



**WORKING LANDS ENTERPRISE INITIATIVE**  
www.vermontworkinglands.com

116 State Street  
Montpelier, VT 05620  
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Agency of Agriculture, Food & Markets  
Department of Forests, Parks & Recreation  
Agency of Commerce & Community Development

## **Working Lands Enterprise Initiative**

### **III. Agriculture, Forestry & Forest Products:**

## **CAPITAL & INFRASTRUCTURE INVESTMENT GRANTS**

### **LETTER OF INTENT GUIDE**

#### **Summary**

**Working Lands Enterprise Initiative: Capital and Infrastructure Investment grants are available to Vermont agricultural and/or forestry & forest products based businesses for capital investments that will increase operational capacity and have an impact beyond their immediate business or organization.**

**Eligible activities include, but are not limited to: specialized personnel, access to land (acquisition or easements); building and equipment costs (e.g., processing, storage, distribution); long-term working capital, information technology; farm or forest based renewable energy business expansion; and other collaborative ventures that build capacity within the supply chain, open new markets, and/or create a replicable, innovative model.**

**Primary applicant must be headquartered in Vermont.**

**Request for funds must be between \$15,000 and \$75,000. Applicants must provide a 1:1 match, and at least 50% must be cash (match is 100% of the amount of the Working Lands Enterprise grant requested).**

**Projects must be completed within an 18 month time frame.**

**The previous round of Working Lands grant applications were extremely competitive in FY 2013, with nearly 400 applications, \$12 million in requests for funds, and 10% of applicants successfully received grant funds.**

#### **APPLICATION PROCESS**

**It is imperative that applicants read the entire application guide before developing and submitting an application. Applications must be submitted electronically online at Wufoo. See page 8 for more details on submitting an application.**

**A Letter of Intent is required in order to be considered for the submission of a full application. Not all applicants will be invited to submit a full application.**



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## **APPLICATION TIMELINE**

**LETTERS OF INTENT ARE DUE TUESDAY, NOVEMBER 26, 2013 by 4:00 p.m.**

**APPLICANT NOTIFICATION OF ACCEPTANCE/DENIAL OF LETTER OF INTENT: WEEK OF JANUARY 27, 2014.**

**INVITED APPLICATIONS ARE DUE FRIDAY, MARCH 7, 2014 by 4:00 p.m.**

**APPLICANT NOTIFICATION IS MID/LATE APRIL, 2014.**

## **Application Guide Table of Contents:**

- 1. About the Initiative – Goals, Mission, Vision, and History of Success to Date (pages 2 – 4)**
- 2. Eligibility and Selection Criteria (pages 4 – 6)**
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## 1. About the Initiative

The backbone of Vermont’s heritage and economic viability is our working landscape. Over 97 percent of Vermonters value the “working landscape” which consists of agriculture, food systems, forestry, and forest products based businesses. Approximately 20 percent of Vermont’s working land is used for agricultural purposes and 75 percent is forested. The Findings section of [Act 142 outlines nine goals of the Working Lands initiative](#):

- (1) stimulate a concerted economic development effort on behalf of Vermont’s agriculture and forest product sectors by systematically advancing entrepreneurship, business development, and job creation;
- (2) recognize and build on the similarities and unique qualities of Vermont’s agriculture and forest product sectors;
- (3) increase the value of Vermont’s raw and value-added products through the development of in-state and export markets;
- (4) attract a new generation of entrepreneurs to Vermont’s farm, food system, forest, and value-added chain by facilitating more affordable access to the working landscape;
- (5) provide assistance to agricultural and forest product businesses in navigating the regulatory process;
- (6) use Vermont’s brand recognition and reputation as a national leader in food systems development, innovative entrepreneurship, and as a “green” state to leverage economic development and opportunity in the agriculture and forest product sectors;
- (7) promote the benefits of Vermont’s working lands, from the economic value of raw and value-added products to the public value of ecological stability, land stewardship, recreational opportunities, and quality of life;
- (8) increase the amount of state investment in working lands enterprises, particularly when it leverages private and philanthropic funds; and
- (9) support the people and businesses that depend on Vermont’s renewable land-based resources and the sustainable and productive use.

