

CHAPTER 63**I BOAT NJ PROGRAM****Authority**

N.J.S.A. 12:7-34.47 and 27:1A-5, 6 and 75 et seq., specifically 78, 80, 82 and 85.

Source and Effective Date

R.2009 d.378, effective November 20, 2009.
See: 41 N.J.R. 3208(a), 41 N.J.R. 4822(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 63, I Boat NJ Program, expires on May 19, 2017. See: 49 N.J.R. 184(a).

Chapter Historical Note

Chapter 63, I Boat NJ Program, was adopted as R.2004 d.296, effective August 2, 2004. See: 36 N.J.R. 1181(a), 36 N.J.R. 3561(a).

Chapter 63, I Boat NJ Program, was readopted as R.2009 d.378, effective November 20, 2009. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 63, I Boat NJ Program, was scheduled to expire on November 20, 2016. See: 43 N.J.R. 1203(a).

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SUBCHAPTER 1. GENERAL PROVISIONS**16:63-1.1 Purpose and scope**

The I BOAT NJ Program provides grant funds to selected eligible applicants.

16:63-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Applicant” means a person, government agency, public or private entity or organization, either for- or non-profit, that applies for I BOAT NJ Program funds.

“Commissioner” means the Commissioner of the New Jersey Department of Transportation.

“Department” means the New Jersey Department of Transportation.

“Expression of Interest,” “EOI” or “EOI application” means the first part of a two-part application process for grant program funding and a designated form for this purpose.

“Grant” means a monetary award provided to an applicant to fund a project pursuant to the program.

“Grantee” means an applicant in receipt of funds from the program.

“Hard match” means an actual monetary contribution from an applicant to an I BOAT NJ Project.

“I BOAT NJ Program” or “program” means the systematic evaluation, selection and administration by the Office of Maritime Resources, of projects receiving grants from an increase in boat registration fees dedicated in a separate line item in the Maritime Industry Fund.

“I BOAT NJ Project” or “project” means a project funded by the I BOAT NJ Program.

“Marine trade industry” means the direct and indirect activities supporting the recreational marine transportation system, including boat building and marine manufacturing, education and educators, science and technology, marinas, marine trades and support services, marine environmental enhancement services, and recreational boating and fishing.

“Maritime Industry Fund” means a separate, non-lapsing, dedicated account established in the General Fund pursuant to N.J.S.A. 27:1A-82, to provide for projects that support New Jersey’s maritime industry, and managed by the Office of Maritime Resources.

“Maritime industry” means ports and terminals, ship services and boat building education, science and technology, marine trades and support services, ferries, movement of cargo and waterborne commerce, commercial and recreational fishing, navigation and government support services, including waterborne military operations and national security initiatives and the direct and indirect industries supporting the entire marine transportation system.

“Non-port projects” means those projects that do not relate to port commerce, navigation, transportation, development, and/or operations within New Jersey’s port districts.

“Proposal” means the second part of the application process, consisting of a formal written statement, including supplemental materials, in support of the application for project grant funding.

“Office of Maritime Resources” or “Office” means the Office of Maritime Resources in the New Jersey Department of Transportation.

Amended by R.2009 d.378, effective December 21, 2009.
See: 41 N.J.R. 3208(a), 41 N.J.R. 4822(a).

Added definitions “Commissioner” and “Department”.

16:63-1.3 General provisions

(a) Projects must be beneficial to the general boating public and must be directed at planning, developing, constructing, improving, advocating, or otherwise assisting the marine trade industry in New Jersey.

(b) Applicants may be eligible for project funding in categories that include, but are not limited to:

1. Development/Redevelopment:
 - i. Construction of Marine Facilities;
 - ii. Marina Development;
 - iii. Marina Rehabilitation;
 - iv. Public Access Development; and
 - v. Technology Development and Upgrades;
2. Education:
 - i. Boating, Maritime and/or Industry Education;
 - ii. Educational Forums;
 - iii. Environmental Programs and Awareness;
 - iv. Harbor and Coastal Education Programs;
 - v. Maritime and/or Marine Trade Cultural or Historical Awareness; and
 - vi. Scientific Studies;
3. Environmental:
 - i. Best Management Practices;
 - ii. Environmental Enhancements;
 - iii. Environmental Programs and Awareness;
 - iv. Mitigation of Factors that Impede Marine Trade/Boating Development;
 - v. Pollution Prevention;
 - vi. Sediment Reduction;

