



**Florida Fish  
and Wildlife  
Conservation  
Commission**

**MyFWC.com**

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# **Boating Infrastructure Grant Program Guidelines**

## **February 2019**

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# At A Glance

## Boating Infrastructure Grant

Category	Tier 1 State Grants Tier 2 National Grants
Purpose	This Federal program provides grants to develop, renovate, and maintain public boating facilities that target recreational boats 26 feet long and larger.
Who may apply?	<ul style="list-style-type: none"><li>• Cities and towns</li><li>• Counties</li><li>• Native American tribes</li><li>• Private marina operators</li><li>• Qualified nonprofits</li><li>• Special purpose districts</li><li>• State agencies</li></ul>
What types of projects are eligible?	<ul style="list-style-type: none"><li>• Construction or renovation of boating infrastructure for transient vessels</li><li>• Engineering, planning, permitting and contracting</li><li>• Dredging</li><li>• Installation of navigational aids</li><li>• Production of educational materials</li></ul>
What are the grant limits?	Tier 1: \$5,000 to \$200,000 Tier 2: \$200,001 to \$1,500,000
What must I contribute?	Minimum 25 percent. Projects with a match higher than 25 percent will receive additional points during evaluation.
How is my project evaluated?	Tier 1: A State advisory committee reviews your written application and scores your project. Tier 2: A national review panel evaluates your written application and scores your project.
When are applications due?	Pre-applications due to the Commission: April 1 - June 1 Final applications due to the Commission: July 1 Commission submits to USFWS: September 1

## SECTION I - INTRODUCTION

### The Boating Infrastructure Grant Program

The Boating Infrastructure Grant Program (BIGP) was established in 1998 using funds from the Sport Fish Restoration and Boating Trust Fund. The Trust Fund consists of collected excise taxes on fishing equipment and electric motors, motorboat and small engine fuels, and import duties on pleasure boats, making this a ‘user pay - user benefit’ program. The BIGP provides funding to the 50 States as well as the various territories and commonwealths of the United States (hereafter referred to as States) for the construction, renovation, or maintenance of boating infrastructure for transient (those staying at a facility for 15 days or less) recreational vessels at least 26 feet long that are used primarily for pleasure.

### Program Administration

BIGP is administered by the US Fish and Wildlife Service (USFWS). Each State has one designated State Agency that is authorized to apply for and receive grants through this program. The Florida Fish and Wildlife Commission (COMMISSION) is the designated State Administrative Agency for the BIGP in Florida. All applications must be submitted to the COMMISSION and not directly to the USFWS.

Each State administers and operates the program differently; however, public entities (cities, counties, ports, State agencies) and private sector marina owners, operators, and developers in Florida are encouraged to apply for funding through the COMMISSION. This relationship is referred to as the “Subgrantee” where the State is sub-granting a Federal award to a successful third-party applicant.

Authority for the administration of the BIGP program is found in:

- *50 Code of Federal Regulations (CFR) Part 86, Boating Infrastructure Grant Program: Final Rule*
- *Florida Administrative Code Rule 68-1.003*

### Where to Get Information

Florida Fish and Wildlife Conservation  
Commission  
Boating and Waterways Section  
620 South Meridian Street  
Tallahassee, FL 32399-6000  
Website: <http://myfwc.com>

Tel: (850) 488-5600  
Fax: (850) 488-9284  
E-mail: [BIGP@MyFWC.com](mailto:BIGP@MyFWC.com)

## Grant Process and Tentative Submission Timeline

January – February:	Grant announcement made in the FAR notices and GovDelivery.
March-April:	Workshops to educate potential applicants.
April-June:	Pre-applications can be submitted to the COMMISSION for review and feedback.
June:	USFWS BIGP Request for Proposals (RFP) announcement.
July:	Final applications due to the COMMISSION.
July:	COMMISSION review of applications.
August:	Tier I & Tier 2 selections which will be recommended to USFWS are announced by the COMMISSION.
September:	COMMISSION recommendations due to USFWS.
March:	USFWS reviews nationwide applications and notifies COMMISSION of awards. Award announcements do not necessarily guarantee funding, which is contingent upon: <ul style="list-style-type: none"><li>• Receiving all required permits (FL-DEP, ACOE)</li><li>• Receiving all required compliance documents</li><li>• Successful disbursement of funds from USFWS</li><li>• Executed agreement between the grantee and COMMISSION</li></ul>

The COMMISSION announces the application period each year through a notice in the "Florida Administrative Register," emails sent to interested parties and eligible participants, and on the Commission website.

Applications must be delivered to the COMMISSION prior to the submission deadline published in the "Florida Administrative Register." The COMMISSION's submission deadline will be prior to the deadline established by the USFWS enabling the COMMISSION to prepare the application package to submit to the USFWS.