### Mission

The Vermont Working Lands Enterprise Board (WLEB) is an impact investment organization whose mission is to grow the economies, cultures, and communities of Vermont's working landscape by making



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essential, catalytic investments in critical leverage points of the Vermont farm and forest economy, from individual enterprises to industry sectors.

### **Vision for Future Success**

Vermont prospers and its unique sense of place thrives in large part because of intelligent investment in the people and enterprises that comprise its farm, food, and forest based systems.

### **History of Success to Date**

WLEB began operations in August, 2012 and has awarded over \$1 million in grant funds. An additional \$750,000 in outside funds are being leveraged as a result of these projects:

- Twenty Enterprise Investment Recipients: 14 grants in agriculture and six in forestry were awarded, totaling \$220,000. The Enterprise Investment Area included grants ranging from \$3,000-\$15,000 to new and growing agriculture and/or forestry based enterprises.
- Eight Service Provider Grant Recipients: Six grants in agriculture and two in forestry were awarded, totaling \$369,802.
- Eight Capital & Infrastructure Investment Recipients: Four enterprises in each of agriculture and forestry were awarded \$411,522.

The Vermont legislature appropriated \$1,425,000 to WLEB for the 2014 budget year to continue its work of growing the state's working lands forestry and agricultural economies.

## **2. Eligibility and Selection Criteria**

Capital and Infrastructure Investment grants are available to Vermont agricultural and/or forestry & forest products based businesses (including farm and/or forest landowners) for capital investments that will increase operational capacity and have an impact beyond their immediate business or organization. Eligible activities include, but are not limited to: specialized personnel, access to land (acquisition or easements); building and equipment costs (e.g., processing, storage, distribution); long-term working capital, information technology; farm or forest based renewable energy business expansion; and other collaborative ventures that build capacity within the supply chain, open new markets, and/or create a replicable, innovative model.

Projects will be evaluated based on the following criteria:

- Quality of Proposal and Concept – The proposal and business plan are clear and complete. The applicant is ready to receive funds and begin promptly (i.e., matching funds are secured, key partnerships are established, necessary permits and/or certifications have been obtained). The project as described is likely to accomplish the stated outcomes.



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- **Impact** – The project demonstrates how it will enhance Vermont’s working landscape (e.g., increases profits for your business; improves product value/quality; improves access to markets; enhances business operations; creates an innovative replicable model/approach addressing capital and infrastructure needs; creates or retains jobs for your business and/or other supply chain businesses; and/or enhances the Vermont brand). The project clearly addresses an identified need or fills a gap in the supply chain and positively impacts businesses along the supply/value chain (i.e., land-owner, producer, harvester, processor, manufacturer, aggregator, distributor, wholesaler, and retailer), and benefits multiple agriculture and/or forestry & forest products enterprises.
- **Need** – The application demonstrates a clear need for the project and the need for Working Lands Enterprise funding. The requested funds leverage other funds, and the project cannot be fully funded through other sources. The applicant demonstrates that this project will help the business or organization reach a new level of capacity, stage of development and/or financial viability. Without these particular funds in this form, the project would happen more slowly, in a less desirable fashion, with a lower probability of success, or would not happen; an urgent window of opportunity to advance a business, value chain or industry as a whole would be missed. Project’s requested funds leverage other funds, and the project cannot be fully funded through other sources.
- **Sustainability** - The project contributes to long-term sustainability/viability of the working landscape, builds on an existing successful business or enterprise, and demonstrates a plan for long term financial viability beyond the Working Lands grant period. Projects that credibly outline anticipated positive impacts based on measurable financial, social, and environmental criteria will be given preference.
- Provides a budget that uses between \$15,000 - \$75,000 of Working Lands Enterprise Funds.
- Must already be registered with the [Secretary of State](#) as a business.
- **MATCH** - has a match equal to at least 100% of the amount of Working Lands Enterprise grant requested. 50% of the match must be cash. Match must be identified at the time of proposal application and in place at the time of the award.

