53

New Hampshire
Department of Agriculture, Markets & Food

Shawn N. Jasper, Commissioner

December 13, 2023

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court *and*

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 14:30-a, VI, the Department of Agriculture, Markets & Food, (NHDAMF), requests authorization to amend Fiscal Committee item FIS 23-209, originally approved by the Fiscal Committee on August 11, 2023 and by the Governor and Council on August 23, 2023 Item # 57, by transferring funds in and among classes and create new class codes in the amount of $208,504 from the United States Department of Agriculture (USDA) for the Resilient Food Systems Infrastructure Program (RFSI), effective upon Fiscal Committee and Governor and Council approval through June 30, 2025. **100% Federal Funds**

Funds will be budgeted in FY 2024 as follows:

02-018-018-180010-28710000, Resilient Food System Infrastructure		**FY 2024**	**FY 2024**	**FY 2024**
CLASS/OBJECT	**CLASS TITLE**	**CURRENT MODIFIED BUDGET**	**BUDGET REQUEST**	**REVISED BUDGET**
000-400338-16	Federal Funds	$2,659,811	$0	$2,659,811
	Total Funding	$2,659,811	$0	$2,659,811
040 - 501587	Indirect Cost	$265,981	($208,504)	$57,477
041 - 500801	Audit Fund Set Aside	$2,659	$0	$2,659
042 – 500620	Post Retirement	$0	$490	$490
050 – 500109	Personal Service Temp	$0	$7,574	$7,574
060 – 500601	Benefits	$0	$487	$487
069 – 500567	Promotional & Marketing	$0	$5,000	$5,000
070 - 500705	In State Travel	$0	$1,800	$1,800
072 - 509073	Grants Federal	$2,391,171	$191,453	$2,582,624

Office of Commissioner 25 Capitol Street PO Box 2042 Concord, NH 03302-2042
www.agriculture.nh.gov/divisions (603) 271-3551 Fax: (603) 271-1109
TDD Access: Relay NH 1-800-735-2964

080 - 500710	Out of State Travel	$0	$1,700	$1,700
	Total Expense	$2,659,811	$0	$2,659,811

EXPLANATION

The Resilient Food Systems Infrastructure (RFSI) Program is intended to serve middle-of-the-supply-chain needs to add value and provide more, new, and better markets for locally or regionally produced food. This program is to support food system crops and products meant for human consumption, excluding meat and poultry.

These funds will support expanded capacity for the aggregation, processing, manufacturing, storing, transporting, wholesaling, and distribution of locally and regionally produced food products, including specialty crops, dairy, grains for human consumption, aquaculture, and other food products.

RFSI funding will be used to award infrastructure grants through a competitive award process. The minimum award amount is $100,000. Infrastructure grant recipients are required to contribute 50% of the total proposed project cost as a match to RFSI funding. Additionally, a round of equipment grants, with a minimum award of $10,000, will also be funded through this program.

The following appropriation adjustments are being requested:

Class 040 – Indirect Cost – Funds are being decreased, grant only allows the agency to recover small portion.

Class 042 – Post Retirement Benefits – Funds are being budgeted to reimburse the general fund for retirement benefits.

Class 050 – Personal Service Temp – Funds are being budgeted to cover a portion of an existing Position.

Class 060 – Benefits – Funds are being budgeted to cover a portion of an existing position's benefits.

Class 069 – Promotional & Marketing – Funds are being budgeted to promote the Resilient Food Systems Infrastructure Program.

Class 070 – In State Travel – Funds are being budgeted to cover the cost of fuel for the Grant Administrator conducting site visits of the grantees.

Class 072 – Grants Federal – Funds are being increased, increase in awards will be available.

Class 080 – Out of State Travel – Funds are being budgeted for the Grant Administrator to attend conference.

In the event that Federal Funds become no longer available, General Funds will not be requested to support this program.