- vii. Scientific Studies;
- viii. Technical Evaluation; and
- ix. Wake Mitigation;
4. Safety:
 - i. Aids to Navigation/Maintenance;
 - ii. Best Management Practices;
 - iii. Boating Safety Programs: Education, Materials, Outreach;
 - iv. Resource Distribution; and
 - v. Wake Mitigation;
5. Maritime/Marine Trade Advocacy:
 - i. Industry Promotion and Tourism;
 - ii. Marine Trades Development;
 - iii. Planning/Feasibility Studies; and
 - iv. Public Outreach; and
6. Miscellaneous:
 - i. GIS Mapping: Ramp, Service Locators;
 - ii. Harbor Management Programs;
 - iii. Marine Services;
 - iv. Marine/Maritime Technology Development;
 - v. Maritime History and Heritage;
 - vi. Matching Funds for Federal Aid;
 - vii. Mitigation of Factors that Impede Marine Trade/Boating Development;
 - viii. Science and Technology;
 - ix. Transient Boating Services;
 - x. Website Development; and
 - xi. Other.

(c) All I BOAT NJ projects meeting the selection criteria will be considered for grant funding. Grant funding will be awarded based upon the number of qualified applicants, and the amount of funds available in a given fiscal year.

(d) A project may receive less than the amount requested in the application.

(e) A five percent discretionary set-aside from the available fiscal year funding may be utilized by the Office of Maritime Resources to fund program administration costs related to the grant selection process, project oversight and other costs applicable to the administration of the I BOAT NJ Program.

Amended by R.2009 d.378, effective December 21, 2009.
See: 41 N.J.R. 3208(a), 41 N.J.R. 4822(a).

In (e), substituted "five" for "one" and "related to the grant selection process, project oversight" for "such as program marketing, sign development and production,".

16:63-1.4 Grant funding

(a) Financial assistance will be awarded in the form of a grant based on the following funding allocation.

1. No match requirement. Subject to available funds, certain projects may be eligible to receive a no-match grant.

i. Such projects will demonstrate broad-based applicability and industry at-large benefits such as, but not limited to, projects related to boating safety, education, and the environment.

ii. Applicants seeking no-match funding must make a specific request and provide supporting information in the grant proposal.

2. Match requirement. All other grants will be subject to a match requirement. Applicants must demonstrate the following funding match:

i. A minimum 10 percent hard match for project costs.

(b) Projects that may be eligible for other Federal, State, or local specific grant programs ("other grant programs") are expected to first apply for funds from such grant programs (for example, The Clean Vessel Act Program, NJ Sea Grant Omnibus Funding Program for Scientific Research, Green Acres, etc.). The Office may accept applications for such projects that have not yet applied for other grant programs, based upon justification provided by the applicant with the EOI application.

(c) A project may receive funds for a period not to exceed three years from the date of execution of a memorandum of agreement (MOA). If a project seeks funding beyond three years, the applicant shall request a funding extension in writing prior to the expiration of the three years, and shall include a justification for the request. Circumstances to be considered in granting an extension shall include, but not be limited to: unanticipated additional work directly associated with the project and inability to accomplish the project within the specified time frame due to unforeseen circumstances beyond the applicant's control. The Office of Maritime Resources, at its sole discretion, will determine whether to extend funding beyond three years.

Amended by R.2009 d.378, effective December 21, 2009.
See: 41 N.J.R. 3208(a), 41 N.J.R. 4822(a).

In (a)2i, substituted a period for "of less than one million; or"; deleted (a)2ii; and in (c), deleted a semicolon preceding "and inability" and substituted "will" for "shall" in the last sentence.

SUBCHAPTER 2. PROJECT ELIGIBILITY

16:63-2.1 General requirements

(a) Projects shall be related in nature to the marine trade industry and shall benefit the general boating public.

(b) Applicants with non-port projects within port districts are eligible to apply.

(c) Projects will be completed within three years, pursuant to N.J.A.C. 16:63-1.4(c).

(d) Requests for project funding should not be less than \$3,000; however, applications of less than \$3,000 will be considered.

