

Capital Area Council of Governments FY 2024-2025 Solid Waste Program Grant Request for Applications

General

The Capital Area Council of Governments (CAPCOG) is announcing this request for applications (RFA) https://www.capcog.org/wp-content/uploads/2023/10/FY_2024-2025_SW_Grant_App_Form.docx for regional solid waste grant funding for state Fiscal Years (FY) 2024 and FY 2025. CAPCOG is a Regional Planning Commission and a political subdivision of the State of Texas created under Chapter (§) 391 of the Texas Local Government Code and has received grant funding from the Texas Commission on Environmental Quality (TCEQ) to support management of municipal solid waste (MSW) in CAPCOG’s 10-county region, which includes Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, Travis, and Williamson counties.

Timeline

The following table lays out the major milestones for this RFA and the grants that will be awarded pursuant to this RFA:

Table 1. RFA Milestones

Milestone	Date(s)
RFA Released	11/13/2023
Recorded Grant-Writing Webinar available to view on CAPCOG website	11/21/2023
Deadline for Questions	12/11/2023, 4:00 pm
Question & Answer Document Posted Online	12/12/2023, 5:00 pm
Applications Due	12/18/2023, 4:00 pm
Public/Private Industry Review Period	12/27/2023 – 1/11/2024
Final Deadline for Governing Body Resolution	1/12/2024, 1:00 pm
Solid Waste Advisory Committee (SWAC) Scoring Meeting	1/19/2024
Grant Recommendations Distributed to CAPCOG Executive Committee	1/29/2024
CAPCOG Executive Committee Considers Approval of Grants	2/14/2024
Target Start Date for FY 2024 Contracts	4/1/2024
End Date for FY 2024 Contracts (except construction projects)	8/31/2024
Target Start Date for FY 2025 Contracts	9/1/2024
End Date for FY 2025 Contracts and Construction Projects	4/30/2025

Associated Documents

The following documents/attachments are associated with this RFP:

1. FY 2024-2025 Solid Waste Grant Application Form;
2. TCEQ’s Administrative Procedures Document;
3. CAPCOG’s SWAC Bylaws; and
4. CAPCOG’s 2022 – 2042 Regional Solid Waste Management Plan.

All documents can be found at <https://www.capcog.org/what-we-do/funding-grants/solid-waste/>.

CAPCOG Regional Solid Waste Management Plan

The purpose of this funding is to implement projects that will support the goals of CAPCOG's Regional Solid Waste Management Plan (RSWMP). These goals are:

1. Promote community clean-up events to provide citizens with an alternative to illegal dumping
2. Encourage a household hazardous waste (HHW) collection and diversion program
3. Continue and enhance current illegal dumping enforcement programs
4. Explore alternatives to dealing with the disposal of special wastes
5. Promote public education on integrated solid waste management
6. Encourage effective and efficient management and operation of recycling services
7. Encourage the proper management and disposal of municipal solid waste (MSW)
8. Promote reduction in the disposal amount of yard waste and encourage recycling
9. Determine whether access to and the availability of legal disposal options in the CAPCOG region are adequate
10. Promote administrative structures to ensure some measure of local control in the siting, expansion, and operation of MSW facilities
11. Promote incentives for recycling activities and increased recycling participation rates across the region
12. Reduce the amount of MSW generated and disposed of within the region
13. Increase the CAPCOG region's recycling rate
14. Provide permanent HHW collection facilities throughout the region
15. Use the Plan conformance/facility application review process and provisions of §363.066, Health and Safety Code, to address local issues in order to avoid if possible, or minimize if avoidance is not possible, adverse impacts from MSW facilities on human health and the environment

CAPCOG's current RSWMP is available online at: <https://www.capcog.org/divisions/community-economic-development#solid-waste>.

Eligible Entities

The following types of entities located in the CAPCOG region are eligible to apply for funding under this RFA:

1. Municipalities;
2. Counties;
3. Public schools and school districts (not including Universities or post-secondary educational institutions); and
4. Other general and special law districts with the authority and responsibility for water quality protection or municipal solid waste management, including river authorities.

Eligible Projects

The following categories of projects are eligible for funding under this Request for Applications (RFA), and further defined in this section:

1. Local Enforcement.
2. Litter and Illegal Dumping Cleanup and Community Collection Events.
3. Source Reduction and Recycling.
4. Local Solid Waste Management Plans.
5. Municipal Solid Waste Facilities Eligible for Funding.
6. Household Hazardous Waste Management.
7. Technical Studies.

8. Educational and Training Projects.
9. Other Types of Projects.

Local Enforcement

Funds can be used for projects which contribute to the prevention of illegal dumping of municipal solid waste, including liquid wastes. Funding recipients may investigate illegal dumping problems; enforce laws and regulations pertaining to the illegal dumping of municipal solid waste, including liquid waste; establish a program to monitor the collection and transport of municipal liquid wastes, through administration of a manifesting system; and educate the public on illegal dumping laws and regulations.