The COMMISSION will only accept the BIGP application packet incorporated into Rule 68-1.003, Florida Administrative Code. This application packet will be made available on the Commission website each funding cycle, as well. The COMMISSION will not accept any other forms. The COMMISSION will not accept late or incomplete applications, nor will staff process any applications received after the specified deadline. Applications received after the deadline will be returned to the applicant. Applicants will be notified via letter of the status of their application.

## SECTION II – POLICIES

### Categories and Grants Offered

There are two tiers of grants offered in BIGP. The tier categories are almost identical; however, there are a few key differences, which are as follows:

#### Tier 1- State Grants \$200,000 or less

- The COMMISSION is awarded funding for one or more projects up to \$200,000. Individual projects cannot exceed \$200,000 in Federal funding request; The COMMISSION may limit the maximum funding request further.
- Applicants compete against other projects seeking Tier 1 funding in Florida.
- The COMMISSION scores and ranks applications submitted in this Tier and can submit one or more applications that equal \$200,000, or less, to the USFWS, Federal Aid Division.
- The COMMISSION must receive notice of award from the USFWS, Federal Aid Division prior to announcing the award and drafting an agreement with the applicant/subgrantee.

#### Tier 2 – National Grants \$200,001 to \$1,500,000

- \$1.5 million Federal funding is the limit per award/project. USFWS expects to award approximately \$9-14 million per funding cycle (based on availability).
- The COMMISSION scores and ranks applications submitted in this Tier and can submit more than one project proposal to USFWS.
- Applicants compete against all other projects nationwide.
- The COMMISSION must receive notice of award from the USFWS, Federal Aid Division prior to announcing the award and drafting an agreement with the applicant/subgrantee.

### Eligible Applicants

All applicants must agree to abide by all of the COMMISSION's rules, policies and procedures, as well as all State and Federal laws that may apply. Grants may be made to the following organizations:

- Cities
- Towns
- Counties
- Native American tribes
- Some special purpose districts, if legally authorized to acquire and develop public outdoor recreation facilities.
- Port Districts
- Nonprofit Organizations
- Private Operators
- State Agencies

## **Applicant Requirements**

Nonprofit Organizations and Private Operators: A private operator or nonprofit organization must meet all the following eligibility requirements:

- Have a DUNS number to track how Federal money is allocated.
- Have an equivalent successor identified in its articles of organization.
- Not require exclusive use of the facilities funded through this program.
- Not discriminate based on any protected class.
- Provide evidence that its primary purpose or business is recreational boating.
- Meet Federal eligibility requirements.

## **Ineligible Applicants**

Any grantee, sub-grantee, or contractor of any grantee or sub-grantee that has been debarred or suspended from programs and activities involving Federal financial and nonfinancial assistance and benefits are ineligible to apply for BIGP grant funding.

## **Eligible Project Activities**

1. Construct, renovate, or maintain publicly or privately-owned boating infrastructure to include but not be limited to:
  - Boat slips, piers, mooring buoys, floating docks, dinghy docks, day docks, gangways, and other structures for boats to tie-up and gain access to the shore or services.
  - Fuel stations, restrooms, showers, utilities, laundry facilities and similar amenities for transient-boater convenience.
  - Lighting, communications, buoys, beacons, signals, markers, signs, and other means to support safe boating and give information to aid boaters.
  - Breakwaters, sea walls, and other physical improvements to allow an area to offer a harbor of safe refuge. A harbor of safe refuge is an area that gives eligible transient vessels protection from storms. To be a harbor of safe refuge, the facility must offer a place to secure eligible transient vessels and offer access to provisions and communication for eligible users.
  - Equipment and structures for collecting, disposing of, or recycling liquid or solid waste from eligible transient vessels.
2. Conduct actions necessary to construct boating infrastructure to include but not be limited to:
  - Engineering, economic, environmental, historic, cultural, or feasibility studies.
  - Planning, permitting, and contracting.
3. Dredging a channel, boat basin, or other boat passage only if the following apply:
  - Costs for the dredging-related actions do not exceed \$200,000.
  - Dredging is needed to fulfill the purpose and objectives of the proposed project.
  - Dredging costs have been allocated between the expected use by eligible vessels and

ineligible vessels.

