. (0-20 points)

- Clear and concise budget; budget justification aligns with budget and demonstrates well thought out project

IV. GRANT MANAGEMENT & REPORTING

GRANT AGREEMENT

Prior to receiving funding, successful applicants must sign a grant agreement with the FFGF indicating their intent to complete the proposed project and authorizing FFGF to monitor the project's progress. The grant agreement will include provisions (terms and conditions) set by the State of New York as well as any program-specific requirements.

Prior to commencement of work and release of any payments, grantee will be required to submit:

- a. A certificate of insurance consistent with the requirements set forth in Appendix A of the grant agreement.
- b. A current IRS Form W-9 (Request for Taxpayer Identification Number and Certification), signed within the past six months
- c. A Certificate of Status, aka Certificate of Good Standing in NYS
- d. Most recent passing farm inspection documentation, and / or AGM Part 2 Processing Permits, and or BTU or plant number(s)
- e. Approval of plans by NYS Dairy Products Specialist

Grantee Payment Schedule

Grant Funds will be distributed as reimbursements on a quarterly basis and shall only be distributed once equipment is received and paid for in full, or after an approved service is finalized. Grantees shall report to FFGF not less than quarterly on the progress of the work and provide backup documentation for any incurred reimbursable expenses. Backup documentation can include, but is not limited to, canceled checks, paid invoices, receipts, and photos.

The close out report is due no later than 30 days after the grant end date. Final invoices must be submitted to FFGF within 45 days of the grant expiration date. Invoices submitted before the completion of an interim or final report will not be paid until the report has been received, reviewed, and accepted by the grant manager. FFGF cannot reimburse the grantee for work performed after the expiration date of the grant.

REPORTING REQUIREMENTS

The following reporting is required under this grant program:

- a. Grantees will submit Quarterly Performance Reports that may include but are not limited to:
 - i. Summary of status of grant activities
 - ii. Description of successes and challenges
 - iii. Discussion of any modifications deemed necessary and justification for changes
 - iv. Documentation of any marketing/promotion of project
 - v. Photos/documentation that demonstrates grant activities.

- vi. Expenditures to date (Appropriate documentation must describe the use of funding through an invoice **and** proof of payment (such as a canceled check, credit card statement, wire confirmation, etc.) **that reconcile**)
- b. Grantees will submit a Close out Report and complete a survey no later than thirty (30) days from the grant end date. Final reports may include but is not limited to:
 - i. Summary of achievements from this project including impacts on the community, public, and other businesses/organizations
 - ii. Description of any challenges or changes to the project
 - iii. Lessons learned from this project
 - iv. Opportunities that arose from the completion of this project
 - v. Plans to build on the work completed under this grant
 - vi. Representative documentation and photos representative of the full breadth of activities under this grant
 - vii. Final expenditures with documentation
 - viii. Project outcomes and results of grantees measurements of success

The FFGF reserves the right to utilize and/or summarize information and photos provided through these reports to use in publications/promotions.

The FFGF reserves the right to modify reporting requirements during the project. Information submitted in any report under this program will be a public record. Failure to adhere to reporting requirements and deadlines may disqualify the grantee from future grant opportunities through the FFGF or State of New York.

INSURANCE REQUIREMENTS (See Appendix A)

Before commencing work on the project the Grantee will be required to provide a certificate of insurance to show that the minimum required coverages are in effect. Applicants should forward the insurance requirements in Appendix A to their insurance agent to ensure they are able to acquire the minimum required coverages.

It is the responsibility of the Grantee to maintain current certificates of insurance on file with the FFGF through the term of the Grant Agreement. No warranty is made that the coverages and limits listed in Appendix A are adequate to cover and protect the interests of the Grantee or the Grantee's operations. These are solely minimums that have been established to protect the interests of the FFGF and the State.

Workers Compensation. With respect to all operations performed, the Party shall carry workers' compensation insurance in accordance with the laws of the State of New York. New York will accept an out-of-state employer's workers' compensation coverage while operating in New York provided that the insurance carrier is licensed to write insurance in New York and an amendatory endorsement is added to the policy adding New York for coverage purposes. Otherwise, the party shall secure a New York workers' compensation policy, if necessary, to comply with New York law.

Appendix A

Section I – Insurance to be Maintained by [insert name of grant recipient]

[insert name of grant recipient] shall maintain insurance as described below.

FARM AND FOOD GROWTH FUND reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. FARM AND FOOD GROWTH FUND's failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or FARM AND FOOD GROWTH FUND's failure to identify any insurance deficiency shall not relieve [insert name of grant recipient] from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