Funds may not be expended to any law enforcement agency regulated by Texas Occupations Code, Title 10, Chapter 1701, unless: (a) the law enforcement agency is in compliance with all rules on Law Enforcement Standards and Education; or (b) the Commission on Law Enforcement Officer Standards and Education certifies that the requesting agency is in the process of achieving compliance with such rules.

When funding is to be provided for salaries of local enforcement officers, the funds recipient must certify that at least one of the officers has attended or will attend within the term of the funding agreement the TCEQ's Criminal Environmental Law Enforcement Training or equivalent training.

Local enforcement vehicles and related enforcement equipment purchased entirely with funds provided under this Agreement may only be used for activities to enforce laws and regulations pertaining to littering and illegal dumping, and may not, to the extent practicable, be used for other code enforcement or law enforcement activities. Vehicles and equipment that are only partially funded must be dedicated for use in local enforcement activities for a percentage of time equal to the proportion of the purchase expense funded.

Entities receiving funds for a local enforcement officer, enforcement vehicles, and/or related equipment for use by an enforcement officer, must investigate major illegal dumping problems, on both public and private property, in addition to investigating general litter problems on public property.

Entities receiving funds to conduct a local enforcement program must cooperate with the TCEQ's regional investigative staff in identifying and investigating illegal dumping problems. Lack of cooperation with the TCEQ staff may constitute a reason to withhold future funding to that entity for local enforcement activities.

Funds may not be used for investigation and enforcement activities related to the illegal dumping of industrial and/or hazardous waste. Instances where industrial or hazardous waste is discovered at a site do not preclude the investigation of that site, so long as the intent and focus of the investigation and enforcement activities are on the illegal dumping of municipal solid waste. Funds may not be used to purchase ammunition, firearms, or HazMat gear.

Litter and Illegal Dumping Cleanup and Community Collection Events

Funds can be used for ongoing and periodic activities to clean up litter and illegal dumping of municipal solid waste, excluding cleanup of scrap tire dumping sites.

Funded activities may include: waste removal; disposal or recycling of removed materials; fencing and barriers; and signage. Placement of trash collection receptacles in public areas with chronic littering problems may also be funded. To the extent feasible, reuse or recycling options should be considered for managing the materials cleaned up under this program. Funds may also be used for periodic community collection events to provide for collection of residential waste materials for which there is not a readily-

available collection alternative, such as large and bulky items that are not picked up under the regular collection system.

Projects funded to clean up litter or illegal dumping on private property must be conducted through a local government sponsor or the COG. Funds may not be provided directly to a private landowner or other private responsible party for cleanup expenses. The local government sponsor or the COG must either contract for and oversee the cleanup work or conduct the work with its own employees and equipment.

The costs for cleanup of hazardous waste and/or Class 1 nonhazardous industrial waste that may be found at a municipal solid waste site must be funded from other sources, unless a waiver from this restriction is granted by the TCEQ's Waste Permits Division to deal with immediate threats to human health or the environment.

The cleanup of Class 2 and 3 nonhazardous industrial wastes that may be found at a municipal solid waste site may be funded in conjunction with the cleanup of the municipal solid waste found at a site.

All notification, assessment, and cleanup requirements pertaining to the release of wastes or other chemicals of concern, as required under federal, state, and local laws and regulations, including [30 TAC Chapter 330](#), TCEQ's MSW Rules, and [30 TAC Chapter 350](#), TCEQ's Risk Reduction Rules, must be complied with as part of any activities funded under this Agreement.

All materials cleaned up using funds provided under this Agreement must be properly disposed of or otherwise properly managed in accordance with all applicable laws and regulations. To the extent feasible, it is recommended that as much material as possible be diverted from area landfills and targeted for reuse or recycling.

Source Reduction and Recycling

Funds can be used for projects which provide a direct and measurable effect on reducing the amount of municipal solid waste going into landfills, by diverting various materials from the municipal solid waste stream for reuse or recycling, or by reducing waste generation at the source. Funded activities may include: diversion from the waste stream and/or collection, processing for transport, and transportation of materials for reuse and/or recycling; implementation of efficiency improvements in order to increase source reduction and recycling, to include full-cost accounting systems and cost-based rate structures, establishment of a solid waste services enterprise fund, and mechanisms to track and assess the level of recycling activity in the community on a regular basis; and educational and promotional activities to increase source reduction and recycling.

Any program or project funded under this Agreement with the intent of demonstrating the use of products made from recycled and/or reused materials shall have as its primary purpose the education and training of residents, governmental officials, private entities, and others to encourage a market for using these materials.

Any revenues realized from recycling efforts funded through this program by a sub-grant recipient must be placed back into the respective solid waste management program and may not be placed into a funded entities general revenue fund. Any monies realized must be used to promote sustainability of the funded program.