- The passage has navigable water depth to accommodate eligible vessels as described in 50 CFR §86.13(a)(6).
  - The passage allows safe, accessible navigation by eligible vessels to, from, and within the BIGP-funded facility.
  - You certify by signing the grant application that you have enough resources to maintain the dredged area at the approved width and depth for the useful life of the BIGP-funded facility, under typical conditions.
4. Install navigational aids to give transient vessels safe passage between a facility and navigable channels or open water.
  5. Produce information and education materials specific to BIGP or a BIGP-funded project and that credit BIGP as a source of funding when appropriate. Eligible actions include:
    - Locating BIGP-funded facilities on charts and cruising guides.
    - Creating Statewide or regional brochures telling boaters about BIGP and directing them to BIGP-funded facilities.
    - Advertising a BIGP-funded facility in print or electronic media with the emphasis on BIGP, the BIGP-funded facility, or services for eligible users, and not on marketing the marina as a whole.
    - Marina newsletter articles, marina or agency website, and other communications you produce that are directly related to the BIGP-funded project.
    - Giving information and resources to help boaters find and use the BIGP-funded facility.
    - Public communication.
  6. Recording the Federal Interest in BIGP-funded real property.

## **Proration of BIGP Eligible Activities**

If a project will benefit boats of all sizes, or non-transient users, applicants must prorate the share of costs that will benefit boats at least 26 feet long. Common examples of costs that might be used by all boaters and often must be prorated include fuel docks, restrooms and showers, retaining walls, bulkheads and breakwaters, pump-out stations, dredging, and other features that are expected to partially benefit BIGP grant funded ineligible users such as non-transient boaters or transient boaters under 26 feet. To determine how to prorate the project costs, see 50 CFR §86.19.

For example, if the grant applicant proposes to build a moorage dock that will benefit big and small boats, with 70 percent of the vessels being more than 26 feet long (based on the percentage of slips in the marina), the grant application may include only the 70 percent of eligible project costs. Applicants do not need to prorate costs if the facility is solely for boats longer than 26 feet or when producing information and education materials. Applicants must include explanations of prorating, the method used, as well as data to validate the method in the “Budget Narrative.” Applications will not be considered for funding if costs are not prorated appropriately.

## **Ineligible Activities**

50 CFR §86.16 provides additional information about ineligible activities, which includes those that:

- Implement or support law enforcement activities.
- Significantly degrade or destroy valuable natural resources or alter the cultural or historic nature of the area.
- Support operations of a BIGP-funded facility including routine custodial activities, service worker salaries, facility administration, utilities, rent, taxes, or insurance.
- Develop a State program plan to construct, renovate, or maintain boating infrastructure.
- Acquire land or any interest in land.
- Construct, renovate, or maintain roads or parking lots, except as described in 50 CFR§86.11(a)(1).
- Construct, renovate, or maintaining boating infrastructure for shops, stores, food service or other retail businesses, lodging, facility administration or management
- Construct, renovate, or maintain facilities for boat transportation, storage, repair or other services.
- Purchase or operate service boats to transport boaters to and from mooring areas.
- Conduct certain marketing activities that do not focus on BIGP or the BIGP-funded facility as described in 50 CFR §86.16(a)(8).
- Purchase supplies and other expendable personal property not directly related to achieving the project objectives.
- Support other activities that are inconsistent with the purposes of BIGP or that are inconsistent with Federal Cost Principles.

## **Property Requirements**

To protect investments made with BIGP grant funding and to ensure public access to those investments, applicants must have adequate control of project sites to construct, operate, and maintain the areas for the term required by the grant program and project agreement. This “control and tenure” may be through land ownership, a lease, a use agreement, or an easement.

If a project will occur over or in a navigable body of water, an authorization to use State-owned aquatic lands may be needed.

If the project is on State-owned aquatic lands, the applicant will need to secure a lease or easement (use authorization) to use those lands. Securing a lease or easement may take up to a year. The COMMISSION requires the executed lease or easement within 2 calendar months after USFWS award selection to show control and tenure for the site. The lease or easement is required before the project will be placed under agreement.

## **Public Property Records**

All funded sites, regardless of the grant amount, must be maintained for outdoor recreation purposes for the compliance period identified in the project agreement. The USFWS requires that the project applicant record a notice of grant in its public property records that notes that the site was developed, renovated, or maintained with BIGP assistance and cannot be converted to other than public outdoor recreation use without the written approval of the COMMISSION and the USFWS. The permanent record must include a signed and dated boundary map that documents the project area subject to the project agreement.

Applicants must agree to this requirement as a condition of receiving grants. Prospective applicants should carefully consider their ability and willingness to comply with this provision before applying for a grant.

## **Operation and Maintenance Participation and Fee Policy**

The applicant/subgrantee must agree to provide all costs for ordinary and routine operations and maintenance of the facility for the period of useful life. This includes all personnel, equipment or service and supplies costs.

Reasonable prevailing rates in the locality may be charged to boaters for transient mooring facilities constructed under BIGP.

Operation of the facility must meet guidelines in Federal and State law.

## **Other Things to Consider**

Public access means access by eligible users, for eligible activities, or other users for activities that either support the purpose of the funded project or do not interfere with the purpose. Applicants must allow public access to any part of the funded facility during its useful life. Funded sites must be open to the public for reasonable periods. Also, the applicant must allow reasonable public access to other parts of the facility that would normally be open to the public and must not limit access in any way that discriminates against any member of the public.