**Example**

**\$15,000 Working Lands grant:**



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$\$15,000 \times 1.0 = \$15,000$  minimum match (50% cash)

$\$15,000 + \$15,000 = \$30,000$  (total Working Lands project cost = a minimum of WLEB request + match amount)

*Please note: In compelling cases the Working Lands Enterprise Board may waive the required match. A request for waiver must include a strong justification narrative and accompany the application. The request for a waiver is included in the budget narrative section of the application.*

Please note that matching funds are documented in the **budget template and narrative** section of the project proposal, and are NOT mailed in as a payment to Working Lands.

- **Examples of cash match** include: funds in the bank, third party funds, and applicant labor not associated with the regular day to day operation of the business. Labor rates should be in line with current market rates.
- **Examples of in-kind match** include: goods or services provided during the grant period for which no expenditure is made (i.e. contractors, consultants, or equipment provided pro bono for the project, volunteer labor, and/or donated supplies that are not part of the normal cost of doing business). In-kind contributions must be made during the grant agreement period, and must be directly related to the project. In-kind contributions that are over-valued will not be accepted.
- Project must be completed within 18 months after contract/grant agreement start date.
- Primary beneficiaries are Vermont agriculture, forestry & forest products based businesses (including farm and/or forest landowners).
- The applicant must be in compliance with state regulations (i.e. land, water, unemployment compensation, taxation, child support) and in good standing with the state of Vermont at the time of application and must remain so during the grant.
- Please NOTE: the proposal review committee may request additional information about your project (i.e., additional financial information, project clarification).
- Grants of \$10,000 or greater are required to adhere to requirements of **Attachment C** (please see Attachment C section of guide) which includes: Conflict of Interest, Auto and Liability Insurance, Workers Compensation. Applicants must be fully prepared to comply with all requirements if selected for Working Lands funding.
- Capital and Infrastructure Grants are required to adhere to requirements of **Attachment C** (please see Attachment C section of guide). Applicants must be fully prepared for all requirements if selected for Working Lands funding (i.e. Certificate of Insurance and Workers Compensation (except for sole proprietors)).

### 3. Timeline



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**Letter of Intent due: Tuesday, November 26, 2013 by 4:00pm**

**Applicant notification of acceptance/denial of Letter of Intent: Week of January 27, 2014**

**Application due: Friday, March 7, 2014 by 4:00 p.m.**

**Applicant notification: Mid to Late April, 2014**

In the event of a timeline change, applicants will be notified directly. Timeline changes will also be posted on our website at [vermontworkinglands.com](http://vermontworkinglands.com).

#### **4. Creating a Strong Proposal - Technical Assistance is Available**

First time applicants are encouraged to work with a service provider to develop their project concept and convey a well thought out and clearly written grant application. For a list of service providers, please visit our [website](#). Applicants are encouraged to utilize current business advisors, colleagues, friends, and family, etc., to review the grant application for additional feedback on the need and innovation of the project, proposal clarity, spelling, and grammar before submitting the application.

Applicants are strongly encouraged to investigate all other possible funding streams before applying for a Working Lands Enterprise grant. For a list of other common grant programs, and potential funding streams please visit our [website](#).

For tips on writing a successful grant proposal please visit our [website](#).

#### **5. Receiving a Grant – Expectations**

Businesses/Organizations selected for funding will be expected to meet the following requirements:

- Must already be registered with the [Secretary of State](#) as a business.
- Enter into a grant agreement with the State of Vermont.
- Submit a W-9 for the enterprise (this is for tax identification purposes)
- For grants \$10,000 or greater (Attachment C) provide evidence of:
  - Worker's Compensation (unless you are a sole proprietor)
  - Insurance Certificate with a minimum coverage of:
    - General Liability - \$1,000,000 coverage (details in grant agreement)
    - Automotive Liability - \$1,000,000 coverage (details in grant agreement)
- Per grant agreement Attachment B, Payment Provisions, submit an initial invoice for the amount specified for the first payment.
- Provide Interim and Final reports which will include: financials documenting expenditure of both grant and matching funds, text suitable for a press release, high-resolution digital photos in jpg



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format , and a listing of accomplishments which include the project's goals, performance measures, and outcomes.