Local Solid Waste Management Plans

Funds can be used for projects to develop a local solid waste management plan. In addition, in accordance with [§363](#), Texas Health and Safety Code, and [30 TAC §330](#), TCEQ Rules, funds can be used

for the TCEQ adoption of a local solid waste management plan. Funds may be used to amend an existing local solid waste management plan that has been adopted by the TCEQ. Local solid waste management plans must be consistent with the goals and objectives of the RSWMP.

All local solid waste management plans funded under this Agreement must be consistent with the COG's RSWMP, and prepared in accordance with [30 TAC §330, Subchapter O](#), TCEQ Rules, and the Content and Format Guidelines provided by the TCEQ.

In selecting a local solid waste management plan as an implementation project for funding, the COG shall ensure that at least one year is available for the completion and adoption of the local plan.

Municipal Solid Waste Facilities Eligible for Funding

The design and construction of the facilities identified below may be funded. Other registered or permitted facilities may receive funding upon prior authorization from TCEQ on a case-by-case basis. The cost associated with operating these types of facilities will not be funded. However, eligible facilities which do not charge customers for services rendered qualify to pursue implementation project funding under this agreement to cover facility upgrades and periodic maintenance costs associated with the free services provided. Projects funded under this project category shall include consideration of an integrated approach to solid waste management, to include providing recycling services at the site, if appropriate to the management system in place. Any revenues realized by entities funded through this program should be used in support of the entity's solid waste program and may not be redirected to an entity's general revenue fund. The following municipal solid waste facilities qualify to pursue funding:

- Notification tier municipal solid waste transfer stations that qualify under [30 TAC 330.11\(e\)](#).
- Registered municipal solid waste transfer stations that qualify under [30 TAC 330.9\(b\)\(1\) through \(3\), or \(f\)](#).
- Exempt local government recycling facilities as provided for under [30 TAC 328.4\(a\)\(1\)](#).
- Notification tier composting facilities which qualify under [30 TAC 332.21 – 332.23](#).
- Liquid waste transfer stations which qualify for registration in [30 TAC 330.9\(g\) and \(l\)](#).
- Registration tier used oil collection facilities which qualify under [30 TAC 324.7\(1\) or \(3\)](#).

Please refer to the TCEQ Administrative Procedures document for more details about requirements for funding MSW facilities and the various authorizations required.

Household Hazardous Waste Management

Funds can be used for projects that provide a means for the collection, recycling or reuse, or proper disposal of household hazardous waste (HHW), including:

- household chemicals;
- used oil and oil filters;
- antifreeze;
- lead-acid batteries;
- household electronic waste, and
- other materials.

Funded activities can include: collection events; consolidation and transportation costs associated with collection activities; recycling or reuse of materials; proper disposal of materials; permanent collection facilities; education and public awareness programs.

All HHW events must meet the requirements of 30 TAC 335, Subchapter N, and must be coordinated through the TCEQ/External Relations Division. Additionally, the TCEQ Used Oil Program regulates the

handling – including transportation – of used oil and oil filters. HHW collections should be aware of registration requirements when selecting vendors or running a collection programs themselves.

All HHW collection event activities must be conducted under an operational plan which meets the requirements of 30 TAC 335.405(a), to be maintained onsite, which addresses collection, ingress and egress, storage, training, transportation, recycling, and disposal.

Designated HHW “operator” must submit to the TCEQ HHW Program a 45 Day Notice which meets the requirements of 30 TAC 335.403(b). The operator must also report to the HHW program by April 1st of the following year on the amount of material received under the collection. This notice must be submitted in one of the following formats through one of the following avenues:

Mailed to:

TCEQ/External Relations Division (MC 118)
HHW Program
P.O. Box 13087
Austin TX 78711-3087

E-mailed to: Recycle@tceq.texas.gov

Faxed to: (512) 239-1065, Attn. HHW Program

Technical Studies

Funds can be used for projects that include the collection of pertinent data, analysis of issues and needs, evaluation of alternative solutions, public input, and recommended actions to assist in making solid waste management decisions at the local level. Projects can also include research and investigations to determine the location, boundaries, and contents of closed municipal solid waste landfills and sites, and to assess possible risks to human health or the environment associated with those landfills and sites.

All technical studies funded under this Contract must be consistent with the COG’s RSWMP and prepared in accordance with Guidelines provided by the TCEQ.

Educational and Training Projects

Educational components are encouraged under the other categories in order to better ensure public participation in projects; those educational components should be funded as part of those projects and not separately under this category. Funds can also be used for “stand-alone” educational projects dealing with a variety of solid waste management topics. Projects can include funding for information-exchange activities.

Educational and training programs and projects funded under this Agreement must be primarily related to the management of municipal solid waste, and funds applied to a broader education program may only be used for those portions of the program pertaining to municipal solid waste.

