**STATE OF MAINE**

**Department of Environmental Protection**

*Bureau of Land Resources*



**RFP# 202401011**

 **Update of the Stormwater BMP Manual**

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| --- | --- |
| **RFP Coordinator** | *All communication regarding the RFP must be made through the RFP Coordinator identified below*.**Name:** Cody Obropta **Title:** Environmental Engineer**Contact Information:** Cody.Obropta@maine.gov  |
| **Submitted Questions Due** | *All questions must be received by the RFP Coordinator identified above by:***Date:** March 4, 2024, no later than 11:59 p.m., local time |
| **Proposal Submission Deadline** | *Proposals must be received by the Division of Procurement Services by:***Submission Deadline:** March 18, 2024, no later than 11:59 p.m., local time.*Proposals must be submitted electronically to:* Proposals@maine.gov |

TABLE OF CONTENTS

|  |  |
| --- | --- |
|  | **Page** |
|  |  |
| **PUBLIC NOTICE** | **3** |
|  |  |
| **RFP DEFINITIONS/ACRONYMS** | **4** |
|  |  |
| **PART I INTRODUCTION** | **5** |
| 1. PURPOSE AND BACKGROUND
 |  |
| 1. GENERAL PROVISIONS
 |  |
| 1. CONTRACT TERM
 |  |
| 1. NUMBER OF AWARDS
 |  |
|  |  |
| **PART II SCOPE OF SERVICES TO BE PROVIDED** | **8** |
|  |  |
| **PART III KEY RFP EVENTS** | **13** |
| 1. QUESTIONS
 |  |
| 1. AMENDMENTS
 |  |
| 1. SUBMITTING THE PROPOSAL
 |  |
|  |  |
| **PART IV PROPOSAL SUBMISSION REQUIREMENTS** | **16** |
|  |  |
| **PART V PROPOSAL EVALUATION AND SELECTION** | **19** |
| 1. EVALUATION PROCESS – GENERAL INFORMATION
 |  |
| 1. SCORING WEIGHTS AND PROCESS
 |  |
| 1. SELECTION AND AWARD
 |  |
| 1. APPEAL OF CONTRACT AWARDS
 |  |
|  |  |
| **PART VI CONTRACT ADMINISTRATION AND CONDITIONS** | **21** |
| 1. CONTRACT DOCUMENT
 |  |
| 1. STANDARD STATE CONTRACT PROVISIONS
 |  |
|  |  |
| **PART VII RFP APPENDICES AND RELATED DOCUMENTS** | **22** |
|  **APPENDIX A** – PROPOSAL COVER PAGE |  |
|  **APPENDIX B** – DEBARMENT, PERFORMANCE, and  NON-COLLUSION CERTIFICATION |  |
|  **APPENDIX C** – QUALIFICATIONS and EXPERIENCE FORM |  |
|  **APPENDIX D** – COST PROPOSAL FORM |  |
|  **APPENDIX E** – SUBMITTED QUESTIONS FORM  |  |
|  |  |
|  |  |
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PUBLIC NOTICE

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**State of Maine**

**Department of Environmental Protection**

**RFP# 202401011**

**Update of the Stormwater BMP Manual**

The State of Maine is seeking proposals for updating its Stormwater BMP manual which is the technical guidance document primarily used for post-construction stormwater management.

A copy of the RFP, as well as the Question & Answer Summary and all amendments related to the RFP, can be obtained at: <https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>

Proposals must be submitted to the State of Maine Division of Procurement Services, via e-mail, at: Proposals@maine.gov. Proposal submissions must be received no later than 11:59 p.m., local time, on 3/18/24. Proposals will be opened the following business day. Proposals not submitted to the Division of Procurement Services’ aforementioned e-mail address by the aforementioned deadline will not be considered for contract award.

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**RFP TERMS/ACRONYMS with DEFINITIONS**

The following terms and acronyms, as referenced in the RFP, shall have the meanings indicated below:

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **ADA** | The Americans with Disabilities Act |
| **BAI** | Best Available Information |
| **BLR** | Department of Environmental Protection Bureau of Land Resources |
| **BMP** | Best Management Practice |
| **BWQ** | Department of Environmental Protection Bureau of Water Quality |
| [**Chapter 500**](https://www.maine.gov/sos/cec/rules/06/096/096c500.docx) | Department of Environmental Protection Stormwater Management Rules  |
| **DEA** | Department of Environmental Protection Bureau of Water Quality Division of Environmental Assessment |
| **Department/DEP** | Department of Environmental Protection |
| **LID** | Low Impact Development |
| **MCGP** | Maine Construction General Permit |
| **MCM** | Minimum Control Measure |
| **MSGP** | Multi-sector General Permit |
| **MS4** | Municipal Separate Storm Sewer System |
| **MS4GP** | Municipal Separate Storm Sewer System General Permit |
| **NPDES** | National Pollutant Discharge Elimination System |
| **PDF** | Portable Document File |
| **RFP** | Request for Proposal |
| [**SLODA**](https://www.mainelegislature.org/legis/statutes/38/title38sec481.html) | Site Location of Development Act (Maine Revised Statutes 38 §§481- 489-E) |
| [**SML**](https://www.mainelegislature.org/legis/statutes/38/title38sec420-D.html) | Stormwater Management Law (Maine Revised Statutes 38 §420-D) |
| **State** | State of Maine |
| **SW Manual** | The Department’s Technical Manual Currently Named as “Maine Stormwater Management Design Manual” |