- Submit subsequent invoices to trigger payments (payments based on project timeline and milestones, are typically made after receiving interim and final reports with all required documentation).
- Willingness to share project details, including successes and challenges with the public, the WLEB, and the media, which tell the broader story of how the grant is impacting the working lands economies of Vermont. This sharing may take place by way of media inquiries, possible press events on location, and site visits from WLEB members and/or their partners.
- An understanding that the funded project and the amount of funds received are public information (with the exception of some proprietary information (i.e. business financials, trade secrets, marketing strategies considered confidential by the applicant).

## 6. Submitting your Application

**All applications and Letters of Intent (LOI) must be electronically submitted on Wufoo. It is imperative that you prepare the application/LOI and all templates/attachments in full and save to your computer or to an external drive BEFORE entering the Wufoo site. It may be most helpful to create your application/LOI as a Word processing document and then cut and paste into Wufoo. The Wufoo site DOES NOT save data so if you leave the site for any reason, all the data that you have entered will be lost. Note that Wufoo will automatically reset after 24 hours so even if you do not leave the site your data will be lost. Be ready to complete your entry in one sitting and submit it.**

If you experience difficulties with electronic submission and need assistance, please [email us](#) no later than one week before applications are due (Please do not call or email for such technical support within two business days of the deadline). If you continue to experience difficulty after assistance from the Working Lands Team, exceptions may be made, on a case-by-case basis, for applications to be mailed. Please call 802-585-9072 or email [working.lands@state.vt.us](mailto:working.lands@state.vt.us) for assistance.

## 7. Review & Selection Process

Applications will be reviewed by the Vermont Working Lands Enterprise Board and its partners, subject matter experts, and/or state agency staff and assessed based on the criteria outlined on pages #4 to 6. The Working Lands Enterprise Board makes final decisions on all grants.

## 8. Confidentiality Policy



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Working Lands Enterprise Initiative, as a public instrumentality, is subject to the Vermont Public Records Law, 1 VSA § 315 - 320. The statute contains specific exemptions for tax-related information of persons, personal financial information of an individual, and trade secrets. This information will be held in confidential files by the Working Lands Enterprise Board and will not be available for public inspection under the Public Records Law.

The Working Lands Enterprise Board considers the following information about applicants to be subject to public record: contact information of applicants; names, description, and contact information of applying enterprise or organization; and the purpose and amount of any Working Lands Enterprise Funds received.

Business plans contain confidential financial information, such as past and projected income statements. Business plans may also contain trade secrets and marketing strategies that Agriculture, Forestry, and Forest Product sector enterprises and organizations may wish to keep confidential for reasons of competitive advantage. Working Lands Enterprise Board and Support Staff must agree to keep business plans confidential to protect applicants' interests.

Notwithstanding the Records Law exemption, if the Working Lands Enterprise Board and Support Staff shares business plans with selected staff of the Agency of Agriculture, Agency of Commerce and Community Development, Department of Forests, Parks and Recreation, or other partners, strict confidentiality guidelines will be followed. Staff or contractors who are approved for viewing business plans will not be allowed to make copies, or to share information from the plans with any other person. When plans are removed from Working Lands Enterprise Initiative

## **9. Tax Consequences**

Grant awards must be reported as income on business tax returns.

## **10. Application Feedback Policy**

The Working Lands Enterprise staff will email notification letters regarding the Board's funding decisions. These letters will not provide specific application feedback. If you would like specific feedback on your application, please email a [request for feedback](#) no later than two weeks after receipt of your notification email.

## **11. Definition of Terms**

### **Expected outcomes**



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- What are the impacts and changes you anticipate will occur due to project work: on you and on your quality of life?
- How will your project enhance your business? Please quantify your response, and briefly state how you think this will take place.

### **Performance measures**

- Ways in which the effectiveness of project will be measured:
  - What will be measured
  - How it will be measured
  - When it will be measured
- Well written performance measures should be simple, easy to understand, realistic, worthwhile and must be quantifiable measurements of the project's progress that are easily validated and audited.

### **Project goals**

- Why your project is being proposed.
- What you wish to accomplish using measurable targets that will be met through your project
- The Working Lands Enterprise Initiative identifies nine goals (listed under “About the initiative” page
- 2). Your project goals should be in alignment with at least one or more of the Initiative's goals.
- Each of your project goals should have corresponding performance measures and outcomes.

