



ANNUAL REPORT

Virginia Department of Agriculture and Consumer Services

OFFICE OF FARMLAND PRESERVATION

December 1, 2009

EXECUTIVE SUMMARY

This report presents the primary accomplishments of the Office of Farmland Preservation (OFP) for the period December 1, 2008 through December 1, 2009.

Significant accomplishments for this reporting period include the following:

- OFP continued to work with key agricultural, conservation and governmental partners to refine the allocation process for state matching funds to local purchase of development rights (PDR) programs.
- To date, \$4.75 million has been allocated to 15 local PDR programs.
- OFP worked with local PDR programs to permanently preserve almost 1,220 acres of working farmland in seven localities. OFP provided \$1.23 million of the \$4.41 million in purchase price and transaction costs paid for these easements.
- OFP delivered 19 presentations/workshops to a wide variety of audiences. Topics included OFP, PDR programs, farmland preservation tools/techniques, the federal Farm and Ranchland Protection Program (FRPP), conservation easements, use value assessment, the Virginia Farm Link Program and Lease of Development Rights.
- OFP provided additional technical assistance to farmers, local and state governments, agricultural and conservation organizations, concerned citizens and others through the updating of information on the OFP Web page, a new brochure, the OFP travel display, and by phone.
- OFP continued to oversee the Virginia Farm Link database. Since May 2008, 61 active farm owners have received 681 individual requests from 218 active farm seekers interested in discussing various transition options with them.
- OFP conducted a survey of 24 farm owners participating in the database to determine the effectiveness of the database.
- OFP has allocated \$41,210 to Virginia Cooperative Extension since December 2008 designed to help farm families and their service providers transition farms and farming operations to the next generation.

The amount of state funding for local PDR programs has continued to decline in FY 2010, and this trend also is seen at the local level. Given the increasingly difficult state and local budgets, however, OFP still expects to see some additional demand for technical assistance from localities interested in developing new PDR programs. VDACS is currently in the process of allocating the \$400,000 available in state matching funds to local PDR programs for FY 2010. Nine localities with more than \$42 million available in local matching funds (\$8,241,420 for FY 2010, and \$33,878,972 from previous years) submitted their fiscal and program certification applications by the October 23, 2009 deadline.

In addition to existing local PDR programs, OFP expects to see continued interest from other localities that would like to explore developing new PDR programs. Currently, Bedford, Hanover, Madison, Rockingham, and Washington Counties are in the process of exploring the creation of new PDR ordinances. OFP is still working to meet the goal of having a total of 30 local PDR programs established by 2010, though this goal is made more difficult by the lack of state matching funds as an incentive, and the current local budget crisis.

OFP also plans to continue our expansion of farm transition efforts in the future. In addition to providing workshop funding to Virginia Cooperative Extension, and to any other applicant, OFP

plans to develop and deliver its own farm transition workshop series in early 2010. Three dairy families have agreed to participate in this pilot effort, which will be held between January 28 and March 18, 2010. OFP also plans to implement many of the recommendations made as part of the farm owner survey of the Virginia Farm Link database, and to continue the use of a summer intern to track results from the Virginia Farm Link database, and to provide additional feedback from active farm owners and seekers as to ways to improve farm transition efforts.

OVERVIEW

The 2000 Appropriation Act provided \$115,000 (\$65,000 for FY 2001 and \$50,000 for FY 2002) to the Virginia Department of Agriculture and Consumer Services (VDACS) to establish the Virginia Agricultural Vitality Program. The 2001 Session of the Virginia General Assembly added § 3.1-18.9 through § 3.1-18.12 to the Code of Virginia (this was recodified in 2008 as § 3.2-200 through § 3.2-203), which continued the Virginia Agricultural Vitality Program as the Office of Farmland Preservation (OFP). The original funding allocated for OFP was eliminated during the budget reductions that occurred in FY 2002 and FY 2003, and new funding for OFP was not secured again until 2006. The 2006 Appropriation Act provided \$305,000 (\$225,000 in FY 2007 and \$80,000 in FY 2008) and one full-time equivalent (FTE) for the Office of Farmland Preservation. The first Coordinator for OFP was hired in January 2007.

Section 3.2-203 of the Code of Virginia requires that the Commissioner of VDACS submit a written report on the operation of OFP to the chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources, and the Senate Committee on Agriculture, Conservation and Natural Resources by December 1 of each year.

The following are the specific powers and duties of OFP, as established in § 3.2-201 of the Code of Virginia. (These powers and duties now include #4, which was added by Chapter 389 of the 2009 Acts of Assembly):

- “1. To develop, in cooperation with the Department of Business Assistance, the Virginia Farm Bureau Federation, the American Farmland Trust, the Virginia Land Conservation Foundation, the Virginia Outdoors Foundation, the Virginia Association of Counties, and the Virginia Cooperative Extension: (i) model policies and practices that may be used as a guide to establish local purchase of development rights programs; (ii) criteria for the certification of local purchase of development rights programs as eligible to receive grants, loans or other funds from public sources; and (iii) methods and sources of revenue for allocating funds to localities to purchase agricultural conservation easements;
2. To create programs to educate the public about the importance of farmland preservation to the quality of life in the Commonwealth;
3. To provide technical, professional, and other assistance to farmers on matters related to farmland preservation;
4. To provide technical, professional, and other assistance to local governments interested in developing additional farmland preservation policies and programs. Such policies and programs shall include (i) use value assessment and taxation pursuant to §§ 58.1-3230 and 58.1-3231; (ii) transfer of development rights pursuant to Article 7.1 (§ 15.2-2316.1 et seq.) of Chapter 22 of Title 15.2; (iii) agricultural and forestal districts pursuant to Chapter 43 (§ 15.2-4300 et seq.) of Title 15.2; and (iv) establishment of local lease of development rights; and
5. To administer the Virginia Farm Link program established pursuant to § 3.2-202.”

In addition, § 3.2-201 was expanded in 2008 to include the following additional language regarding the allocation of state matching funds to local purchase of development rights (PDR) programs:

“State grants shall be distributed to local purchase of development rights programs under policies, procedures, and guidelines developed by the Office of Farmland Preservation. In general, for each \$1 in grant moneys awarded by the Office, the applicable local purchase of development rights program of the county or city shall be required to provide a \$1 match. However, as part of these policies, procedures, and guidelines developed by the Office, the Office shall include incentives that recognize and encourage counties and cities participating in use value taxation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1.”

By establishing the Virginia Agricultural Vitality Program, and subsequently OFP, the General Assembly was attempting to address two issues that threaten the future viability of the Virginia agricultural sector. The first of these challenges is the aging farm population and the difficulty young farmers have when entering the profession. Statistics describing this problem are quite dramatic. The average principal farm operator in Virginia is 58.2 years of age. According to economists at Virginia Tech, more than 70 percent of Virginia farmland and a significant percentage of Virginia’s farm businesses are expected to be transitioned over the next 15 years. At the same time, research from OFP indicates that many Virginia farmers are not planning for this transition. During the period January through March 2002, OFP sponsored a survey of 1,500 Virginia farmers, with the intent of determining how many had plans for the transition of their farm businesses to the next generation of farmers. This survey was part of a larger strategy adopted by the International Farm Transition Network (IFTN) to develop conclusions about the state of farm retirement planning in the United States, Europe and Japan. This survey shows that of the 512 Virginia farmers that responded, 76 percent either do not plan to retire at all or only plan semi-retirement. Of those 24 percent of farmers who plan to retire, only 30 percent have as yet identified a successor.

The second challenge relates to the rapid loss of farm and forest land to developed uses in Virginia. According to the U.S. Department of Agriculture’s National Resource Inventory, between 1992 and 1997 Virginia lost 23,260 acres per year of agricultural land to developed uses, and 44,640 acres per year of forest land to developed uses. Combined, this is almost 68,000 acres of working farm and forest land lost to developed uses per year during these five years. More recent data from the U.S. Census of Agriculture indicate that between 2002 and 2007, the amount of land in farms in Virginia declined on average by 104,181 acres each year. This represents more than a 300 percent increase in the average annual rate of decline from the previous five-year period. While the decline highlighted in the Census of Agriculture does not directly mean the land has been converted to developed uses, it does mean the agricultural land is no longer in production. To the extent that the land base becomes fragmented, this puts new pressures on farmers and foresters who now face a public that is increasingly divorced from agriculture, and who are not accustomed to the sights, sounds and smells associated with working farms and forests.

ACCOMPLISHMENTS

The following are the accomplishments of the office during December 1, 2008 – December 1, 2009:

ADMINISTERING PDR MATCHING FUNDS

Since opening in 2007, OFP staff has been working with local governments, farm and conservation organizations, and other interested parties to establish local PDR programs. PDR programs compensate landowners that permanently preserve their land by voluntarily placing a

perpetual conservation easement on the property. Twenty-one local PDR programs exist to date in Virginia, 16 of which have some level of local funding currently available. (See Appendix 1.)

The 2007 budget amendment provided OFP with \$4.25 million in state matching funds for the 2006-2008 biennium. OFP allocated these funds in February 2008. These funds were to be used to match non-state funds from certified local PDR programs. This funding was significant, as it was the first time that the Commonwealth of Virginia provided state funds to match local PDR efforts. An additional \$500,000 was approved for FY 2009, and another \$500,000 for FY 2010. (FY 2010 funding was reduced to \$400,000 by Governor Kaine in September 2009.)

OFP worked with key stakeholders to develop a two-part certification process for these funds. The first part was a certification of the amount of local matching funds that the locality had available for their PDR program. The second application required was an application to certify the elements of the local PDR program, based on *A Model Purchase of Development Rights (PDR) Program for Virginia*, which was developed by the State Farmland Preservation Task Force in 2005.

Eleven localities submitted their fiscal and program certification forms to OFP by the October 17, 2008 deadline for FY 2009 funding. These eleven localities certified that they had a total of \$43,226,767 in non-state funding (\$12,074,511 in FY 2009 and \$31,152,256 in previous year funds) available to match the \$500,000 in state matching funds.

To determine the state matching fund amount for FY 2009, OFP divided the \$500,000 by the number of certified localities to determine the allocation of matching funds. Therefore, \$45,455 was potentially available for each local program.

These funds were available to certified localities, however, only to the extent that they were able to provide an equal match using local funds. Those localities that were not able to provide at least \$45,455 in local funds received a match equal to the amount that they certified was available as of October 17, 2008. The remainder of the state funds that were not matched by each local program again was divided in a second round by the ten programs that were able to provide a match greater than \$45,455. These initial allocations for FY 2009 were awarded to localities in December 2008. (See Appendix 2.)

Localities have up to two years from the execution of the Intergovernmental Agreement (IGA) between the locality and VDACS to go to closing on approved agricultural conservation easements. (See Appendix 3.) Prior to going to closing, each locality must submit the individual easement to VDACS for review by OFP and the Office of the Attorney General. Once VDACS approves the easement language, localities may go to closing and submit to VDACS a claim for reimbursement form for up to 50 percent of the total “reimbursable costs” allowed by the IGA.

During the past year, the Office of Farmland Preservation made two key program clarifications/changes based on some confusion regarding the reimbursement of state matching funds and the reallocation of previous funds. When the state matching fund program was originally developed in 2007, discussions focused on VDACS paying up to 50 percent of the purchase price of the easement; and that if the local fiscal agent agreed, federal funds, non-profit contributions and private donations were allowed on the local fiscal certification form used to determine the initial state allocation amounts. What had not yet been established, however, was the process for reimbursing localities for individual projects from the amount allocated, and the

related restrictions and reimbursement requirements. Working with the Office of the Attorney General (OAG), and with key stakeholders, OFP spent more than nine months developing the detailed language for the Intergovernmental Agreements (IGAs), which was released in February 2008.

The resulting language in the IGA established the list of allowed reimbursable costs, and based VDACS' share of these costs at 50 percent of the reimbursable costs "actually incurred" by the "locality". More clarification was needed, however, to determine whether federal funds paid either directly to the landowner or used to later reimburse the locality should be considered a cost actually incurred by the locality. As a result, OFP revised the Claim for Reimbursement form on June 22, 2009 to clarify the following:

““Actually incurred” expenses do not include the following: payments made by the locality that are subject to reimbursement by federal, state or other funding sources; grants made to the locality by federal or state funding sources; payments made by any other funding sources directly to the landowner; landowner deductions or bargain sales; or any in-kind donations or contributions.” (See Appendix 4.)

This clarification also was added to the fiscal certification form for the FY 2010 application round. (See Appendix 5.)

The second key program change/clarification for this year related to the reallocation of unused funds from previous fiscal years. A total of \$235,973 in FY 2008 and FY 2009 state matching funds was reallocated from two localities that no longer had local matching funds available. OFP originally planned to combine the \$400,000 in FY 2010 funds with the reallocated funds, and to allocate the total amount of \$635,973 the same as had been done in the past. There was concern from some of the PDR managers that doing this would be unfair to those programs that could have received additional funds in FY 2008 and FY 2009, and that this was different than what originally was discussed when the program was established. As a result of this concern, OFP decided to limit the reallocation of previous year funding only to those localities that originally applied in that fiscal year, and who originally certified more local funds than was ultimately matched by VDACS.

As a result, VDACS will reallocate the \$234,973 in FY 2008 funds only to those localities that 1) applied for the FY 2008 certification, 2) demonstrated a local match higher than the amount originally available from VDACS, and 3) have not returned any FY 2008 funding. The same requirements will hold true for the reallocation of the \$1,000 in FY 2009 funds. This way, only those localities that could have received more in a given fiscal year but did not because it went to someone else (who later returned the funds) are eligible to receive the reallocated funds from that fiscal year. The reallocated funds will be added to the share of the \$400,000 in FY 2010 funds that each locality is eligible to receive, and will be included as part of the FY 2010 IGA.

As of November 16, 2009, the following farms have been preserved in part using these matching funds from VDACS:

Albemarle County (Clayton easement):

- 228.5 acres
- Total easement purchase price: \$1,315,000
- VDACS contribution: \$403,220

Clarke County (Koon Farm easement):

- 213.17 acres
- Total easement purchase price: \$ 486,375
- Other reimbursable costs: \$13,438
- VDACS contribution: \$14,781

Fauquier County (Eustace easement):

- 211 acres
- Total easement purchase price: \$480,000
- Other reimbursable costs: \$1,882
- VDACS contribution: \$240,941

Frederick County (Snapp easement)

- 89.75 acres
- Total easement purchase price: \$390,000
- Other reimbursable costs: \$5,027
- VDACS contribution: \$ 130,027

James City County (Cragg easement)

- 103 acres
- Total easement purchase price: \$495,000
- Other reimbursable costs: \$6,562
- VDACS contribution: \$ 250,781

Rappahannock County (Call easement)

- 106.5 acres
- Total easement purchase price: \$200,000
- Other reimbursable costs: \$13,532
- VDACS contribution: \$ 106,766

Northampton County (Richardson easement)

- 268 acres
- Total easement purchase price: \$1,000,000
- Other reimbursable costs: \$11,122
- VDACS contribution: \$ 80,561

VDACS is currently in the process of allocating the \$400,000 available in state matching funds to local PDR programs for FY 2010. Nine localities with more than \$42 million available in local matching funds (\$8,241,420 for FY 2010, and \$33,878,972 from previous years) submitted their fiscal and program certification applications by the October 23, 2009 deadline. (See Appendix 5 and 6.)