**State of Maine - Department of Environmental Protection**

*Bureau of Land Resources*

**RFP# 202401011**

**Update of the Stormwater BMP Manual**

**PART I INTRODUCTION**

1. **Purpose and Background**

The Department of Environmental Protection (DEP) is seeking proposals for updating the SW Manual as defined in this RFP document. This document provides instructions for submitting proposals, the procedure, and criteria by which the awarded Bidder will be selected, and the contractual terms which will govern the relationship between the State and the awarded Bidder.

Chapter 500 of the Department’s rules govern stormwater management requirements for activities regulated under the SML and SLODA. The Department also has federally delegated authority to issue permits under the NPDES, specifically the MCGP, MSGP, and MS4GP, all of which also regulate stormwater management. The DEP Bureau of Land Resources (BLR) administers Chapter 500 and the MCGP program, and the DEP Bureau of Water Quality (BWQ) administers the MS4GP and MSGP programs. The BWQ issued new MS4GPs in 2022. The BLR is currently working to issue a new MCGP and is leading a consensus-based rulemaking process to update Chapter 500 and closely related rules. Chapter 500 and MS4 programs directly or indirectly rely on guidance from the SW Manual for permit compliance. Citizens and non-regulated municipalities also use the SW Manual for non-regulated activities and/or implementation of local ordinances (e.g., stormwater retrofits). The most recent major revision of the SW Manual was completed in 2016 by Department staff to ensure that the manual was consistent with Chapter 500, which was revised in late 2015.

The SW Manual primarily focuses on post-construction stormwater management best management practices (BMPs). The manual is frequently used by consultants and review engineers in the context of SML and SLODA permitting. Since it is an authoritative technical document of the Department, the manual is also used by the public for other purposes e.g., in support of municipal site review, subdivision and phosphorus control ordinances, and retrofits of BMPs in association with watershed projects. The manual consists of three volumes plus appendices:

* + Volume I: Stormwater Management Manual
	+ Volume II: Phosphorus Control Manual
	+ Volume III: BMP Technical Design Manual

Volume I includes introductory and general information on stormwater impacts, the Department’s stormwater management objectives, low impact development (LID), housekeeping, and stormwater design considerations. This volume has one appendix on landscaping and stormwater. Since this volume does not include detailed technical guidance and specifications, stormwater practitioners do not use it as often as the other volumes of the manual.

Volume II includes a brief introductory chapter on phosphorus and lake eutrophication. Remaining chapters of this volume include detailed guidelines for the implementation of the Chapter 500(4)(D) Phosphorus Standard for projects applying for a permit under the SML or SLODA. Volume II guidelines are particularly important because Chapter 500(4)(D) has limited details which makes Volume II the primary reference for stormwater practitioners involved with compliance with the phosphorus standard. This volume has five appendices. Appendix C includes a table for select Maine lakes including the values of lake-specific parameters to calculate a project’s phosphorus budget. Appendix D consists of four worksheets, which are available online as downloadable Excel workbook files, to assist with phosphorus standard compliance and are very frequently used by applicants.

Volume III primarily consists of chapters (3 through 9) dedicated to the technical design guidelines of individual structural and non-structural stormwater BMPs. Chapters 1, 2, 10, and 11 are dedicated to introductory information, stormwater hydrology, LID design practices and techniques, and operation and maintenance considerations for stormwater design, respectively. Chapter 10 was recently used as the primary reference in the most recent municipal MS4GP requiring permittees to implement new LID standards. The volume has two appendices. Appendix A has brief information on the common methods/models used for stormwater discharge, volume, and pollutant calculations. Appendix B includes the Department’s approval letters for the proprietary stormwater BMPs, which are available online. DEA reviews the incoming proprietary stormwater BMP approval applications and evaluates their performance pursuant to Chapter 500(4)(C)(3)(e). The Department does not allow the use of non-approved proprietary BMPs for Chapter 500 compliance purposes. Primarily driven by the consistent influx of new proprietary BMP applications, Appendix B has been updated more frequently than other parts of Volume III.

The full text of the SW Manual, including its appendices and worksheets, is available at [https://www.maine.gov/dep/land/stormwater/stormwaterbmps/#](https://www.maine.gov/dep/land/stormwater/stormwaterbmps/)