## **12. Working Lands Enterprise Board Members**

1. Secretary of Vt Agency of Agriculture, Food & Markets or designee - CHAIR  
**Chuck Ross**  
Designee: Deputy Secretary of Vt Agency of Agriculture, Food & Markets  
**Jolinda LaClair**



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2. Commissioner of Forests , Parks & Recreation or designee  
**Mike Snyder**  
Designee: Caledonia/Essex County Forester, VT Department of Forests, Parks, and Recreation  
**Matt Langlais**
  
3. Secretary of Commerce and Community Development or designee  
**Lawrence Miller**  
Designee: Senior Economic Development Specialist at Agency of Commerce and Community Development  
**Alex Ibey**
  
4. Appointed by the Speaker of the House:
  - a. One representative of the VT forest industry who is a forester  
**Joseph W Nelson, Consulting Forester**
  
  - b. One representative actively engaged in commodity maple production  
**Emma Marvin, Butternut Mountain Farm**
  
5. Appointed by the Senate Committee on Committees:
  - a. One representative actively engaged in wood products manufacturing  
**Mike Rainville, Maple Landmark**
  
  - b. One representative of the two largest membership-based agricultural organizations in VT who is NOT a dairy farmer  
**Brian Kemp, Mountain Meadow Farms**
  
6. Appointed by the Governor:
  - a. One representative of Vermont’s dairy industry who is also a dairy farmer  
**Beverly Thurber, Lilac Ridge Farm, LLP**
  
  - b. One representative of a membership-based forestland owner organization  
**Kathleen Wanner, Vermont Woodlands Association**
  
7. Appointed by the Vermont Agricultural and Forest Products Development Board:
  - a. One representative who is actively engaged in value-added agricultural products manufacturing  
**Eleanor Leger, Eden Ice Cider**



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- b. Two representatives actively engaged in providing marketing assistance, market development, or business and financial planning

**Eric DeLuca**

**Robin Scheu, Addison County Economic Development Corporation**

8. EX Officio, Nonvoting members:

- a. Manager of VT Economic Development Authority or designee

**Jo Bradley**

Designee: Senior Agricultural Loan Officer of VACC

**Sarah Isham**

- b. Executive Director of VT sustainable jobs fund or designee

**Ellen Kahler**

Designee: President of the VSJF Flexible Capital Fund

**Janice St. Onge**

- c. Executive Director VT housing conservation board or designee

**Gus Seelig**

Designee: Program Director of Vermont Farm Viability Program

**Ela Chapin**

### 13. The Letter of Intent (LOI) ([Click here to access the LOI on Wufoo](#))

All LOIs must be electronically submitted on Wufoo. It is imperative that you prepare the LOI in full and save to your computer or to an external drive BEFORE entering the Wufoo site. It may be most helpful to create your LOI as a Word processing document and then cut and paste into Wufoo. The Wufoo site DOES NOT save data so if you leave the site for any reason, all the data that you have entered will be lost. Note that Wufoo will automatically reset after 24 hours so even if you do not leave the site your data will be lost. Be ready to complete your entry in one sitting and submit it.



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Applicants must submit a letter of intent (LOI). The LOI process allows the Working Lands Enterprise Board to narrow the volume of applications and focus on proposals that rise to the top. The process also allows Working Lands staff to make connections between LOI applicants that may have similar project focus for greater impact. **Not all applicants will be invited to submit a full application.**

**Full applications will only be accepted from LOI applicants receiving acceptance letters.** The following are required on the LOI:

- a) Project Title (must reflect what the project is)
- b) Project category
- c) Applicant name(s) and organization(s)
- d) Primary contact information
- e) County
- f) Identify other supporting organizations, services, programs, friends, relatives, involved in the proposal, if any
- g) Funds requested and matching funds secured
- h) Have you or are you currently working with a Technical Assistance Provider? If yes, please list
- i) Please list other grants you are applying to for this project
- j) Please list and explain any technical assistance you have received in the past 2 years
- k) Do you have a business plan?
- l) Please list any memberships in associations/trade organizations
- m) Where did you learn about this grant opportunity?
- n) Have you received grants or loans before? If yes, please list
- o) Applicant must be in compliance with state regulations and in good standing with the state of Vermont – signature line and date