Grant Amounts

Grant amounts may range from \$10,000 - \$40,000, with a total of \$274,000 available to award. CAPCOG expects to award 10-20 different grants. No more than half of the total (\$137,000) may be awarded in total for FY 2024 projects. Grants will be on a reimbursement basis.

Match Requirement

The applicant must commit to cash match of at least 10% for the total eligible project costs (not including any in-kind contribution). If an applicant is proposing match of more than 10%, then it will only be able to seek reimbursement for the remaining percentage of eligible costs up to the total funding requested and awarded.

Number of Applications

Applicants are not limited to any specific number of applications, however, they are required to submit separate applications for each collection event, and they will be scored and prioritized separately (i.e., an applicant's 2nd collection event application would be put into a lower priority level than its 1st collection event). For the purposes of this application, an "event" can be a multi-day event as long as the days are adjacent to one another. A multi-weekend collection "event" in which no collection is conducted in the intervening days should be broken out into two separate applications.

Eligible Expenses

The following categories of expenses may be eligible for funding under this program. All expenses must directly relate to the conduct of the proposed project.

Personnel

Appropriate salaries and fringe benefits for employees working directly on the funded project may be authorized under most of the grant categories.

Travel

Travel expenses directly related to the conduct of the funded program may be authorized. Only the employees of the pass-through grant recipient assigned to the project should receive reimbursement for travel expenses. In accordance with the [TxGMS](#), in those instances where grantees do not have an established organization-wide written travel policy approved by the governing board of the local jurisdiction, all employee-related travel expenses must be claimed at no higher than the same rates allowed by the State of Texas for its employees. For authorized reimbursement through the Regional Solid Waste Grants Contract, all travel authorized for pass-through recipients must comply with Chapter 660 of the Government Code, and Article IX of the General Appropriations Act, 88th Legislative Session.

Supplies

Expenses for supplies necessary for the conduct of the funded project may be authorized. Expenses included under the Supplies expense category of a project budget should be for non-construction related costs for goods and materials having a unit acquisition cost (including freight) of less than \$5,000. Such expenditures must generally relate to the routine purchase of office supplies (paper, pencils, and staplers) or other goods which are consumed in a relatively short period of time, in the regular performance of the general activities of the proposed project.

Equipment

Equipment necessary and appropriate for the proposed project may be authorized. The COG must carefully evaluate all requests for equipment to determine appropriateness of the equipment for the project. No equipment is to be purchased by a pass-through grant recipient unless approved in advance by the COG. Expenses included under the Equipment expense category should be for non-construction related, tangible, personal property having a unit acquisition cost of \$5,000 or more (including freight

and set up costs) with an estimated useful life of over one year. Any equipment that will be used for other projects or activities, in addition to the funded project, may only be funded at an amount reflecting the appropriate percentage of time that the equipment will be directly used for the funded project. The special conditions and requirements set forth in the grant Contract (relating to Title to and Management of Equipment and Constructed Facilities), also apply to equipment purchased with pass-through grant funding.

Construction

Appropriate construction costs may be authorized. Expenses budgeted under this category should be for costs related to the enhancement or building of permanent facilities. No construction costs may be incurred by a pass-through grant recipient unless the construction details are approved in advance CAPCOG. Appropriate costs that may be included are:

1. The cost of planning the project;
2. The cost of materials and labor connected to the construction project;
3. The cost of equipment attached to the permanent structure; and
4. Any subcontracts, including contracts for services, performed as part of the construction.

Contractual Expenses

Professional services or appropriate tasks provided by a firm or individual who is not employed by the pass-through grant recipient for conducting the funded project may be authorized for subcontracting by the funds recipient. No contractual costs should be incurred by a pass-through grant recipient unless the subcontract is approved in advance by the COG. Applicable laws and regulations concerning bidding and contracting for services must be followed.

Any amendment to a subcontract which will result in or require substantive changes to any of the tasks required to be performed must be approved in writing CAPCOG.

Other Expenses

Other expenses, not falling under the main expense categories, may be included, if connected with the tasks and activities of the proposed project. The restrictions set forth in the [TxGMS](#) and the main grant Contract apply. The COG must ensure that expenses budgeted under this "Other" category are itemized by the grant recipient and are fully considered and evaluated by the COG. Some expenses that may be appropriate include:

- Postage/delivery
- Telephone/FAX
- Utilities
- Printing/reproduction
- Advertising/public notices
- Signs
- Training
- Office space
- Basic office furnishings
- Computer Hardware (greater than \$1,000 and less than \$4,999.99 not listed under the Equipment category)
- Computer Software

Indirect

Indirect costs may be funded, if applicable to the project. In accordance with the [TxGMS](#), indirect charges may be authorized if the applicant has an indirect cost rate properly filed within the past 24 months by a federal cognizant agency or state single audit coordinating agency. Alternatively, the applicant may be authorized to recover up to 10% of direct salary and wage costs (excluding overtime, shift premiums, and fringe benefits) as indirect costs, subject to adequate documentation. If the Applicant has an approved cost allocation plan, enclose documentation of the approved indirect rate with the project application.