Respectfully submitted,

Shawn N. Jasper
Commissioner

0 JUL 21 '23 AM 9:42 RCU

New Hampshire
Department of Agriculture, Markets & Food

Shawn N. Jasper, Commissioner

57

July 13, 2023

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court *and*

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 14:30-a, VI, the Department of Agriculture, Markets & Food, (NHDAMF), requests authorization to accept and expend American Rescue Plan funds in the amount of $2,659,811 from the United Stated Department of Agriculture (USDA) for the Resilient Food Systems Infrastructure Program (RFSI), effective upon Fiscal Committee and Governor and Council approval through June 30, 2025.
100% Federal Funds

Funds will be budgeted in FY 2024 as follows:

02-018-018-180010-NEW0000, Resilient Food System Infrastructure		**FY 2024**	**FY 2024**	**FY 2024**
CLASS/OBJECT	**CLASS TITLE**	**CURRENT MODIFIED BUDGET**	**BUDGET REQUEST**	**REVISED BUDGET**
000-400338-16	Federal Funds	$ 0	$2,659,811	$2,659,811
	Total Funding	$ 0	$2,659,811	$2,659,811
040 - 501587	Indirect Cost	$ 0	$265,981	$265,981
041 - 500801	Audit Fund Set Aside	$ 0	$2,659	$2,659
072 - 509073	Contracts	$ 0	$2,391,171	$2,391,171
	Total Expense	$ 0	$2,659,811	$2,659,811

EXPLANATION

The Resilient Food Systems Infrastructure Program is intended to serve middle-of-the-supply-chain needs to add value and provide more, new, and better markets for locally or regionally produced food. This program is to support food system crops and products meant for human consumption, excluding meat and poultry.

These funds will support expanded capacity for the aggregation, processing, manufacturing, storing, transporting, wholesaling, and distribution of locally and regionally produced food products, including specialty crops, dairy, grains for human consumption, aquaculture, and other food products.

RFSI funding will be used to award infrastructure grants through a competitive award process. The minimum award amount is $100,000. Infrastructure grant recipients are required to contribute 50% of the total proposed project cost as a match to RFSI funding.

Funds are to be budgeted as follows:

Class 040 – Indirect Costs – $265,981 Funds used to recover central services cost.

Class 041 – Audit Fund Set-Aside - $2,659 0.1% of federal funds payable to DAS for audit fees per RSA124:16.

Class 072 – Contracts – $2,391,171 to appropriate funds for contracts entered into to carry out the terms of the cooperative agreement.

In the event that Federal Funds are no longer available, General Funds will not be requested to support this program.

Respectfully submitted,

Shawn N. Jasper
Commissioner

Accounting Code: 21XXA0408DCFTMDC1100A23RFSI
Vendor I.D. (UEI): V1KTLTHPAXD6

Agreement: RFSI_NH
Assistance Listing Number: 10.190

COOPERATIVE AGREEMENT
between the
AGRICULTURAL MARKETING SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
(hereinafter called the Federal Agency)
and the
New Hampshire Department of Agriculture
Concord, New Hampshire, 03302
(herein after called the State Agency)

1. **Title of Agreement**: Resilient Food Systems Infrastructure Cooperative Agreement
2. **Objective**: The U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS), is entering cooperative agreements with each U.S. State and Territory for Resilient Food Systems Infrastructure Program Cooperative Agreements (RFSI). The overall goal of RFSI is to create more and better processing options for local and regional producers across the food supply chain.

   Following signatures on these agreements, States are to submit formal plans to develop and administer coordinated initiatives to build resilience across the middle of the State's food supply chain for food crops. Funds will support expanded capacity for the aggregation, processing, manufacturing, storing, transporting, wholesaling, and distribution of locally and regionally produced food products, including specialty crops, dairy, grains for human consumption, aquaculture, and other food products, and EXCLUDING meat and poultry, fiber, wild-caught seafood, exclusively animal feed and forage products, fiber, landscaping products, tobacco, and dietary supplements. States will work in partnership with USDA to make competitive subaward investments in middle of the supply chain infrastructure (Infrastructure Grants) to domestic food and farm businesses and other eligible entities. States may use a limited portion of funds to develop and/or strengthen the State's supply chain coordination and targeted market development services for local and regional produced product.
3. **Statement of Responsibilities**: This cooperative agreement shall be carried out by the organizational units or officials of the Federal Agency and the State Agency in the manner and subject to the conditions provided in the Statement of Responsibilities attached below, and agreed to in the final approved State Plan that will be completed in the first 90 days.
4. **Legal Authority**: Section 1001(b)(4) of the American Rescue Plan (ARP) Act of 2021 (Pub. L. 117—2).
5. **Revision**: N/A
6. **Effective Date**: May 25, 2023
7. **Approvals**: The signatories hereby certify that ~~they have authority to enter into said cooperative agreement~~ SNX this agreement shall not become effective unless it is approved by the Governor and Executive Council of the State of New Hampshire.