1. Workers Compensation Insurance and Disability Benefits Requirements

- a. Proof of workers' compensation and disability benefits coverage, or proof of exemption must be submitted to the FARM AND FOOD GROWTH FUND. Proof of compliance must be submitted on one of the following forms designated by the New York State Workers' Compensation Board. **An ACORD form is not acceptable proof of New York State workers' compensation or disability benefits insurance coverage.**
- b. Proof of Compliance with Workers' Compensation Coverage Requirements:
 - Form CE-200, *Certificate of Attestation for New York Entities With No Employees and Certain Out of State Entities, That New York State Workers' Compensation and/or Disability Benefits Insurance Coverage is Not Required*, which is available on the Workers' Compensation Board's website (www.wcb.ny.gov); OR
 - Form C-105.2 (9/07), *Certificate of Workers' Compensation Insurance*, sent to the FARM AND FOOD GROWTH FUND by the [insert name of grant recipient]'s insurance carrier upon request, or if coverage is provided by the New York State Insurance Fund, they will provide Form U-26.3 to the FARM AND FOOD GROWTH FUND upon request from [insert name of grant recipient]; OR
 - Form SI-12, *Certificate of Workers' Compensation Self-Insurance*, available from the New York State Workers' Compensation Board's Self-Insurance Office, OR
 - Form GSI-105.2, *Certificate of Participation in Workers' Compensation Group Self-Insurance*, available from the Contractor's Group Self-Insurance Administrator.
- c. Proof of Compliance with Disability Benefits Coverage Requirements:
 - Form CE-200, *Certificate of Attestation for New York Entities With No Employees and Certain Out of State Entities, That New York State Workers' Compensation and/or Disability Benefits Insurance Coverage is Not Required*, which is available on the Workers' Compensation Board's website (www.wcb.ny.gov); OR
 - Form DB-120.1, *Certificate of Disability Benefits Insurance*, sent to the FARM AND FOOD GROWTH FUND by the [insert name of grant recipient]'s insurance carrier upon request; OR
 - Form DB-155, *Certificate of Disability Benefits Self-Insurance*, available from the New York State Workers' Compensation Board's Self-Insurance Office.

2. Commercial General Liability Insurance

- a. Commercial General Liability Insurance shall be written on the current edition of ISO occurrence form CG 00 01, or a substitute form providing equivalent coverage and shall cover liability arising from premises operations, independent contractors, products-completed

operations, broad form property damage, personal & advertising injury, and cross liability coverage, liability assumed in a contract (including the tort liability of another assumed in a contract).

Coverage shall include, but not be limited to, the following:

- Bodily injury, property damage and broad form contractual liability coverage;
 - Premises liability;
 - Independent contractors;
 - Blanket contractual liability, including tort liability of another assumed in a contract;
 - Defense and/or indemnification obligations, including obligations assumed under the Agreement;
 - Cross liability for additional insureds; and
 - Products/completed operations for a term of no less than one (1) year, commencing upon acceptance of the work, as required by the Agreement.
- b.** Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and either Commercial Excess or Commercial Umbrella Liability Insurance. If [\[insert name of grant recipient\]](#) maintains higher limits than the specified minimum limits, FARM AND FOOD GROWTH FUND requires and shall be entitled to coverage for the higher limits maintained by [\[insert name of grant recipient\]](#).
- c.** Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$100,000 it must be approved in advance by FARM AND FOOD GROWTH FUND. [\[insert name of grant recipient\]](#) is responsible for any deductible or self-insured retention and shall fund it upon FARM AND FOOD GROWTH FUND'S written request, regardless of whether [\[insert name of grant recipient\]](#) has a claim against the insurance or is named as a party in any action involving the FARM AND FOOD GROWTH FUND.
- d.** (1) FARM AND FOOD GROWTH FUND, and their officers, agents, and employees; (2) The People of the State of New York; and (3) The New York State Department of Agriculture and Markets, and their officers, agents, and employees shall be endorsed as additional insureds for liability arising out of [\[insert name of grant recipient\]'s](#) ongoing operations. (ISO endorsement CG 20 26 or equivalent).
- e.** The insurance provided to the additional insureds shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by them.
- f.** Required Evidence of Insurance:
- i. Copy of the additional insured endorsement or policy language granting additional insured status; and
 - ii. Certificate of Insurance.

3. Automobile Liability Insurance

- a.** Minimum Limit: \$1,000,000 combined single limit per accident. The required limit may be satisfied by a combination of Automobile Liability Insurance and either Commercial Excess or Commercial Umbrella Liability Insurance.
- b.** Insurance shall cover all owned vehicles if [\[insert name of grant recipient\]](#) owns vehicles.

- c. Insurance shall cover hired and non-owned vehicles.
- d. Required Evidence of Insurance: Certificate of Insurance.

4. Standards for Insurance Companies

All required insurance shall be written by companies that have an A.M. Best Company rating of “A-,” Class “VII” or better. In addition, companies writing insurance intended to comply with the requirements of this Agreement should be licensed or authorized by the New York State Department of Financial Services to issue insurance in the State of New York.

5. Documentation

- a. The Certificate of Insurance must include the following reference: [insert project name].
- b. [insert name of grant recipient] shall submit required Evidence of Insurance prior to the execution of this Agreement. [insert name of grant recipient] agrees to maintain current Evidence of Insurance on file with FARM AND FOOD GROWTH FUND for the required period of insurance.
- c. The name and address for Additional Insured endorsements and Certificates of Insurance is: **Farm and Food Growth Fund, Inc., 507 Warren Street, 2nd Floor, Hudson, NY 12534.**
- d. Required Evidence of Insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.
- e. [insert name of grant recipient] shall provide immediate written notice if: (1) any of the required insurance policies are terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
- f. Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

6. Policy Obligations

[insert name of grant recipient]'s indemnity and other obligations shall not be limited by the foregoing insurance requirements.

Section II – Insurance to be Maintained by [insert name of grant recipient]'s contractors.

Prior to the commencement of any work by a Subcontractor, [insert name of grant recipient] shall require such Subcontractor to procure policies of insurance based upon the risk present in their scope of work and maintain the same in force during the term of any work performed by that Subcontractor. An Additional Insured Endorsement CG 20 38 04 13 (or the equivalent) evidencing such coverage shall be provided to [insert name of grant recipient] prior to the commencement of any work by a subcontractor. For subcontractors that are self-insured, the subcontractor shall be obligated to defend and indemnify the above-named additional insureds with respect to Commercial General Liability and Business Automobile Liability, in the same manner that the subcontractor would have been required to pursuant to this section had the subcontractor obtained such insurance policies.