All COMMISSION activities comply with Federal and State nondiscrimination laws and all applicants/subgrantees must also operate in a nondiscriminatory manner.

COMMISSION records and files are public records that are subject to Florida's public records laws.

## SECTION III – MONEY MATTERS

### Grant Limits and Reimbursement

The grant limits for each BIGP category are shown below.

- Tier 1, State Grants: An applicant may request a grant of at least \$5,000 and not more than \$200,000 per project.
- Tier 2, National Grants: An applicant may request a grant of at least \$200,001 and not more than \$1,500,000 per project.

This is a reimbursable grant program. Grant funds will be disbursed to the recipient only after pre-approved deliverables have been met or completion of the project occurs, and work is verified by COMMISSION staff. Payment will only be made for documented and verified costs. The COMMISSION will in no case, pre-approve or disburse any advance in grant funds. Subgrantees must keep detailed records of all funded project costs including audits, record retention, and documents required for reimbursement.

Subgrantees must have the financial capability to make timely payments to all contractors or others working on the project (upon billing/invoice) pending requested receipt of reimbursable BIGP grant funds.

Failure to complete the project and make final payment request to the COMMISSION within the stipulated period will result in project termination and ineligibility for BIGP grant funds.

### Types of Match

Match is the applicant's contribution to a project. Match means the value of any cash or in-kind contributions required or volunteered to complete the BIGP-funded facility or project that are not borne by the Federal Government, unless a Federal statute authorizes such match.

By requiring a match for grants, the COMMISSION complies with the requirements of 50 CFR §86, encourages local commitment to all projects, and spreads the money from the BIGP grant program to a greater number of projects.

The BIGP program requires a minimum non-Federal (unless otherwise authorized by Federal law) match of 25 percent of the total eligible project costs. Projects with a match higher than 25 percent will receive additional points during the evaluation process which is based on the evaluation criteria contained in 50 CFR §86.56. Trends have shown that to be competitive nationally, projects should optimally include a 51 percent match.

For example, if an applicant requests a \$75,000 grant, the applicant must contribute \$25,000 for a total project cost of \$100,000.

Applicants are encouraged to seek sources of hard (cash) matching funds to help leverage the maximum amount of grant funds available.

Applicants may identify and agree to furnish some form of soft (in-kind) matching funds to the project. This includes costs for administration, contract management, and inspection of the project. Typical soft (in-kind) match amounts (based on total construction value) should be no more than 10% for project administration and 5% for project inspection.

## **Ineligible Match**

The following are not allowed as match for BIGP funded projects:

- Existing sponsor assets such as real property or developments.
- Costs or in-kind contributions that have been or will be used to satisfy match for another Federal grant, cooperative agreement or contract, unless authorized by Federal statute. This includes funds from another Federal source.
- Costs that are double counted. A cost incurred by a sponsor in a project that has been reimbursed by the COMMISSION shall not be used as a match on another COMMISSION project.
- Costs that are not eligible for grant assistance.
- Costs that are not necessary or an integral part of the project scope.
- Costs for items or work that is not included in the project agreement.
- Costs associated with meeting a mitigation requirement unrelated to the funded project.
- Costs incurred before a project agreement is executed, except for pre-agreement costs approved in writing by the USFWS (see page 15 of these Guidelines – “Pre-Award Costs”).
- Donations or in-kind contributions of personal property, structures, and services, including volunteer labor contributed outside of the period of performance.

## **Cost Overruns**

The Subgrantee shall make every effort to avoid going over budget (cost overruns) on the project. If the total cost of the project exceeds the grant amount and match, the Subgrantee assumes responsibility for any additional cost.

## SECTION IV – PROJECT EVALUATION

### How Project Evaluation Works

Upon receipt and review of the application for completeness, COMMISSION staff will assign a grant application number and outline the review process in an acceptance letter back to the applicant. The applicant will use this grant number for all future correspondence regarding the application.

The COMMISSION’s BIGP evaluation committee is comprised of three (3) COMMISSION staff members appointed by the Boating and Waterways Section Leader. Each member shall evaluate eligible applications based upon the information provided in the application, in accordance with these Guidelines and 50 CFR, Part 86. The meeting of the Evaluation Committee will be noticed in the Florida Administrative Weekly and advertised on the Commission website.