PROVIDING TECHNICAL ASSISTANCE AND EDUCATION ON FARMLAND PRESERVATION

Since the opening of OFP in January 2007, staff has been consistently asked to provide technical assistance to local and state governments, agricultural and conservation organizations, individual landowners and farmers, and others interested in learning more about farmland preservation in Virginia.

The following are efforts by OFP to provide technical assistance and outreach on farmland preservation issues from December 1, 2008 to December 1, 2009:

Presentations: OFP delivered 19 presentations/workshops to a wide variety of audiences. Topics included OFP, PDR programs, farmland preservation tools/techniques, the federal Farm and Ranchland Protection Program (FRPP), conservation easements, use value assessment, the Virginia Farm Link Program and Lease of Development Rights. See Appendix 7 for a complete list of presentations delivered in 2009.

Web page: OFP continued to provide updated information on its Web page at www.vdacs.virginia.gov/preservation. This Web page provides information on the office, as well as the issues and challenges related to the loss of Virginia's working farm and forest land. It also includes links to the Web sites, program ordinances, easement templates and other materials for many of the 21 local PDR programs currently established.

Display: The OFP display was used at the 2009 Environment Virginia conference (Lexington, March 30- April 2, 2009); the 2009 Ag Expo at John Mills Farm (Hanover County, August 6, 2009); and the Virginia Association of Counties (VaCO) annual meeting (Warm Springs, November 8-10, 2009).

Annual PDR survey: OFP staff worked with technical assistance staff from American Farmland Trust (AFT) to develop a new survey designed to collect data annually from local Purchase of Development Rights (PDR) programs in Virginia. This survey was reviewed by local PDR managers and released in January 2009.

Brochures: The Office of Farmland Preservation developed its first brochure and printed 10,000 copies in April 2009. These brochures will be used to provide general information about the Office of Farmland Preservation and the Virginia Farm Link program.

Landowner phone calls: The OFP coordinator talked with numerous landowners and farmers interested in understanding the range of options for permanently protecting their land. OFP also fielded numerous calls from farm owners and farm seekers interested in the Virginia Farm Link program.

Transfer of Development Rights Implementation Committee: The OFP Coordinator participated in the model Transfer of Development Rights (TDR) drafting committee pulled together by the Virginia Association of Counties and the Virginia Association of Realtors. The committee started meeting in September 2009 to develop a model ordinance for local governments reflecting the changes in 2009 to the TDR statute.

Virginia Land Conservation Foundation Interagency Committee: The OFP Coordinator continued to serve as the VDACS representative on the Virginia Land Conservation Foundation's (VLCFs) interagency task force for 2009. As part of this task force, OFP presented three recommended farms to the VLCF Board for approval in January 2009. All three of these farms were from local PDR programs also working with VDACS.

ADMINISTERING VIRGINIA FARM LINK PROGRAM

OFP is charged with administering the Virginia Farm Link program. Pursuant to § 3.2-202 of the Code of Virginia, the purpose of the Virginia Farm Link program is to do the following:

“provide assistance to retiring farmers and individuals seeking to become active farmers in the transition of farm businesses and properties from retiring farmers to active farmers. Such assistance shall include, but not be limited to, (i) assistance in the preparation of business plans for the transition of business interests; (ii) assistance in the facilitation of transfers of existing properties and agricultural operations to interested buyers; (iii) information on innovative farming methods and techniques; and (iv) research assistance on agricultural, financial, marketing, and other matters.”

The absence of program funding in previous years precluded the development of many of the components of the Farm Link program established in § 3.2-202. In 2003, VDACS did work with the Virginia Farm Bureau Federation (VFBF) to develop the Virginia Farm Link database. This online database was designed to bring those landowners interested in passing the land on to the next generation together with those interested in gaining access to farmland and farming operations in Virginia. VFBF agreed to host the Farm Link database until such time that OFP was able to take back the operation of the database. OFP spent almost one year working with an IT consultant and VFBF to move the database back to VDACS. As part of this process, VDACS and VFBF also identified significant changes that could be made to the database to make it more user-friendly and effective. In September 2007, VDACS hired Virginia Interactive to both transition the database to VDACS and to make the recommended programmatic improvements. The new Farm Link database was released to the public on May 16, 2008 at www.vafarmlink.org. As of November 12, 2009 the database has 26 “active farm owners” and 258 “active farm seekers” currently registered. Since May 2008, 61 active farm owners have received 681 individual requests from 218 active farm seekers interested in discussing various transition options with them.

In order to determine what has happened after these contacts are made, OFP developed a project to evaluate the effectiveness of the database, determine user satisfaction, and discover if there have been any farm transition agreements. This project, which was conducted June 2009- August 2009, targeted farm owners that have been contacted by at least one farm seeker through the Virginia Farm Link database. Of the 49 farm owners eligible to be interviewed, 24 (49 percent) were interviewed.

Twelve key themes were echoed throughout a majority of these interviews. These themes generally reflected farm owners’ responses to questions about their impressions of the database and what changes they would like to see made. These included:

- Easy to navigate, good idea, good tool/resource: 19 responses (79 percent)
- Farm seeker information does not align with what the farm owner listed/wanted: 10 responses (42 percent)
- Needs promotion: 10 responses (42 percent)
- Web site information is too generic, needs more description for both users: 9 responses (38 percent)
- Farm seekers not serious or just looking for a bargain: 8 responses (33 percent)
- Farm owners only responding to those who listed more specifically: 7 responses (29 percent)

- Farm seekers not contacting the farm owners after initial email: 5 responses (21 percent)
- Need to weed out those who are not intent on using the database as a real tool: 5 responses (21 percent)
- No response for changes: 5 responses (21 percent)
- It is good the way it is: 4 responses (17 percent)
- Provide links/resources: 4 responses (17 percent)
- Some initial contacts seemed like spam or real estate agents: 3 responses (13 percent)

It also was found that the Virginia Farm Link database has been successful in promoting communication between farm owners and farm seekers. A total of 19 farm owners, or 79 percent of those interviewed, indicated responding to at least one farm seeker's initial email. Ten farm owners proceeded to the next step and indicated having additional conversations with at least one farm seeker. These farm owners represent 42 percent of those interviewed. Four of these ten farm owners had farm seekers come to look at their property. Most of these ten farm owners reported having a few good possibilities with farm seekers but that these prospects did not work out. A total of three farm owners said they were able to move into the third step of the process and were currently working on farm transition agreements with farm seekers. All three were confident that the agreements they were working on with the farm seekers would succeed. For more information on this survey, please see Appendix 8.

The Office of Farmland Preservation also began allocating funding for farm transition workshops designed to help farm families and their service providers transition farms and farming operations to the next generation. To date, OFP released two Request For Proposals. The first (Appendix 9) provided funding of \$40 per workshop participant per day, and the second (Appendix 10) provided funding of \$60 per workshop participant per day to those proposals deemed most likely to result in farm families taking the next step toward developing and implementing farm transition plans. In addition, OFP worked with Virginia Cooperative Extension to provide similar funding for their farm transition efforts. A total of \$41,210 has been allocated to Virginia Cooperative Extension for these efforts between December 2008 and December 2009. These pilot workshops are funded by the revenue generated from the Virginia Agriculture license plate, which since 2006 has provided \$98,385 in funding to the Office of Farmland Preservation.

PLANS FOR THE FUTURE

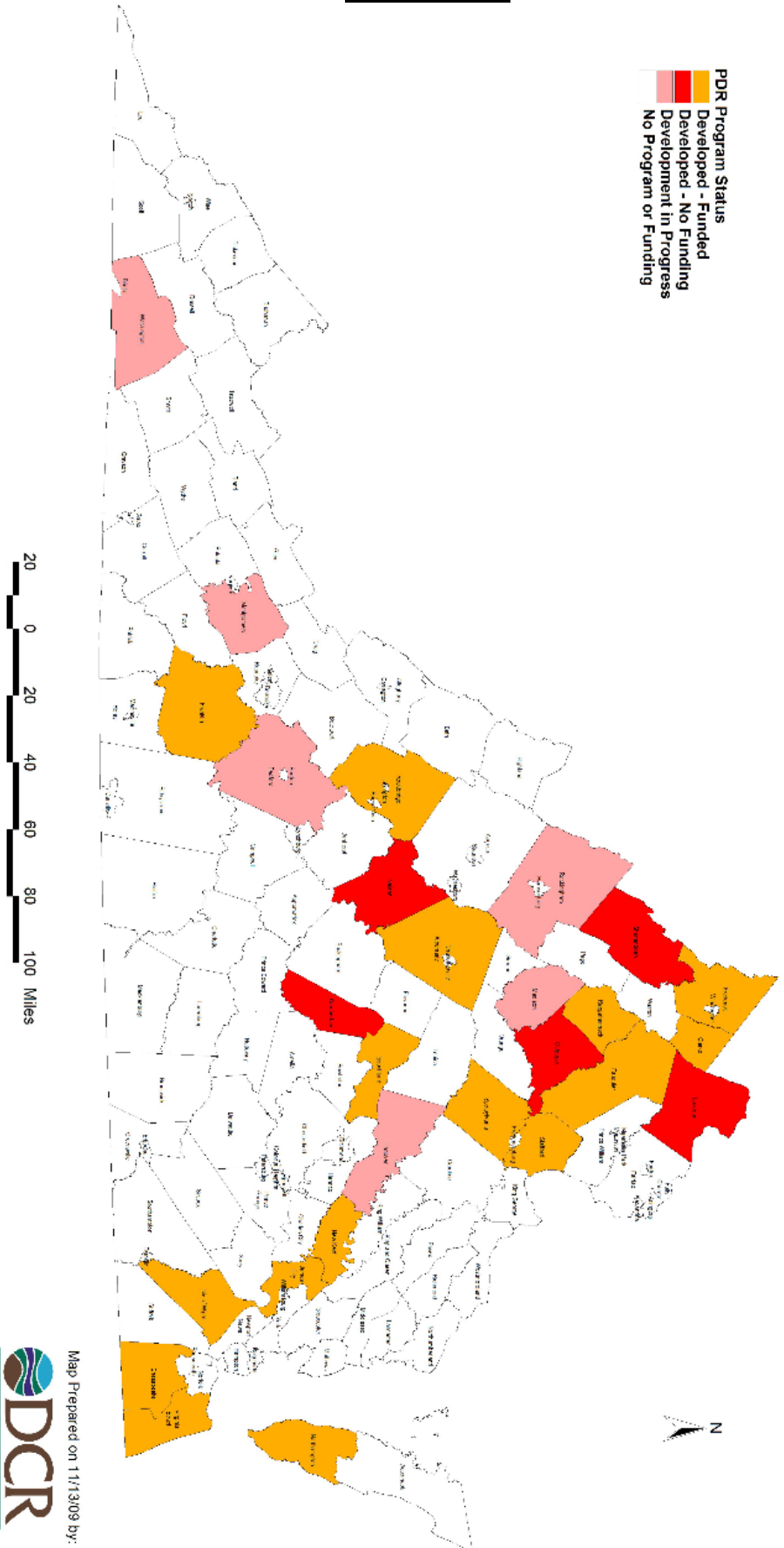
The amount of state funding for local PDR programs has continued to decline in FY 2010, and this trend also is seen at the local level. Given the increasingly difficult state and local budgets, however, OFP still expects to see some additional demand for technical assistance from localities interested in developing new PDR programs. Bedford, Hanover, Madison, Rockingham, and Washington Counties continue to explore the creation of new PDR ordinances. The Office of Farmland Preservation has established a goal of having 30 local PDR programs established by the end of 2010. While it seems unlikely that OFP will reach that number given the lack of state matching funds as an incentive, and the current local budget crisis, OFP does expect to have a few additional local PDR programs established by the end of calendar year 2010 on top of the 21 local programs currently established.

OFP also plans to continue our expansion of farm transition efforts in the future. In addition to providing workshop funding to Virginia Cooperative Extension, and to any other applicant, OFP also plans to develop and deliver its own farm transition workshop series in early 2010. This workshop series, part of a larger effort conveyed by Virginia Secretary of Agriculture Robert S. Bloxom at the urging of the Virginia dairy industry, will be conducted in partnership with Cooperative Milk Producers Association. Three dairy families have agreed to participate in this pilot effort, which will be held between January 28 and March 18, 2010. As a result of attending the workshop series, it is expected that all three of the participating farm families will develop a rough draft of their strategic plan during the workshops, and that each family will have implemented at least one of the deliverables on their farm transition plan within six months of the workshop completion.

Finally, OFP plans to implement many of the recommendations made as part of the farm owner survey of the Virginia Farm Link database. In particular, OFP plans to make changes to the online database to allow for additional descriptions of farm owners and farm seekers; to add new resource documents to the Virginia Farm Link Web page; to enhance the marketing of the Virginia Farm Link program and database; and to better promote the Virginia Farm Link program to Virginia's agricultural associations. In addition, OFP plans to continue the use of a summer intern to track results from the Virginia Farm Link database, and to provide additional feedback from active farm owners and seekers as to ways to improve our farm transition efforts.

STATUS OF LOCAL PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAMS

APPENDIX 1



Map Prepared on 1/13/09 by:
 **DCR**
 Vermont Department of Conservation, Forestry & Recreation

APPENDIX 2

FY 2009 ALLOCATIONS FOR LOCAL PDR PROGRAMS

<u>Locality</u>	<u>Local (non-state) Match</u>	<u>State Match</u>
Albemarle County	\$3,336,806	\$49,900
Clarke County	\$267,562	\$49,900
Cumberland County	\$1,000	\$1,000
Fauquier County	\$2,210,960	\$49,900
Goochland County	\$50,000	\$49,900
Isle of Wight County	\$2,855,500	\$49,900
James City County	\$16,922,788	\$49,900
Northampton County	\$601,600	\$49,900
Rappahannock County	\$70,000	\$49,900
Spotsylvania County	\$253,774	\$49,900
Virginia Beach City	\$16,656,777	\$49,900
TOTAL	\$43,226,767	\$500,000

APPENDIX 3

TEMPLATE
INTERGOVERNMENTAL AGREEMENT

Between
Virginia Department of Agriculture and Consumer Services
and
[locality]

This INTERGOVERNMENTAL AGREEMENT is hereby entered into, in the City of Richmond, Virginia, between the Virginia Department of Agriculture and Consumer Services (“VDACS”) and [locality] (collectively, “the parties”) to provide mutually advantageous terms for cooperation between VDACS and [locality] to implement VDACS’ contribution of funds in support of [locality]’s purchase of agricultural conservation easements.