Types of Expenses That May Be Appropriate Under Each Project Category

Following are examples of some of the types of expenses that may be appropriate under each of the project categories.

Local Enforcement

- Equipment, such as vehicles, communications equipment, and surveillance equipment (NOTE: this does not include local code enforcement officer firearms nor ammunition)
- Program administration expenses, such as salaries/fringe benefits, office supplies and equipment, travel, training, and vehicle maintenance
- Protective gear and supplies (NOTE: this does not include self-contained breathing apparatus equipment)
- Education and outreach materials

Litter and Illegal Dumping Cleanup and Community Collection Events

- Equipment, such as trailers and trucks
- Program administration expenses, such as, salaries/fringe benefits, office supplies and equipment, travel, training, and vehicle maintenance
- Subcontract expenses
- Protective gear and supplies
- Fencing, barriers, and signage
- Education and outreach materials

Source Reduction and Recycling

- Facility design and construction
- Equipment, such as chippers, balers, crushers (non- trash), recycling and composting containers, trailers, forklifts, and trucks
- Program administration expenses, such as salaries/fringe benefits, office supplies and equipment, travel, training, and equipment maintenance
- Education and outreach materials
- Printing and advertisement expenses

Local Solid Waste Management Plans

- Consultant services
- Printing and advertising expenses
- Program administration expenses, such as salaries/fringe benefits, office supplies, and travel

Citizens' Collection Stations, Recycling Facilities and "Small" Registered Transfer Stations

- Facility design and construction
- Equipment, such as trailers, balers, crushers (non-trash) recycling scales, and recycling containers
- Protective gear
- Education and outreach materials
- Printing and advertisement expenses

Household Hazardous Waste Management

- Design and construction of permanent collection facilities
- Equipment for permanent collection facilities, such as recycling containers, trailers, forklifts, and crushers
- Protective gear
- Contractual services for special collection events
- Education and outreach materials
- Printing and advertising expenses

Technical Studies

- Consultant services
- Printing and advertising expenses
- Program administration expenses, such as salaries/fringe benefits, office supplies, and travel

Educational and Training Projects

- Education and outreach materials
- Printing and advertising expenses
- Contractual services
- Program administrative expenses, such as salaries/fringe benefits, office supplies, and travel

Requirements for Private Industry Notification

In accordance with §361.04(b) of the Texas Health and Safety Code and 30 TAC §330.649(d), a project or service funded under this program must promote cooperation between public and private entities and may not be otherwise readily available or create a competitive advantage over a private industry that provides recycling or solid waste services. In order to ensure this, TCEQ requires the following for all projects other than local enforcement:

1. Applicants for funding must contact in person or in writing the known private providers of similar services which, at the time of the application development, are providing services within the geographic service area that the project intends to serve, prior to making an application.
2. Applicants for funding must inform the private service providers of the basic details of the proposed project and consider any input and concerns from the private service providers about the project when completing the project proposal.
3. Applicants for funding must provide with the application information regarding recycling or solid waste services within the proposed geographic service area of the project being applied for, including:

- a. the names and telephone numbers of any known private entities providing similar or related services within that service area;
 - b. a certification that the private service providers were notified of the details of the application;
 - c. copies and/or summaries of any input and concerns raised by the private service providers;
 - d. a summary of any meetings or discussions held between the applicant and the private service providers;
 - e. an explanation of any changes made to the proposed project to address private service provider concerns; and
 - f. an explanation of any remaining concerns that were not addressed and why the applicant determined that the concerns were not valid under the statutory requirements.
4. Applicants for funding are encouraged to meet directly with private service providers that may have a concern about the proposed project to attempt to resolve any concerns before an application is submitted.

Webinar and Question and Answer Opportunity

Webinar

CAPCOG will prepare a webinar that will be available for viewing prior to the deadline that will cover the details of this RFA and preparation of applications in response to it. The webinar will be available online to view on-demand until the application deadline date. In order to ensure that applications meet all requirements, participating in or viewing this webinar by a representative from the applicant is encouraged.

The webinar will be posted on the CAPCOG website beginning on November 21, 2023. Prospective webinar viewers do not need to register.

Questions and Answers

Throughout the RFA process, applicants may submit questions to ahoekzema@capcog.org with copies to kmay@capcog.org and with copies to csimon@capcog.org. CAPCOG will compile responses to these questions and post and update a "Q&A" document on the RFA page as time permits. The deadline to submit questions is 4:00 pm, Monday, 12/11/2023, with the last update no later than Tuesday, 12/12/2023, by 5:00 pm.