CRITERIA	POINTS
<b>1. Need, Access, and Cost Efficiency (50 CFR §86.52, 86.53, &amp; 86.54)</b>	<b>20 Points</b>
<p>a) <i>Will the proposed boating infrastructure meet a need for more or improved facilities?</i> (50 CFR §86.52)</p> <ul style="list-style-type: none"> <li>• Construct new boating infrastructure in an area that lacks these facilities, but where eligible vessels now travel or would travel if the project were completed;</li> <li>• Renovate a facility to:               <ul style="list-style-type: none"> <li>○ Improve its physical condition.</li> <li>○ Follow local building codes</li> <li>○ Improve generally accepted safety standards, or</li> <li>○ Adapt it to a new purpose for which there is a demonstrated need;</li> </ul> </li> <li>• Create accessibility for eligible vessels by reducing wave action, increasing depth, or making other physical improvements;</li> <li>• Expand an existing marina or mooring site that is unable to accommodate current or projected demand by eligible vessels;</li> <li>• Make other improvements to accommodate a demonstrated eligible need.</li> </ul>	0-10 Points
<p>b) <i>Will eligible users receive benefits from the proposed boating infrastructure that justify the cost of the project?</i> (50 CFR §86.53)</p> <ul style="list-style-type: none"> <li>• Total cost of the project;</li> <li>• Total benefits available to eligible users upon completion of the project; and</li> <li>• Reliability of the data and information used to decide the benefits relative to costs:               <ul style="list-style-type: none"> <li>○ Did the applicant support the benefits available to eligible users by clearly listing and discussing in the project statement how they relate to Need?</li> </ul> </li> </ul>	0-7 Points

<ul style="list-style-type: none"> <li>○ Consideration of the cost relevant to all the benefits to eligible users supported in the application. The availability of existing structures and amenities may be considered. Please refer to the example provided near the end of <i>50 CFR §86.53</i>.</li> </ul>																			
<p>c) <i>Will the proposed boating infrastructure accommodate boater access to significant destinations and services that support transient boater travel?</i> (50 CFR §86.54)</p> <ul style="list-style-type: none"> <li>• The degree of access that the BIGP-funded facility will give;</li> <li>• The activity, event, or landmark that makes the BIGP-funded facility a destination, how well known the attraction is, how long is it available, and how likely it is to attract boaters to the facility; and</li> <li>• The availability of services near the BIGP-funded facility, how easily boaters can access them, and how well they serve the needs of users.</li> </ul>	<p>0-3 Points</p>																		
<p><b>2. Match and Partnerships 50 CFR §86.56 &amp; 86.57</b> <span style="float: right;"><b>10 Points</b></span></p>																			
<p>a) <i>Partnerships</i> (50 CFR §86.57)</p> <ul style="list-style-type: none"> <li>• A non-Federal entity, including a Subgrantee</li> <li>• A Federal agency entity (i.e. Native American Tribes) other than the USFWS</li> <li>• The partner must commit to a financial contribution or an in-kind contribution during the grant period.</li> <li>• In-kind contributions must contribute directly and substantively to the completion of the project. Did the applicant explain in the grant application how the contribution or action is necessary to complete the project?</li> </ul>	<p>0-3 Points</p>																		
<p>b) <i>Match</i> (50 CFR §86.56)</p> <ul style="list-style-type: none"> <li>• Minimum match 25%</li> <li>• The contribution may be from a state, a single source, or any combination of sources.</li> <li>• Will the proposed project include private, local, or State funds greater than the required minimum match?</li> <li>• Points to be awarded as follows:</li> </ul> <table border="1" data-bbox="521 1352 1060 1724" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Percent cash match (Grantee)</th> <th style="text-align: center;">Points</th> </tr> </thead> <tbody> <tr><td style="text-align: center;">0-25</td><td style="text-align: center;">0</td></tr> <tr><td style="text-align: center;">26-29</td><td style="text-align: center;">1</td></tr> <tr><td style="text-align: center;">30-39</td><td style="text-align: center;">2</td></tr> <tr><td style="text-align: center;">40-49</td><td style="text-align: center;">3</td></tr> <tr><td style="text-align: center;">50-59</td><td style="text-align: center;">4</td></tr> <tr><td style="text-align: center;">60-69</td><td style="text-align: center;">5</td></tr> <tr><td style="text-align: center;">70-79</td><td style="text-align: center;">6</td></tr> <tr><td style="text-align: center;">80 or higher</td><td style="text-align: center;">7</td></tr> </tbody> </table>	Percent cash match (Grantee)	Points	0-25	0	26-29	1	30-39	2	40-49	3	50-59	4	60-69	5	70-79	6	80 or higher	7	<p>0-7 Possible Points</p>
Percent cash match (Grantee)	Points																		
0-25	0																		
26-29	1																		
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40-49	3																		
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70-79	6																		
80 or higher	7																		
<p><b>3. Innovation (50 CFR §86.58, 86.59, &amp; 86.60)</b> <span style="float: right;"><b>6 Points</b></span></p>																			
<p>a) <i>Will the proposed project include physical components, technology, or techniques that improve eligible-user access?</i></p> <ul style="list-style-type: none"> <li>• Will the project increase the availability of the BIGP-funded facility for</li> </ul>	<p>0-3 Points</p>																		

