

Questions & Responses
Request for Proposals: 604(b) Water Quality Management Grants
American Recovery & Reinvestment Act of 2009
Maine Department of Environmental Protection

April 16, 2009

The Maine Department of Environmental Protection issued the RFP on March 31, 2009. The Department accepted questions in writing about the RFP until April 13th. Seven (7) questions were received. Note, the Questions and Responses document is posted on the MDEP website at: <http://www.maine.gov/dep/recovery/wqmp/index.htm>

Questions & Responses

Question 1: - Can assessment projects include the identification of possible projects for a Compensation Fee Utilization Plans (CFUP) for Urban Impaired Streams?

Response: Yes. CFUP provides a mechanism to mitigate impacts from new development by use of a compensation fee to help pay for mitigation projects to offset new development located in the watersheds of urban impaired streams. A CFUP can be a useful tool to help make progress to restore a stream. However, given the RFP objective – "...planning and/or assessment needed to plan for restoring urban impaired streams...", developing a Comprehensive Watershed Management Plan would be preferable. Identification of stormwater retrofit projects that meet the requirements of a CFUP would be a likely component of such a plan.

Question 2: - Does a watershed management plan funded through this grant require the development of each of the nine elements of watershed plans as defined by the EPA?

Response: No. However, EPA Section 319 grants are one possible funding source that may be available to help restore impaired waters. EPA does require a Watershed-based Plan meeting nine elements prior to use of Clean Water Act Section 319 funds to restore an impaired waterbody. EPA believes preparation of a plan is necessary to help ensure projects funded with Section 319 make progress towards restoring NPS impaired waters. For EPA's description of Watershed-Based Plans refer to NPS Program and Grants Guidelines for States and Territories (Oct 23, 2003); Section III. D. Watershed-Based Plans. <http://www.epa.gov/owow/nps/cwact.html>

Question 3: I know I want to use a consultant to do the project, so can I work with a consultant to develop the proposal, and let them do the work without having to go through an RFP process? They can give me hours and rates that are appropriate for the scope, and then they will be limited to that from a contract execution and administration standpoint. This would also make the proposal more specific in scope and budget with input from a consultant that does this kind of work.

Response: In some projects, a grantee may need to purchase goods or services to conduct project activities. Procurement means obtaining or acquiring goods or services. Procurements with federal funds must be made on a competitive basis to ensure that fair and reasonable prices are obtained for goods and services. Grant recipients may use their own procurement procedures provided that the procedures conform to applicable federal law and standards as described in 40 CFR 31.36. These regulations describe 4 procurement methods: small purchase procedures; sealed bids; competitive proposals and noncompetitive proposals.

Procurements of less than \$100,000 may be conducted using small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, etc. Small purchase procedures require that price or rate quotations must be obtained from an adequate number of qualified sources. Standard practice is to document price or rate quotations from 3 or more qualified sources. Procurement methods using federal funds are specified in the Code of Federal Regulations at 40CFR 31.36

<http://www.gpoaccess.gov/cfr/retrieve.html>

The regulations also contain limitations on consultant compensation. Applicants are not required to identify contractors (including consultants) in their proposal. However, if they do, the fact that an applicant selected for award has named a specific contractor or consultant in the proposal selected for funding does not relieve the applicant of its obligations to comply with competitive procurement requirements. Applicants may not award sole source contracts to consulting, engineering or other firms assisting applicants with the proposal solely based on the firm's role in preparing the proposal.

Question 4: There are 2 urban impaired streams within the same town. Can we propose to conduct assessment of both streams or should we confine the proposal to 1 stream.

Response: A proposal could involve one or both streams.

Question 5: We acknowledge the need for environmental data quality assurance as specified in the RFP at section 9.7. Does DEP have Quality Assurance Project Plans (QAPPs) for stream water quality and morphology assessments? If so, please advise how could one use any existing DEP QAPPs to help facilitate preparing a QAPP for a project to conduct assessments on a stream?

Response: DEP has QAPPs for several water quality monitoring programs such as the Stream TMDLs, Salmon River Monitoring, Volunteer River Monitoring Program and Biological Monitoring. Some info is available at DEP's webpage: <http://www.maine.gov/dep/qms.htm> DEP does not have a program QAPP for morphology assessments, although we have examples from specific projects. DEP does not presently require a QAPP for Stream Corridor Surveys that include a rapid geomorphic assessment. A methods and guidance manual for Stream Corridor Surveys, including rapid geomorphic assessments, can be found at < http://www.maine.gov/dep/blwq/docstream/team/stream_survey_manual/vol_1/index.htm >.

Applicants can get a copy of any of DEP's QAPPs and use that as a model for writing their own QAPP. We are presently starting a Volunteer River Monitoring Program and organizations that join that program work under the VRMP QAPP. They still need to develop a Sampling and Analysis Plan (SAP) and be certified by the VRMP.

Question 6: Does DEP have a QAPP applicable to monitoring work in Red Brook (Scarborough) and Long Creek (South Portland)?

Response: In 1999 DEP completed a QAPP in for monitoring work in Red Brook and Long Creek. One could refer to this document to help prepare a QAPP to meet the needs of your project.

Question 7: Does DEP have a list of consultants qualified to conduct biological assessment of streams to identify if a stream is attaining Class A, B, or C biological criteria?

Response: DEP does not have a list of consultants qualified to conduct biological assessment of streams. The DEP Biological Monitoring Unit has a publication titled, "Methods for Biological Sampling and Analysis of Maine's Rivers and Streams (DEP LW0387-2002, Revised August 2002) that includes a section on "Qualifications for Sampling Personnel". This publication is available on the DEP web <www.maine.gov/dep/blwq/docmonitoring/biomonitoring/index.htm> Consultants doing macroinvertebrate identification need to be certified by the North American Benthological Society for Eastern Macroinvertebrate taxa.

Question 8: Under this RFP, does DEP prefer a proposal for comprehensive watershed management plan more than a proposal for watershed assessment?

Response: Given other factors being relatively equal, proposals for a watershed management plan (WMP) would score higher than proposals to conduct watershed assessment to support development of a watershed management plan based on Criteria for Evaluating Proposals (Section 7, RFP). The criteria "Likelihood of Success of Project" give higher scores to proposals that "will lead to successful implementation of measures needed to restore urban impaired streams".

Question 9: Can DEP partially fund proposed projects by elimination of 1 or more proposed tasks?

Response: DEP will evaluate all proposals based on the entire proposal as received according to Criteria for Evaluating Proposals in the RFP. Yes, this is possible. For example: Assume 1 task within a proposal is clearly not acceptable, but as a whole the proposal was ranked high. After issuing the "Award Decision" to all respondents, minor negotiations are allowed. DEP could eliminate the task.

End.