(e) A State licensed professional engineer shall approve all construction plans.

(f) No entity may submit an application for, or submit on behalf of, an exclusive, private, "members-only," or otherwise publicly restricted project, club, or entity. Private entities may apply for I BOAT NJ funding so long as the scope of the project is non-exclusive, open to the public at large, and is clearly utilized for a public, not-for-profit purpose.

16:63-2.2 General provisions

(a) Cost estimates should be carefully considered, and once made, cannot be increased after a grant award. The cost estimate should clearly state, in detail, the amount of grant funds being requested and the overall project costs.

(b) Estimates should include cost escalations for a two-year period from the date of application. Any increase in cost above the grant award will be borne by the applicant.

(c) Costs of the project may include, but are not limited to, the cost of services of a registered professional engineer, architect, planner, or other professional services for preparation of plans and specifications.

(d) Costs not eligible for funding include, but are not limited to, preparation and submission costs for applications, permit fees, and legal expenses.

(e) The Office of Maritime Resources will require comprehensive status reports regarding project development from applicants receiving I BOAT NJ Program funds, at six-month intervals, unless otherwise stated in the MOA, as well as a final report upon completion of the project.

(f) The Office of Maritime Resources and the Selection Committee members may visit a project site at any reasonable time during the application process and the grant period.

(g) The Office of Maritime Resources will report annually in writing to the Commissioner of the Department of Transportation on the I BOAT NJ Program.

(h) The report shall include the number and type of grant applications received, the number and type of grant proposals funded, and other information necessary to hold the program accountable to its mission.

SUBCHAPTER 3. GRANT APPLICATION PROCESS

16:63-3.1 Expressions of Interest

(a) The grant application process is a two-part, competitive process that includes an Expression of Interest (EOI) form and a subsequent proposal.

1. An EOI shall be made upon a designated form, obtainable from the Office of Maritime Resources at <http://www.state.nj.us/transportation/airwater/maritime/process.shtm> or by mail request from:

New Jersey Department of Transportation
Office of Maritime Resources
Main Office Bldg., 3rd Floor
PO Box 837
Trenton, NJ 08625-0837
Attn: I BOAT NJ

2. The EOI contains the following information:

- i. Applicant's name and contact person and title;
- ii. Address;
- iii. Name and type of organization;
- iv. Telephone, cellphone, fax, website and e-mail address;
- v. County location of project;
- vi. Waterway in or along the project;
- vii. Estimated project cost;
- viii. Project category;
- ix. Brief project summary narrative; and
- x. NJ Clean Marina certification status.

3. Applicants may submit more than one EOI.

4. Completed EOI forms shall be mailed to the Office of Maritime Resources at the address in (a)1 above.

5. EOI forms will be reviewed and compiled by the Office of Maritime Resources.

6. A site visit by the Office of Maritime Resources may be required as part of the EOI review.

Amended by R.2009 d.378, effective December 21, 2009.
See: 41 N.J.R. 3208(a), 41 N.J.R. 4822(a).

In the introductory paragraph of (a), substituted "proposal" for "Proposal"; in (a)1, substituted "<http://www.state.nj.us/transportation/airwater/maritime/process.shtm>" for "www.state.nj.us/transportation/maritime" and updated the address; in (a)2i, inserted "and title"; in

(a)2iii, substituted "Name and type" for "Type"; in (a)2iv, inserted "cellphone," and "website"; in (a)2viii, deleted "and" from the end; in (a)2ix, substituted "and" for a period at the end; and added (a)2x.

16:63-3.2 Proposal process

(a) Applicants submitting a satisfactory EOI will be notified in writing to submit a formal written Proposal. Applicants who submit a deficient EOI will be notified of the deficiencies and given the opportunity to resubmit the EOI.

(b) Proposals shall be in writing, follow the proposal instructions as provided on the EOI forms and meet the following requirements:

1. Be detailed, clear and concise;
2. Include a project description;
3. Include a conceptual project plan;
4. Include detailed cost/budget and cost/benefit ratio information;
5. Include clear photographs and design materials, as appropriate;
6. Include all necessary information for the Selection Committee to make an informed selection decision, based on the criteria in N.J.A.C. 16:63-4.2;
7. Demonstrate a high benefit to cost ratio in the request for funding;
8. Demonstrate partnerships with others where and when appropriate to develop multi-faceted, resourceful approaches to funding requests;
9. Describe additional project funding sources;
10. Describe the status of additional Federal, State, or local specific grant applications;
11. Demonstrate fund matching requirements pursuant to N.J.A.C. 16:63-1.4; and
12. Should be no more than 20 pages in length.