<p>eligible users or improve eligible boaters/ access to the facility by:</p> <ul style="list-style-type: none"> <li>○ Using a new technology or technique; or</li> <li>○ Applying a new use of an existing technology or technique.</li> <li>○ The applicant must describe in the grant application the current standard and how the project will exceed the standard.</li> </ul>	
<p>b) <i>Will the proposed project include innovative physical components, technology, or techniques that improve the BIGP-funded project?</i></p> <ul style="list-style-type: none"> <li>● Newly available; or</li> <li>● Repurposed in a unique way</li> <li>● Examples of the type of innovations considered are components, technology, or techniques that: <ul style="list-style-type: none"> <li>○ Extend the useful life of the BIGP-funded project;</li> <li>○ Are designed to allow the operator to save costs, decrease maintenance, or improve operation;</li> <li>○ Improve BIGP eligible services or amenities;</li> <li>○ During construction, are used specifically to reduce negative environmental impacts; or</li> <li>○ Reduce the carbon footprint of the BIGP funded facility.</li> </ul> </li> </ul>	<p>0-2 Points</p>
<p>c) <i>Has the facility where the project is located demonstrated commitment to environmental compliance, sustainability, and stewardship and been officially recognized by an agency or organization?</i></p> <ul style="list-style-type: none"> <li>● Has the BIGP-funded project received official recognition for its voluntary commitment to environmental compliance, sustainability, and stewardship by exceeding regulatory requirements? (Documents must be provided supporting this recognition.)</li> <li>● The official recognition must be part of a voluntary, established program administered by a Federal or State agency, local government agency, NOAA Sea Grant or an equivalent entity, or a State or Regional marina organization.</li> <li>● The established program must require the facility to use management and operational techniques and practices that will ensure it will continue to meet the high standards of the program and must contain a component that requires periodic review.</li> <li>● The facility must have met the criteria required by the established program and receive official recognition at the time of the application.</li> </ul>	<p>0-1 Points</p>
<p><b>4. Permitting</b></p>	<p><b>4 Points</b></p>
<p>a) <i>Projects for construction must be fully permitted by all permitting agencies before an agreement can be executed.</i></p> <ul style="list-style-type: none"> <li>● Projects fully permitted at the time of application: 4 Points</li> <li>● Projects who have submitted applications but have not received permits at time of application: 2 Points</li> <li>● Projects that have not submitted applications for permits: 0 Points</li> </ul>	<p>0-4 Points</p>
<p><b>TOTAL POSSIBLE POINTS</b></p>	<p><b>40</b></p>

## **SECTION V – PRE-AWARD PROCESS**

This stage of the grant process takes place after the grant application is submitted by the Commission to USFWS and prior to award. During this time, applicants may continue to work on the proposed project if no construction costs are incurred prior to award and execution of a subgrantee agreement with the Commission. Should the project not be selected for BIGP funding, the applicant will be responsible for any costs incurred during this period.

### **Pre-Award Costs**

Pre-award costs are not guaranteed and must prove to be necessary and reasonable for the completion of the project objectives. These costs must be approved by the USFWS Regional Office in writing prior to beginning the tasks. There have been situations where pre-award costs were a part of the proposal even if they were several years prior to the grant submission. For example, permitting costs, cultural resource surveys, etc. Examples of tasks that may be allowable as reimbursable pre-award costs are:

- Design and Engineering costs (site surveys, working drawings, construction plans, cost estimates, technical feasibility studies, etc.)
- Costs for tests, surveys, and application preparation required for permitting

### **Compliance Documentation**

State, local, and environmental reviews and permits may be necessary; therefore, the applicant should proceed with these steps during the application and approval stage.

## SECTION VI – POST-AWARD PROCESS

This stage of the grant takes place after the grant has been awarded by USFWS. Notification of award will be communicated to the applicant via COMMISSION grant staff. The period between grant award and grant closeout is termed the grant period.

### Award vs. Obligation

When USFWS awards the grant, final authorization to begin construction and receive reimbursement is contingent upon the grant becoming obligated. Obligation occurs when all required permits have been acquired and all compliance requirements have been met to the satisfaction of USFWS. Grant recipients have 3-years from the award date to fulfill the obligation requirements. Awards that are not obligated within the 3-year window are withdrawn and the project considered closed. Applicants have 5-years from the obligation date to complete the project.

### Subgrantee Agreement

Once the grant has been obligated, the COMMISSION will enter into a subgrantee agreement. This document will outline the responsibilities of all parties, including scope of work, match requirements, funding limits, and time frames. **It is important that no work is begun, other than approved pre-award costs, until a subgrantee agreement is executed by all parties.** USFWS may request a copy of the subgrantee agreement between grant award and grant closeout. Once the subgrantee agreement is executed, any change to the agreement will require an amendment to be executed.