1. **General Provisions**
	1. From the time the RFP is issued until award notification is made, all contact with the State regarding the RFP must be made through the RFP Coordinator. No other person/ State employee is empowered to make binding statements regarding the RFP. Violation of this provision may lead to disqualification from the bidding process, at the State’s discretion.
	2. Issuance of the RFP does not commit the Department to issue an award or to pay expenses incurred by a Bidder in the preparation of a response to the RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
	3. All proposals must adhere to the instructions and format requirements outlined in the RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Proposals are to follow the format and respond to all questions and instructions specified below in the “Proposal Submission Requirements” section of the RFP.
	4. Bidders will take careful note that in evaluating a proposal submitted in response to the RFP, the Department will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Bidder (if any). The Department also reserves the right to consider other reliable references and publicly available information in evaluating a Bidder’s experience and capabilities.
	5. The proposal must be signed by a person authorized to legally bind the Bidder and must contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.
	6. The RFP and the awarded Bidder’s proposal, including all appendices or attachments, will be the basis for the final contract, as determined by the Department.
	7. Following announcement of an award decision, all submissions in response to this RFP will be public records, available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) ([1 M.R.S. § 401](http://www.mainelegislature.org/legis/statutes/1/title1sec401.html) et seq.).
	8. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to the RFP.
	9. All applicable laws, whether or not herein contained, are included by this reference. It is the Bidder’s responsibility to determine the applicability and requirements of any such laws and to abide by them.
2. **Contract Term**

The Department is seeking a cost-efficient proposal to provide services, as defined in the RFP, for the anticipated contract period defined in the table below. Please note, the dates below are estimated and may be adjusted, as necessary, in order to comply with all procedural requirements associated with the RFP and the contracting process. The actual contract start date will be established by a completed and approved contract.

The term of the anticipated contract, resulting from the RFP, is defined as follows:

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Initial Period of Performance | 05/01/2024 | 04/30/2026 |

1. **Number of Awards**

The Department anticipates making one (1) award as a result of the RFP process.

**PART II SCOPE OF SERVICES TO BE PROVIDED**

1. **Primary Objectives & Expectations**

The project consists of updating the SW Manual in conjunction with the Department’s ongoing Chapter 500 rulemaking effort, which is summarized in Part I.A. Major objectives of the project include:

* 1. Update the content of the SW Manual in accordance with bets available information (BAI) to provide effective guidance for regulatory compliance,
	2. Improve the format of the SW Manual for a better end user experience.

**Objective 1:**

The updated SW Manual will explain the Department’s regulatory framework for stormwater management and detail stormwater BMPs, primarily in the context of Chapter 500 compliance.

The awarded Bidder will have skills, experience, and resources to compile and utilize BAI rapidly for meeting this objective. There will be an overlap between the manual project and the Chapter 500 consensus-based rulemaking process, which will be taking place during the first half of 2024. The overlap period will be used to complete a “Needs Assessment” and finalize the scope of the manual project. The awarded Bidder must be prepared to multi-task efficiently and effectively during the overlap period. The Department expects that review of BAI on the priority topics will be conducted as the rulemaking meetings are held and stakeholders are engaged to finalize the scope.

**Objective 2:**

The project deliverables will have an enhanced structure and format to satisfy end user needs. Major end user groups of the SW Manual are Department staff, consulting engineers, review engineers, contractors, inspectors, and stormwater practitioners. The awarded Bidder is expected to have a good understanding of the manual’s function for the major end user groups. The structure and format of the manual must be designed so that the manual is (a) easy to navigate and search, (b) ADA compliant, (c) functionally organized, and (d) enriched with supplementary materials.

1. **Project Tasks**

The awarded Bidder will work under the direction of Department staff and closely with a Workgroup. The Workgroup will consist of Department staff and external subject matter experts. The Department anticipates that most members of the Workgroup will also be in the Technical Committee of the Chapter 500 consensus-based rulemaking process. The Workgroup will have firsthand information on the framework of the new Chapter 500 and be able to work with the awarded Bidder to meet Objective 1. The project is anticipated to start in May 2024 and end in December 2025 (Table 1).

**Table 1 – Anticipated Project Schedule**

|  |  |
| --- | --- |
| **Task 1. Project Management and Administration** | May 2024-December 2025 |
| 1. Meetings with the Department Staff & the Workgroup

 (Maximum Number of Meetings = 12\*) | May 2024-November 2025 |
| 1. Public Informational Webinar

(One Webinar) | July 2025 |
| 1. Public Comment Process

(Maximum One Memorandum) | July-August 2025 |
| 1. Manual Workshop

(Assistance with One Workshop) | December 2025 |
| **Task 2. Scope of Work Finalization** | May-September 2024 |
| 1. Needs Assessment

(Maximum One Online Survey) | May 2024 |
| 1. BAI Research
 | June-July 2024 |
| 1. Technical Memorandum
 | August-September 2024 |
| **Task 3. Draft Revisions to the Manual** | October 2024-April 2025 |
| **Task 4. Final Revisions to the Manual** | July-October 2025 |
| \*: Four meetings for Task 3. Two meetings for Task 1.c, 2.a, 2.b&c, and 4.  |

* 1. **Project Management and Administration**

The awarded Bidder will primarily manage work on the research, compilation, synthesis, and generation of the required materials. The awarded Bidder’s work will be directed by the Department with guidance from the Workgroup.

* + 1. **Meetings**

The awarded Bidder will attend no more than a total of 12 project meetings which will consist of separate meetings with the Department staff and the Workgroup. The meetings will be held via video conference software.