Application Submission

Application Checklist

In order for an application to be considered complete, all of the following elements must be included in the submission:

1. FY 2024-2025 Solid Waste Grant Application Form;
2. Documentation of Private Industry Notification and Consultation (required except for law enforcement projects);
3. Resolution from entity's governing board authorizing grant application and commitment of match (if required and available at the time application is due); and
4. Approved indirect cost plan (if requesting indirect costs in budget).

If it is not possible for the applicant to get a resolution approved by its governing board by the grant application date, it must provide a draft copy of the resolution and indicate the date that the governing body is scheduled to take action on the resolution. The latest that an approved resolution may be submitted to be considered for funding is 1:00 pm, Friday, January 12, 2024.

Submission Instructions

Applicants must submit each grant application in a separate e-mail to ahoekzema@capcog.org, with copies to csimon@capcog.org and kmay@capcog.org, including all attachments, with a subject line: *[Organization Name] Solid Waste Grant Application [Application #]*. All applications must be received by CAPCOG no later than 4:00 pm on Monday, 12/18/2023. CAPCOG will respond as soon as possible with an acknowledgement of receipt. If you have not received an e-mail acknowledging receipt from ahoekzema@capcog.org by Monday, 12/18/2023, at 5:00 pm, please call Andrew Hoekzema, CAPCOG Deputy Executive Director, at (512) 916-6043 as soon as possible so that CAPCOG can review its e-mail spam filters to determine if an application was indeed received by the deadline.

Amendments and Errors in Applications

If an applicant becomes aware of an error in the application prior to the deadline and wishes to withdraw the application and resubmit an updated application in its place, it may do so up until the 4:00 pm deadline on Friday, December 15, 2023. After that time, CAPCOG reserves the right to disqualify any application that does not meet minimum requirements. If CAPCOG identified an error in an application after the application deadline, it may evaluate the extent to which that error may or may not be material. Depending on the circumstances, CAPCOG may request additional information or an amended application from an applicant prior to making the application publicly available for review if the error is not material (i.e., that the error would not otherwise disqualify the application from consideration at the “screening” step of the process).

Changes to Projects Following Initial Submission

Subsequent to an application’s submission, CAPCOG’s SWAC, CAPCOG’s Executive Committee, or the TCEQ may elect to only recommend or approve part of the requested funding. CAPCOG will rely on the applicant’s representation as to the minimum amount of funding acceptable in determining whether to consider awarding partial funding to a project.

Grant Review Process

Once applications are received by CAPCOG, applications will undergo the following review steps:

1. Private industry review;
2. Initial screening by CAPCOG staff;
3. Public review;
4. CAPCOG SWAC review and funding recommendations;
5. Assigning grant recommendations into recommended fiscal years;
6. CAPCOG Executive Committee approval of grant awards; and
7. TCEQ approval of grant awards.

Private Industry Review

In addition to the private industry notification and consultation that the applicant must complete, CAPCOG must also provide notification to private industry at least 7 days before making the applications available to the SWAC for review and provide them an opportunity for review.

In accordance with TCEQ rules for this program:

- CAPCOG must accept written comments from private service providers regarding the project applications and include those comments with the applications for review and consideration by the SWAC and CAPCOG's Executive Committee.
- To the extent time allows, and as deemed appropriate by CAPCOG, CAPCOG must seek to resolve issues of project eligibility, to include encouraging the applicant to work with the private service provider to resolve the issues, before the project is considered by the SWAC.
- CAPCOG must Present all private industry concerns related to an application to the SWAC before the project applications are considered.
- If necessary, CAPCOG may contact the TCEQ to discuss eligibility matters before consideration of the application by the SWAC.
- The COG shall undertake any additional activities determined necessary by the SWAC and authorized by the COG's governing body to ensure that a funded project complies with [§361.014\(b\), Texas Health and Safety Code](#), and [30 TAC §330.641](#).

Initial Screening by CAPCOG Staff

Parallel to the private industry review process, CAPCOG staff will conduct an initial screen of each grant application to verify that all of the following requirements are met. If an application does not meet these initial screening criteria, it will not receive further consideration.

1. The application must be complete, and all application requirements and procedures followed, including requirements to notify private service providers of the proposed project, when applicable.
2. The proposed project must conform to eligible standards, eligible recipient standards, and allowable expense and funding standards, as established by CAPCOG's contract with TCEQ and under all applicable laws and regulations.
3. The applicant must agree to document the results of the project as required by CAPCOG's contract with TCEQ.
4. The proposed project must be technically feasible, and there must be a reasonable expectation that the project can be satisfactorily completed within the required time frames.
5. The proposed project activities and expenses must be reasonable and necessary to accomplish the goals and objectives of the project. One factor in determining reasonableness of expenses shall be whether comparable costs are proposed for comparable goods and services.

CAPCOG staff will also review the proposed expenditures and identify any ineligible expenses prior to the public review process, and will notify both the applicant and the SWAC of any ineligible expenses CAPCOG has identified. Any grant application that includes ineligible funds will be limited to be awarded funds only to cover eligible expenses.