WHEREAS, the General Assembly, by Chapter 879 of the 2008 Acts of Assembly, has appropriated \$500,000 in the fiscal year ending June 30, 2009 to VDACS for the continuation of a state fund to match local government purchase of development rights program funds for the preservation of working farms and forest lands; and,

WHEREAS, § 3.2-201 of the Code of Virginia authorizes VDACS’ Office of Farmland Preservation to develop methods and sources of revenue for allocating funds to localities to purchase agricultural conservation easements, and to distribute these funds to localities under policies, procedures, and guidelines developed by VDACS’ Office of Farmland Preservation; and,

WHEREAS, for all purposes of this INTERGOVERNMENTAL AGREEMENT, the term “agricultural conservation easement” shall mean a negative easement in gross that has the primary conservation purpose of preserving working farm and/or forest land; and,

WHEREAS, [local governing body] has enacted an ordinance or passed a resolution that: authorizes, in accordance with Title 10.1, Chapter 17 of the Code of Virginia (“the Open-Space Land Act”) and other applicable law, [locality] to purchase agricultural conservation easements from landowners (each hereinafter called “Grantor”); sets forth a clear, consistent, and equitable administrative process governing such purchases; and outlines the goals and purposes of [locality]’s farmland preservation program; and,

WHEREAS, [locality] has agreed to maintain a public outreach program designed to educate various stakeholders in [locality]—including farmers, landowners, public officials, and the non-farming public—about [locality]’s initiatives to preserve working farms and forest lands; and,

WHEREAS, [locality] has agreed to establish a transparent and replicable process for valuation of agricultural conservation easements; and,

WHEREAS, the purchase of agricultural conservation easements is one component of [locality]’s broader farmland preservation program; and,

WHEREAS, [locality] has agreed to use a deed of easement that is sufficiently flexible to allow for future agricultural production in purchases of agricultural conservation easements for which [locality] uses funds contributed to it by VDACS; and,

WHEREAS, [locality] has agreed to establish a clear strategy for monitoring and enforcing the terms of the agricultural conservation easements that [locality] purchases; and,

WHEREAS, [locality] has agreed to establish a process that [locality] will use to evaluate the effectiveness of its farmland preservation program, including a protocol for making changes to [locality]'s agricultural conservation efforts based on such evaluations; and,

WHEREAS, VDACS, in reliance on the veracity of the foregoing recitals, certifies [locality] is eligible to receive contributions of funds from VDACS in reimbursement for certain costs [locality] incurs in the course of purchasing agricultural conservation easements; and,

WHEREAS, [locality], and the agents and employees of [locality], in the performance of this INTERGOVERNMENTAL AGREEMENT, are acting on behalf of [locality], and not as officers or employees or agents of the Commonwealth of Virginia;

NOW, THEREFORE, VDACS and [locality] agree their respective responsibilities, pursuant to this INTERGOVERNMENTAL AGREEMENT, shall be defined as follows:

1. VDACS Responsibilities

- a. VDACS shall, within thirty (30) days of the date of execution of this INTERGOVERNMENTAL AGREEMENT, restrict \$ _____ (hereinafter “the allocation amount”) in an account, from which VDACS shall withdraw funds only to pay contributions of funds that [locality] is eligible to receive pursuant to this INTERGOVERNMENTAL AGREEMENT, except that upon the expiration of two (2) years from the date of this INTERGOVERNMENTAL AGREEMENT, or immediately upon [locality]'s failure to perform any of its obligations under the terms of this INTERGOVERNMENTAL AGREEMENT, VDACS shall have the right to withdraw any funds then remaining in such account and the right to redirect those funds to other localities that VDACS certifies as being eligible to receive matching funds and that enter into an intergovernmental agreement with VDACS to govern the distribution of matching funds for the purchase of agricultural conservation easements.
- b. Upon [locality]'s recordation of a deed evidencing [locality]'s purchase of an agricultural conservation easement in the circuit court of the city or county where the Grantor's land is located and [locality]'s submission to VDACS of a completed claim for reimbursement, on a form prescribed by VDACS, together with the supporting documentation required under paragraph 2(e) of this INTERGOVERNMENTAL AGREEMENT, VDACS shall reimburse [locality] fifty percent (50%) of the reimbursable costs that [locality] actually incurred in the course of purchasing that agricultural conservation easement, limited to that portion of the allocation amount remaining in the account maintained by VDACS pursuant to paragraph 1(a) of this INTERGOVERNMENTAL AGREEMENT. VDACS may make alternative arrangements for the distribution of funds pursuant to this INTERGOVERNMENTAL AGREEMENT, provided [locality] presents a written request for such alternative arrangement to the Commissioner of VDACS or the Commissioner's designated agent (referred collectively hereinafter as “the Grant Manager”) prior to incurring any expense for which [locality] seeks a distribution of funds under the proposed alternative arrangement.

For purposes of this INTERGOVERNMENTAL AGREEMENT, “reimbursable costs” include:

1. The purchase price of the agricultural conservation easement, at present value, including any portion that [locality] will pay over time pursuant to an installment purchase agreement;

2. The cost of title insurance;
 3. The cost of one appraisal of the land upon which [locality] purchases an agricultural conservation easement;
 4. The cost of one survey of the physical boundaries of the land upon which [locality] purchases an agricultural conservation easement, including the cost of producing a baseline report of the conditions existing on the land at the time of the conveyance of the agricultural conservation easement;
 5. Reasonable attorney fees associated with the purchase of an agricultural conservation easement; and
 6. The cost of issuing public hearing notices associated with [locality]'s purchase of an agricultural conservation easement that [locality] is required by law to issue; and
 7. Any recordation fees that [locality] is required to pay pursuant to the laws of the Commonwealth of Virginia.
- c. VDACS shall only be responsible for reimbursing [locality] under paragraph 1(b) of this INTERGOVERNMENTAL AGREEMENT for reimbursable costs that [locality] actually incurs in the course of purchasing an agricultural conservation easement when [locality] acquires, by such purchase, a deed of easement that, at a minimum, provides:
1. The primary conservation purpose of the easement conveyed by the deed of easement is the conservation of the land in perpetuity for working farm and/or forestal uses.
 2. The Grantor and [locality] agree that the land subject to the agricultural conservation easement shall not be converted or diverted, as the Open-Space Land Act employs those terms, until and unless the Grant Manager, with the concurrence of [locality] or an assignee of [locality]'s interest in the agricultural conservation easement, certifies that such conversion or diversion satisfies the requirements of the Open-Space Land Act.
 3. The Grantor and [locality] agree that, in the event of an extinguishment of the restrictions of the agricultural conservation easement that results in the receipt of monetary proceeds by [locality] or an assignee of [locality]'s interest in an agricultural conservation easement in compensation for the loss of such property interest, VDACS shall be entitled to a share of those proceeds proportional to VDACS' contribution toward the total reimbursable cost of acquiring the agricultural conservation easement.
 4. If the Grantor conveys the agricultural conservation easement for less than its fair market value, the Grantor and [locality] mutually acknowledge that approval of the terms of this Deed of Easement by VDACS and/or its legal counsel does not constitute a warranty or other representation as to the Grantor's qualification for any exemption, deduction, or credit against the Grantor's liability for the payment of any taxes under any provision of federal or state law.

5. All mortgagors and other holders of liens on the property subject to the restrictions contained in the deed of easement have subordinated their respective liens to the restrictions of the deed of easement acquired by [locality]. All such mortgagors and other holders of liens shall manifest their assent to the easement's priority over their respective liens by endorsing the deed of easement.
6. A baseline report documenting the conditions existing on the land at the time of the conveyance of the agricultural conservation easement is incorporated into the deed of easement by reference.

2. [locality] Responsibilities

- a. [locality] shall, within thirty (30) days of the date of execution of this INTERGOVERNMENTAL AGREEMENT, appropriate funds equal to the allocation amount for the purpose of purchasing agricultural conservation easements.
- b. [locality] shall use matching funds that VDACS contributes to [locality], pursuant to this INTERGOVERNMENTAL AGREEMENT, only for the purpose of purchasing agricultural conservation easements that are perpetual and that have the primary conservation purpose of preserving working farm and forest lands.
- c. Within one (1) year from the date of this INTERGOVERNMENTAL AGREEMENT, and for each subsequent year in which the INTERGOVERNMENTAL AGREEMENT or a subsequent agreement is in force, [locality] shall submit to VDACS a progress report that:
 1. describes any properties that [locality] has identified as prospects for [locality]'s purchase of agricultural conservation easements and the status of any negotiations for the purchase of such agricultural conservation easements;
 2. estimates the timeframes within which [locality] will execute contracts for any such purchases, close on such purchases, and request reimbursement of reimbursable costs for those purchases from VDACS;
 3. describes the measures [locality] has undertaken to develop and/or maintain a public outreach program designed to educate various stakeholders in [locality]'s community—including farmers, landowners, public officials, and the non-farming public—about [locality]'s agricultural conservation easement program and other initiatives to preserve working agricultural land;
 4. describes the measures [locality] has undertaken to develop and/or maintain a formal plan for stewardship and monitoring of the working agricultural land on which [locality] acquires agricultural conservation easements; and
 5. describes the measures [locality] has undertaken to develop and/or maintain a process that [locality] will use to evaluate the effectiveness of its program, including a protocol for making changes to [locality]'s agricultural conservation efforts based on such evaluations.

- d. For any purchase of agricultural conservation easements for which [locality] requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, [locality] shall obtain a policy of title insurance on its purchased interest that covers at least an amount equal to the amount for which [locality] requests reimbursement from VDACS.
- e. Prior to closing on a purchase of an agricultural conservation easement for which [locality] requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, [locality] shall submit, for review and approval by VDACS and its legal counsel, the following documentation:
 1. a written agreement setting forth, in the manner prescribed by [locality]'s ordinance or resolution governing its program to acquire agricultural conservation easements, the terms of [locality]'s purchase of the agricultural conservation easement, including the purchase price;
 2. any installment purchase agreement;
 3. the deed of easement that the Grantor will deliver to [locality] at closing, including all exhibits, attachments, and/or addenda;
 4. a title insurance commitment for a policy to insure the easement interest under contract indicating an amount of coverage at least equal to the amount of funds for which [locality] requests reimbursement from VDACS; and
 5. an itemized list of all reimbursable costs that [locality] has or will, up to the time of closing, incur in the course of purchasing the agricultural conservation easement.

[locality] shall make whatever changes to the proposed deed of easement and/or the installment purchase agreement, where applicable, that VDACS and/or its legal counsel deem necessary to ensure compliance with applicable state law and the requirements and purposes of this INTERGOVERNMENTAL AGREEMENT.

[locality] may fulfill its obligation under this paragraph by submitting accurate and complete copies of all documents enumerated in this paragraph, provided that [locality] shall deliver or make available the original documents to VDACS for review at VDACS' request.

- f. Together with any claim for reimbursement pursuant to this INTERGOVERNMENTAL AGREEMENT that [locality] submits to VDACS, [locality] shall also submit the following supporting documentation:
 1. a copy of the recorded deed of easement that VDACS and/or its legal counsel approved prior to closing, showing the locality, deed book, and page of recordation, and including all exhibits, attachments, and/or addenda; and
 2. copies of invoices, bills of sale, and cancelled checks evidencing [locality]'s incursion of reimbursable costs in the course of purchasing the agricultural conservation easement; and
 3. a copy of any executed installment purchase agreement related to the purchase, which shall indicate the purchase price; and

4. a copy of any deed of trust related to the purchase.
- g. [locality] shall provide the Grant Manager immediate written notice of [locality]'s receipt of any application or proposal for the conversion or diversion of the use of any land upon which [locality] or its assignee, where applicable, holds an agricultural conservation easement, for the purchase of which VDACS contributed funds pursuant to this INTERGOVERNMENTAL AGREEMENT.
- h. [locality], or any assignee of [locality]'s interest in an agricultural conservation easement for which [locality] receives a contribution from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT shall at all times enforce the terms of that easement. [locality] shall provide the Grant Manager immediate written notice of any actions, whether at law, in equity, or otherwise, taken by locality to enforce the terms of the easement or to abate, prevent, or enjoin any violation thereof by any party. Any failure by [locality] or such assignee to perform its enforcement responsibility shall constitute a breach of this INTERGOVERNMENTAL AGREEMENT, for which VDACS shall have a remedy by way of a civil action for specific performance of that enforcement responsibility; or, VDACS shall have the right and authority, at its option, to demand and receive from [locality] a portion of the full market value of the agricultural conservation easement at the time of the breach in proportion to the amount VDACS contributed to [locality]'s purchase of the agricultural conservation easement relative to the full market value of the agricultural conservation easement at the time of the purchase.
- i. For any purchase of an agricultural conservation easement for which [locality] requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, [locality] shall derive its valuation of the agricultural conservation easement according to the valuation methods prescribed by ordinance or resolution.

3. Merger and Superseding of Prior Agreement

The parties agree that terms of the INTERGOVERNMENTAL AGREEMENT previously entered into between the parties to govern VDACS' distribution of funds to [locality] from appropriations set forth in Chapter 847 of the 2007 Acts of Assembly shall be merged into the instant INTERGOVERNMENTAL AGREEMENT, the latter of which shall supersede the former to the extent that there are any inconsistencies between the terms of the two INTERGOVERNMENTAL AGREEMENTS. Notwithstanding the language of this paragraph, VDACS shall only be required to restrict the allocation amount provided in paragraph 1(a) of the prior agreement until the expiration of two (2) years from the date of execution of the prior agreement.

4. Recertification

This INTERGOVERNMENTAL AGREEMENT pertains exclusively to VDACS' contribution of funds that the General Assembly has appropriated to VDACS through the fiscal year ending June 30, 2009. VDACS shall not contribute other funds in the future to [locality] except upon VDACS' recertification of [locality]'s eligibility to receive such funds. VDACS may establish and communicate to [locality] certain benchmarks of program development that VDACS will impose upon [locality] as preconditions to [locality]'s recertification for future contributions.

5. Governing Law

This INTERGOVERNMENTAL AGREEMENT is governed by and shall be interpreted in accordance with the laws of the Commonwealth of Virginia. In all actions undertaken pursuant to this INTERGOVERNMENTAL AGREEMENT, preferred venue shall be in the City of Richmond, Virginia, at the option of VDACS.

6. Assignment

[locality] shall not assign this INTERGOVERNMENTAL AGREEMENT, either in whole or in part, or any interest in an agricultural conservation easement for the purchase of which VDACS contributes funds pursuant to this INTERGOVERNMENTAL AGREEMENT, without the prior, written approval of the Grant Manager.

7. Modifications

The parties shall not amend this INTERGOVERNMENTAL AGREEMENT, except by their mutual, written consent.

8. Severability

In the event that any provision of this INTERGOVERNMENTAL AGREEMENT is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this INTERGOVERNMENTAL AGREEMENT have force and effect and shall not be affected thereby.

In witness, whereof, the parties hereto have executed this INTERGOVERNMENTAL AGREEMENT as of the day and year first written above.

(The rest of this page is intentionally left blank. Signatures manifesting the parties' mutual assent to the terms contained in this INTERGOVERNMENTAL AGREEMENT appear on the next page.)