* + - 1. Meetings with the Department Staff: The awarded Bidder will meet with the Department staff no earlier than two weeks before the next Workgroup meeting to discuss overall project progress, materials that need to be distributed to the Workgroup members for their information and review (if any), and agenda of the next Workgroup meeting. Duration of the meeting with the Department will be no more than one hour.
			2. Meetings with the Workgroup: The awarded Bidder will electronically distribute the agenda for the next meeting and the materials mentioned above (Part II.B.1.a.i) to the Workgroup. The meetings will be recorded for the Department’s and the Workgroup’s reference. Duration of the Workgroup meetings will be no more than two hours. The awarded Bidder will send the Workgroup members the meeting minutes including specific action items no later than one week after each Workgroup meeting.
		1. **Public Informational Webinar**

The awarded Bidder will organize one public informational webinar on the draft manual (see Part II.B.3). The webinar will be scheduled within one week of the starting date of the public comment period on the draft manual. The Department will publicize the webinar. The webinar will be delivered live and recorded using a video conferencing software. The webinar duration will not exceed two hours. An interactive presentation on the draft manual will be delivered jointly by the awarded Bidder and the Department staff. The Department will publish the webinar recording on the web. The Department staff will document the feedback received from the webinar attendees for consideration as the manual is finalized (see Part II.B.4). The document will be shared with the Workgroup and the awarded Bidder.

* + 1. **Public Comment Process**

The Department staff will be primarily responsible for receiving and processing the comments on the draft manual. The Department staff may request a memorandum from the awarded Bidder to address certain comments. The awarded Bidder is expected to submit the memo within two weeks of the Department’s request.

* + 1. **Manual Workshop**

The awarded Bidder will assist in content development for a workshop on the updated manual following the completion of Part II.B.4. The awarded Bidder will be present in one workshop to be organized by the Department.

* 1. **Scope of Work Finalization**
		1. **Needs Assessment**

The Department has preliminarily assessed the existing SW manual’s content per Objective 1 (Part II.A.1) and identified the topic areas needing content updates or new content (Table 2).

**Table 2. Topic Areas Needing New or Updated Content**

|  |
| --- |
| Stormwater Regulatory Framework |
| Climate Change: Adaptation & Resilience |
| LID |
| Nature-based solutions: Vegetation, Soil Decompaction and Amendment |
| Infiltration |
| Rainwater Harvesting |
| Proprietary BMPs |
| Retrofit BMPs |
| BMP Selection |
| BMP Operation and Maintenance |
| Chapter 500 Compliance |
| Source Control BMPs |
| BMP Design & Implementation: Criteria & Specifications  |
| Continuous Monitoring and Adaptive Control/Smart BMPs |
| BMPs for Emerging Contaminants |
| Stormwater Monitoring |

* + 1. **BAI Research**

The awarded Bidder will perform BAI research on the topic areas identified in Part II.B.2.a. The research is expected to be targeted and non-exhaustive. The awarded Bidder is expected to use authoritative references and sources which preferably contain recent information (i.e., less than five years old). State and federal agencies, research centers, universities, and professional societies are considered as authoritative sources.

The Department has identified the following authoritative references and sources for BAI research:

* Minnesota Stormwater Manual: <https://stormwater.pca.state.mn.us/index.php?title=Main_Page>
* Washington (State) Stormwater Manuals: <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Stormwater-manuals>
* New England Stormwater Retrofit Manual: <https://snepnetwork.org/stormwater-retrofit-manual/>
* University of New Hampshire Stormwater Center: <https://extension.unh.edu/stormwater-center>
* Minnesota St. Anthony Falls Laboratory Stormwater Research: <https://stormwater.safl.umn.edu/>
* Minnesota Stormwater Research Council: <https://wrc.umn.edu/stormwater>
* North Carolina State University Stormwater Engineering Group: <https://stormwater.bae.ncsu.edu/>
* Villanova Center for Resilient Water Systems: https://www1.villanova.edu/university/engineering/faculty-research/Resilient-Water-Systems.html
* Washington State Stormwater Action Monitoring: <https://ecology.wa.gov/regulations-permits/reporting-requirements/stormwater-monitoring/stormwater-action-monitoring>
* EPA: www.epa.gov
* Water Environment Federation: www.wef.org
* American Society of Civil Engineers: www.asce.org
* International Erosion Control Association: [www.ieca.org](http://www.ieca.org)
	+ 1. **Technical Memorandum**

The awarded Bidder will submit a draft memorandum to the Department summarizing the BAI research findings (Part II.B.2.b) and proposing an outline for the manual. The awarded Bidder will meet with the Workgroup to solicit feedback on the memorandum. The awarded Bidder will revise the memorandum using the feedback and submit the revised memorandum to the Department no later than one month after the Workgroup meeting. The Department will consider the revised memorandum to finalize the scope of work for Part II.B.3 and Part II.B.4.