This agreement is hereby approved for the State Agency.

Done at Concord, NH (City and State) on 05/26/23 (Date)

Signature

Commissioner
Title

This agreement is hereby approved for the Federal Agency.

Done at Washington, DC (City and State) on 5/17/2023 (Date)

MELISSA BAILEY Digitally signed by MELISSA BAILEY Date: 2023.05.17 14:17:31 -04'00'

Signature
Associate Administrator
Agricultural Marketing Service

CONTINUATION SHEET – COOPERATIVE AGREEMENT NUMBER: RFSI_NH

This STATEMENT OF RESPONSIBILITIES is part of the Cooperative Agreement between the Agricultural Marketing Service, United States Department of Agriculture and **New Hampshire Department of Agriculture**, effective May 25, 2023, having the title of **Resilient Food Systems Infrastructure Cooperative Agreement.**

I. Introduction - Federal and State Agency employees conducting activities under terms of this agreement shall be as follows:

A. For the Federal Agency–Robert Tarwater, Grants Director, USDA AMS Transportation and Marketing Program, is the principal lead on the program, overseeing staff in the Grants Division at AMS.

B. For the State Agency– Joshua Marshall, Director of Agricultural Development

II. Responsibilities

A. The Federal Agency will:

1. Operate the program according to the attached Program Scope and Requirements.
2. Provide the State Agency with all necessary templates and information about the RFSI program during all phases of the program.
3. Arrange opportunities for the State Agency to engage with USDA-AMS staff to answer questions via meetings, informational webinars, or office hours.
4. Provide ongoing access to AMS staff who can answer questions and inform state activities for supply chain coordination and technical assistance.
5. Collaborate with the State Agency to oversee project timeline and alignment of activities with project goals.
6. Conduct a review of the State Plan within 60 days of State Agency submission of said State Plan. Collaborate with the State Agency, as needed, to review, edit, and revise the initial State Plan and any revisions needed throughout the Agreement.
7. Review and provide feedback on all materials developed through this agreement, and on State Infrastructure Grant Proposals.
8. Issue an amendment to this agreement after State Agency and Federal Agency finalize the State Plan, including a detailed budget.
9. Have ongoing substantial involvement as described in the Program Scope and Requirements throughout the term of the agreement.
10. Provide the State Agency with a sum of **$2,659,811.04** to cover allowable costs.

B. The State Agency will:

1. Operate their program and use funds in accordance with the attached Program Scope and Requirements, AMS General Terms and Conditions, and Program Specific Terms and Conditions, and responsive to Federal Agency input throughout the program.
2. Conduct outreach and engagement in their State to inform the State Plan and to ensure awareness of all services and resources offered under this program.
3. Submit a State Plan to the Federal Agency within 90 days from the start of this Agreement. Funds may only be used for initial planning and outreach activities, not Infrastructure Grants or Supply Chain Coordination activities, until a final State Plan has been approved.
4. Plan, propose, and make subawards in the form of Infrastructure Grants to middle-of-the-supply businesses to create more diverse local and regional market options and create more economic opportunities for communities, allowing them to retain more of the value chain dollar. States will send a State Infrastructure Grant Proposal to USDA for review and approval before announcing or making awards.
5. Coordinate announcements and events with the Federal Agency.
6. Participate in regular program status meetings with the Federal Agency related to financial, programmatic, or other activities as requested by the Federal Agency.
7. Provide annual performance and financial reports to the Federal Agency documenting state and Infrastructure Grant progress for the life of the award period of performance.
8. Submit requests for advances or reimbursements to the Federal Agency at least quarterly on Form SF-270, Request for Advance or Reimbursement.