(c) The applicant shall submit eight copies of the written proposal to the Office of Maritime Resources.

Amended by R.2009 d.378, effective December 21, 2009.

See: 41 N.J.R. 3208(a), 41 N.J.R. 4822(a).

In the introductory paragraph of (b), inserted "and", follow the proposal instructions as provided on the EOI forms".

SUBCHAPTER 4. PROJECT SELECTION

16:63-4.1 Selection Committee

(a) Proposals for funding will be reviewed and selected by a Selection Committee. The committee is comprised of at least seven members appointed by the Commissioner and includes, but is not limited to, representatives of the

following: NJDOT/Office of Maritime Resources; the Executive Director or designee of the Marine Trades Association/NJ; the marine industry; New Jersey Department of Environmental Protection; Division of Travel and Tourism; other State agencies; and academia.

(b) Members will be appointed for a two-year term. Vacancies will be filled for the balance of the vacant member's unexpired term.

(c) Selection Committee members with a conflict-of-interest shall recuse themselves from a vote on any proposal in question.

Amended by R.2009 d.378, effective December 21, 2009.

See: 41 N.J.R. 3208(a), 41 N.J.R. 4822(a).

Rewrote (a); in (b), substituted the second occurrence of "will" for "shall"; and in (c), substituted "proposal" for "Proposal".

16:63-4.2 Selection process

(a) The Selection Committee will select projects based upon the following selection criteria:

1. Applicability to the boating community at-large;
2. Benefits to the local community;
3. Community involvement/local support/partnership;
4. Creative planning and concepts;
5. Economic costs/benefits;
6. Feasibility;
7. Merit;
8. Prior design/level of effort; and
9. Extent to which the project fulfills the I BOAT NJ Program mission.

(b) Grant cycles run from the first business day of February through July and from the first business day of August through January. The deadline for submission of proposals is five business days prior to the first business days of February or August. Applications submitted after the grant cycle deadline will not be considered. Applicants will be given an opportunity to resubmit their proposals.

(c) Selected projects will be required to conform to all State laws.

(d) The Office of Maritime Resources will provide the applicant of a selected project with one or more signs that identify the project as an I BOAT NJ Program-funded site. The applicant shall post the sign or signs in a prominent place and maintain the signs. The applicant shall display the Program logo on all project written materials that are distributed to the public, on any final project work product and as outlined in the proposal submission.

Amended by R.2009 d.378, effective December 21, 2009.

See: 41 N.J.R. 3208(a), 41 N.J.R. 4822(a).

In the introductory paragraph of (a), substituted "will" for "shall"; rewrote (b); in (d), substituted "will" for the first occurrence of "shall" and "Program-funded" for "Program funded"; deleted "and" following "public," and inserted "and as outlined in the proposal submission".

SUBCHAPTER 5. CONTRACTS

16:63-5.1 Contractual procedures

(a) Upon the selection of a project for program funding, the applicant and the Office shall sign a memorandum of agreement (MOA). All agreements must be reviewed and approved by the Office of the Attorney General.

(b) Applicants receiving funds from the I BOAT NJ Program shall be reimbursed for eligible expenses, based on proof of expenditures, within the time for payment as provided in the New Jersey Prompt Payment Act. Invoices are required to document expenses and must be submitted using New Jersey State Payment Voucher(s). The invoices must follow Department accounting practices, which are found in Article 24 of the Model Agreement—Standard Terms and Conditions of Agreement. The document is available at: <http://www.state.nj.us/transportation/business/procurement/ProfServ/agreements.shtm>.

(c) Work performed and costs incurred prior to entering into a MOA with the Office of Maritime Resources will not be reimbursed. Work on a project receiving I BOAT NJ Program funds may proceed upon completion of a fully executed MOA.