The following questions also must be answered (125 word limit per question):

- 1. Describe the proposal and the anticipated benefit to your business or organization.**
- 2. Describe your business or organization, its experience and successes with similar activities, and the expertise of any partner businesses or organizations expected to participate in the project.**
- 3. Describe the proposal's benefit to the supply chain it impacts.**



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## **14. Appendix 1 – Attachment C (applicant is required to read ATTACHMENT C: STANDARD STATE PROVISIONS**

### **FOR CONTRACTS AND GRANTS**

- 1. Entire Agreement:** This Agreement, whether in the form of a Contract, State Funded Grant, or Federally Funded Grant, represents the entire agreement between the parties on the subject matter. All prior agreements, representations, statements, negotiations, and understandings shall have no effect.
- 2. Applicable Law:** This Agreement will be governed by the laws of the State of Vermont.
- 3. Definitions:** For purposes of this Attachment, “Party” shall mean the Contractor, Grantee or Subrecipient, with whom the State of Vermont is executing this Agreement and consistent with the form of the Agreement.
- 4. Appropriations:** If this Agreement extends into more than one fiscal year of the State (July 1 to June 30), and if appropriations are insufficient to support this Agreement, the State may cancel at the end of the fiscal year, or otherwise upon the expiration of existing appropriation authority. In the case that this Agreement is a Grant that is funded in whole or in part by federal funds, and in the event federal funds become unavailable or reduced, the State may suspend or cancel this Grant immediately, and the State shall have no obligation to pay Subrecipient from State revenues.
- 5. No Employee Benefits For Party:** The Party understands that the State will not provide any individual retirement benefits, group life insurance, group health and dental insurance, vacation or sick leave, workers compensation or other benefits or services available to State employees, nor will the state withhold any state or federal taxes except as required under applicable tax laws, which shall be determined in advance of execution of the Agreement. The Party understands that all tax returns required by the Internal Revenue Code and the State of Vermont, including but not limited to income, withholding, sales and use, and rooms and meals, must be filed by the Party, and information as to Agreement income will be provided by the State of Vermont to the Internal Revenue Service and the Vermont Department of Taxes.
- 6. Independence, Liability:** The Party will act in an independent capacity and not as officers or employees of the State.

The Party shall defend the State and its officers and employees against all claims or suits arising in whole or in part from any act or omission of the Party or of any agent of the Party. The State shall notify the Party in the event of any such claim or suit, and the Party shall



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immediately retain counsel and otherwise provide a complete defense against the entire claim or suit.

After a final judgment or settlement the Party may request recoupment of specific defense costs and may file suit in Washington Superior Court requesting recoupment. The Party shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Party.

The Party shall indemnify the State and its officers and employees in the event that the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Party.

- 7. Insurance:** Before commencing work on this Agreement the Party must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Party to maintain current certificates of insurance on file with the state through the term of the Agreement. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Party for the Party's operations. These are solely minimums that have been established to protect the interests of 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 Vermont.

General Liability and Property Damage: With respect to all operations performed under the contract, the Party shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations  
Products and Completed Operations  
Personal Injury Liability  
Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

\$1,000,000 per Occurrence  
\$1,000,000 General Aggregate  
\$1,000,000 Products/Completed Operations Aggregate  
\$ 50,000 Fire/ Legal/Liability

Party shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Agreement.



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***Automotive Liability:*** The Party shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Agreement. Limits of coverage shall not be less than: \$1,000,000 combined single limit.

Party shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Agreement.

- 8. Reliance by the State on Representations:** All payments by the State under this Agreement will be made in reliance upon the accuracy of all prior representations by the Party, including but not limited to bills, invoices, progress reports and other proofs of work.
- 9. Requirement to Have a Single Audit:** In the case that this Agreement is a Grant that is funded in whole or in part by federal funds, the Subrecipient will complete the Subrecipient Annual Report annually within 45 days after its fiscal year end, informing the State of Vermont whether or not a single audit is required for the prior fiscal year. If a single audit is required, the Subrecipient will submit a copy of the audit report to the granting Party within 9 months. If a single audit is not required, only the Subrecipient Annual Report is required.