9. Immediately refund to the Federal Agency, at the end of the agreement, any balance of unobligated funds advanced. This agreement is assessed an administrative charge as provided under the Debt Collection Act of 1996 (PUBLIC LAW 104–134—APR. 26, 1996). Late payments are assessed an interest charge of 18 percent per month after 60 days. A penalty charge of 7 percent is assessed per month, in addition to the interest charge, after 90 days.
10. Keep a separate account of expenditures and provide the Federal Agency a final Federal Financial Report, Form SF-425, submitted no later than 90 days after the end of the agreement.

C. It is mutually understood and agreed that:

1. Quarterly payments to the State Agency shall be limited to the minimum amounts needed to meet current disbursement needs and shall be scheduled so that the funds are available to the State Agency as close as is administratively feasible to the actual disbursements by the State Agency for program costs. Cash advances made by the State Agency to secondary recipient organizations or the State Agency's field organizations shall conform substantially to the same standards of timing and amount as apply to cash advances by the Federal Agency to the State Agency.
2. All aspects of this agreement shall be executed according to all applicable parts of Title 2 of the Code of Federal Regulations (CFR), Parts 25, 170, 200, and 400 or as they may be later revised, and successive published regulations as appropriate, hereby incorporated by reference and made a part of this agreement. The State Agency confirms that it understands and is bound by the above regulations.
3. As a condition of this award, the State Agency agrees to comply with and require subrecipients to comply with the requirements contained in:
   a. USDA AMS General Terms and Conditions
   b. RFSI Program Specific Terms and Conditions
   c. Standard Form 424B, Assurances - Non-Construction Programs.
   d. Form AD-1047, Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions.
   e. Form AD-1048, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions. Note: The recipient is responsible for obtaining the signatures and retaining the certificates, if warranted, from lower tier recipients or contractors as defined in 2 CFR 200.
   f. Form AD-1049, Certification Regarding Drug-Free Workplace Requirements (Grants) Alternative I - For Grantees Other Than Individuals.
   g. Certification Regarding Lobbying. Note: The appropriate lobbying disclosure report form, SF-LLL, is available from the Federal Agency if applicable.
      (a) Exception to the above: Certification Regarding Lobbying is not required from recipients of a Federal contract, grant, or cooperative agreement of $100,000 or less.
   h. 2 CFR Part 170, Reporting Subaward and Executive Compensation Information.
   i. 2 CFR Part 175, Award Term for Trafficking in Persons.
   j. National policy requirements contained in 2 CFR 1 – 200 and 400 et seq.
   k. In accepting the provisions of the award, the State Agency certifies that all employees and personnel responsible for providing the economic, marketing, or scientific data ensure the integrity and accuracy of the information. USDA has in place a Scientific Integrity Policy (DR 1074-001) that can be found at: https://www.ocio.usda.gov/policy-directives-records-forms/directives-categories.
   l. Prohibition Against Using Funds under Grants and Cooperative Agreements with Entities that Require Certain Internal Confidentiality Agreements:
      (a) The recipient may not require its employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.
      (b) The recipient must notify its employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (a) of this award provision are no longer in effect.
      (c) The prohibition in paragraph (a) of this award provision does not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information.
      (d) If the Government determines that the recipient is not in compliance with this award provision, it:

(1) Will prohibit the recipient's use of funds under this award, in accordance with sections 743, 744 of Division E of the Consolidated Appropriations Act, 2016 (P.L. 114-113) or any successor provision of law; and

(2) May pursue other remedies available for the recipient's material failure to comply with award terms and conditions.

(e) The State Agency further certifies that any service provider with concerns, questions, complaints, or information regarding possible violations of scientific integrity will report those concerns, either directly or through the State Agency's management, to the contracting officer who will forward those concerns to the AMS Scientific Integrity Officer (ASIO) or use the OIG Hotline at https://usdaoig.oversight.gov/.

4. No member of Congress or resident commissioner shall be admitted to any share or part of this agreement or to any benefit to arise therefrom, unless it be made with a corporation for its general benefit.
5. Subject to the necessary authority and funds, this agreement shall continue in force until **May 24, 2027**, unless amended or terminated by mutual consent of the parties in writing or terminated by either party upon 60-day notice in writing.

Equal Employment Opportunity and Civil Rights

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.