### Reports and Maintenance

It is the responsibility of the subgrantee to provide ongoing maintenance and operation activities necessary to protect, preserve and provide quality boating facilities for transient recreational boaters during the useful life of the project for the use and enjoyment of the eligible public. Any significant events such as vandalism, flood, fire, hurricane or closures that require corrective actions must be promptly reported to the COMMISSION; repair to the facility is the responsibility of the subgrantee. Depending upon the situation, the COMMISSION may require the grant agreement to be amended for time that the facilities were unavailable to eligible transient recreational boaters.

It is imperative to keep the COMMISSION informed of any delays or issues that arise which may affect the completion of the project. If there has been no work completed during the project period established in the agreement, this will need to be relayed to the COMMISSION, as this could affect the completion time frame of the project.

### Public Access Required

The subgrantee must allow reasonable public access to all eligible transient recreational vessels. Public access means that the facility is located where the public can reasonably reach it and where all boats typical to that facility can easily use it.

## **Long-term Monitoring**

It is the responsibility of the subgrantee to ensure that the project complies with all requirements as documented in the subgrantee agreement for the useful life of the project (as previously determined). The COMMISSION will monitor the project for compliance throughout the useful life of the infrastructure.

## **Acknowledgement and Signs**

The subgrantee must post at least one acknowledgement sign identifying the USFWS, Sport Fish Restoration Fund, the COMMISSION, Subgrantee (and others) as primary funding partners. The sign should be easily visible by boaters and display each primary funding partner's logo.

## **Conversion**

Conversion occurs when the subgrantee changes the use of the BIGP funded facility during its useful life timeframe to something not eligible for this funding. The subgrantee must replace each unapproved element with eligible facilities or return the Federal funds. The replaced elements must be of at least equal value, usefulness, and location and must be deemed acceptable to the COMMISSION and the USFWS.

## **Grant Closeout**

Upon the end of Phase 1, project construction completion, the subgrantee shall notify the COMMISSION and arrange an on-site project inspection. Upon approval and/or correction of any identified defects, the subgrantee may submit the final performance report along with reimbursement request for final payment.

At project construction completion, subgrantees will submit final reports detailing the deliverables and activities performed through these projects, project changes, estimated versus actual costs expended, etc. Final performance reports are required before the COMMISSION will release final reimbursement payments.

## SECTION VII – ACRYNOMS and DEFINITIONS

### Acronyms

**ACOE:** Acronym for Army Corps of Engineers.

**BIGP:** Acronym for Florida’s Boating Infrastructure Grant Program, created by Rule 68-1.003, Florida Administrative Code.

**CFR:** Acronym for Code of Federal Regulations.

**DUNS:** Acronym for Data Universal Number System

**FAR:** Acronym for Florida Administrative Code Rule.

**FL-DEP:** Acronym for Florida Department of Environmental Protection.

**ID:** Acronym for Identification Number.

**NEPA:** Acronym for National Environmental Policy Act of 1969.

**NMFS:** Acronym for National Marine Fisheries Service.

**NOAA:** Acronym for National Oceanic and Atmospheric Administration.

**RFP:** Acronym for Request for Proposal.

**SHPO:** Acronym for State Historic Preservation Office.

**USFWS:** Acronym for the United States Fish and Wildlife Service, a Bureau within the Department of the Interior.

### Definitions

**Applicant:** An entity that applies for Boating Infrastructure Grant Program funds to the Commission during an announced application submission period.

**Application:** A formal request for Boating Infrastructure Grant Program funds by an applicant/subgrantee to the Commission, with approved forms and required documentation.

**Audit:** An audit of the Subgrantee project records conducted by the State Agency.

**Award:** A grant is awarded when it is chosen for funding by USFWS. Final approval of the grant is contingent upon successful obligation of the grant.

**BIGP-Funded Facility:** The part of a facility that was funded through a BIGP grant.

**Boating Infrastructure:** The structures, equipment, accessories, and services that are necessary or desirable for a facility to accommodate eligible vessels.

**Capital Improvement:** Is defined as (1) A new structure that costs at least \$25,000 to build; or (2) Altering, renovating, or repairing an existing structure if it increases the structure's useful life by 10 years or if it cost at least \$25,000.

**COMMISSION:** The Florida Fish and Wildlife Conservation Commission.

**Conversion:** The use of Grant funds for any other purpose not specified in the Subgrantee Agreement.

**Cost Allocation:** Allocated costs for facilities that will benefit non-transient vessels vs. transient vessels. Examples: (1) The project includes 20 slips with a cost of \$400,000 but only 5 slips are designated for transient vessels, the total eligible cost is 25 percent of the cost or \$100,000, (2) A wave attenuator is requested with a total cost of \$400,000 at a marina with 100 slips with only 40 transient slips, the total eligible cost is 40 percent of the cost or \$160,000.