A single audit is required if the subrecipient expends \$500,000 or more in federal assistance during its fiscal year and must be conducted in accordance with OMB Circular A-133. The Subrecipient Annual Report is required to be submitted within 45 days, whether or not a single audit is required.

- 10. Records Available for Audit:** The Party will maintain all books, documents, payroll papers, accounting records and other evidence pertaining to costs incurred under this agreement and make them available at reasonable times during the period of the Agreement and for three years thereafter for inspection by any authorized representatives of the State or Federal Government. If any litigation, claim, or audit is started before the expiration of the three year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved. The State, by any authorized representative, shall have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed under this Agreement.
- 11. Fair Employment Practices and Americans with Disabilities Act:** Party agrees to comply with the requirement of Title 21V.S.A. Chapter 5, Subchapter 6, relating to fair employment practices, to the full extent applicable. Party shall also ensure, to the full extent required by the Americans with Disabilities Act of 1990, as amended, that qualified individuals with disabilities receive equitable access to the services, programs, and activities provided by the Party under this Agreement. Party further agrees to include this provision in all subcontracts.



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**12. Set Off:** The State may set off any sums which the Party owes the State against any sums due the Party under this Agreement; provided, however, that any set off of amounts due the State of Vermont as taxes shall be in accordance with the procedures more specifically provided hereinafter.

**13. Taxes Due to the State:**

- a. Party understands and acknowledges responsibility, if applicable, for compliance with State tax laws, including income tax withholding for employees performing services within the State, payment of use tax on property used within the State, corporate and/or personal income tax on income earned within the State.
- b. Party certifies under the pains and penalties of perjury that, as of the date the Agreement is signed, the Party is in good standing with respect to, or in full compliance with, a plan to pay any and all taxes due the State of Vermont.
- c. Party understands that final payment under this Agreement may be withheld if the Commissioner of Taxes determines that the Party is not in good standing with respect to or in full compliance with a plan to pay any and all taxes due to the State of Vermont.
- d. Party also understands the State may set off taxes (and related penalties, interest and fees) due to the State of Vermont, but only if the Party has failed to make an appeal within the time allowed by law, or an appeal has been taken and finally determined and the Party has no further legal recourse to contest the amounts due.

**14. Child Support:** (Applicable if the Party is a natural person, not a corporation or partnership.) Party states that, as of the date the Agreement is signed, he/she:

- a. is not under any obligation to pay child support; or
- b. is under such an obligation and is in good standing with respect to that obligation; or
- c. has agreed to a payment plan with the Vermont Office of Child Support Services and is in full compliance with that plan.

Party makes this statement with regard to support owed to any and all children residing in Vermont. In addition, if the Party is a resident of Vermont, Party makes this statement with regard to support owed to any and all children residing in any other state or territory of the United States.



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- 15. Sub-Agreements:** Party shall not assign, subcontract or sub grant the performance of his Agreement or any portion thereof to any other Party without the prior written approval of the State. Party also agrees to include in all subcontract or sub grant agreements a tax certification in accordance with paragraph 13 above.
- 16. No Gifts or Gratuities:** Party shall not give title or possession of any thing of substantial value (including property, currency, travel and/or education programs) to any officer or employee of the State during the term of this Agreement.
- 17. Copies:** All written reports prepared under this Agreement will be printed using both sides of the paper.
- 18. Certification Regarding Debarment:** Party certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, neither Party nor Party's principals (officers, directors, owners, or partners) are presently debarred, suspended, proposed for debarment, declared ineligible or excluded from participation in federal programs, or programs supported in whole or in part by federal funds.  
  
Party further certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, Party is not presently debarred, suspended, nor named on the State's debarment list at: <http://bgs.vermont.gov/purchasing/debarment>
- 19. Certification Regarding Use of State Funds:** In the case that Party is an employer and this Agreement is a State Funded Grant in excess of \$1,001, Party certifies that none of these State funds will be used to interfere with or restrain the exercise of Party's employee's rights with respect to unionization.

(End of Standard Provisions)