This INTERGOVERNMENTAL AGREEMENT is effective as of the date when all four (4) signatures solicited below are affixed here to.

Todd P. Haymore Date
Commissioner
Virginia Department of Agriculture &
Consumer Services

[Name] Date
[City Manager/County Executive]

APPROVED AS TO FORM ONLY:

APPROVED AS TO FORM ONLY:

Assistant Attorney General Date

[City/County] Attorney Date

APPENDIX 4

LOCAL PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM MATCHING FUNDS

CLAIM FOR REIMBURSEMENT

The following form is to be used to request reimbursement for local PDR programs upon the recordation of a deed evidencing the purchase of an agricultural conservation easement. Please note that a separate form must be submitted for each easement recorded.

Property/project name: _____

Acres protected: _____

Locality: _____

Easement recordation date: _____

Easement recordation location: _____

Deed book: _____

Page of recordation: _____

Is a copy of the recorded deed attached? **Yes No**

Are copies of invoices, bills of sale, and cancelled checks attached? **Yes No**

Is a copy of an executed Installment Purchase Agreement attached? **Yes No**

REIMBURSABLE COSTS

Please note: VDACS' share of the reimbursable costs listed below is 50 percent of the reimbursable costs actually incurred by the locality in the purchase of each agricultural conservation easement, limited to the allocation amount remaining for each locality. "Actually incurred" expenses do not include the following: payments made by the locality that are subject to reimbursement by federal, state or other funding sources; grants made to the locality by federal or state funding sources; payments made by any other funding sources directly to the landowner; landowner deductions or bargain sales; or any in-kind donations or contributions.

1. Please indicate below the portion of the **purchase price of the agricultural conservation easement** actually incurred by the locality, at present value, evidenced by a copy of either the recorded deed of easement indicating the

purchase price or a copy of the executed installment purchase agreement indicating the purchase price.

2. Please indicate below the **cost of title insurance** actually incurred by the locality, related to the purchase of this agricultural conservation easement. Please provide copies of invoices, bills of sale and cancelled checks evidencing the incursion of reimbursable costs.
3. Please indicate below the **cost of one appraisal** actually incurred by the locality, of the land related to the purchase of this agricultural conservation easement. Please provide copies of invoices, bills of sale and cancelled checks evidencing the incursion of reimbursable costs.
4. Please indicate below the **cost of one survey** actually incurred by the locality, of the physical boundaries of the land related to the purchase of this agricultural conservation easement. Please include any costs associated with producing a baseline report of the conditions existing on the land at the time of the conveyance of the agricultural conservation easement. *(Note: Only localities that have signed FY 2009 Intergovernmental Agreements may submit baseline reporting costs as an allowed reimbursable cost.)* Please provide copies of invoices, bills of sale and cancelled checks evidencing the incursion of reimbursable costs.
5. Please indicate below any **reasonable attorney fees** actually incurred by the locality, associated with the purchase of this agricultural conservation easement. Reasonable attorney fees include those fees associated with outside counsel required for the completion of the easement, but do not include fees related to county or city attorneys serving as staff. Please provide copies of invoices, bills of sale and cancelled checks evidencing the incursion of reimbursable costs.
6. Please indicate below any costs actually incurred by the locality associated with issuing **public hearing notices** related to the purchase of this agricultural conservation easement. Please provide copies of invoices, bills of sale and cancelled checks evidencing the incursion of reimbursable costs.
7. Please indicate below any costs actually incurred by the locality associated with any **recordation fees** that the locality is required to pay pursuant to the laws of the Commonwealth of Virginia. Please provide copies of invoices, bills of sale and cancelled checks evidencing the incursion of reimbursable costs.

Purchase price of easement: \$ _____

Cost of title insurance: \$ _____

Cost of appraisal: \$ _____

Cost of survey: \$ _____

Reasonable attorney fees: \$ _____

Cost of public hearing notices: \$ _____

Recordation fees: \$ _____

TOTAL REIMBURSABLE COSTS \$ _____

VDACS SHARE OF TOTAL REIMBURSABLE COSTS \$ _____

VDACS' share is 50 percent of the reimbursable costs actually incurred by the locality limited to the allocation amount remaining for each locality.

Should your PDR program wish to receive less than the amount currently available at this time, please indicate the desired amount:

DESIRED AMOUNT (IF LESS THAN THE AMOUNT AVAILABLE) \$ _____

Submitted by:

Name:

Title:

Locality:

Address:

City, State, Zip:

Phone:

Fax:

E-mail:

Tax ID number:

Date submitted:

Check payable to:

Completed claim for reimbursement and any questions should be addressed to:

Kevin Schmidt
Coordinator, Office of Farmland Preservation
Virginia Department of Agriculture and Consumer Services
102 Governor Street
Richmond, VA 23219
Phone: (804) 786-1346
Fax: (804) 371-2945
kevin.schmidt@vdacs.virginia.gov

APPENDIX 5

**CERTIFICATION OF LOCAL PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM
MATCHING FUNDS – FY 2010**

Application Deadline: Friday, October 23, 2009

The _____ of _____ hereby certifies that on
(County Administrator/City Manager) (Locality)
this _____ day of _____, total local funds in the amount of
\$ _____ were appropriated for the July 1, 2009, to June 30, 2010 fiscal year,
and that total local funds in the amount of \$ _____ are currently available
from previous fiscal years, for the purpose of purchasing agricultural conservation easements, as
referenced in Section 3.2-201 of the *Code of Virginia*.

It also is certified that none of the funds listed above are from any of the following: grants made by the United States of America; the Virginia Department of Agriculture and Consumer Services (VDACS), the Virginia Department of Conservation and Recreation (DCR), the Virginia Outdoors Foundation (VOF), or any other agency or political subdivision of the Commonwealth of Virginia; payments made by any other funding sources either directly to the landowner or to reimburse the locality; or in-kind donations or contributions. It is further certified that the total amount above is comprised only of local funding available for the purchase of agricultural conservation easements by the locality.

It is the intent of _____ to use these funds to purchase perpetual conservation
(Locality)
easements on working farm and forest land through participation in the agricultural conservation easement program administered by VDACS' Office of Farmland Preservation pursuant to Section 3.2-201 of the *Code of Virginia*.

It is understood and agreed that participation in VDACS' agricultural conservation easement program requires meeting additional criteria as promulgated by the Office of Farmland Preservation, and that certification of the locality's available funds does not guarantee nor obligate acceptance into the agricultural conservation easement program.

County Administrator/City Manager

County/City Chief Fiscal Officer

Date

Date

Completed certification form and any questions should be addressed to:

Kevin Schmidt
Coordinator, Office of Farmland Preservation
Virginia Department of Agriculture and Consumer Services
102 Governor Street
Richmond, VA 23219
Phone: (804) 786-1346
Fax: (804) 371-2945
kevin.schmidt@vdacs.virginia.gov
www.vdacs.virginia.gov/preservation

APPENDIX 6

APPLICATION FOR CERTIFICATION OF LOCAL PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM- FY 2010

Application Deadline: Friday, October 23, 2009

Locality:

Contact person:

Title:

Address:

Address 2:

City, State, Zip:

Phone:

Fax:

E-mail:

Date:

The following application is based on *A Model Purchase of Development Rights (PDR) Program for Virginia*, which was released by the Virginia Department of Agriculture and Consumer Services (VDACS) Farmland Preservation Task Force in November 2005. It is strongly suggested that applicants refer to the model PDR document while completing this application. Please visit www.vdacs.virginia.gov/preservation or call (804) 786-1346 to obtain a copy of this report.

To complete this application, please answer each of the questions listed below. Also, please submit any additional documentation to help support or clarify your answers. *If your locality is currently certified for FY 2009, please only provide an update covering the changes that have occurred to your program since you submitted your application last year.*

1. Adopted PDR ordinance/resolution

Please attach your local PDR ordinance/resolution as adopted. If your ranking system is not part of your ordinance/resolution, please include this as well.

2. Program goals and purposes

Please specify your program goals/purposes as outlined in your local PDR ordinance/resolution. *VDACS will be looking for clearly defined program goals/purposes, with a program ordinance/resolution that supports them.*

3. Action plan for education/outreach

Please provide information on how your program reaches out to farmers/landowners, public officials and the non-farming public.

VDACS will be looking for examples of efforts to educate various stakeholders in the community on the PDR program and other working farm and forest land preservation initiatives.

4. Easement valuation process

Please outline how your locality determines easement value.

VDACS will be looking for transparency and replicability in the easement valuation process.

5. Broader agricultural enhancement strategy

Please outline what additional strategies your locality is using to preserve working farm and forest land, and how these various strategies work together. Examples include: comprehensive land use plan; agricultural zoning; use value taxation; agricultural and forestal districts; agricultural economic development efforts; farm transition efforts, etc.

VDACS will be looking to see that the PDR program is part of a broader strategy designed to preserve working farm and forest land.

6. Deed of easement

Please attach a copy of your deed of easement template.

*VDACS will be looking to see that the deed of easement is flexible enough to allow for future agricultural production, and that it contains the appropriate components established in the model document. All easements funded by VDACS must be perpetual. **Please note: A more detailed review by VDACS of each individual easement will be required prior to closing.***

7. Monitoring and enforcement strategy

Please describe your monitoring and enforcement schedules/procedures.

VDACS will be looking to see that a clear strategy has been established outlining how the easement will be monitored and enforced.

8. Program evaluation mechanism

Please describe the process used to evaluate the effectiveness of your program, and indicate the process for making changes or updates to your program based on this evaluation.

VDACS will be looking to see that the program has an evaluation mechanism and a process established for implementing evaluation findings.

Completed applications and any questions should be addressed to:

Kevin Schmidt
Coordinator, Office of Farmland Preservation
Virginia Department of Agriculture and Consumer Services
102 Governor Street
Richmond, VA 23219
Phone: (804) 786-1346
Fax: (804) 371-2945
kevin.schmidt@vdacs.virginia.gov
www.vdacs.virginia.gov/preservation

APPENDIX 7

- Delivered update on the FY 2008 and proposed FY 2009 Intergovernmental Agreements to the local PDR managers at their December meeting in Goochland County (December 5, 2008).
- Delivered presentation on state and federal funding for local PDR programs to the Hanover County PDR committee (December 8, 2008).
- Delivered presentation on PDR and TDR programs to the Middlesex County Planning Commission (December 17, 2008).
- Participated in a panel discussion on PDR programs and other conservation options for farmland owners on the Eastern Shore at the 20th Annual Eastern Shore Ag Conference and Trade Show in Belle Haven (January 8, 2009).
- Delivered a presentation on PDR and TDR programs to the Dragon Run Steering Committee in Saluda (February 11, 2009).
- Delivered presentation at two classes at Virginia Tech in Blacksburg. The first class was a senior level problem solving class, where students were asked to help increase farm family communication on farm transition issues. The second class was an introductory marketing class, where students reviewed the OFP Web site provided thoughts on better marketing of OFP services (February 24, 2009).
- Delivered update on FY 2009 state matching funds to local PDR program managers at their March meeting in Richmond (March 23, 2009).
- Delivered presentation on farmland preservation tools and techniques to the Orange County Board of Supervisors, County Administrator and County Attorney in Orange (April 28, 2009).
- Facilitated roundtable topic on PDR and TDR programs at the Virginia Municipal League's Go Green VA Environmental Forum in Richmond (May 7, 2009).
- Delivered presentation on developing a local Transfer of Development (TDR) program in Virginia to the Region V meeting of the Virginia Association of Zoning Officials (VAZO) regional training session in Warrenton (May 8, 2009).
- Delivered a presentation of the Office of Farmland Preservation and the services that the Office provides to the James City County Board of Agriculture in Toano (May 18, 2009).
- Delivered a presentation on the farm transition funding from the Virginia Agriculture license plate to Virginia Cooperative Extension (VCE) Farm Business Management staff as part of their in-service training in Blacksburg (August 26, 2009).
- Presented a proposal for a pilot farm transition workshop as part of the Secretary of Agriculture and Forestry's Dairy Initiative to the Cooperative Milk Producers Board of Directors at their August 2009 board meeting in Keysville (August 27, 2009).

- Delivered presentation on agriculture's role in green infrastructure planning at the Rappahannock-Rapidan Regional Commission's Living Lands- Green Infrastructure Planning Workshop in Culpeper (September 17, 2009).
- Delivered presentation on Office of Farmland Preservation and the Virginia Farm Link program to the Fauquier County Agricultural Advisory Committee in Warrenton (September 17, 2009).
- Delivered update on FY 2010 state matching funds to local PDR program managers at their September meeting in Richmond (September 23, 2009).
- Delivered presentation on Lease of Development Rights (LDR) and term easements at the Valley Conservation Council's *Making the Most of Ag Districts, Land Use Taxation, and Related Programs* meeting in Rockingham (October 7, 2009).
- Delivered presentation on the Office of Farmland Preservation and tools available at the local and state levels for farmland preservation at the Inaugural Symposium on Residential Development and the Working Landscapes at the newly created Baldwin Center for Preservation Development in North Garden (October 16, 2009).

APPENDIX 8

Introduction

The Office of Farmland Preservation (OFP) was created within the Virginia Department of Agriculture and Consumer Services (VDACS) by the Virginia General Assembly in 2001. In addition to other farmland preservation programs and methods, §3.2-201 of the Code of Virginia charges OFP with a duty to administer the Virginia Farm Link (VAFL) program, also established by the 2001 General Assembly. The purpose of the VAFL program is to provide assistance in the transition of farm businesses and properties from retiring farmers to active farmers. As stated in §3.2-202 of the Code of Virginia, the Virginia Farm Link program should provide, but is not limited to:

- Assistance in the preparation of business plans for the transition of business interests
- Assistance in the facilitation of transfers of existing properties and agricultural operations to interested buyers
- Information on innovative farming methods and techniques
- Research assistance on agricultural, financial, marketing, and other matters

In 2003, VDACS partnered with the Virginia Farm Bureau to develop the VAFL database, the first farm transition tool within the program. The Virginia Farm Bureau agreed to administer the database until VDACS was able to take back the operation of the database. On May 15, 2008, a significantly revised version of the database was launched by VDACS. The database allows farm seekers and farm owners to input information about agricultural land they are looking for or land they own. Once a profile has been created by a farm owner, farm seekers can search the database for farmland and agricultural operations across the state. If a farm seeker views a farm owner profile that he wishes to know more about, he can send the farm owner his information through the VAFL database system, keeping the farm owner's identity and contact information confidential. It is then the farm owner's decision whether to respond to the farm seeker's request for information. After the message is sent through the VAFL system by the farm seeker, VDACS has no way to know what results from that contact.