* 1. **Draft Revisions to the Manual**

The Department will provide the existing manuals in Microsoft Word format for use by the awarded Bidder. In accordance with the final scope of work (Part II.B.2.c), the awarded Bidder will primarily work on the manuals’ narrative, tables, and appendices. The awarded Bidder will insert no more than five examples in each chapter to facilitate the end users’ understanding of the subject matter. To the extent allowed by the State’s policy, the Department will share select archive files with the awarded Bidder so that relevant visual, permitting, and compliance material can be utilized in the manuals to effectively communicate the Department’s regulatory expectations to the manuals’ end users. The awarded Bidder will create no more than 10 new figures (e.g., diagrams, illustrations, drawings) for the manual; new photographs will not be considered as “new figures”. Each chapter will have a list of online references which must originate from authoritative sources and be readily accessible to the end users. The awarded Bidder will create no more than five new tools to supplement the manual. The exact number and specifics of the tools will be stated in the final scope of work (Part II.B.2.c). The tools will be developed to operate in widely used office productivity applications (e.g., Microsoft Excel) using readily available information and appropriate programming language.

As they become available, the awarded Bidder will electronically share individual chapter drafts and tools with the Department. If found satisfactory by the Department, the deliverables will be shared with the Workgroup members for their review. The Workgroup will use a standard review form to be provided by the Department. For a given deliverable, the Department will compile the Workgroup’s review results and specify the action items for the awarded Bidder. The awarded Bidder will revise the deliverable by addressing the action items. The Department anticipates that the Workgroup review will be conducted only once for an individual deliverable.

Once all the deliverables are ready, they will be electronically shared with the Department and the Workgroup. The awarded Bidder will meet with the Workgroup to solicit their overall comments on the manual and tools. Following the meeting(s), the awarded Bidder will prepare the draft revisions to be published for public comment in accordance with the action items to be provided by the Department. The Department anticipates that this step will involve some modifications to the deliverables.

* 1. **Final Revisions to the Manuals**

The Department will compile and review the verbal and written comments received during the public informational webinar (see Part II.B.1.b) and the public comment period, respectively. The awarded Bidder will meet with the Workgroup to discuss the scope of revisions. The awarded Bidder will revise the manual and tools in accordance with the Department’s written directions. Upon completion of the revisions, the awarded Bidder will electronically submit the following materials to the Department:

* + 1. Word Processor Documents: A clean final version of the entire manual and its individual chapters, as well as previous versions of the individual chapters generated during the project. All files will be in Microsoft Word format. The final version files will be created by using the best practices and built-in features of Microsoft Word to make them accessible for people with disabilities.
		2. Tables and Figures: Any table and figure, excluding the ones created using Microsoft Word, will be submitted separately in their original format.
		3. Tools: Ready-to-use tool files, code used in the tools, and one concise memorandum including instructions for the end users and Department staff who will maintain the tools.

The awarded Bidder will meet with Workgroup to review the submitted materials (a through c). Department staff will address any issues identified in the meetings and finalize the materials for online publication on the Department’s website.

**PART III KEY RFP EVENTS**

1. **Questions**
	1. **General Instructions:** It is the responsibility of all Bidders and other interested parties to examine the entire RFP and to seek clarification, in writing, if they do not understand any information or instructions.
		1. Bidders and other interested parties should use **Appendix E** (Submitted Questions Form) for submission of questions. The form is to be submitted as a WORD document.
		2. The Submitted Questions Form must be submitted, by e-mail, and received by the RFP Coordinator identified on the cover page of the RFP as soon as possible but no later than the date and time specified on the RFP cover page.
		3. Submitted Questions must include the RFP Number and Title in the subject line of the e-mail. The Department assumes no liability for assuring accurate/complete/on time e-mail transmission and receipt.
	2. **Question & Answer Summary:** Responses to all questions will be compiled in writing and posted on the following website no later than seven (7) calendar days prior to the proposal due date: [Division of Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain a copy of the Question & Answer Summary. Only those answers issued in writing on this website will be considered binding.
2. **Amendments**

All amendments released in regard to the RFP will also be posted on the following website: [Division of Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain amendments. Only those amendments posted on this website are considered binding.

1. **Submitting the Proposal**
	1. **Proposals Due:** Proposals must be received no later than 11:59 p.m. local time, on the date listed on the cover page of the RFP.
		1. Any e-mails containing original proposal submissions or any additional or revised proposal files, received after the 11:59 p.m. deadline, will be rejected without exception.
	2. **Delivery Instructions:** E-mail proposal submissions are to be submitted to the State of Maine Division of Procurement Services at Proposals@maine.gov.
		1. Only proposal submissions received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
			1. Proposal submission e-mails that are successfully received by the proposals@maine.gov inbox will receive an automatic reply stating as such.
		2. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail proposal submissions that have the actual requested files attached will be accepted.
		3. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Please check with your organization’s Information Technology team to ensure that your security settings will not encrypt your proposal submission.
		4. File size limits are 25MB per e-mail. Bidders may submit files separately across multiple e-mails, as necessary, due to file size concerns. All e-mails and files must be received by the due date and time listed above.
		5. Bidders are to insert the following into the subject line of their e-mail proposal submission: **“RFP# 202401011 Proposal Submission – [Bidder’s Name]”**
		6. Bidder’s proposal submissions are to be broken down into multiple files, with each file named as it is titled in bold below, and include:
* **File 1 [Bidder’s Name] – Preliminary Information:**

*PDF format preferred*

**Appendix A** (Proposal Cover Page)

**Appendix B** (Debarment, Performance and Non-Collusion Certification)

All required eligibility documentation stated in PART IV, Section I.