**Eligible User:** An operator or passenger of an eligible vessel.

**Eligible Vessel:** A transient recreational vessel at least 26 feet long. The term includes vessels that are owned, loaned, rented, or chartered. The term does not include: (1) Commercial vessels; (2) Vessels that dock or operate permanently from the facility where a BIGP-funded project is located; or (3) Vessels that receive payment to prescribe route, such as cruise ships, dive boats, and ferries.

**Evaluation Committee:** A committee formed by the Commission to evaluate each application.

**Expand:** Significant increase to an existing transient docking in size and number.

**Facility:** The structures, equipment, and operations that: (1) Provide services to boaters at one location; and (2) Are under the control of a single operator or business identified in the grant application.

**Feasibility Study:** A controlled process for identifying problems, opportunities or mandates, determining objectives, describing current situations and successful outcomes, and assessing the range of costs and benefits associated with several alternatives for solving a problem. The study will be used to support the applicant's justification for a BIGP grant project.

**Grant:** An approved award of Federal funds, the principal purpose of which is to transfer funds from a USFWS to the Commission (grantee) and in turn the Commission will release funds to the subgrantee to carry out an authorized public purpose. The legal instruments used to accomplish this pass-through are a grant agreement between USFWS and the Commission and a subgrantee agreement between the Commission and the applicant.

**Grant Period:** Time period between the grant being awarded and being completed/closed out.

**Grant Project:** A project to fund construction, installation or upgrade of facilities for transient recreational vessels 26 feet or more in length.

**Maintain:** Engage in activities that allow the facility to function, such as repairing docks, excluding routine janitorial activities.

**Maintenance:** Keeping structures or equipment in a condition to serve the intended purpose. It includes cyclical or occasional actions to keep facilities fully functional. It does not include operational actions such as janitorial work. Examples of maintenance actions are: (1) Lubrication of mechanical components of BIGP-funded equipment; (2) Replacing minor components of a BIGP-funded improvement, such as bolts, boards, and individual structural components; and (3) Painting, pressure washing, and repointing masonry.

**Marketing:** An activity that promotes a business to interested customers for the financial benefit of the facility. It may include a plan for sales techniques and strategies, business communication, and business development. A business uses marketing to find, satisfy, and keep a customer.

**Match:** The value of any cash or in-kind contributions required of the subgrantee to complete the BIGP-funded facility.

**Obligation:** A grant award is obligated when all required permits are in place and the compliance requirements have been met to the satisfaction of USFWS.

**Operation:** Actions that allow a BIGP-funded facility or parts of a BIGP-funded facility to perform their function on a daily or frequent basis. Examples of operation are janitorial work, service workers, facility administration, utilities, rent, taxes, and insurance.

**Project:** One or more related actions that are eligible for BIGP funding, achieve specific goals and objectives of BIGP, and in the case of construction, occur at only one facility.

**Proposal:** A description of one or more projects for which an applicant/subgrantee requests grant funds.

**Public Communication:** The act of communicating with the public or news media about specific actions or achievements directly associated with BIGP. The purpose is to inform the public about BIGP-funded projects or the BIGP program.

**Real Property:** One, several, or all interests, benefits, and rights inherent in owning a parcel of land. A parcel includes anything physically and firmly attached to it by a natural or human action. Examples of real property in this rule include fee and leasehold interests, easements, fixed docks, piers, permanent breakwaters, buildings, utilities, and fences.

**Renovate:** To rehabilitate or repair a tie-up facility to restore it to its original intended purpose,

or to expand its purpose to allow transient non-trailerable recreational vessels.

**Scope:** This is the project purpose, objectives, approach, and results or benefits expected, including the useful life of any capital improvement.

**Subgrantee:** The party receiving grant funding and responsible for completing the project and the operation and maintenance of the project site.

**Subgrantee Agreement:** The written document under which the applicant and the Commission mutually agree to carry out respective responsibilities for a fixed period unless amended by mutual consent.

**Tie-up Facilities:** Facilities that transient non-trailerable recreational vessels occupy temporarily, not to exceed 15 consecutive days; for example, temporary shelter from a storm; a way station in route to a destination; a mooring feature for fishing; or dock to visit a recreational, historic, cultural, natural or scenic site.

**Transient:** Passing through or by a place, staying 15 days or less.

**Transient Tie-up:** Short-term tie-up float, without individual slips, used by non-trailerated cruising boats on a first-come, first-served basis for a maximum time-period of 15 days.

**Useful Life:** The period during which a BIGP-funded capital improvement can fulfill its intended purpose with adequate routine care and maintenance. See 50 CFR § 86.73 and §86.74.