To determine what has happened after these contacts are made, OFP developed a project to evaluate the effectiveness of the database, determine user satisfaction, and discover if there have been any farm transition agreements. This project was accomplished through farm owner surveys, research, and updates on the database. During its 15 months under VDACS, the database has grown to 99 farm owners and 968 farm seekers, a total of 1,067 users. The following database statistics were recorded on August 13, 2009:

- When listing their personal information, 61 percent of the farm owners and 79 percent of the farm seekers gave all the requested information.
- There are 49 farm owners that have been contacted by 181 farm seekers. These represents 50 percent of the total farm owners and 19 percent of the total farm seekers listed with the database.
- There are 803 "inactive" users on the database: 75 percent, or 730, of the farm seekers and 74 percent, or 73, of the farm owners. Inactive farm seekers can not send farm owners emails through the VAFL database, and the profiles of inactive farm owners can not be viewed by any farm seekers.
- There are 26 farm owners (or 26 percent) currently listed as active status, and therefore available to be viewed through the database.

- There are 238 farm seekers currently listed as active. This is 25 percent of all the farm seekers.

*Note: Two VAFL program administration accounts for both types of seekers were excluded from the statistics

Surveys

The target respondents of the survey were farm owners that have been contacted by at least one farm seeker. The survey had six questions regarding how these farm owners found out about the database, their overall impressions and farm transition situation, and recommendations. (See Appendix: A). There were 49 farm owners who met the interview requirements. These farm owners represented all of the nine regions in the state. The regions and number of farm owners from each are as follows*:

- | | |
|-----------------|-------------------|
| • Northern, 4 | • Central, 6 |
| • Valley, 8 | • Capital, 4 |
| • Southwest, 3 | • Southeastern, 2 |
| • Midwest, 7 | • Eastern, 4 |
| • Southside, 10 | |

*Note: One farm owner listed an out-of-state county and is, therefore, not included in the list above.

Survey Methodology

Farm owners had the option to schedule interviews in-person or by telephone, at their convenience; no farm owners chose to have an in-person interview. The farm owners were first sent an email requesting they schedule an interview time. (See Appendix: B). Nine farm owners, or 38 percent of those interviewed, responded to the first email. A second reminder email was sent to those farm owners not replying to the first email. An additional 21 percent, or 7 farm owners, scheduled interview times in response to this email. A total of 67 percent of the farm owners interviewed replied to the emails. Follow-up phone calls were made to those 29 farm owners who did not respond to the emails, resulting in another eight, or 33 percent, interviews. A letter from VDACS' Commissioner requesting participation in the survey was also sent to the remaining farm owners who were not interviewed; none replied. The total number of farm owners interviewed was 24, or 49 percent of the 49 eligible farm owners*.

*Note: Three farm owners who became eligible to be interviewed after a majority of the surveys were completed were only sent emails. One farm owner was contacted by a farm seeker after the project was closed and, therefore, was not contacted or interviewed.

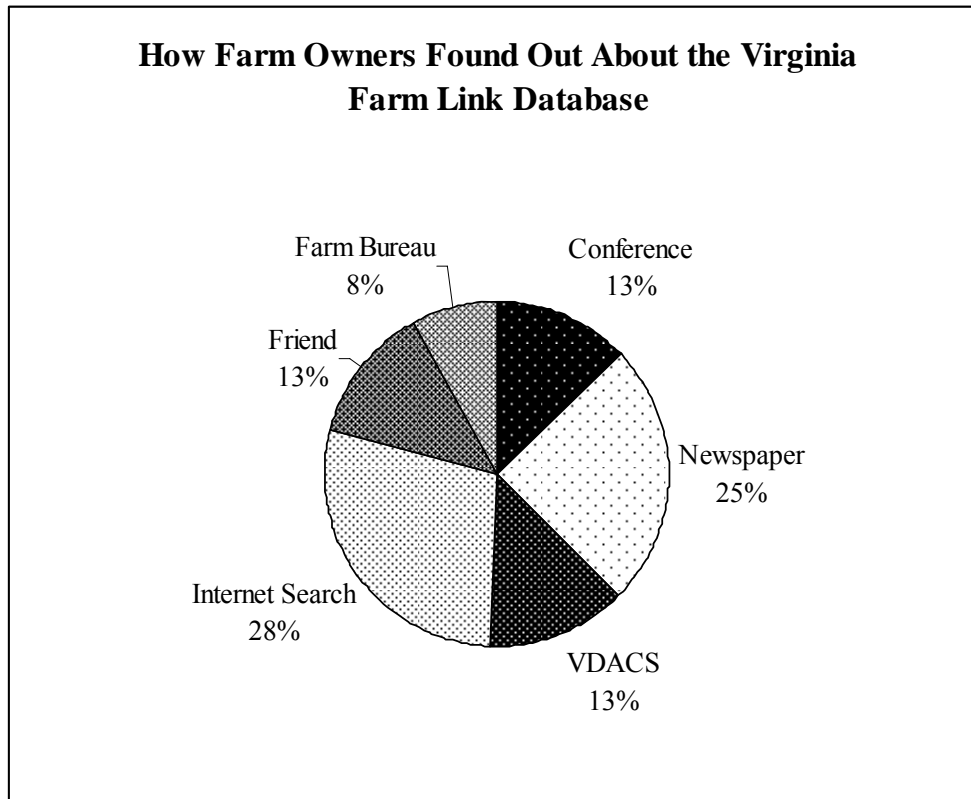
The feedback from the farm owner surveys proved informative. The farm owners provided comments about a wide range of experiences with the database, how they found out about the VAFL database, both successful and unsuccessful farm transition contacts, and recommendations for changes to the database. Many of the farm owners had similar responses about their overall impressions of and recommendations for the database.

Survey Results

The first question of the survey asked how the farm owner found out about the VAFL database. There were six information sources given by the farm owners. As shown in Graph I, the two

sources notifying the most people were the newspaper and an internet search with 25 percent and 29 percent, respectively. The VDACS Web page or an employee, a friend of the farm owner, or conference each resulted in notifying 13 percent of the respondents about the database. The Virginia Farm Bureau also helped promote the program to eight percent of the farm owners. This information could be important in future promotion campaigns for VAFL.

Graph I: How Farm Owners Found Out About the Virginia Farm Link Database



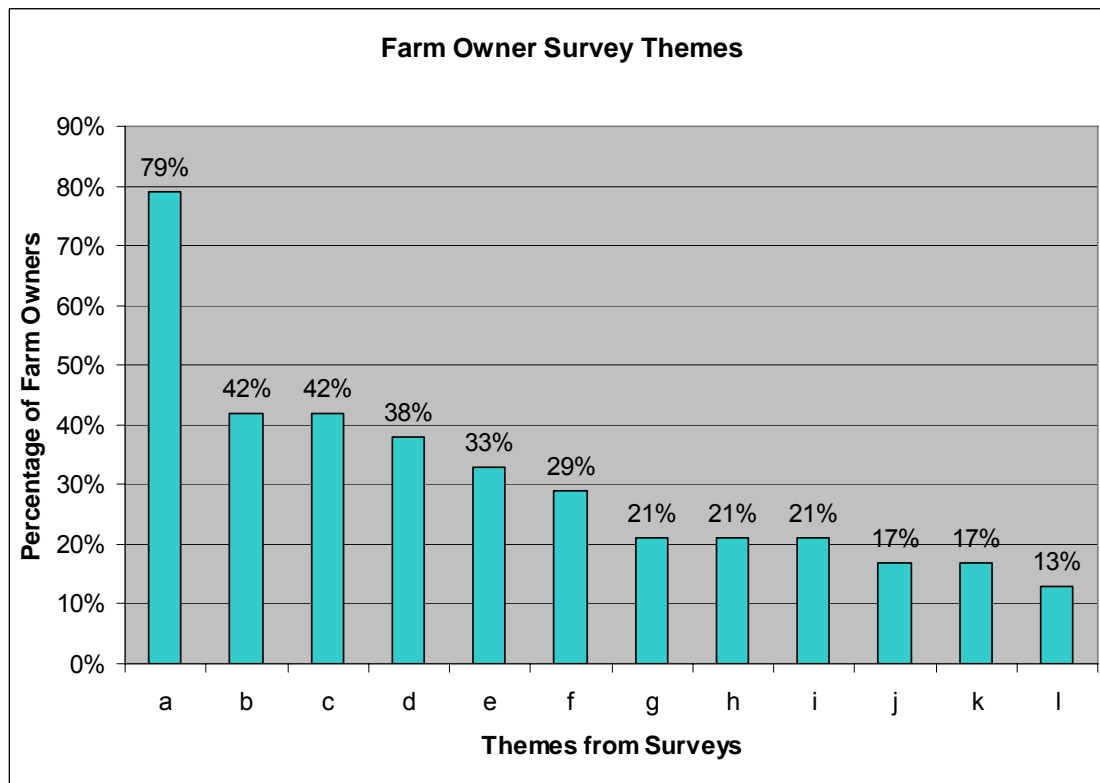
As stated, there were 24 farm owner surveys completed. Twelve key themes were echoed throughout a majority of these interviews. These themes generally reflect farm owners' responses to questions about their impressions of the database and what changes they would like to see made. In regard to their impressions, 79 percent of the farm owners think that the VAFL database is a great idea and easy to navigate. Though many said the database is a great tool and resource, they felt it could use a few changes to make it better. Some believe that these changes will lead to more contacts, and possibly farm transition agreements, between farm owners and farm seekers, making the program more effective. Many of the main concerns of the farm owners revolve around the generic structure of the database, farm seekers not being serious, and the promotion of the program. The themes from the surveys, and how many respondents said them, include:

- Easy to navigate, good idea, good tool/resource; 19 responses
- Farm seeker information does not align with what the farm owner listed/wanted; 10 responses
- Needs promotion; 10 responses

- Web site information is too generic, needs more description for both users; 9 responses
- Farm seekers not serious or just looking for a bargain; 8 responses
- Farm owners only responding to those who listed more specifically; 7 responses
- Farm seekers not contacting the farm owners after initial email; 5 responses
- Need to weed out those who are not intent on using the database as a real tool; 5 responses
- No response for changes; 5 responses
- Provide links/resources; 4 responses
- It is good the way it is; 4 responses
- Some initial contacts seemed like spam or real estate agents; 3 responses

Graph II compares the percentages of all of the themes. The three responses that were repeated the most by the farm owners were that the farm seeker information does not align with what the farm owner listed/wanted; the database needs better promotion; and the database is easy to navigate, a good idea, and a great tool/resource.

Graph II: Farm Owner Survey Themes



Graph II: Farm Owner Survey Themes Legend

a: Easy to navigate, good idea, good tool/resource

b: Farm seeker information does not align with what the farm owner listed/wanted

c: Needs promotion

d: Web site information is too generic, needs more description for both users

e: Farm seekers not serious or just looking for a bargain

f: Farm owners only responding to those who listed more specifically

g: Farm seekers not contacting the farm owners after initial email

h: Need to weed out those who are not intent on using the database as a real tool

i: No response for changes

j: Provide links/resources

- Farm seeker information does not align with what the farm owner listed/wanted
 - Several of the farm owners believe that the farm seekers are too general when sending inquiries. Many of the farm owners were not pleased that farm seekers were selecting every field for the type of operation and transition method. Some farm owners stated they could not get a good picture of what the farm seekers were

looking for because they selected everything. They felt that this showed the farm seekers to not be serious or unsure of what they want. Some also viewed this as the farm seekers not aligning with their desires. For example, one farm owner said she did not like that people were contacting her with inquiries about buying her land when her profile clearly states she is only looking for someone to lease it.

- Farm seekers not serious or just looking for a bargain
 - A significant portion of the farm owners believed that the farm seekers were simply looking for a bargain and/or were not serious about the transactions. Several of the farm owners had people try to buy their land far below its value. They believed this was partially due to the economy, as well as some farm seekers thinking they could “get a deal out of some old farmer”.
- Some initial contacts seemed like spam or real estate agents
 - A few farm owners said that some of the farm seeker inquiries they received seemed like spam email or that they were from real estate agents. For example, one respondent said he received an email through the system from a company in California demanding he justify his asking price.
- Web site information is too generic, needs more description for both users
 - Some of the farm owners stated the database is simply too generic. They thought it needed to include room for more descriptions by both the farm owners and the farm seekers. Several farm owners believe that more information on the database profiles would increase the chances of finding a good match with a farm seeker. For example, a farm owner said he would like to be able to describe the property better, such as certain amenities like a river on the property or a milking parlor on site. Another suggested that the farm owners be able to post pictures of the farm or, if it has one, the link for the farm’s Web page. In regard to the farm seekers, several of the farm owners would like the farm seekers to be able to describe themselves more and include information such as their age, family status, if they require housing, etc.
- Needs promotion
 - Many of the farm owners thought the VAFL database needs a better promotion campaign in order to be more successful and draw in people who are really interested in the program. One farm owner suggested that promoting the program more around the state and region may draw in a wider range of serious farm seekers. Another recommended free advertising on the internet as a form of promotion. She said that there are many free advertising sites; you just have to put the effort in to finding them. An example she gave is to use Craig’s List. It is free and you only have to renew your post every thirty days. Many suggested using local newspapers and agricultural and electric cooperative publications to reach farmers throughout the state. Another idea was to work closely with Virginia Cooperative Extension offices across the state to promote the database to farmers in their designated areas.
- Need to weed out those who are not serious
 - Several of the farm owners were concerned that there were too many people using the database without any intention of entering in to a farm transition agreement. They felt that the VAFL database needs to add some sort of verification method to “weed out” farm seekers who are not serious about the program. One farmer said he

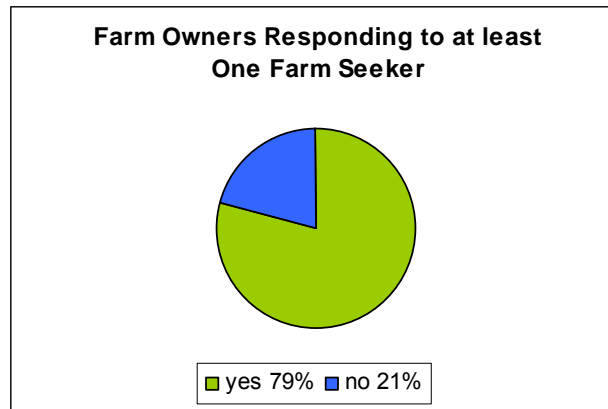
believes an addition of this process to the database will lead to better contacts. Another farmer said that further promotion of the database may draw in a larger amount of people who are genuinely interested in the database, which would negate those we are not serious.

- Provide links/resources
 - A few of the farm owners indicated a desire for more resources available through the database. They believed this would make the program an even more useful tool and increased information regarding farm transitions may also help facilitate agreements. Examples of resources given by the farm owners are information on rental fees across the state, information on lease and sale contracts, checklists for farm seekers and farm owners of “things to think about” when forming an agreement, checklist of questions to remember to ask another party, tax information, and other general farm transition documents. Another farm owner’s idea for a resource was a service providers list. This would give the contact information for professionals around the state who deal with farm transitions, as well as other issues land owners face. Also, some farm owners thought it would be beneficial to include the Web site links of other agricultural entities on the database Web page. Virginia Cooperative Extension and other farm transition networks with similar programs were given as ideas for links.
- No response for changes/ It is good the way it is
 - Approximately thirty-eight percent of the farm owners did not have any suggestions for changes to the database or were happy with it in its current form. One farm owner said he was “very impressed” with the database and nothing should be changed. Several of these farm owners said they liked its simplicity because even those who are not adept with computers can use it. Another said he was surprised how well it had worked for him and was pleased with the database. Others said they did not know what else the program could do, or offer, in addition to what it already does
- Farm owners only responding to those who listed more specifically
 - The survey also gathered information about contacts between farm owners and farm seekers. Twenty-nine percent of farm owners only responded to those farm seekers who listed farm transition methods and/or agricultural operations similar to their own, considering all others “not good matches”.
- Farm seekers not contacting the farm owners back after initial email
 - Twenty-one percent of the farm owners reported that farm seekers did not get back to them. A few believed this is because the farm seekers did not care for the information sent to them about the farm operation, work that needs to be done, asking price, etc. Others thought this indicated that the farm seekers were not genuinely interested in the farm.