Prioritization of Grant Applications Prior to Scoring

CAPCOG staff will assign one of three priority levels to each application that meets the screening criteria based on the following factors:

1. Project type;
2. Number of applications submitted; and
3. Applicant preference.

In the funding prioritization process, all priority 1 projects will be prioritized for funding over priority 2 projects, regardless of whether a priority 2 project scores higher than a priority 3 project.

Project Type Prioritization

Each application's priority level will be limited by the type of project it corresponds to based on the SWAC's priorities for this biennium. The maximum priority that an application can be shown below:

- Priority 1:
 - Litter and Illegal Dumping Cleanup and Community Collection Events;
 - Source Reduction and Recycling; and
 - Household Hazardous Waste Management.
- Priority 2:
 - Local Enforcement;
 - MSW Facility Eligible for Funding (transfer stations, local government recycling facilities, composting facilities, liquid waste transfer stations, and used oil collection facilities); and
 - Education and Training.
- Priority 3:
 - Local Solid Waste Management Plans;
 - Technical Studies; and
 - Other.

Prioritization Based on Number of Applications

Each applicant can only have a maximum of one application in each priority level. Therefore, for example, if an applicant requests funding for two collection events, the 1st collection event can be considered priority 1, but the 2nd collection event would be considered priority 2. Absent specific indication from the applicant, whichever application is received 1st will be considered the higher priority application. If an applicant submits two applications for "priority 1" project types and one application for a "priority 2" project type, the "priority 2" project will be downgraded to priority 3, and 1 of the 2 "priority 1" projects will be downgraded to priority 2.

Prioritization Based on Applicant Preference

If an applicant submits multiple applications within the same project type priority, it may specify which application it wishes to be considered a higher priority.

Public Review Period

CAPCOG will post copies of all eligible grant applications on its website and begin a public review period prior to the SWAC scoring committee meeting.

SWAC Review

Presentations to SWAC

Each applicant will have an opportunity to present for five minutes for each application at the SWAC scoring meeting, with an additional 10 minutes for questions and answers. CAPCOG must allow for oral comments from a private service provider representative on a proposed project at the meeting of the SWAC where the projects will be considered. CAPCOG may, but is not required to, restrict oral comments concerning that project to entities from which written comments had previously been received by CAPCOG.

SWAC Review of Private Industry Concerns

The SWAC shall make a determination pertaining to the private industry concerns before issuing its recommendations for the selection of applications to be funded. In making a decision concerning the

eligibility of a project, the SWAC shall address the issues that were raised by a private service provider and shall provide in the record of the proceeding its specific reasons for either accepting or rejecting the private industry concerns.

Scoring by SWAC

After each presentation, each SWAC member will score the application based on the following criteria in accordance with the SWAC bylaws:

Table 2. SWAC Scoring Criteria

Criteria	Maximum Points
Identified Need/Problem Resolution/Innovative or Progressive/Long-Term v. Short-Term	20
Well-planned, organized, and technically feasible project	15
Regionally coordinated effort or public/private partnership/multi-jurisdictional	20
Cost-effectiveness	10
Direct services versus administrative overhead	10
Sustainability of project	10
Local commitment to project	15
Total	100

An explanation for each of these criteria is provided below:

1. **Identified need/problem resolution/innovative or progressive/long-term v. short-term (max: 20 points):** Under this scoring criteria, the SWAC needs to identify to what extent the project meets local need? To what extent does the project solve local issues that may be preventing increased solid waste diversion? Determine if the project is innovative or progressive in nature? And determine if the project meets long term versus short term resolutions to local needs? An application may be awarded maximum points where the proposed project meets local needs, solves local issues interfering with solid waste services, is an innovative or progressive approach to a local need, and where the proposed project is a long-term solution to local issues.
2. **Well-planned, organized, and technically feasible project (max: 15 points):** Under this scoring criteria, the SWAC will need look for planning aspects of the proposed project that include public participation, local government participation and leadership, and the local government’s ability to implement and sustain the project.
3. **Regionally coordinated effort or public/private partnership/multi-jurisdictional (max: 20 points):** Under this scoring criteria, the SWAC will look to reward innovative projects that combine the resources of public and private entities and that are true multi-jurisdictional projects addressing sub-regional needs. A public – private partnership must include a private industry in-kind or cash match component and should not be simple contracting for services. A multi-jurisdictional project would encompass more than one local government’s jurisdictional boundary with buy-in and support provided by each local government.
4. **Cost-effectiveness (max: 10 points):** Under this scoring criteria, the SWAC will score based upon the cost effectiveness of the project. To what extent does the proposed project resolve an issue utilizing cost effective means, also considering the sustainability of the project when considering the overall cost to the local government(s).
5. **Direct services versus administrative overhead (max: 10 points):** Under this scoring criteria, the SWAC will evaluate the proportion of the grant requested that will fund a direct service versus the amount of the proposed project that will go toward an administrative overhead to maintain the proposed project. Projects which direct the majority of the funds requested toward direct solid waste services should receive greater points consideration than projects that increase government size or fund additional administrative duties.
6. **Sustainability of project (max 10 points):** Under this scoring criteria, the SWAC will look directly to the sustainability of the project and reward those projects that have a well laid out plan to ensure the project meets a long term need rather than providing a short-term fix
7. **Local commitment to project (max 10 points):** Under this scoring criteria, the SWAC will consider the local commitment to the project. To what extent does the local government plan,

lead, and support the project utilizing the resources available to them. Projects with a higher local match percentage should receive more points than projects that only propose the minimum 10% required match.