* **File 2 [Bidder’s Name] – Organization Qualifications and Experience:**

*PDF format preferred*

**Appendix C** (Organization Qualifications and Experience Form) and all required information and attachments stated in PART IV, Section II.

* **File 3 [Bidder’s Name] – Proposed Services:**

*PDF format preferred*

All required information and attachments stated in PART IV, Section III.

* **File 4 [Bidder’s Name] – Cost Proposal:**

*Excel format preferred*

**Appendix D** (Cost Proposal Form) and all required information and attachments stated in PART IV, Section IV.

**PART IV PROPOSAL SUBMISSION REQUIREMENTS**

This section contains instructions for Bidders to use in preparing their proposals. The Department seeks detailed yet succinct responses that demonstrate the Bidder’s qualifications, experience, and ability to perform the requirements specified throughout the RFP.

The Bidder’s proposal must follow the outline used below, including the numbering, section, and sub-section headings. Failure to use the outline specified in PART IV, or failure to respond to all questions and instructions throughout the RFP, may result in the proposal being disqualified as non-responsive or receiving a reduced score. The Department, and its evaluation team, has sole discretion to determine whether a variance from the RFP specifications will result either in disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in the RFP will, at best, be considered minimally responsive.

Bidders are not to provide additional attachments beyond those specified in the RFP for the purpose of extending their response. Additional materials not requested will not be considered part of the proposal and will not be evaluated. Include any forms provided in the submission package or reproduce those forms as closely as possible. All information must be presented in the same order and format as described in the RFP.

**Proposal Format and Contents**

**Section I Preliminary Information** (File #1)

* 1. **Proposal Cover Page**

Bidders must complete **Appendix A** (Proposal Cover Page). It is critical that the cover page show the specific information requested, including Bidder address(es) and other details listed. The Proposal Cover Page must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

* 1. **Debarment, Performance and Non-Collusion Certification**

Bidders must complete **Appendix B** (Debarment, Performance and Non-Collusion Certification Form). The Debarment, Performance and Non-Collusion Certification Form must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

**Section II Organization Qualifications and Experience** (File #2)

* 1. **Overview of the Organization**

Bidders must complete **Appendix C** (Qualifications and Experience Form) describing their qualifications and skills to provide the requested services in the RFP. Bidders must include three examples of projects which demonstrate their experience and expertise in performing these services as well as highlighting the Bidder’s stated qualifications and skills.

* 1. **Subcontractors**

If subcontractors are to be used, Bidders must provide a list that specifies the name, address, phone number, contact person, and a brief description of the subcontractors’ organizational capacity and qualifications.

* 1. **Organizational Chart**

Bidders must provide an organizational chart.  The organizational chart must include the project being proposed.  Each position must be identified by position title and corresponding to the personnel job descriptions.

* 1. **Litigation**

Bidders must attach a list of all current litigation in which the Bidder is named and a list of all closed cases that have closed within the past five (5) years in which the Bidder paid the claimant either as part of a settlement or by decree.  For each, list the entity bringing suit, the complaint, the accusation, amount, and outcome.

* 1. **Licensure/Certification**

Bidders may provide documentation of any applicable licensure/certification or specific credentials that are related to providing the proposed services of the RFP. This documentation may include:

* State licensure: professional engineer, scientist, or landscape architect,
* Professional stormwater inspection, quality, management certifications by EnviroCert International
	1. **Certificate of Insurance**

Bidders must provide a certificate of insurance on a standard ACORD form (or the equivalent) evidencing the Bidder’s general liability, professional liability and any other relevant liability insurance policies that might be associated with the proposed services.

**Section III Proposed Services** (File #3)

* 1. **Services to be Provided**

Discuss the Scope of Services to be provided for completing four specific tasks described above in Part II.B of the RFP. Provide a narrative response for each task and subtask following an outline similar to Part II.B of the RFP. Give particular attention to describing the methods and resources you will use and how you will accomplish the tasks involved. Also, describe how you will ensure expectations and/or desired outcomes as a result of these services will be achieved. If subcontractors are involved, clearly identify the work each will perform.

* 1. **Implementation - Work Plan**

Provide a realistic work plan for the implementation of the program through the first contract period. Display the work plan in a timeline chart. Concisely describe each program development and implementation task, the month it will be carried out and the person or position responsible for each task. If applicable, make note of all tasks to be delegated to subcontractors.

**Section IV Cost Proposal** (File #4)

* 1. **General Instructions**
		1. Bidders must submit a cost proposal that covers the period starting 05/01/2024 and ending on 12/31/2025.
		2. The cost proposal must include the costs necessary for the Bidder to fully comply with the contract terms, conditions, and RFP requirements.
		3. No costs related to the preparation of the proposal for the RFP, or to the negotiation of the contract with the Department, may be included in the proposal. Only costs to be incurred after the contract effective date that are specifically related to the implementation or operation of contracted services may be included.
	2. **Cost Proposal Form Instructions**

Bidders must fill out **Appendix D** (Cost Proposal Form), following the instructions detailed here and in the form. Failure to provide the requested information, and to follow the required cost proposal format provided, may result in the exclusion of the proposal from consideration, at the discretion of the Department.

**PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals will be accomplished as follows:

1. **Evaluation Process – General Information**
	1. An evaluation team, composed of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP.
	2. Officials responsible for making decisions on the award selection will ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the contract is awarded to the Bidder whose proposal provides the best value to the State of Maine.
	3. The Department reserves the right to communicate and/or schedule interviews/presentations with Bidders, if needed, to obtain clarification of information contained in the proposals received. The Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Changes to proposals, including updating or adding information, will not be permitted during any interview/presentation process and, therefore, Bidders must submit proposals that present their rates and other requested information as clearly and completely as possible.
2. **Scoring Weights and Process**
	1. **Scoring Weights:** The score will be based on a 100-point scale and will measure the degree to which each proposal meets the following criteria.

**Section I. Preliminary Information (No Points)**

 Includes all elements addressed above in Part IV, Section I.

**Section II. Organization Qualifications and Experience (55 points)**

Includes all elements addressed above in Part IV, Section II.

**Section III.**   **Proposed Services (20 points)**

Includes all elements addressed above in Part IV, Section III.

**Section IV. Cost Proposal (25 points)**

Includes all elements addressed above in Part IV, Section IV.

* 1. **Scoring Process:** For proposals that demonstrate meeting the eligibility requirements in Section I, the evaluation team will use a consensus approach to evaluate and score Sections II & III above. Members of the evaluation team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections. Sections IV, the Cost Proposal, will be scored as described below.
	2. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in the RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 25 points. Proposals with higher bids values will be awarded proportionately fewer points calculated in comparison with the lowest bid.

The scoring formula is:

(Lowest submitted cost proposal / Cost of proposal being scored) x 25 = pro-rated score

No Best and Final Offers: The State of Maine will not seek or accept a best and final offer (BAFO) from any Bidder in this procurement process.  All Bidders are expected to provide their best value pricing with the submission of their proposal.

* 1. **Negotiations:** The Department reserves the right to negotiate with the awarded Bidder to finalize a contract. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Department’s Request for Proposal to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with an awarded Bidder who submits a proposed contract significantly different from the proposal they submitted in response to the advertised RFP. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Department may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFP, at its sole discretion.
1. **Selection and Award**
	1. The final decision regarding the award of the contract will be made by representatives of the Department subject to approval by the State Procurement Review Committee.
	2. Notification of conditional award selection or non-selection will be made in writing by the Department.
	3. Issuance of the RFP in no way constitutes a commitment by the State of Maine to award a contract, to pay costs incurred in the preparation of a response to the RFP, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Bidder.
	4. The Department reserves the right to reject any and all proposals or to make multiple awards.
2. **Appeal of Contract Awards**

Any person aggrieved by the award decision that results from the RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in [5 M.R.S.A. § 1825-E](http://www.mainelegislature.org/legis/statutes/5/title5sec1825-E.html) and [18-554 Code of Maine Rules Chapter 120](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-120).  The appeal must be in writing and filed with the Director of the Bureau of General Services, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of conditional contract award.

**PART VI CONTRACT ADMINISTRATION AND CONDITIONS**

1. **Contract Document**
	1. The awarded Bidder will be required to execute a State of Maine Service Contract with appropriate riders as determined by the issuing department.

The complete set of standard State of Maine Service Contract documents, along with other forms and contract documents commonly used by the State, may be found on the Division of Procurement Services’ website at the following link: [Division of Procurement Services Forms Page](https://www.maine.gov/dafs/bbm/procurementservices/forms)

* 1. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Procurement Review Committee. Contracts are not considered fully executed and valid until approved by the State Procurement Review Committee and funds are encumbered. No contract will be approved based on an RFP which has an effective date less than fourteen (14) calendar days after award notification to Bidders. (Referenced in the regulations of the Department of Administrative and Financial Services, [Chapter 110, § 3(B)(i)](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-110).)

This provision means that a contract cannot be effective until at least 14 calendar days after award notification.

* 1. The State recognizes that the actual contract effective date depends upon completion of the RFP process, date of formal award notification, length of contract negotiation, and preparation and approval by the State Procurement Review Committee. Any appeals to the Department’s award decision(s) may further postpone the actual contract effective date, depending upon the outcome. The contract effective date listed in the RFP may need to be adjusted, if necessary, to comply with mandated requirements.
	2. In providing services and performing under the contract, the awarded Bidder must act as an independent contractor and not as an agent of the State of Maine.
1. **Standard State Contract Provisions**
	1. Contract Administration

Following the award, a Contract Administrator from the Department will be appointed to assist with the development and administration of the contract and to act as administrator during the entire contract period. Department staff will be available after the award to consult with the awarded Bidder in the finalization of the contract.

* 1. Payments and Other Provisions

The State anticipates paying the Contractor on the basis of net 30 payment terms, upon the receipt of an accurate and acceptable invoice. An invoice will be considered accurate and acceptable if it contains a reference to the State of Maine contract number, contains correct pricing information relative to the contract, and provides any required supporting documents, as applicable, and any other specific and agreed-upon requirements listed within the contract that results from the RFP.