A key point of the survey was to establish the existence of conversations between farm owners and farm seekers and to determine if there have been any successful farm transitions. The results of the interviews show that there has been communication between the farm owners and farm seekers. As seen in Graph III, 79 percent of the farm owners responded to at least one farm seeker. This is a total of 19 of the 24 farm owners who were interviewed. There were several reasons given by the five farm owners that did not contact any farm seekers. Three stated they

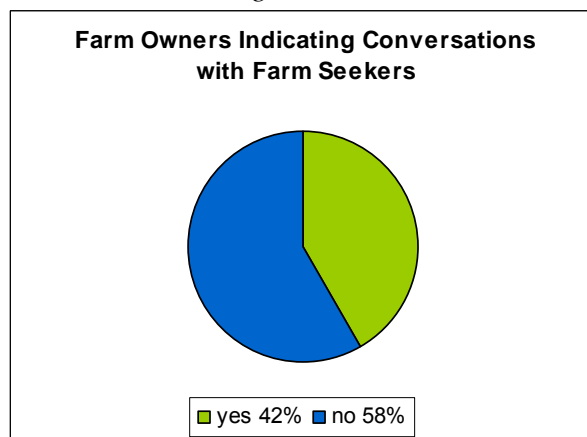
did not feel any of the farm seekers contacting them were good matches for their situation. One said he had things in his personal life that were taking up most of his time, so he was just getting to the point of being able to respond to them. Another said her computer crashed before she could contact them and, by the time she got it fixed, she was too far in to the planting season to respond to anyone.

Graph III: Farm Owners Responding to at least One Farm Seeker



There were ten farm owners who proceeded to the next step and indicated having additional conversations with at least one farm seeker. These farm owners represent 42 percent of those interviewed. Many of these farm owners reported having a few good possibilities with farm seekers but that these prospects did not work out. Four of these farm owners had farm seekers come to look at their property. One farm owner even had six different couples visit his farm, but no agreement was ever made. He attributed this to the current economy leading to a lack of capital. Another was pleased that he had good conversations with several farm seekers and though they did not lead to any agreement, he was happy that the database had facilitated such communications. Graph IV compares those that had conversations with farm seekers to those who did not. Those who have not had additional conversations with farm seekers said the farm seekers never got back to them.

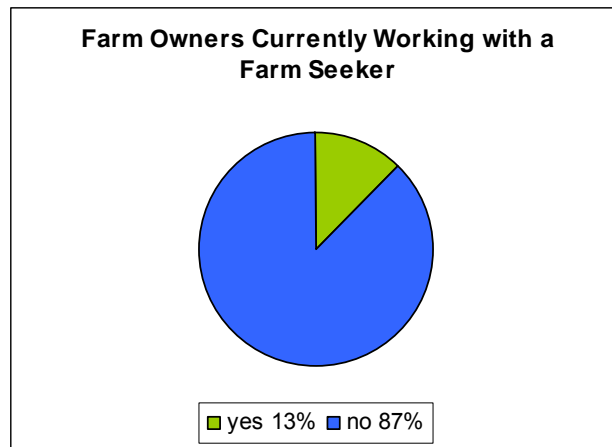
Graph IV: Farm Owners Indicating Conversations with Farm Seekers



There are three farm owners who indicated they were able to move into the third step of the process and were currently working on farm transition agreements with farm seekers. As shown in Graph V, they represent 13 percent of the farm owners interviewed. These farm owners said

they were pleased with the database as it had produced a contact with someone they felt comfortable making an agreement with. They all were confident that the agreements they were working on with the farm seekers would succeed. None of the interviews produced an actual, completed farm transition agreement between a farm owner and farm seeker.

Graph V: Farm Owners Currently Working with a Farm Seeker



Recommendations

At the conclusion of the farm owner surveys, it was decided that a few farm seekers should be interviewed regarding the recommendations given by the farm owners. Fifteen farm seekers were contacted requesting interviews, but only three responded. All of them agreed with the changes listed by the farm owners and gave a few recommendations of their own. Based on these and the farm owner survey results, as well as research, several recommendations were developed for changes to the VAFL database and broader program. These updates will align the database with the wishes of the users and will keep the VAFL program up to par with similar programs across the United States. Hopefully, if these changes are enacted by VDACS, the database will expand even further, attract intent users, and produce successful farm transitions.

1. Revise the application process to allow for additional description

There are several pros to the current application process for the database. This process is straightforward and simple, saving the user's time. The online application is easily accessible to those with internet and only asks for select information, which is securely protected by the database system. The online application process, as well as the entire database, requires little VDACS personnel involvement. However, when compared to the former paper applications, the information provided by the users on the database is minimal. Thirty-eight percent of the farm owners wished to see places for more descriptions in the application. There are a few distinct areas that the farm owners and seekers were concerned about.

A suggestion by the farm owners that came up several times is that a conservation easement should not be the only type of conservation program listed. The previous farm owner application had "Farmland Preservation" (such as land use assessment or agriculture and forested districts), "Chesapeake Bay Program", "Conservation Mgmt Plan", "Water Quality Plans", and "Other" as choices as well. Though all of these do not necessarily need to be listed, a box similar to the

“other” explanation boxes for farm operation and preferred transition method could be added for the Conservation Easement field. This way farmers can accurately described the conservation programs on their farm.

Another piece of information that is of concern to the farm seekers is the portrayal of the acres of the farms listed by the farm owners. The farm seekers would like to know what amount of the acreage is operated. An example given by a farm seeker that expressed this concern is that he contacted a farm owner with 77 acres, went to the farm to visit, and then found out only 20 of those acres were tillable. A mandatory “explanation of acreage” field should be added to the farm owner application so that the farm seekers can get a better understanding of the property. The farm owners were also concerned with more personal information about the farm seekers such as age, number of dependants, housing needs, and agricultural experience. However, if more personal information is not a required field for the farm owners, then it should not be required for the farm seekers either.

On both the farm owner and farm seeker information applications, a text box should be added where users can write whatever they feel necessary to further describe their property, themselves, or their desired farm transition situation. This description area should not be a mandatory field to fill out, but instead an additional tool for the user to market themselves or their property. The database could include a few guidelines above the description box, such as “Farm Owners: You may use this space to further describe your property and its amenities, your preferred transition situation, any specific work that needs to be done on the property, etc. This may help with your success in finding a farm seeker.” and “Farm Seekers: You may use this box to let the farm owners know a little more about you, such as your age, family status, agricultural experience, type of transition situation you prefer, housing needs, etc. This may help with your success in finding a farm owner.”

Another consideration is whether or not to allow farm owners to upload pictures on the database. Several farm owners promoted this idea because they believe it will result in more people being interested in their property. However, consideration should be given to how much database storage memory such pictures would use, whether adding pictures would slow the database, and if pictures would in any way decrease the privacy of the user’s personal information. Though it would be the discretion of the user to decide what pictures, if any, they place on the database, there should be a disclaimer statement that the VAFL program is in no way responsible if that picture results in someone being able to find the farm owner’s home.

2. Build relationships with other programs and networks

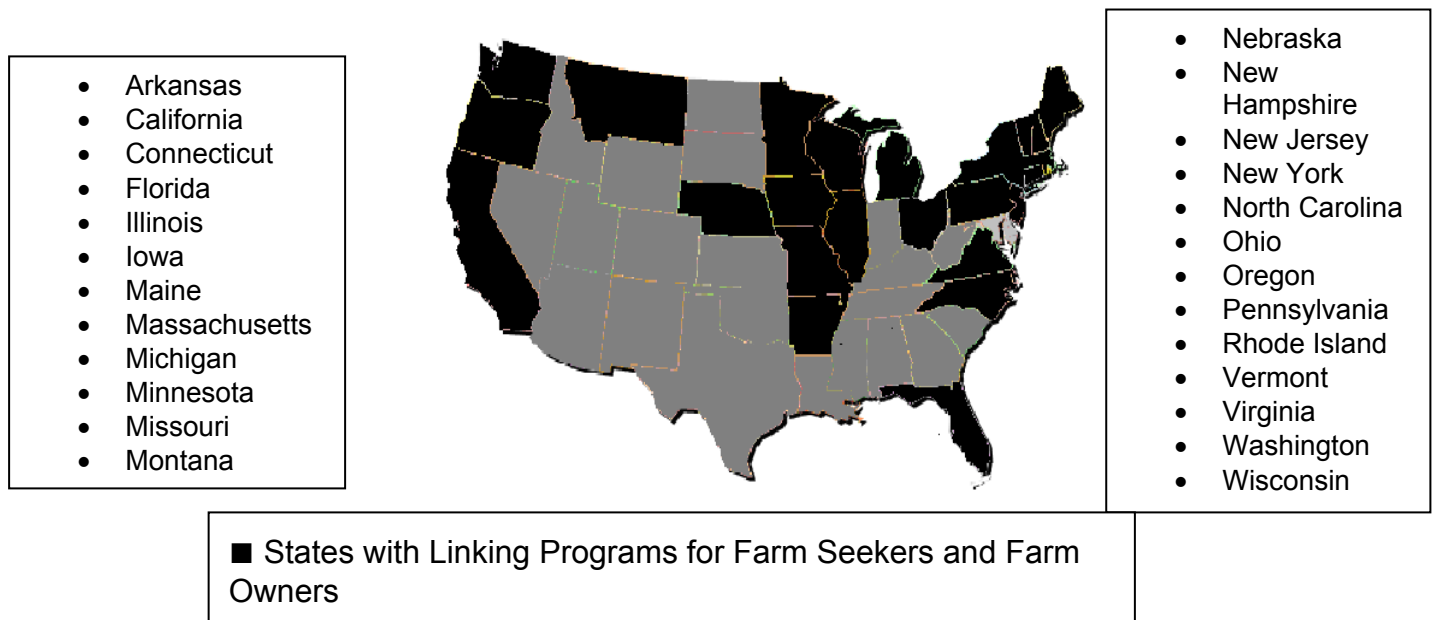
The Virginia Farm Link program has had minor success in joining the wider agricultural and farm transition networks. By attaining membership in the International Farm Transition Network (IFTN), the VAFL program has a link on IFTN’s Web site. This helps promote the program to the 20 other state partners and anyone searching IFTN’s Web site. OFP also works cooperatively with the Department of Business Assistance, the Virginia Farm Bureau Federation, American Farmland Trust, Virginia Land Conservation Foundation, Virginia Outdoors Foundation, Virginia Association of Counties, and Virginia Cooperative Extension. The VAFL program should continue to develop these relationships with similar farm transition programs, agricultural organizations, and governmental agencies. These relationships may result in resources, funding, advice, help and technical assistance related to farm transition efforts by the VAFL program. One option to consider is linking up with the surrounding states to create a Mid-Atlantic Farm Transition Network. The focus of this network could be on:

- Preserving the farmland in the Mid-Atlantic region
- Attracting farmers from other areas in to the Mid-Atlantic
- Opening up new markets for the Mid-Atlantic states' agricultural products
- Promoting communication between farmers in the region

Connections with other programs will help Virginia enter a wider farm transition community and find strength in partnering with those who also care about the preservation of agriculture in the United States.

Research completed during the summer of 2009 found that there are 24 other states with, or in the process of developing, farm linking programs similar to the VAFL database. These programs are a huge pool of information and support of which the VAFL program should take advantage. Figure I shows the states with farm linking programs. These farm linking programs are both state government and privately administered. Some states have more than one program, or also participate in a regional farm transition network. The only regional farm transition networks found were the Farm Transfer Network of New England and the New England Small Farm Institute.

Figure I: Linking Programs for Farm Seekers and Farm Owners in the United States



Many of the state departments of agriculture offer information and resources about farm succession/transition planning, estate planning guides, financial credit, and beginning farmer loans and assistance. Quite a few have links for farm linking programs similar to the VAFL database on their Web sites. Other states have linking programs that are privately run instead of managed by the government. Many are not-for-profit organizations and/or are partnered with programs such as American Farmland Trust, land conservation groups, governmental agricultural entities, farm support groups, etc. A large number of these programs offer additional services such as service providers lists, financing information about loans and grants, state agricultural law guidelines, farm succession and transition resources, and beginning farmer help.

It could be beneficial to the users to have links for programs like these, as well as other agricultural entities, on the VAFL program Web site. For example, links for Virginia

Cooperative Extension, VDACS Agricultural Associations Directory Index, USDA, and the International Farm Transition Network could be consolidated in to one section of the Web site. Links to other farm transition networks and programs would let the users see how other states are organized, gain access to even more resources, and possibly link up with people in other states. The VAFL program should also consider “partnering” with agricultural organizations in the state. These organizations could be placed in a separate “Partners” section of the Web site with their information and links. Their names could also be placed on all promotional materials for the program. These sorts of relationships will help build the name of the VAFL program in the agricultural community and increase awareness of its existence.

In addition to forming relationships with other programs, the VAFL program needs to connect with agricultural students in the state. Students at Virginia Tech and Virginia State University, as well as any agricultural programs at other colleges or universities in the state, can provide valuable resources to VAFL. For example, agricultural students in marketing, small business planning, and management classes can complete their semester projects on how to improve the VAFL program. These reports can then be turned in to OFP. In return, the students will learn about the program and its benefits and be able to do a project that could have a real-life impact. This will allow VDACS, OFP, and the VAFL program to become a part of the experiential learning of students in Virginia. Another idea would be for an independent study class to research possible resources, funding, marketing, and workshop ideas for the program.

The Virginia Farm Link program may want to consider establishing an intern for summer 2010 to focus on building relationships, locating more resources and funding, developing general grant application submissions, and improving the marketing campaign. Also, the intern could administer another survey of the farm owners and farm seekers, which may be beneficial to the program. Continual feedback from the users will be essential throughout the life of the program. One of the most important things the intern could do is work on building relationships with other farm linking programs, universities and colleges, agricultural associations, and the local extension offices.