Score Compilation, Ranking, and Funding Recommendations

CAPCOG staff will calculate the average score of each application, and put them in order from highest score to lowest score within each priority level. Applications that score below 70 points will be moved to a “contingency” list. These results will be presented back to the SWAC for consideration to make any adjustments to funding recommendations for individual projects at this stage. The SWAC will then vote on the funding recommendations as a group.

Assigning Projects to Fiscal Years 2024 and 2025

Once the SWAC has made its funding recommendations, CAPCOG staff will assign projects recommended for funding into one of three types of contracts taking into consideration the following guidelines:

1. Non-facility FY 2024 contracts, with a performance period of 4/1/2024 – 8/31/2024; and
2. Non-facility FY 2025 contracts, with a performance period of 9/1/2024 – 4/30/2025; and
3. Facility contracts, with a performance period of 4/1/2024 – 4/30/2025.

Executive Committee Approval

- CAPCOG staff will transmit the SWAC’s funding recommendation to its Executive Committee for consideration.
- CAPCOG must allow for oral comments from a private service provider representative at the meeting of the governing body where the projects will be considered. Oral comments concerning that project are limited to entities from which written comments had previously been received by CAPCOG.
- CAPCOG’s Executive Committee is not bound by the SWAC’s recommendations, but CAPCOG staff should ensure that meeting minutes record any deviations from the SWAC recommendations and the basis for those deviations.
- CAPCOG’s Executive Committee may direct that a determination by the SWAC that identifies a project which does not comply with the private industry requirements precludes further consideration of that project application. The Executive Committee may make a final decision regarding a private industry concern.
- In making a decision concerning funding a project, the governing body shall provide in the record of the proceeding its specific reasons for either accepting or rejecting the private industry concerns.
- Prior to submitting the project list for review by the TCEQ, the governing body shall inform in writing any private service provider submitting comments opposing a project, that the service provider may appeal in writing to the Authorized Representative of the TCEQ a decision of the governing body approving the selection of a project for funding, within ten (10) working days following receipt of the written notice, on the grounds that the project does not promote cooperation between public and private entities, or is readily available in the proposed project service area, or creates a competitive advantage over that private service provider in the provision of recycling or solid waste services.

TCEQ Approval

- Following Executive Committee approval of grant awards, CAPCOG staff will transmit details of the grant awards to TCEQ for final approval.

- A project may not proceed until it has been approved by TCEQ.
- In order to allow for the consideration of and action upon an appeal that may be submitted to the TCEQ by a private service provider, the TCEQ and CAPCOG agree to adhere to the appeals review process as follows:
 - The TCEQ will consider any written appeal received from a private service provider.
 - If the TCEQ determines that there are grounds for further consideration of the appeal, the TCEQ shall notify CAPCOG in writing and by other appropriate means.
 - If so, notified of the further consideration of an appeal by the TCEQ, CAPCOG shall cooperate with the TCEQ and the appellate private service provider to resolve any problem issues.
 - CAPCOG shall not proceed with any project which the TCEQ has notified CAPCOG of a question or concern about that project until the TCEQ provides CAPCOG written authorization to proceed with awarding funding to the project.
 - If the private industry issues are not resolved by CAPCOG and the private service provider to the satisfaction of the TCEQ, the TCEQ will make a final decision concerning the eligibility of the project for funding. This decision will be communicated to CAPCOG and the private service provider in writing. CAPCOG may not provide funding for any project found to be ineligible by the TCEQ.

Reporting

As a condition of funding, TCEQ and CAPCOG require grant recipients to provide detailed reporting on the results achieved through the grant funding. For discrete activities, this will include quantities of solid waste collected or diverted within the time frame of the grant contract. For projects involving equipment or construction, this will involve a “follow-up results report” that identifies activities completed since the new capital asset was put into service, and which will be due the following year.

Special Requirements for Equipment and Construction

TCEQ’s Administrative Procedures includes a number of special requirements for projects that involve equipment or construction that will apply to any such project funded under this RFA. Please refer to section I-E of this document and otherwise review other parts of the document applicable to equipment and construction. The requirements identified in TCEQ’s Administrative Procedures will be incorporated to any contract CAPCOG enters into with an applicant that involved equipment or construction.