**PART VII LIST OF RFP APPENDICES AND RELATED DOCUMENTS**

**Appendix A** – Proposal Cover Page

**Appendix B** – Debarment, Performance, and Non-Collusion Certification

**Appendix C** – Qualifications and Experience Form

**Appendix D** – Cost Proposal Form

**Appendix E** – Submitted Question Form

**APPENDIX A**

**State of Maine**

**Department of Environmental Protection**

**PROPOSAL COVER PAGE**

**RFP# 202401011**

**Update of the Stormwater BMP Manual**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |
| **Chief Executive - Name/Title:** |  |
| **Tel:** |  | **E-mail:** |  |
| **Headquarters Street Address:** |  |
| **Headquarters City/State/Zip:** |  |
| ***(Provide information requested below if different from above)*** |
| **Lead Point of Contact for Proposal - Name/Title:** |  |
| **Tel:** |  | **E-mail:** |  |
| **Headquarters Street Address:** |  |
| **Headquarters City/State/Zip:** |  |

* This proposal and the pricing structure contained herein will remain firm for a period of 180 days from the date and time of the bid opening.
* No personnel currently employed by the Department or any other State agency participated, either directly or indirectly, in any activities relating to the preparation of the Bidder’s proposal.
* No attempt has been made, or will be made, by the Bidder to induce any other person or firm to submit or not to submit a proposal.
* The above-named organization is the legal entity entering into the resulting contract with the Department if they are awarded the contract.
* The undersigned is authorized to enter contractual obligations on behalf of the above-named organization.

*To the best of my knowledge, all information provided in the enclosed proposal, both programmatic and financial, is complete and accurate at the time of submission.*

|  |  |
| --- | --- |
| **Name (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX B**

**State of Maine**

**Department of Environmental Protection**

**DEBARMENT, PERFORMANCE, and NON-COLLUSION CERTIFICATION**

**RFP# 202401011**

**Update of the Stormwater BMP Manual**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |

*By signing this document, I certify to the best of my knowledge and belief that the aforementioned organization, its principals and any subcontractors named in this proposal:*

1. *Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.*
2. *Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:*
	1. *Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or contract.*
	2. *Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.*
3. *Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification.*
4. *Have not within a three (3) year period preceding this proposal had one or more federal, state, or local government transactions terminated for cause or default*.
5. *Have not entered into a prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies, equipment, or services and this proposal is in all respects fair and without collusion or fraud. The above-mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.*

|  |  |
| --- | --- |
| **Name (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX C**

**State of Maine**

**Department of Environmental Protection**

## QUALIFICATIONS and EXPERIENCE FORM

**RFP# 202401011**

**Update of the Stormwater BMP Manual**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |

|  |
| --- |
| **Present a brief statement of qualifications. Describe the history of the Bidder’s organization, especially regarding skills pertinent to the specific work required by the RFP and any special or unique characteristics of the organization which would make it especially qualified to perform the required work activities. You may expand this form and use additional pages to provide this information.** |
|  |

**APPENDIX C (continued)**

|  |
| --- |
| **Provide a description of projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in Part II – Scope of Services to be Provided of the RFP. Please note that contract history with the State of Maine, whether positive or negative, may be considered in rating proposals even if not provided by the Bidder.** |

|  |
| --- |
| **Project One** |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** |
|  |

|  |
| --- |
| **Project Two** |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** |
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| **Project Three** |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** |
|  |

**APPENDIX D**

**State of Maine**

**Department of Environmental Protection**

**COST PROPOSAL FORM**

**RFP# 202401011**

**Update of the Stormwater BMP Manual**

Bidders must complete the table below to provide the proposed cost to perform the services described in this RFP.

The Total Proposed Cost will be used in the scoring formula defined in Part V, B, 3 of the RFP.

|  |  |
| --- | --- |
| **Work Task** | **Proposed Cost** |
| **1. Project Management and Administration\*** | $ |
| 1.a. Meetings with the Department Staff & the Workgroup | $ |
| 1.b. Public Informational Webinar | $ |
| 1.c. Public Comment Process | $ |
| 1.d. Manual Workshop | $ |
| **2. Scope of Work Finalization\*\***  | $ |
| 2.a. Needs Assessment | $ |
| 2.b. BAI Research | $ |
| 2.c. Technical Memorandum | $ |
| **3. Draft Revisions to the Manual** | $ |
| **4. Final Revisions to the Manual** | $ |
| **Total Proposed Cost** | **$** |
| **\*:** Task 1 proposed cost must be equal to the sum of Task 1.a, 1.b, 1.c, and 1.d proposed cost.\*\*: Task 2 proposed cost must be equal to the sum of Task 2.a, 2.b, and 2.c proposed cost. |

 **APPENDIX E**

**State of Maine**

**Department of Environmental Protection**

**SUBMITTED QUESTIONS FORM**

**RFP# 202401011**

**Update of the Stormwater BMP Manual**

This form should be used by Bidders when submitting written questions to the RFP Coordinator as defined in Part III of the RFP.

If a question is not related to any section of the RFP, enter “N/A” under the RFP Section & Page Number. Add additional rows as necessary.

|  |  |
| --- | --- |
| **Organization Name:** |  |

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| --- | --- |
| **RFP Section & Page Number** | **Question** |
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