3. Add new resource documents to the VAFL Web page

Though the VAFL program has been successful in not “overcrowding” its Web page with too much information, it is sparse. It lacks resources to help the farming community through transition and succession planning. In order to be in line with similar programs, the VAFL program should offer at least a few key resources and links for all farmers. There are many types of resource documents that are important to all farmers. These resources could be essential to the farmers as they move in to and out of agriculture. Though the VAFL database more specifically deals with farm transfers to non-family members, the resources provided by the program should encompass all farm transition methods, including intergenerational farm transfer and farm succession. The resource topics should include, but are not limited to:

- Family communication
- Estate and succession planning, wills, and trusts
- Beginning farmer information
- Financing
- Definitions of agreement types (lease, rent, sale, lease to own, gifting, etc)
- Information on meeting with attorneys and professionals
- Checklists of questions to ask when forming an agreement
- Farm transition worksheets and workbooks

There are many resources regarding these topics available through Virginia Cooperative Extension and other governmental agencies, university publications, and similar farm transition networks and programs. The links for these programs can easily be added to the Web page. The resource links should each have a one to two sentence description about the content of that publication in order to save the users' time (See Appendix: E). Also, the Web site should have a list of the top five resources for farm owners and farm seekers. This will help them find the appropriate information and should decrease the intimidation of searching through numerous links. However, one thing to keep in mind is that offering sample lease/rent/sale agreements could open VDACS up to liability if someone uses it as a real agreement. These types of resources should be avoided.

To provide these resources for the users, VAFL does not need to “reinvent the wheel” by developing all of its own resource publications. It would be more time efficient and cost effective to use other networks. Many of the farm transition and linking programs found in other states have extensive lists of resources from a variety of sources. To create VAFL's resource list, the program may use resources found on other Web pages, or place a link for another program's resource page on the its Web page. While some of the documents found through other programs may not be Virginia specific, the general concepts and ideas can be applied to all farmers. These documents could also be edited to be Virginia specific. Once again, relationships with other programs and entities will help VDACS gain access to their resources and, therefore, help the farmers using the VAFL database.

4. Develop a service providers list for VAFL

A service providers list is another resource that the VAFL program may offer its users. This list would contain the contact information for those professionals with experience in agricultural issues and farm transitioning. In addition to these, the VAFL service providers list could also provide the contact information for professional organizations such as the Virginia State Bar Association and Virginia Society of Certified Public Accountants. In order to find out more about this topic, Gary Anderson, a representative for the Farm Transfer Network of New England (FTNNE), was interviewed (See Appendix: H). FTNNE has an extensive providers list that covers Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Any professional or professional organization can send their contact information to FTNNE by submitting it on their Web site, email, mail, or by telephone. Due to the size of their network, FTNNE has yet to actually bill anyone for joining the list because it is so complex coming from six states. Mr. Anderson said they have been pleased with the providers list, but have no way of monitoring how many people actually use the list. However, he stated the providers list is a great tool because it at least gives farmers somewhere to start and, hopefully, makes the search for professionals a bit less confusing. An important aspect to remember is that a disclaimer must be included on the service providers list to release VDACS from any liability. Placing a service providers list on the VAFL Web site could help the users find professionals in their area that specifically deal with agriculture.

One way to develop and maintain the service providers list would be through the VDACS Webmaster. If she agreed, she could create the service providers list on the VAFL Web page and have professionals send their contact information to her to be added to the Web site. She could also update the list every other year by emailing the providers to see if there have been any changes in their information. This method would be low cost, simple because it is internal to VDACS, and effective. If, however, there were any costs to the service providers list, these could

possibly be covered by charging the providers a small fee to be added to the list. This fee could supplement the overall funding of the program, as well as deter those who have insincere motives for placing a company name on the service providers list.

5. Increase outreach to new farmers

In the future, another step VAFL may take is to create a “New Farmer” section on the Web page. This could include general information about farming in the state, new farmer loans and financing options through the government, things to consider before one gets in to farming, etc. Also, to increase its outreach to beginning farmers, VAFL should consider partnering with experienced farmers across the state to offer internship, apprenticeship, and mentoring programs on established farms for those new to agriculture. These types of programs will provide aspiring farmers with important knowledge and experience. Internship, apprenticeship, and mentoring programs may provide older farmers with a new source of good labor, as well as supplemental income as they become less involved in agriculture. Successful farm transition agreements may also arise from these programs. These farm transitions will allow farmers to retire because they will gain that income and see their land stay in agriculture. Another aspect of the new farmer section could be a way to link beginning farmers together who may be looking for a business partner to go in on land together or for someone in their area to trade with. A similar process to link farm owners may also be successful in creating partnerships and agreements between farm owners.

6. Enhance the marketing of the VAFL database and program

The VAFL database has received some promotion in the past through agricultural publications and conferences, local newspapers and radio stations, VDACS press releases, and Virginia Cooperative Extension. The database, however, has also not been adequately promoted or branded to the agricultural community in the state. This prevents farmers and those involved in the agricultural industry from recognizing the program as a viable farm transition tool.

VDACS and OFP need to develop a marketing campaign to “brand” the program. Branding involves creating a logo and slogan that customers recognize, such as “the snack that smiles back, Goldfish.” Figure II shows a simple example of the format the VAFL logo and slogan could take. Once completed, the slogan and logo need to go on the VDACS and OFP Web pages next to the program’s link, as well as on the VAFL program homepage. The new logo and slogan also need to be on all press releases and promotion materials.

The database should also be promoted as a part of the Virginia Farm Link program’s pilot farm transition workshops. These pilot workshops are being funded in part with revenue generated from the sale of the Virginia Agriculture license plate. VAFL’s funding will provide \$60 per workshop participant per day to those programs that are determined to best encourage farm families to take the next step toward completing a farm transition strategy. While the pilot workshops do require the Virginia Agriculture license plate logo to be part of the printed materials, there may be additional opportunities to promote the Virginia Farm Link database at these workshops.

Figure II: Virginia Farm Link Logo and Slogan

V I R G I N I A



Once the logo and slogan are created, OFP should start aggressively promoting the program to the agricultural community. One suggestion is that OFP consider supporting, or sponsoring, some sort of agricultural product or program. In return, the VAFL program's logo, slogan, and link would be placed on the product's or program's Web site and materials. An example of this would be for VAFL to promote the Virginia Grown program as part of a way to preserve Virginia's agricultural industry. Involving the program in the State Fair would receive a lot of farmer and beginning farmer recognition as well.

7. Promote the VAFL program to Virginia's agricultural associations

One of the key strategies to make the VAFL database successful will be to heavily promote it to the agricultural community and industry. Over the past year, VDACS has marketed the program to Virginia Cooperative Extension and has done a few press releases about the program, which were picked up by some local newspapers, radio stations, and agricultural groups. However, the majority of the Virginia agricultural community is unaware of the program's existence. A great method to reach large numbers of farmers is to market the program directly to the agricultural organizations in the state.

As a part of this project, research regarding to the agricultural associations and organizations in Virginia was also conducted. A survey inquired about the organization's involvement with its members and how to best provide information about the VAFL program to these members (See Appendix: F). Ninety-five of the agricultural associations listed on the VDACS Agricultural Associations Directory Index were contacted by either phone or email. Fifty-four of the organizations responded, of which 29 wished to receive a short article or press release about the VAFL database to put in their newsletters/publications for their members. The Virginia Apple Growers Association even agreed to place a link to the VAFL program on its Web site. Several organizations without newsletters were mailed brochures to distribute to their members (See Appendix: G).

A majority of the organization representatives stated that promoting the program through the agricultural associations is one of the best ways to reach farmers in the state. Most farmers are a member of at least one agricultural association, and, more often than not, are a member of several. In order to reach the farmers in these organizations, VDACS and OFP need to send press releases to the agricultural organizations for publication in their newsletters. Some groups that do not have newsletters indicated an interest in receiving promotional materials such as brochures to send to their members.

Another avenue to explore with the agricultural associations is to attend their annual meetings. Quite a few of the associations have trade shows or exhibit areas that accompany their meeting. Others said that a promoter from the program would be welcome to come to their meeting and give a short presentation about the program. Collaboration with other divisions of VDACS could also be beneficial in this area. For example, any VDACS employees that may be attending a group's annual meeting for a different purpose could take VAFL brochures with them to deliver to the group's members. Also, several of the organizations have State Fair booths. Any VDACS

employees attending the fair for business purposes could take the brochures with them and see if the groups' would like to take some of them to their members.

8. Investigate additional funding

The numerous changes, updates, and promotion required for the VAFL database and program may require further funding in the future. To address this, there are a few main methods OFP could take. A simple plan would be to charge any service providers on the list a small joining fee. On a larger scale, OFP could apply for farm transition group funding whenever possible. Even if the chances of getting a grant are slim, the application should still be sent. The basis of the applications can revolve around making the program more accessible to farmers, increasing its awareness in the state, helping preserve Virginia's farmland, and providing farmers with the tools to ensure a secure future. One excellent source for funding is the Beginning Farmer and Rancher Development Program (BFRDP).

As reported in the 74 *Federal Register* on April 14th, 2009, the Secretary of Agriculture gained the power to establish the BFRDP under Section 7405 of the Farm Security and Rural Investment Act of 2002, as amended by the Food, Conservation, and Energy Act of 2008. The authority to operate the BFRDP was given to the Cooperative State Research, Education, and Extension Service. The amount of funds estimated for support of the FY 2009 BFRDP is \$17,280,000. The program creates competitive grants to "support new and established local and regional training, education, outreach, and technical assistance initiatives that concentrate on the needs of beginning farmers and ranchers." Examples of such initiatives listed on the *Federal Register* include:

- mentoring, apprenticeships, and internships
- resources and referral
- assisting in understanding acquisition of land from retiring farmers and ranchers
- innovative farm and ranch transfer strategies
- entrepreneurship and business training
- whole farm planning conservation assistance
- risk management strategies
- curriculum development
- forestry and range management
- acquisition and management of agricultural credit

Conclusion

The Virginia Farm Link database is a practical tool that should continue and be supported by VDACS. The database provides farm owners a way to increase their prospects for transitioning their farm to an interested farm seeker. This is especially useful when there are no family members or others interested in taking over the farming operation. The database also gives farm seekers a chance to find established agricultural land and operations, and could provide them with experience gained from retiring farmers. The recommendations by the users, particularly for more description on the database and wider promotion, are relatively simple suggestions that should not be difficult to implement. The program is, after all, for them. With more resources, promotion, and a service providers list the VAFL database will better serve the users and hopefully produce successful farm transitions.

APPENDIX 9

**VIRGINIA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES
REQUEST FOR UNSEALED PROPOSALS (RFP)**

Issue Date: December 15, 2008 **RFP# 301-09-003**
Title: Farm Transition Workshop Funding Pilot Project
Due Date: Proposals received no later than 2:00 PM EST on January 29, 2009 will be considered as part of the first round of funding. Proposals submitted after that date and time will be considered as funding allows.
Commodity Code: 95838
Issuing Agency: Commonwealth of Virginia
Virginia Department of Agriculture and Consumer Services
Office of Procurement
102 Governor Street, Rm. 267
Richmond, VA 23219

Initial Period of Contract: From Date of Award through December 31, 2009

All inquiries for proposal content information should be directed to Kevin Schmidt at 804-786-1346 or kevin.schmidt@vdacs.virginia.gov. Questions related to proposal submission and/or terms and conditions should be directed to: Kathy Bosdell, Senior Contract Specialist, at 804-225-3798, by fax at 804-371-8372 or by email at kathy.bosdell@vdacs.virginia.gov. Mail or hand-deliver proposals to the Issuing Agency shown above. It is the sole responsibility of the Offeror to ensure that his/her unsealed proposal is received by the due date and time. Late proposals will not be accepted or considered for the first round of funding.

Contracts will be awarded to eVA registered vendors only. For registration information please visit www.eva.state.va.us.

In Compliance With This Request For Proposals And To All The Conditions Imposed Therein And Hereby Incorporated By Reference, The Undersigned Offers And Agrees To Furnish The Goods and Services In Accordance With The Signed Proposal Or As Mutually Agreed Upon By Subsequent Negotiation.

Name and Address of Offeror:

Date: _____

By: _____
(Signature in Ink)

Name: _____
(Please Print)

Zip Code: _____ Title: _____
Phone: _____ Fax: _____ E-mail: _____

Note: This public body does not discriminate against faith-based organizations in accordance with the Code of Virginia, § 2.2-4343.1 or against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.

RETURN OF THIS PAGE REQUIRED

- I. **PURPOSE:** The purpose of this Request for Proposals (RFP) is to solicit ideas for workshops designed to help Virginia farm families transition their farm and farming operations to the next generation. This RFP is in response to a pilot funding process initiated by the Virginia Department of Agriculture and Consumer Services (VDACS), an agency of the Commonwealth of Virginia, which will provide funding of \$40 per workshop participant per day (\$30 per workshop participant per day for Virginia Cooperative Extension recognizing the support already received from this pilot project) to those proposals deemed most likely to result in farm families taking the next step toward developing and implementing farm transition plans. **Please note that VDACS funds may not be used to pay university or organizational overhead.**

VDACS will consider the merits of all proposals submitted, but is especially interested in receiving proposals that focus on building communication among family members, as well as proposals that increase the professional capacity of farm family service providers (attorneys, financial planners, extension agents, etc.). VDACS also will look for collaboration among units, agencies, and/or organizations whenever possible.

- II. **BACKGROUND:** VDACS' Office of Farmland Preservation (OFP) is responsible for the administration of the Virginia Farm Link program. As established in §3.2-202 of the *Code of Virginia*, the Virginia Farm Link program shall provide, but not be limited, to the following: (i) assistance in the preparation of business plans for the transition of business interests; (ii) assistance in the facilitation of transfers of existing properties and agricultural operations to interested buyers; (iii) information on innovative farming methods and techniques; and (iv) research assistance on agricultural, financial, marketing, and other matters.

III. **PROPOSAL PREPARATION AND SUBMISSION REQUIREMENTS:**

A. **GENERAL REQUIREMENTS:**

1. In order to be considered for selection, Offerors must submit a complete response to this RFP.
2. Proposals should be prepared simply and economically, providing a straightforward, concise description of capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content.
3. Proposals shall be signed by an authorized representative of the Offeror. All information requested should be submitted. Failure to submit all information requested may result in VDACS requiring prompt submission of missing information and/or giving a lowered evaluation of the proposal. Proposals that are substantially incomplete or lack essential information may be rejected by VDACS. Mandatory requirements are those required by law or regulation or are such that they cannot be waived and are not subject to negotiation.