(d) Applicants other than government agencies must possess a Business Registration Certificate issued by the New Jersey Division of Revenue. Evidence of this registration must be presented prior to the execution of any Memorandum of Agreement between the applicant and the Office of Maritime Resources.

(e) Non-profit organizations must provide a copy of their original IRS Non-Profit Certification and Status form and a copy of their most recent Biennial Registration form.

Amended by R.2009 d.378, effective December 21, 2009.

See: 41 N.J.R. 3208(a), 41 N.J.R. 4822(a).

In (b), substituted "and" for the second occurrence of ". Invoices" and inserted the last two sentences; and added (e).

SUBCHAPTER 6. AUDIT AND RECORDKEEPING REQUIREMENTS

16:63-6.1 Audit and recordkeeping requirements for State-funded projects

(a) Provisions for audit of grants to grantees are as follows:

1. The grantee shall comply with the State of New Jersey Single Audit Policy defined by the New Jersey Department of the Treasury, Office of Management and Budget (New Jersey OMB Circular 0404) and the Single Audit Act of 1984 (Federal OMB Circular A-133), incorporated herein by reference as amended and supplemented. Copies of these circulars can be obtained from the New Jersey Department of the Treasury, Office of Management and Budget at www.state.nj.us/infobank/circular/circindx.htm and www.whitehouse.gov/OMB or by mail from:

New Jersey Department of the Treasury
Office of Management and Budget
PO Box 221
Trenton, NJ 08625-0221
and
Office of Management and Budget
New Executive Office Bldg.
725 17th St. N.W.
Washington, DC 20503

2. A single audit of the grantee shall be performed annually by an independent auditor or public accountant who meets the independence standards specified in generally accepted government auditing standards in conformity with State audit policy.

3. Department agreements governed by this chapter shall be subjected to audit compliance tests in accordance with requirements delineated in the Department of Treasury, OMB publication entitled "New Jersey Grants Management Information Systems Manual."

4. Audit costs incurred by grantees to comply with this subchapter are not reimbursable.

(b) General provisions for audit and recordkeeping requirements are as follows:

1. Each grantee shall keep records as the Commissioner may prescribe, including records which fully disclose the amount and the disposition of the proceeds of the aid, the total cost of the plan or program in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources, and records as will facilitate an effective audit.

2. The Commission or any duly authorized representatives, shall have access to any books, documents, papers, and records that are pertinent to aid received under this chapter, for the purpose of audit and examination. This includes progress audits at any time during the project.

3. To fulfill statutory and regulatory requirements, each grantee shall establish and maintain an adequate accounting record for each individual project, which will allow the State to determine the allowability of costs incurred for the project.

4. Each grantee shall maintain effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all assets and shall assure that they are used solely for authorized purposes.

5. Each grantee shall establish procedures to minimize the time elapsing between the transfer of funds from the State and the disbursement by the grantee, whenever funds are advanced by the State. Should this elapsed time exceed the standards of this chapter, the Commissioner may require the return of all interest earned on those payments made by the State.

6. The grantee shall include in each contract, a clause which allows the Commissioner access to the contractor's records for purposes of accounting and audit.

(c) Retention of records shall be as follows:

1. Each grantee shall obtain and retain, for a period of three years after the date of submission of the final State payment, documentary evidence such as invoices, cost estimates, appraisal reports and negotiation documents relating to each item of project cost. These documents typically include, but are not limited to, vendor's invoices, applicable purchase orders, receiving reports, inventory records, methods of pricing, returns, production cost reports, weight tickets, physical inventories, production cost accounts, final inspection report showing acceptance of the project, and a record of disposition or correction of all unsatisfactory work, if any.

2. Each grantee shall retain for a period of three years after the date of the submission of the final State payment, evidence of all payments for items of project costs including vouchers, canceled checks or warrants, and receipts for cash payments.

3. If audit findings have not been resolved, records shall be retained until the findings have been resolved.

Amended by R.2009 d.378, effective December 21, 2009.

Sec: 41 N.J.R. 3208(a), 41 N.J.R. 4822(a).

Section was "Audit and recordkeeping requirements for State funded projects". In the introductory paragraph of (a)1, inserted the second occurrence of "New Jersey" and inserted the third occurrence of "the"; and rewrote the first address following (a)1.