- B. **SPECIFIC REQUIREMENTS:** Proposals should be as thorough and detailed as possible so that VDACS may properly evaluate the Offeror's capabilities to provide the required services. Offerors are required to submit the following items as a complete proposal:

1. RFP cover sheet and all addenda, if any, signed and filled out as required.
2. A written narrative statement to include how the Offeror plans on accomplishing the work described herein and the answers to the following questions along with any

additional documentation to help support or clarify your answers:

- a) **Proposed workshop target audience:** Describe the target audience for your proposed workshop, and how many attendees you expect at each workshop. Also, explain how you plan to achieve the desired target audience and number of participants.
- b) **Proposed workshop performance target:** Provide a detailed description of the change in behavior you expect to occur as a result of delivering this workshop, how many of the target audience will make this change, when this change will occur, and how this change will result in more farm families developing and implementing farm transition plans.
- c) **Proposed workshop evaluation:** Provide an outline describing how you will verify the results of your workshop, and how you will know whether the workshop was successful in achieving its performance target.
- d) **Proposed workshop timeline:** Provide an outline of your timeline for developing and delivering this workshop. Include as part of this description the timeline for key activities leading up to the workshop, as well as any follow-up activities that you plan to conduct once the workshop has been delivered.
- e) **Proposed workshop content and agenda:** Provide a detailed description of the workshop that you are proposing, including the agenda. **Please note that proposed workshops without detailed agendas will not be considered.**
- f) **Proposed project budget:** Provide a budget with an estimated total cost for your workshop. As part of the budget narrative, include a list of all other funding sources and dollar amounts, and whether the funding is currently in hand. If the funding has yet to be secured, indicate how likely you are to receive these funds and by when.
- g) **Proposed project team:** List your anticipated project team (key participants only) with a brief resume, and describe the role that each team member will play in developing and delivering this workshop.

IV. **PROPOSAL EVALUATION:**

Proposals will be evaluated based on the following review criteria:

- A. Proposed workshop's approach, innovation, and suitability to the Farm Transition Workshop Funding Pilot Project--resulting in farm families taking the next step toward developing and implementing farm transition plans. (60 points)
- B. Proposed follow-up evaluation and verification of the workshop results. (20 points)
- C. Strengths of workshop presenters and workshop development team. (20 points)

V. **GENERAL TERMS AND CONDITIONS:**

The general terms and conditions are incorporated by reference and can be reviewed at www.eva.virginia.gov.

VI. SPECIAL TERMS AND CONDITIONS:

- A. PRINTED MATERIAL: The Contractor shall include language on all printed material indicating that each workshop was sponsored in part by funding from the Agency, which was generated by revenue from the Virginia Agriculture license plate. The Contractor also shall include the Virginia Agriculture license plate logo on all printed materials. A print-quality version of this logo will be provided to the Contractor by the Agency.

- B. AUDIT: The Contractor shall retain all books, records, and other documents relative to this contract for five (5) years after final payment, or until audited by the Commonwealth of Virginia, whichever is sooner. The Agency, its authorized agents, and/or State auditors shall have full access to and the right to examine any of said materials during said period.

- C. CANCELLATION OF CONTRACT: The Agency reserves the right to cancel and terminate any resulting contract, in part or in whole, without penalty, upon 60 days written notice to the Contractor. In the event the initial contract period is for more than 12 months, the resulting contract may be terminated by either party, without penalty, after the initial 12 months of the contract period upon 60 days written notice to the other party. Any contract cancellation notice shall not relieve the Contractor of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of cancellation.

- D. INDEMNIFICATION: Contractor agrees to indemnify, defend and hold harmless the Commonwealth of Virginia, its officers, agents, and employees from any claims, damages and actions of any kind or nature, whether at law or in equity, arising from or caused by the use of any materials, goods, or equipment of any kind or nature furnished by the Contractor/any services of any kind or nature furnished by the Contractor, provided that such liability is not attributable to the sole negligence of the Agency or to failure of the Agency to use the materials, goods, or equipment in the manner already and permanently described by the Contractor on the materials, goods or equipment delivered.

- E. OFFEROR UNDERSTANDING OF REQUIREMENTS: It is the responsibility of each offeror to inquire about and clarify any requirements of this solicitation that are not understood. The Agency will not be bound by oral explanations as to the meaning of specifications or language contained in this solicitation. Therefore, all inquiries deemed to be substantive in nature must be in writing and submitted to the responsible buyer in the Office of Procurement. Offerors must ensure that written inquiries reach the buyer at least five (5) days prior to the time set for receipt of proposals. Your submission of your proposal certifies that you fully understand all facets of this solicitation. Any questions may be sent by FAX to 804-371-8372 to the attention of Kathy Bosdell.

- A. IDENTIFICATION OF PROPOSAL ENVELOPE: The signed Proposal should be returned in an envelope or package and identified as follows:

Name of Offeror

Street Address

RFP Number 301-09-003

City, State, Zip Code

RFP Title: Farm Transition Workshop Funding Pilot Project

Attention: Kathy Bosdell, CPPB, VCO, Senior Contract Specialist

The envelope should be addressed as directed on page 1 of the solicitation. If a proposal envelope is not identified with the information shown above, the Offeror takes the risk that the envelope may be inadvertently opened and the information compromised which may cause the proposal to be disqualified. Proposals may be hand delivered to the designated location in the office issuing the solicitation. No other correspondence or other proposals should be placed in the envelope.

VI. REPORTING, PAYMENT AND DELIVERY INSTRUCTIONS:

Reporting, payment and delivery instructions will be determined after award and on a case by case basis.



Funding for this effort is made possible from revenues generated by the Virginia Agriculture license plate.

1. **QUALIFICATIONS OF OFFEROR:** The Offeror must have the capability and capacity in all respects to fully satisfy all of the contractual requirements. The Offeror’s signature on the cover of this solicitation indicates that the Offeror certifies such.

2. **YEARS IN BUSINESS:** Number of years in business providing the types of services described in this solicitation _____Years _____Months
 Year business organized _____

3. **TYPE OF BUSINESS:** This information is requested for informational purposes only. Please indicate if your firm is one or more of the following:
 () SMALL BUSINESS () INDIVIDUAL BUSINESS
 () WOMAN-OWNED BUSINESS () SOLE PROPRIETORSHIP
 () MINORITY-OWNED BUSINESS () PARTNERSHIP
 () SHELTERED WORKSHOP () CORPORATION

4. **REFERENCES:** Provide a list of at least 4 current references for customers that you supplied a similar service.

COMPANY NAME AND CONTACT	ADDRESS	PHONE NUMBER	SERVICES DELIVERED
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RETURN OF THIS PAGE IS REQUIRED

APPENDIX 10

**VIRGINIA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES
REQUEST FOR UNSEALED PROPOSALS (RFP)**

Issue Date: July 13, 2009 **RFP# 301-10-001**
Title: Farm Transition Workshop Funding Pilot Project
Due Date: Proposals may be submitted at any time, but only as funding allows.
Commodity Code: 95838
Issuing Agency: Commonwealth of Virginia
Virginia Department of Agriculture and Consumer Services
Office of Procurement
102 Governor Street, Rm. 267
Richmond, VA 23219

Initial Period of Contract: As Funding Allows

All inquiries for proposal content information should be directed to Kevin Schmidt at 804-786-1346 or kevin.schmidt@vdacs.virginia.gov. Questions related to proposal submission and/or terms and conditions should be directed to: Ron King, Director of Procurement, at 804-225-4887, by fax at 804-371-8372 or by email at ronald.king@vdacs.virginia.gov. Mail or hand-deliver proposals to the Issuing Agency shown above. It is the sole responsibility of the Offeror to ensure that his/her unsealed proposal is received by the due date and time. Late proposals will not be accepted or considered for the first round of funding.

Contracts will be awarded to eVA registered vendors only. For registration information please visit www.eva.state.va.us.

In Compliance With This Request For Proposals And To All The Conditions Imposed Therein And Hereby Incorporated By Reference, The Undersigned Offers And Agrees To Furnish The Goods and Services In Accordance With The Signed Proposal Or As Mutually Agreed Upon By Subsequent Negotiation.

Name and Address of Offeror:

_____ Date: _____

_____ By: _____

(Signature in Ink)

_____ Name: _____

(Please Print)

_____ Zip Code: _____ Title: _____

Phone: _____ Fax: _____ E-mail: _____

Note: This public body does not discriminate against faith-based organizations in accordance with the Code of Virginia, § 2.2-4343.1 or against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.

RETURN OF THIS PAGE REQUIRED

- I. **PURPOSE:** The purpose of this Request for Proposals (RFP) is to solicit ideas for workshops designed to help Virginia farm families transition their farm and farming operations to the next generation. This RFP is in response to a pilot funding process initiated by the Virginia Department of Agriculture and Consumer Services (VDACS), an agency of the Commonwealth of Virginia, which will provide funding of \$60 per workshop participant per day to those proposals deemed most likely to result in farm families taking the next step toward developing and implementing farm transition plans. **Please note that VDACS funds may not be used to pay organizational overhead.**

VDACS will consider the merits of all proposals submitted, but is especially interested in receiving proposals that focus on building communication among family members, as well as proposals that increase the professional capacity of farm family service providers (attorneys, financial planners, extension agents, etc.). VDACS also will look for collaboration among units, agencies, and/or organizations whenever possible.

IV.BACKGROUND: VDACS' Office of Farmland Preservation (OFP) is responsible for the administration of the Virginia Farm Link program. As established in §3.2-202 of the *Code of Virginia*, the Virginia Farm Link program shall provide, but not be limited, to the following: (i) assistance in the preparation of business plans for the transition of business interests; (ii) assistance in the facilitation of transfers of existing properties and agricultural operations to interested buyers; (iii) information on innovative farming methods and techniques; and (iv) research assistance on agricultural, financial, marketing, and other matters.

V.PROPOSAL PREPARATION AND SUBMISSION REQUIREMENTS:

A. **GENERAL REQUIREMENTS:**

1. In order to be considered for selection, Offerors must submit a complete response to this RFP.
2. Proposals should be prepared simply and economically, providing a straightforward, concise description of capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content.
3. Proposals shall be signed by an authorized representative of the Offeror. All information requested should be submitted. Failure to submit all information requested may result in VDACS requiring prompt submission of missing information and/or giving a lowered evaluation of the proposal. Proposals that are substantially incomplete or lack essential information may be rejected by VDACS. Mandatory requirements are those required by law or regulation or are such that they cannot be waived and are not subject to negotiation.

B. SPECIFIC REQUIREMENTS: Proposals should be as thorough and detailed as possible so that VDACS may properly evaluate the Offeror's capabilities to provide the required services. Offerors are required to submit the following items as a complete proposal:

3. RFP cover sheet and all addenda, if any, signed and filled out as required.
4. A written narrative statement to include how the Offeror plans on accomplishing the work described herein and the answers to the following questions along with any additional documentation to help support or clarify your answers:
 - a) **Proposed workshop target audience**: Describe the target audience for your proposed workshop, and how many attendees you expect at each workshop. Also, explain how you plan to achieve the desired target audience and number of participants.
 - b) **Proposed workshop performance target**: Provide a detailed description of the change in behavior you expect to occur as a result of delivering this workshop, how many of the target audience will make this change, when this change will occur, and how this change will result in more farm families developing and implementing farm transition plans.
 - c) **Proposed workshop evaluation**: Provide an outline describing how you will verify the results of your workshop, and how you will know whether the workshop was successful in achieving its performance target.
 - d) **Proposed workshop timeline**: Provide an outline of your timeline for developing and delivering this workshop. Include as part of this description the timeline for key activities leading up to the workshop, as well as any follow-up activities that you plan to conduct once the workshop has been delivered.
 - e) **Proposed workshop content and agenda**: Provide a detailed description of the workshop that you are proposing, including the agenda. **Please note that proposed workshops without detailed agendas will not be considered.**
 - f) **Proposed project budget**: Provide a budget with an estimated total cost for your workshop. As part of the budget narrative, include a list of all other funding sources and dollar amounts, and whether the funding is currently in hand. If the funding has yet to be secured, indicate how likely you are to receive these funds and by when.

- g) **Proposed project team:** List your anticipated project team (key participants only) with a brief resume, and describe the role that each team member will play in developing and delivering this workshop.

IV. PROPOSAL EVALUATION:

Proposals will be evaluated based on the following review criteria:

- A. Proposed workshop's approach, innovation, and suitability to the Farm Transition Workshop Funding Pilot Project--resulting in farm families taking the next step toward developing and implementing farm transition plans. (60 points)
- B. Proposed follow-up evaluation and verification of the workshop results. (20 points)
- C. Strengths of workshop presenters and workshop development team. (20 points)

V. GENERAL TERMS AND CONDITIONS:

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VI. SPECIAL TERMS AND CONDITIONS:

- B. PRINTED MATERIAL: The Contractor shall include language on all printed material indicating that each workshop was sponsored in part by funding from the Agency, which was generated by revenue from the Virginia Agriculture license plate. The Contractor also shall include the Virginia Agriculture license plate logo on all printed materials. A print-quality version of this logo will be provided to the Contractor by the Agency.
- C. AUDIT: The Contractor shall retain all books, records, and other documents relative to this contract for five (5) years after final payment, or until audited by the Commonwealth of Virginia, whichever is sooner. The Agency, its authorized agents, and/or State auditors shall have full access to and the right to examine any of said materials during said period.
- D. CANCELLATION OF CONTRACT: The Agency reserves the right to cancel and terminate any resulting contract, in part or in whole, without penalty, upon 60 days written notice to the Contractor. In the event the initial contract period is for more than 12 months, the resulting contract may be terminated by either party, without penalty, after the initial 12 months of the contract period upon 60 days written notice to the other party. Any contract cancellation

notice shall not relieve the Contractor of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of cancellation.

- E. INDEMNIFICATION: Contractor agrees to indemnify, defend and hold harmless the Commonwealth of Virginia, its officers, agents, and employees from any claims, damages and actions of any kind or nature, whether at law or in equity, arising from or caused by the use of any materials, goods, or equipment of any kind or nature furnished by the Contractor/any services of any kind or nature furnished by the Contractor, provided that such liability is not attributable to the sole negligence of the Agency or to failure of the Agency to use the materials, goods, or equipment in the manner already and permanently described by the Contractor on the materials, goods or equipment delivered.

- F. OFFEROR UNDERSTANDING OF REQUIREMENTS: It is the responsibility of each offeror to inquire about and clarify any requirements of this solicitation that are not understood. The Agency will not be bound by oral explanations as to the meaning of specifications or language contained in this solicitation. Therefore, all inquiries deemed to be substantive in nature must be in writing and submitted to the responsible buyer in the Office of Procurement. Offerors must ensure that written inquiries reach the buyer at least five (5) days prior to the time set for receipt of proposals. Your submission of your proposal certifies that you fully understand all facets of this solicitation. Any questions may be sent by FAX to 804-371-8372 to the attention of Ron King.

- G. IDENTIFICATION OF PROPOSAL ENVELOPE: The signed Proposal should be returned in an envelope or package and identified as follows:

Name of Offeror

Street Address

301-10-001
RFP Number

City, State, Zip Code

RFP Title: Farm Transition Workshop Funding Pilot Project

Attention: Ron King, CPPB, CPPO, VCO, Director of Procurement

The envelope should be addressed as directed on page 1 of the solicitation. If a proposal envelope is not identified with the information shown above, the Offeror takes the risk that the envelope may be inadvertently opened and the information

compromised which may cause the proposal to be disqualified. Proposals may be hand delivered to the designated location in the office issuing the solicitation. No other correspondence or other proposals should be placed in the envelope.

VII. REPORTING, PAYMENT AND DELIVERY INSTRUCTIONS:

Reporting, payment and delivery instructions will be determined after award and on a case by case basis.



Funding for this effort is made possible from revenues generated by the Virginia Agriculture license plate.

